

REPUBLIC OF NAURU
PUBLIC SERVICE (AMENDMENT) BILL 2020

SECOND READING SPEECH

Honourable Lionel Rouwen Aingimea

4 June 2020

Mr. Speaker Sir,

I introduce to the House today a Bill for an Act to amend the *Public Service Act 2016*.

Mr Speaker, public servants contribute greatly to ensuring the machinery of Government operates smoothly. The amendment to the law governing the public service has taken into account the challenges currently faced and the changing dynamics of the public service. In addition, the need to ensure a methodical system for checks and balances was considered.

The aim of this Bill include:

- striking a balance between protecting the rights of the public service employees, and improving efficiency through performance-based management;
- promoting transparency;
- clarifying the roles and functions of the Chief Secretary and Heads of Departments in the administration of the public service;
- streamlining the public service appeals process; and
- clarifying some of the provisions relating to leave entitlements.

Sir, let me briefly highlight the changes that this Bill proposes.

Firstly, the process for determining any permanent position to be held on a contract by a public service employee is now streamlined. This process has already begun by appointing the Heads of Departments on a fixed term contract with effect from 2016. The Minister may now with the approval of the Cabinet

determine any permanent position to be held by a public service employee on a fixed term contract.

Secondly, there are times when there is a need for temporary employees to be appointed to meet the temporary needs or circumstances of a specific department or where an unexpected vacancy is created. This temporary appointment is for a period of 6 months. The issue however is what happens to the temporary employee at the end of 6 months. If the relevant Secretary does not make a decision, the Secretary is deemed to have decided that the person's employment comes to an end or lapses. This Bill will now ensure that the relevant Secretary will make a decision whether a temporary employee is to: *be employed as a permanent employee; continue as a temporary employee for another period of 6 months; or be terminated as a temporary employee.* This clause allows for one extension only to overcome the problem of multiple extensions. This gives uncertainty to the employee's livelihood and a career path. It is also intended to bring more stability to the public service by having permanent as opposed to temporary employees. The decision of the Secretary is subject to consultation with the Chief Secretary, a performance appraisal and a relevant vacancy within the public service.

This Bill now addresses the issue of taking leave on a pro rata basis. It is anticipated that this amendment will enable public service employees to take planned recreation leave which would ensure productivity, decrease unexplained absences and sick leave. Employees may now plan their recreation leave entitlements with their respective Heads of Department. A careful planning of leave will also avoid accumulation of recreation leave. This will allow employees to actually take leave rather than seek encashment to avoid losing the same as only 60 days of recreation leave is allowed to be accrued.

In addition, the Bill amends the provisions relating to disciplinary matters. The Act currently only provides for regulations to be made to prescribe the procedure for dealing with misconduct and other disciplinary matters. The amendment now includes reference to the Constitutional requirements of Articles 68 which vests power to the Chief Secretary to discipline employees other than Heads of Departments. The grey or obscure area on disciplining Secretaries or Heads of Departments is also clarified. The Secretaries or Heads of Departments will be disciplined for misconduct by the Chief Secretary, who

will in turn submit a report of findings and recommendation to the Cabinet for a decision.

Mr Speaker, the other key amendment relates to the notice requirement for termination. The existing section regarding termination of an employee for misconduct is inconsistent with the purpose of termination. This is due to whether compensation is to be paid which is ordinarily available to any staff made redundant or terminated without any cause or notice.

Also, the provisions relating to the Public Service Appeals Board has been streamlined. A secretary to the Board is now appointed. In addition, appeals will now have to be lodged with the secretary as opposed to the Chief Secretary. The current practice of lodging the appeal with the Chief Secretary is inappropriate as it is his decision which is being challenged by way of an appeal. It is intended that this process will now expedite the appeals process to bring closure to appeals proceedings in a much shorter to period of time.

Mr Speaker, the Government is committed to a public sector that is high performing and efficient in order to meet both the challenges of today and those of the future. It must also return value for the expenditure of public finance.

Mr Speaker, the explanatory memorandum details the provisions of the Bill. Sir, I request that the explanatory memorandum be read and recorded in the Hansard Reports.

I commend the Bill to the House.