

## 6.2. Consideration of Council amendments

**The Speaker:** Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr Speaker.

As Hon. Members will recall, the Public Service Commission is designed to establish a new Commission, which will initially be the employer of about 4,000 people, representing half of central Government staff, civil servants and manual workers within central Government. It would have a clear mandate to deliver consistent policies in respect of its workforce and work towards a simplification of employment structures and harmonisation of terms and conditions of employment, and facilitate the redeployment of staff across relevant Departments, Boards and offices, as necessary, in support of Government's priorities and changing circumstances.

The new Commission would also provide the opportunity to both streamline and modernise collective-bargaining arrangements in respect of its staff. The establishment of a Public Service Commission is, as Hon. Members will appreciate, a further step in modernising and introducing more flexible and responsive employment structures which, coupled with culture change, are fundamental to the development of more efficient ways of working and the reduction of bureaucracy, all of which of course contribute to the ongoing imperative to achieve long-term financial sustainability.

The Bill completed its progress through this House on 24th June 2014. However, during its subsequent progress through the Legislative Council, a number of amendments were agreed by Council. It is therefore necessary for the House to now consider those amendments. As it is the Government's intention to seek to establish the Public Service Commission with effect from 1st April 2015, I am grateful to the House for agreeing to the request to suspend Standing Orders so that the amendments may be considered at this sitting.

I wish to confirm that all of these minor technical amendments, which were made at the request of the legislative drafters, are uncontroversial and intended purely to improve the clarity of the Bill, and in relation to the amendment mirroring the admission regulations – amendment number 8 – to secure that the intended effect of the regulations is in fact achieved.

Turning then to the first item, I beg to move amendment number 1 in my name, in respect of clause 3. This first amendment to clause 3 is intended to remove an inconsistency between two of the subsections of clause 3, one of which talks about a 'public entity', the other a 'public sector entity'.

Mr Speaker, I beg to move the amendment standing in my name.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I beg to second, sir, and reserve my remarks.

**The Speaker:** Mr Quirk.

**Mr Quirk:** Mr Speaker, if I could just rise to the Minister and ask a simple question, instead of asking him on every one: these clauses were actually referred back – were they actually consulted on separately with the trade unions or other organisations, whether they were aware of these?

**The Speaker:** Mover to reply.

**Mr Robertshaw:** Mr Speaker, they were not. These are not in any way contentious or troubling amendments. They are purely, as I have stated, technical amendments, and should not really be of any concern at all. There is nothing controversial about them whatsoever.

Thank you, Mr Speaker.

**The Speaker:** Hon. Members, I put the question that the amendment to clause 3, as set out on page 9 of the Order Paper, numbered 1, do form part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

The next amendment to clause 3, Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr Speaker.

I beg to move the second amendment in my name relating to clause 3. This second amendment to clause 3 is simply a drafting refinement to eliminate a rather inelegant double negative.

I beg to move the amendment standing in my name.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I beg to second and reserve my remarks.

**The Speaker:** I put the question: those in favour, please say aye; against, no. The ayes have it. The ayes have it.

The amendment numbered 3 – the amendment to clause 4, Mr Robertshaw.

**Mr Robertshaw:** Mr Speaker, if agreeable, I would like to move amendments 3 and 4 in my name together, as they are interrelated.

**The Speaker:** That is agreed, Hon. Members?

**Members:** Agreed.

**Mr Robertshaw:** Thank you.

They relate to clauses 4 and 8 respectively.

Amendment 3 to clause 4 makes it clear that neither the Commission nor its employees or officers are to be regarded as officers or servants of the Crown. This might have been inferred from the previous version of the subsection, but it is worth articulating the point expressly.

Amendment 4 to clause 8 is a consequential change flowing from amendment number 3.

Mr Speaker, I beg to move the amendments standing in my name do stand part of the Bill.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I beg to second and reserve my remarks.

**The Speaker:** Hon. Members, I put the question that the amendments numbered 3 and 4, made by Council, be accepted. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Amendment number 5, Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr Speaker.

I wish to move the tabled amendment in my name, number 5. This amendment, number 5, to clause 12, is an expansion of the idea in the earlier version of the subsection in clause 12, but is designed to put matters beyond doubt.

Mr Speaker, I beg to move the amendment standing in my name do stand part of the Bill.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I beg to second and reserve my remarks.

**The Speaker:** I put the question that amendment number 5 be accepted. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Amendment number 6.

**Mr Robertshaw:** Mr Speaker, if agreeable, I would like to move amendments 6 and 9 together, which both relate to the schedule.

**The Speaker:** Indeed.

**Mr Robertshaw:** Thank you, Mr Speaker.

Amendments 6 and 9 are interlinked and both flow from the fact that by the time the Public Service Commission Act 2015 comes into operation the Control of Employment Act 1976 will have been superseded by the Control of Employment Act 2014.

Mr Speaker, I beg to move the amendment standing in my name do stand part of the Bill.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I beg to second.

**The Speaker:** I put the question that amendments 6 and 9 be accepted. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Amendment number 7.

**Mr Robertshaw:** Thank you, Mr Speaker.

In respect of the tabled amendment in my name, number 7, I wish to move it.

This is intended to tidy up the replacements for 'civil servant', placing a definition in the Interpretation Act 1976 and also subsequently in the Interpretation Bill. It shortens the substitution in each of the other Acts listed in the schedule of consequential amendments by omitting '(within the meaning of section 7(1) of the Public Services Commission Act 2014)'.

Mr Speaker, I beg to move the amendment standing in my name.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I beg to second.

**The Speaker:** I put the question that amendment number 7 be accepted. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Finally, amendment number 8.

**Mr Robertshaw:** Thank you, Mr Speaker.

In respect of the tabled amendment in my name, number 8, I would move finally this item.

The purpose of amendment 8 is to clarify the circumstances in which a person whose employment is transferred to an external provider from a relevant employing authority is entitled to continue as a member of their public sector pension scheme.

Mr Speaker, I beg to move the amendment standing in my name.

**The Speaker:** Mr Watterson.

**Mr Watterson:** I beg to second.

**The Speaker:** I put the question that amendment number 8 be accepted. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.  
Thank you, Hon. Members.