



REPUBLIC OF NAURU

PUBLIC SERVICE (AMENDMENT) BILL 2016

No. 29 of 2016

A Bill for an Act to amend the *Public Service Act 2016*

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Public Service (Amendment) Act 2016*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of Public Service Act 2016

The *Public Service Act 2016* is amended by the provisions of this Act.

4 Insert new section 11A

11A Sections within Departments

(1) The Minister may, with the approval of Cabinet, by Gazette notice:

(a) establish a Section within a department and assign a title to it; or

(b) alter the title of an existing Section; or

(c) transfer an existing Section from one department to another department; or

(d) abolish an existing Section.

(2) If a Section is transferred to another department under section 11A(1)(c), any position created within that section in accordance with section 16 of this Act is also transferred from one department to that other department.

5 Amendment of section 22

Section 22 is amended as follows:

Omit

‘The Minister may make rules’

Substitute

‘The Chief Secretary may make policy’

6 Amendment of section 23

(1) Section 23 is amended by inserting a new subsection (4) as follows:

- (4) Upon being appointed as an employee of the public service, a person is required to swear before the Chief Secretary, an oath on appointment as contained in Schedule 1 of this Act.

(2) Section 23 is amended by inserting a new subsection (5) as follows:

- (5) All appointments of non-Nauruan employees must be conducted in a transparent manner and in accordance with best human resources standards, policies and practices.

7 Amendment of section 24

Section 24 is amended by inserting a new section 24(1A) after subsection (1) as follows:

- (1A) Subject to section 13, all appointments to the Public Service may only be made by the Chief Secretary.

8 Insert new Division 2A in Part 5

In Part 5 of the Act, following Division 2 – Appointment of Public Service Employees, a new Division 2A – Vacancies, Promotion and Transfer is inserted as follows:

Division 2A – Vacancies, Promotion and Transfer

27A Vacancies

- (1) Where a vacancy exists for a position in the public service and, in the opinion of the Chief Secretary, it is necessary to fill the vacancy, the Chief Secretary may:
 - (a) direct that a notification be published in the Gazette inviting applications for transfer, promotion or appointment;
 - (b) set out the requirements for the position.
- (2) A vacancy for a position in the public service may be filled by:
 - (a) the Chief Secretary transferring or promoting an officer to the vacant position; or
 - (b) by the appointment to the vacant position of a person from outside the public service.
- (3) No person from outside of the public service may be appointed to a vacant position unless the Chief Secretary has confirmed in writing that the vacant position cannot be suitably filled by the transfer or promotion of an employee.