

Public Sector Bill 2012

EXPLANATORY MEMORANDUM

OBJECTIVES

The *Public Sector Bill 2012* replaces the *Public Service Act 1998* and establishes a modern legislative framework for the public service.

EXPLANATION OF CLAUSES

PART 1 — PRELIMINARY

Clause 1 provides the short title for the measure.

Clause 2 provides for the commencement of the measure on a date fixed by the Minister by Gazette notice.

Clause 3 enables regulations to exclude a class of public service employees from all or specified provisions of the measure. It also provides that the terms of an employment contract or of another Act override provisions of the Act.

The clause also enables the regulations to apply the measure or specified provisions of the measure to employees of State-owned enterprises or other employees of the Republic who are not public service employees.

PART 2 — INTERPRETATION

Clause 4 provides definitions for the purposes of the measure.

A **public service employee** is a permanent employee or a term employee holding or occupying a public service position.

The **public sector** is comprised of the departments of public service employees and all other public sector agencies and employees. This includes state-owned enterprises and other agencies or instrumentalities of the Republic. It also includes the temporary employees contemplated by the measure, that is, employees with temporary duties that do not comprise a public service position.

Clauses 5, 6, 7 and 8 set out the technical meanings of ***absent without leave***, ***breach of discipline***, ***continuous period of service*** and ***serious misconduct***.

PART 3 — PUBLIC SECTOR VALUES AND PRACTICES

Clause 9 sets out a series of public sector values as follows:

- the public sector is politically neutral, performing its functions in an impartial and professional manner;
- employment decisions in the public sector are based on merit;
- the public sector is free from discrimination;
- the public sector has the highest ethical standards;
- the public sector provides frank, honest, comprehensive, accurate and timely advice to Government;
- the public sector delivers services fairly, effectively, impartially and courteously;
- the public sector has leadership of the highest quality;
- the public sector provides a fair workplace;
- the public sector focuses on achieving results and managing performance;
- the public sector provides a reasonable opportunity to all eligible members of the community to apply for public sector employment.

Clause 10 establishes a code of conduct for public sector employees. The code requires public sector employees:

- to behave honestly and with integrity in the course of public sector employment;
- to act with care and diligence in the course of public sector employment;
- when acting in the course of public sector employment,
 - to treat everyone with respect and courtesy, and without harassment or discrimination
 - to comply with all applicable written laws;
- to comply with any lawful and reasonable direction given by a person who has authority to give the direction;
- to maintain appropriate confidentiality about dealings that the employee has with a Minister;
- to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with the employee's public sector employment;
- to use resources of the Republic in a proper manner;
- to not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's public sector employment;
- to not make improper use of the following to gain a benefit or advantage for the employee or for another person:

- information gained as a result of the employee's public sector employment;
 - the employee's duties, status, power or authority;
- to at all times behave in a way that upholds the public sector values and the integrity and good reputation of the public sector;
- to not engage in outside employment without the Chief Secretary's authorisation.

Clause 11 requires each public sector agency to implement a performance management and development system for its employees directed towards advancement of the public sector values and code of conduct.

Clause 12 provides a mechanism for transfer within the public sector. The Chief Secretary can transfer employees between public sector agencies so long as the substantive salary level of the employee is maintained or the transfer is agreed to by the employee. If the employee is on a contract, the employee must agree to the transfer. The agencies must agree to the transfer or Cabinet must direct the transfer. When government is reorganised, employees can be transferred into new structures by means of the Gazette notice. A promotion will not be able to be effected through a transfer for a period longer than 12 months. The clause contemplates regulations being made in relation to the movement of employees within the public sector.

Clause 13 requires each public sector agency to produce an annual report for tabling in Parliament.

PART 4 — STRUCTURE OF PUBLIC SERVICE

Division 1 — General principles

Clause 14 provides for the establishment and abolition of departments and for the alteration of the title of a department. This is to happen through publication of a Gazette notice by Cabinet.

Clause 15 provides that the public service consists of public service employees who hold or occupy positions in departments.

Clause 16 provides that the Chief Secretary is responsible to the Minister for the effective management of the public service.

Clause 17 provides that the head of a department is responsible to the department's Minister and the Chief Secretary for:

- the effective management of the department including through planning, budgeting and administering legislation for which the department is responsible; and
- the general conduct of employees in the department; and
- attaining performance objectives fixed under the head's contract of employment; and

- ensuring, as far as practicable, that the public sector values and public sector code of conduct are observed in the management and day-to-day operations of the department; and
- preparing and presenting the annual report for the department to the department's Minister.

Division 2 — Public service positions

Clause 18 sets out the procedure for establishing positions in a department. This is to happen through publication of a Gazette notice by Cabinet. The classification of the position must be specified. A principle of relativity of classifications is required to be followed. The clause also contemplates eligibility requirements being specified in the notice for certain positions. The clause enables the classification and eligibility requirements to be changed by subsequent Gazette notice.

Clause 19 refers to the fact that a position may be held, occupied or vacant. A position may be held on an ongoing basis by a permanent employee or may be occupied for a fixed term by a permanent or term employee.

Clause 20 sets out what is to happen if an occupied position is reclassified to a lower salary level. The employee holding or occupying the position may choose to accept the lower salary level or to be treated as if the position had been abolished (see Part 7 Division 4).

Clause 21 sets out what is to happen if an occupied position is reclassified to a higher salary level. The position is to be regarded as vacant 1 month after the change in classification. The employee will need to reapply for the position. If the employee is not successful in that application, the employee will be treated as if the position had been abolished (see Part 7 Division 4). The regulations may provide exemptions and set out a different scheme that is to apply in appropriate circumstances.

Clause 22 sets out what is to happen if an incumbent does not meet eligibility requirements within a reasonable period allowed by the Chief Secretary. The incumbent is to be treated as if the position had been abolished (see Part 7 Division 4).

PART 5 — SELECTION AND APPOINTMENT OF PUBLIC SERVICE EMPLOYEES

Division 1 — Principles applicable to all appointments

Clause 23 requires appointments to be based on merit in the public service. Subclause (3) provides detail about what this means.

Clause 24 contemplates Regulations about when and how positions must be advertised.

Clause 25 sets out eligibility requirements for public service employees. An employee must have attained 18 years of age. A member of Parliament cannot be a public service employee. A permanent employee must be a Nauruan citizen. A term employee who is not a Nauruan citizen must have a visa allowing the person to work.

Division 2 — Appointment of heads of departments

Clause 26 requires all new heads of department to be on contracts of 5 years or less. A decision has to be made 6 months out as to whether a head of department is to be reengaged. The contract can be terminated without specifying any ground but in that case, a termination payment equal to 2 months remuneration for each uncompleted year of the contract must be paid and 2 months notice or payment in lieu of notice must be given.

Clause 27 requires the appointment of a head of department to be published in the Gazette.

Division 3 — Appointment of other public service employees

Clause 28 contemplates appointment to a public service position by the Chief Secretary on an ongoing basis or under a written contract for a fixed term. The Regulations may impose limits on the exercise of the power to appoint or extend the appointment of a person for a fixed term.

Clause 29 requires each appointment to be notified in the Gazette within 14 days.

Clause 30 requires all new appointments to be subject to a probationary period of 6 months. The probationary period can be extended for a further single period of up to 6 months if the Chief Secretary reasonably believes it is necessary to do so to determine whether the person is suitable for the position.

PART 6 — TERMS AND CONDITIONS OF PUBLIC SERVICE EMPLOYMENT

Division 1 — Remuneration

Clause 31 requires the Cabinet to determine a salary or range of salaries for each class of public service position by Gazette notice and provides for Regulations to govern the determination of particular salaries within a range and how salaries may be increased. The clause prevents arbitrary reductions in salary of particular employees.

Clause 32 enables the Cabinet to determine allowances by Gazette notice.

Division 2 — Hours of attendance

Clause 33 provides for the Chief Secretary to determine whether standard working hours or non-standard hours apply to a public service employee.

Clause 34 sets out that standard hours are 9am to 5pm on working days, with 1 hour for lunch.

Clause 35 sets out that non-standard hours required 70 hours each fortnight worked at times and on days specified in advance by the responsible head of department.

Clause 36 makes it clear that no remuneration is payable for an absence without leave.

Clause 37 provides for reasonable hours of overtime recompensed either with additional remuneration or time off work. Regulations may be made governing this matter.

Division 3 — Leave

Subdivision 1 — Annual leave

Clause 38 states that the purpose of annual leave is to allow the employee to be absent from duty.

Clause 39 provides for 20 days annual leave on full salary and for monthly accrual of the leave.

Clause 40 provides that an employee may not accumulate more than 40 days annual leave. If the leave cannot be immediately taken for exceptional operational reasons, the Chief Secretary may direct the employee's leave balance be reduced so that it does not exceed 40 days when the employee next accrues annual leave and for the employee to be paid an amount in lieu of that leave.

Clause 41 requires a public service employee to apply to the Chief Secretary to take annual leave. The responsible head of department may only refuse consent for leave for operational reasons and must then consult with the employee to work out a suitable alternative time for leave.

Clause 42 makes sure that public holidays are not counted as annual leave.

Subdivision 2 — Personal leave

Clause 43 provides that the purpose of personal leave is to allow the employee to be absent from duty:

- because the employee is unfit for duty because of illness or injury; or
- to care for a family member who is ill or injured;
- when a family member of the employee has an illness or injury that seriously threatens the family member's life or dies.

Clause 44 provides for 15 days personal leave accrued on appointment and on completing each accrual year.

Clause 45 requires a public service employee to apply to the Chief Secretary to take personal leave. A medical certificate is required to support the leave, although leave may be granted for up to 4 days in a year without a certificate if no more than 3 of the days are consecutive.

Clause 46 limits a single grant of personal leave to a continuous period of 52 weeks or less.

Clause 47 makes sure that public holidays do not count as personal leave.

Subdivision 3 — Maternity leave

Clause 48 states that the purpose of maternity leave is to enable a female public service employee to be absent from duty during or immediately after the employee's pregnancy.

Clause 49 provides for 12 weeks of maternity leave. The leave is at full pay for an employee who has completed at least 12 months of continuous service.

Clause 50 requires an employee to try to give at least 3 months notice of an intention to take maternity leave. The leave can be taken from 6 weeks before the expected date of birth.

Subdivision 4 — Parental leave

Clause 51 states that the purpose of parental leave is to enable a public service employee to be absent from duty to care for the employee's infant or the mother of the infant immediately before or soon after birth.

Clause 52 provides for 10 days of parental leave. The leave is at full pay for an employee who has completed at least 12 months of continuous service.

Clause 53 requires an employee to try to give at least 3 months notice of an intention to take parental leave. The leave may be taken at any time between 2 weeks before the expected date of birth to 6 months after the actual date of birth. It can be taken in a continuous period or in individual days.

Subdivision 5 — Adoption leave

Clause 54 states that the purpose of the adoption leave is to enable a public service employee to be absent from duty immediately after adopting a child.

Clause 55 provides for 12 weeks of adoption leave for a child who is under 12 months of age and who is not the child or step-child of the employee's spouse. The leave is at full pay for an employee who has completed at least 12 months of continuous service.

Clause 56 requires an employee to give notice of an intention to take adoption leave as soon as practicable after the employee applies for the adoption order and to apply for the leave as soon as practicable after becoming an adoptive parent.

Subdivision 6 — Long service leave

Clause 57 states that the purpose of long service leave is to enable a public service employee to be absent from duty in recognition of the employee's length of service in the public service.

Clause 58 provides for 12 weeks long service leave for each 10 years of continuous service. 9.6 weeks accrues after 8 years and then 0.1 of a week accrues monthly.

Clause 59 provides for an application for long service leave after the employee has completed a continuous period of 10 years. Long service leave can only be taken in

multiples of 1 week. The timing must be negotiated with the responsible head of department to suit operational requirements.

Subdivision 7 — Leave without pay

Clause 60 states that the purpose of leave without pay is to enable a public service employee to be absent from duty in circumstances in which the employee cannot access any other type of leave.

Clause 61 provides that leave without pay is at the discretion of the Chief Secretary. The maximum period that may be granted is 3 months unless the leave is for directly relevant study or there are exceptional circumstances.

Clause 62 provides for automatic leave without pay for a public service employee who is nominated as a candidate for election as a member of Parliament.

Subdivision 8 — Public holidays

Clause 63 lists days that are public holidays for the public service and allows the Minister to declare additional days by Gazette notice.

Subdivision 9 — Outside employment

Clause 64—Under this clause the Chief Secretary must authorise a public service employee to engage in outside employment on request unless the Chief Secretary believes on reasonable grounds that the outside employment would adversely affect the performance of the employee's duties in the public service or the employee's compliance with the code of conduct.

PART 7 — TERMINATION OF PUBLIC SERVICE EMPLOYMENT AND DISCIPLINE

Division 1 — Preliminary

Clause 65 set out the ways in which public service employment may be terminated, namely:

- by termination during the probationary period
- by resignation or retirement
- by termination on medical grounds
- by termination through redundancy
- by termination for unsatisfactory performance
- by termination for a breach of discipline.

Division 2 — Resignation or retirement

Clause 66 provides for resignation with 4 weeks notice or such shorter period as the Chief Secretary approves. An employee on probation may resign with 1 weeks notice.

Clause 67 provides for automatic resignation on election as a member of Parliament.

Division 3 — Termination on medical grounds

Clause 68 provides that the Subdivision applies if absence or unsatisfactory performance is reasonably suspected to be caused by mental or physical illness or disability.

Clause 69 provides for the Chief Secretary to be able to require the person to undergo a medical examination.

Clause 70 sets out what must be covered in the medical report.

Clause 71 empowers the Chief Secretary to terminate the person's employment on the basis of the medical report.

Division 4 — Redundancy

Clause 72 provides that if Cabinet abolishes a permanent employee's substantive position under the measure the employment is terminated on the ground of redundancy.

Clause 73 provides that if Cabinet abolishes a position that was occupied temporarily by a permanent employee and the employee is not appointed to another position for a fixed term, the employee must return to the employee's substantive position.

Clause 74 provides that if a permanent employee is returned to a substantive position that is temporarily occupied by another permanent employee, that other must return to his or her substantive position.

Clause 75 provides that if a permanent employee is returned to a substantive position that is temporarily occupied by a term employee, the term employee's employment is terminated on the ground of redundancy.

Clause 76 provides that if Cabinet abolishes a position that was occupied by a term employee, the term employee's employment is terminated on the ground of redundancy.

Division 5 — Unsatisfactory performance and disciplinary matters

Subdivision 1 — Preliminary

Clause 77 provides that the Division does not apply to probationary employees (who can be dismissed at will).

Subdivision 2 — Unsatisfactory performance

Clause 78 requires heads of department to take action to improve the performance of any employee identified as not performing duties in a satisfactory way. The action may comprise counselling, training and development or developing and implementing a performance management plan.

Clause 79 contemplates a head of department referring unsatisfactory performance to the Chief Secretary if the action towards improvement is unsuccessful.

Clause 80 empowers the Chief Secretary to terminate an employee's employment for unsatisfactory performance. The Chief Secretary may do this even if the matter has not been referred to the Chief Secretary by a head of department.

Subdivision 3 — Disciplinary matters

Clause 81 contemplates a head of department referring a suspected breach of discipline by a public service employee to the Chief Secretary.

Clause 82 sets out the disciplinary action that may be taken against a public service employee, namely:

- reprimanding the employee
- suspending the employee without pay or accrual of leave rights for a period
- terminating the employee's employment.

Clause 83 provides that the Chief Secretary may suspend an employee from service (on full pay) while investigating alleged serious misconduct. Serious misconduct is a breach of discipline so serious, or of such a nature, that, in the Chief Secretary's opinion, the employment of the employee should be terminated immediately or an absence without leave for 5 consecutive days. If the matter is sufficiently serious, the Chief Secretary may terminate the employee's employment immediately.

Clause 84 caters for the situation where a public service employee resigns or retires in order to avoid disciplinary action.

Division 6 — Procedural requirements

Clause 85 indicates that the Division sets out procedures to be followed in case of a decision to terminate employment on medical grounds, for unsatisfactory performance or for breach of discipline; or to impose other sanction on disciplinary grounds or to make a declaration about the disciplinary action that would have applied to a former public service employee.

Clause 86 requires the Chief Secretary to comply with rules of natural justice. This requires the employee to be properly informed and to be given an opportunity to make submissions about the matter.

Clause 87 requires a written notice to be given to an employee in the circumstances covered by the Division. The notice must set out the reasons for the decision and the grounds on which and the period within which the person may appeal against the decision.

Division 7 — Termination entitlements

Clause 88 provides that if an employee's employment is terminated the employee is entitled to each of the entitlements provided for in this Division.

Clause 89 applies to a probationary employee and provides for 1 week notice (or equivalent pay out) except in the case of termination for serious misconduct.

Clause 90 applies to a public service employee whose employment is terminated on the ground of redundancy, for unsatisfactory performance or for breach of discipline (other than serious misconduct) and provides for 4 weeks notice (or equivalent payout).

Clause 91 applies to a public service employee whose employment is terminated on medical grounds and provides for 4 weeks notice (or equivalent payout).

Clause 92 applies to a public service employee whose employment is terminated on the ground of redundancy and provides for a payment equivalent to 12 weeks salary (in addition to the 4 weeks notice or payout).

Clause 93 requires all employees who cease employment for whatever reason to be paid out their annual leave and long service leave balance.

Clause 94 allows the Chief Secretary to deduct from any pay out of leave to an employee who resigns or retires any amount of salary for any shortfall in the required period of notice.

Division 8 — Requirement for gazettal

Clause 95 requires the Chief Secretary to publish a Gazette notice of each resignation, retirement or termination of a public service employee's employment. If an employee over 60 resigns or retires, the Gazette notice must refer to the fact that the employee has retired from the public service.

PART 8 — PUBLIC SERVICE APPEALS BOARD

Division 1 — Administrative matters

Clause 96 allows the regulations to establish a scheme for the election of public officers to the Board under Article 70(1) of the Constitution. It also provides that the term of appointment is 3 years.

Clause 97 sets out the oath or affirmation that each member of the Board other than the Chairman must take or make.

Clause 98 provides that a member of the Board is entitled to fees and allowances fixed by the Cabinet by Gazette notice.

Division 2 — Appeals

Clause 99 provides for an appeal against a decision by an employee who receives or should have received an information notice in relation to a decision. In the case of a termination of employment resulting from the abolition of a position, the ground of appeal may only be that the position was abolished primarily for the purpose of terminating the employee's employment. In other cases the grounds may be that the Chief Secretary did

not comply with the rules of natural justice in making the decision or in the case of disciplinary action that the action taken was clearly excessive in the circumstances.

Clause 100 requires a person to commence proceedings for an appeal within 7 days, although the Board may extend the period.

Clause 101 requires the Chief Secretary to give the appellant a copy of each document to be submitted to the Board at least 7 days before the appeal is heard.

Clause 102 establishes procedures for the conduct of the appeal. The Chairman and one other member form a quorum. The appellant may consent to the matter being determined on the papers only. The hearing is usually to be conducted in private. The appellant may be represented by any person. The Board is not bound by legal technicalities, legal forms or rules of evidence and is to act as expeditiously as a proper consideration of the appeal allows. The Board can adopt rules of court or set its own procedures.

Clause 103 provides that the Board may confirm the decision, set it aside and substitute its own decision or refer the decision back to the Chief Secretary for redetermination.

Clause 104 empowers the Board to make an order for reinstatement or compensation (up to an equivalent of 3 months salary).

Clause 105 empowers the Board to make an order compensating an employee for lost salary.

Clause 106 empowers the Board to make an order for costs in favour of the appellant.

Clause 107 requires the Board to give the appellant and the Chief Secretary a written notice of the reasons for its decision and of any orders made.

PART 9 — OTHER EMPLOYMENT ARRANGEMENTS

Division 1 — Temporary employees

Clause 108 provides that the Chief Secretary may appoint persons to short term positions that are not public service positions, if the staffing need cannot be met from within the public service. For example, additional staff may be temporarily needed in relation to the holding of a particular event. The clause applies the requirements for merit selection to temporary employees.

Clause 109 imposes a limitation of 3 months for any individual appointment and prohibits renewal of the employment.

Clause 110 empowers the Chief Secretary to determine remuneration of a temporary employee.

Clause 111 empowers the Chief Secretary to determine the hours of attendance that apply to a temporary employee.

Clause 112 provides for termination of employment of a temporary employee with 1 days notice by the Chief Secretary. The clause also allows the employee to resign giving 1 days notice.

Division 2 — Employment opportunity programs

Clause 113 allows the Minister to declare, by Gazette notice, employment opportunity programs. People employed in these programs are outside the public service and the programs are lawful despite any other law, such as a law preventing discrimination in employment.

PART 10 — MISCELLANEOUS

Clause 114 provides for recovery of any overpayment to an employee.

Clause 115 provides general regulation making power. It is contemplated that the regulations could provide for part time employment, limits on fixed terms, additional leave and exemptions.

SCHEDULE — RELATED AMENDMENTS, REPEAL AND TRANSITIONAL PROVISIONS

PART 1 — PRELIMINARY

Item 1 is a machinery provision ensuring that the amending provisions have substantive effect.

PART 2 — AMENDMENT OF AGRICULTURAL QUARANTINE ACT 1999

Items 2 and 3 remove specific references to discipline under the repealed Public Service Act in favour of a generic approach. The relevant subsections make it clear that disciplinary action can be taken in addition to a criminal prosecution.

PART 3 — AMENDMENT OF ATTACHMENT OF EARNINGS AND PHOSPHATE ROYALTIES ACT 1973

Item 4 sets the Nauruan basic salary as the lowest rate of salary applicable to a public service position. 75% of this rate is the protected earnings rate.

PART 4 — AMENDMENT OF CIVIL AVIATION ACT 2011

Item 5 omits the definition of Head of the Department which contained a reference to the repealed Public Service Act. This matter is dealt with by the *Interpretation Act 2011*.

Items 6, 7 and 8 replace provisions that contain references to the repealed Public Service Act with a generic approach.

PART 5 — AMENDMENT OF CRIMINAL JUSTICE ACT 1999

Item 9 replaces section 4(3) which contains a reference to the repealed Public Service Act. A general reference to a public service employee is included instead.

PART 6 — AMENDMENT OF EDUCATION ACT 2011

Item 10 amends section 4 to remove a reference to the repealed Public Service Act and rely on the definition of Department in the *Interpretation Act 2011*.

PART 7 — AMENDMENT OF ELECTORAL ACT 1965

Item 11 amends section 9A to remove a reference to the repealed Public Service Act and rely on the definition of Head of Department in the *Interpretation Act 2011*.

PART 8 — AMENDMENT OF FACILITATION OF AUSTRALIAN ASSISTANCE ACT 2004

Item 12 substitutes section 8 so that reference is made to the new public sector regime.

PART 9 — AMENDMENT OF HEALTH PRACTITIONERS ACT 1999

Item 13 updates references in the definitions to the repealed Public Service Act.

PART 10 — AMENDMENT OF INTERPRETATION ACT 2011

Item 14 omits a reference to a specific provision of the repealed Public Service Act in the definition of public holiday and updates the definition of department so it points to the provision of this Act under which departments are established.

PART 11 — AMENDMENT OF LEGISLATION PUBLICATION ACT 2011

Item 15 standardises the reference to staff of the Parliamentary Counsel avoiding reference to a particular Public Service Act.

PART 12 — AMENDMENT OF OFFICIAL INFORMATION ACT 1976

Item 16 omits the reference to specific provisions of the repealed Public Service Act and replaces it with a general reference to a breach of discipline.

Item 17 omits the reference to specific provisions of the repealed Public Service Act.

PART 13 — AMENDMENT OF PASSPORTS ACT 2011

Item 18 deletes the definition of Head of the Department that relies on a reference to the repealed Act in favour of relying on the definition in the *Interpretation Act 2011*.

PART 14 — AMENDMENT OF PUBLIC FINANCE (CONTROL AND MANAGEMENT) ACT 1998

Item 19 deletes definitions of department and Head of the Department that rely on references to the repealed Act in favour of relying on the definitions in the *Interpretation Act 2011*.

PART 15 — REPEAL OF PUBLIC SERVICE ACT 1998

Item 20 repeals the *Public Service Act 1998*.

PART 16 — TRANSITIONAL PROVISIONS

Item 21 contains definitions for the purposes of the Part.

Item 22 requires a Gazette notice to continued departments. This approach provides a firm evidentiary basis for departments going into the future.

Item 23 continues existing public service positions.

Item 24 provides that heads of department remain in their positions and that existing heads need not, but may, move to a contract of employment rather than ongoing employment.

Item 25 provides that all other public service employees continue in their positions and continues any existing contractual and probationary terms, subject to the measure.

Item 26 preserves leave rights of existing employees and ensures continuity of employment.

Item 27 provides that the regulations will deal with other transitional matters.

PART 17 — EXPIRY

Item 28 provides for expiry 12 months after commencement. This brings the period within which transitional regulations may be made to an end and removes the spent repeal and amending provisions.