

**Public Sector Bill 2012**

**SECOND READING SPEECH**

HE Hon Sprent Dabwido MP

21 December 2012

Mr Speaker,

I introduce to the House today the *Public Sector Bill 2012*. This Bill replaces the *Public Service Act 1998*, a goal of Nauru's National Sustainable Development Strategy.

The aims of reviewing the current Act and developing a new legislative framework include:

- to improve the effectiveness of the public sector;
- to strike a balance between protecting the independence of the public sector and employees' rights, and improving efficiency through performance-based management;
- to entrench the merit principle;
- to promote transparency;
- to clarify the roles and functions of the Minister, the Chief Secretary and Heads of Departments in the administration of the public service, and the interrelationship between those roles and functions.

The Bill brings together the public service and the broader public sector (including state-owned enterprises) as a more unified entity and contains a set of public sector values forming the foundation of the new Act. They reflect the aspirations of the Government for the public sector and, in particular, emphasise concepts of ethics and fairness and the giving of frank advice. The values are reflected in a code of conduct covering all public sector employees.

The Bill requires all public sector agencies to have in place effective performance management and development systems. The aim is to promote and acknowledge outstanding performance, improve satisfactory performance, and bring unsatisfactory performance up to standard.

In an effort to achieve greater accountability, the Bill includes a legislative requirement for all public sector agencies to prepare annual reports for tabling in Parliament.

The Bill establishes the structure of the public service and provides a mechanism for establishing, abolishing and renaming departments.

The government wants to improve leadership of departments and future heads of department will be appointed on fixed term contracts. Heads of department must drive performance management and development in their departments and will be expected to acknowledge success and deal with performance issues early.

Under the Bill, responsibilities relating to the appointment, transfer and termination of public service employees remains with the Chief Secretary as required by the Constitution.

Appointment processes must be based on merit.

The concept of a public service position is retained and processes around the creation, classification and eligibility for positions are clarified. The concept of an officer is removed; instead employees may be permanent employees or temporary employees. Temporary employees are those on fixed term contracts. The concept of unattached officers is abolished and a scheme is created for redundancy where positions are abolished or altered.

Changes have been made to leave provisions to more closely reflect modern employment conditions. Administration of sick leave has been made simpler.

The Bill streamlines transfer processes without compromising the notion of ongoing employment for non-heads of department and a career in the public sector.

Categories of employment that are outside the public service are provided for to cater for temporary needs and special programs, such as the highly successful Clean and Green Program and the Student Induction Program.

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.

Mr Speaker, the explanatory memorandum describes in detail each provision of the Bill.

I commend the Bill to the House.