

REPUBLIC OF NAURU
PUBLIC SERVICE (AMENDMENT) BILL 2019
EXPLANATORY MEMORANDUM

The *Public Service (Amendment) Bill 2019* is a Bill for the *Public Service (Amendment) Act 2019*.

This memorandum provides an explanation of the Bill and is only intended to indicate the general effect.

EXPLANATION OF CLAUSES

Clause 1 provides that, once enacted, the short title of the Bill will be the *Public Service (Amendment) Act 2019*.

Clause 2 sets out when the Bill's provisions will commence which is upon certification by the Speaker.

Clause 3 is the enabling provision for the amendment of the Public Service Act 2016.

Clause 4 amends section 4 of the Act by:

- (a) deleting 'adopted child' and 'family member' including their definitions;
- (b) deleting and substituting the definition for 'Regulations'; and
- (c) deleting 'Division 7' and substituting with 'Division 6' where it appears in the definition of 'termination entitlement'.

Clause 5 amends section 31 by inserting the words 'do not' before the word 'apply' where it appears.

Clause 6 amends section 62 by deleting the words 'must be appointed to' and substituting with the words 'shall resume at'.

Clause 7 repeals and replaces the current section 84.

Subclause (1) applies categorically to a general election held where the Parliament has completed its full 3 year term under Article 41(7) of the Constitution.

Subclause (2) applies to an employee of the public service who intends to contest in a by-election held during the term of the Parliament.

Subclause (3) provides for the resignation of public service employees where an election is held as a result of earlier dissolution of Parliament. In other words the Parliament did not complete its full term of 3 years.

Subclause (4) is inserted to replace the former sections 84A and 84B. It now provides a uniform requirement and eligibility for public servants who intend to re-join the public service after being unsuccessful in a general election, by-election or an election held as a consequence of earlier dissolution of the Parliament.

Subclause (5) provides that 'employee' includes public service employees, contract employees, temporary employees and heads of departments.

Clause 8 repeals section 84A.

Clause 9 repeals section 84B.