

THE TERRITORY OF NAURU

NO. 8 of 1966.

A N O R D I N A N C E

To amend the Public Service Ordinance 1961-1965

(Reserved : 17th May, 1966.)

(Assented to : 21st July, 1966.)

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the Nauru Act 1965, as follows:-

Short title
and
citation.

1.--(1.) This Ordinance may be cited as the Public Service Ordinance 1966

(2.) The Public Ordinance 1961-1965, is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the Public Service Ordinance 1961-1966.

Admission
to the
Public
Service

2. Section 18 of the Principal Ordinance is amended -

(a) by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:-

"(a) he is -

- (i) a Nauruan;
- (ii) if the Commissioner has given a certificate under the next succeeding sub-section that a vacant office cannot be filled efficiently by the appointment of a Nauruan to the office and has specified

the name of a resident of Nauru (not being a Nauruan) as a person who is a suitable person to be appointed to the office - the person whose name is so specified; or

- (iii) if the Commissioner has given a certificate under the next succeeding sub-section that a vacant office cannot be filled efficiently by the appointment of a Nauruan to the office and has certified that there is no person resident in Nauru who is a suitable person to be appointed to the office - a person who has been approved by the Minister;"; and

- (b) by omitting sub-section (2.) and inserting in its stead the following sub-section:-

"(2.) Where the Commissioner is satisfied that a vacant office cannot be filled efficiently by the appointment of a Nauruan to the office, the Commissioner may so certify by instrument under his hand and may also certify in that instrument -

- (a) that a specified resident of Nauru who is not a Nauruan is a suitable person to be appointed to the office; or
- (b) that there is no person resident in Nauru who is a suitable person for appointment to the office."

Vacancies.

3. Section 20 of the Principal Ordinance is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections:-

"(2.) A vacancy in an office in the Public Service shall be filled -

(a) by the Commissioner transferring or promoting an officer to the vacant office; or

(b) by the appointment to the vacant office of a person from outside the Public Service.

"(3.) A person from outside the Public Service shall not be appointed to a vacant office unless the Commissioner has certified by writing under his hand that the vacant office cannot be suitably filled by the transfer or promotion of an officer."

Overtime.

4. Section 33 of the Principal Ordinance is amended by omitting sub-section (11.) and inserting in its stead the following sub-section :-

"(11.) Subject to the next two succeeding sub-sections, the hourly rate of overtime payment shall be ascertained in accordance with the following formula :-

$$\frac{\text{Annual salary}}{313} \times \frac{9}{\text{normal hours of duty per week}}.$$

Sunday duty.

5. Section 34 of the Principal Ordinance is amended by omitting from paragraph (b) of sub-section (6.) the word "morning" and inserting in its stead the word "evening".

6. Section 39 of the Principal Ordinance is repealed and the following section inserted in its stead:-

Hours of
attendance.

"39.-(1.) Except where otherwise determined by the Commissioner or in the case of a holiday, the hours of duty for officers and employees performing clerical or professional duties shall be worked between the hours of eight o'clock in the morning and forty-two minutes past four o'clock in the afternoon on Monday, Tuesday, Wednesday, Thursday and Friday of each week.

"(2.) Except where otherwise determined by the Commissioner or in the case of a holiday, the hours of duty for officers and employees who are engaged as labourers or tradesmen shall be worked between the hours of seven o'clock in the morning and thirty minutes past four o'clock in the afternoon on Monday, Tuesday, Wednesday, Thursday and Friday of each week.

"(3.) In the case of an officer or employee referred to in either of the last two preceding subsections, there shall be an interval of one and a half hours for lunch on each day on which duty is performed.

"(4.) Notwithstanding any other provision of this section, the hours of duty for teachers and shift workers shall be such as are determined by the Commissioner."

Late attend-
ance and
absence.

7. Section 43 of the Principal Ordinance is amended by inserting in sub-section (4.), after the word "officer", the words "or employee".

Long Service
leave or pay
in lieu to
officers not
entitled to
furlough.

8. Section 50 of the Principal Ordinance is amended by omitting the word "fifty-five" (wherever occurring) and inserting in its stead the word "sixty".

Meaning of
"service"
in this
division.

9. Section 51 of the Principal Ordinance is amended by omitting from sub-section (2.) the word "fifty-five" and inserting in its stead the word "sixty".

10.-(1.) After section 55 of the Principal Ordinance the following section is inserted:-

Leave
without pay
for the
purpose of
pursuing a
course of
study.

"55A.-(1.) The Minister may, on the application of an officer, grant to the officer leave of absence for the purpose of pursuing a course of study or training that, in the opinion of the Commissioner, will fit him, or assist in fitting him, to carry out the duties of an office in the Public Service of Nauru.

"(2.) The period during which an officer is absent on leave granted under this section shall be deemed to form part of the period of service of the officer under this Ordinance.

"(3.) An officer granted leave of absence under sub-section (1.) of this section is not entitled to be paid salary or allowances under any other provision of this Ordinance in respect of the period of the leave but may be paid, in respect of that period, such allowances (if any) at such respective rates as the Minister determines."

(2.) Where -

(a) an officer was granted leave of absence for a period of twelve months under sub-section (2.) of section 55 of the Public Service Ordinance 1961 or that Ordinance as amended at any time, being a period that expired before the commencement of this Ordinance, for the purpose of pursuing a course of study or training;

- (b) after the expiration of that period of leave of absence, the officer continued to pursue that course of study or training and did not return to duty; and
- (c) the Commissioner is of the opinion that the course of study or training has fitted or assisted in fitting, or will fit or assist in fitting, the officer to carry out the duties of an office in the Public Service of Nauru,

the Minister may declare that the officer shall, for the purposes of any law of Nauru, be treated as if, before the expiration of that period of leave of absence, the section inserted by the last preceding sub-section had come into force and the officer had been granted leave of absence under that section for a period commencing on the expiration of the period of leave of absence referred to in paragraph (a) of this sub-section and ending on a date specified by the Minister in the declaration.

Leave of absence for service as Member of Executive Council, Member of Legislative Council, Councillor, Magistrate or Coroner.

11. Section 57.- (1) of the Principal Ordinance is amended by omitting sub-section (1) and inserting in its stead the following sub-section:-

"(1) The Commissioner may grant leave of absence with salary without deduction from leave of absence for recreation to an officer who is a member of -

- (a) The Executive Council for the purpose of his attendance to the business of the Executive Council;

- (b) the Legislative Council for the purpose of his attendance to the business of the Legislative Council;
- (c) the Nauru Local Government Council for the purpose of his attendance to the business of the Council".

Retirement
of officers.

12. Section 58 of the Principal Ordinance is amended -

- (a) by omitting the word "fifty-five" (wherever occurring) and inserting in its stead the word "sixty"; and
- (b) by omitting the word "sixty" (wherever occurring) and inserting in its stead the word "sixty-five".

Retirement
of unfit
officers,&c.

13. Section 62 of the Principal Ordinance is amended by omitting from paragraph (b) of sub-section (4.) the word "sixty" and inserting in its stead the word "sixty-five".