

BILL NO. 31 OF 2016

A BILL

FOR AN ACT TO AMEND THE NATIONAL EMPLOYMENT CENTRE DECREE 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the National Employment Centre (Amendment) Act 2016.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the National Employment Centre Decree 2009 is referred to as the “Decree”.

Section 5 amended

2. Section 5(1) of the Decree is amended by inserting the following new definition—

““Higher Education Commission” means the Higher Education Commission established under section 5 of the Higher Education Promulgation 2008;”

*Section 18 amended***3.** Section 18 of the Decree is amended by—

(a) deleting subsection (1)(g) and substituting the following—

“(g) to ensure the efficient and effective implementation of the employment creation policies of Government, including a national employment policy, through the various employment creation services by way of effective facilitation, coordination and monitoring roles;” and

(b) in subsection (5), deleting “Chief Executive Officer or”.

*Section 25 amended***4.** Section 25 of the Decree is amended by—

(a) in subsection (1)—

(i) deleting “chief executive officers, managers and”; and

(ii) deleting “Minister on a performance-based contracts” and substituting “Permanent Secretary with the agreement of the Minister on a performance-based contract”; and

(b) in subsection (2), inserting “Permanent Secretary with the agreement of the” before “Minister”.

*Section 29 amended***5.** Section 29 of the Decree is amended by deleting “the host Ministers of the respective services” and substituting “the Minister responsible for civil service”.*Section 47 amended***6.** Section 47 of the Decree is amended by—

(a) in subsection (1), inserting “national, regional or international” after “with”;

(b) inserting the following new subsection after subsection (2)—

“(3) The National Employment Centre shall also secure strategic partnerships with—

(a) social security institutions;

(b) financial institutions and donor agencies;

(c) civil society organisations and religious institutions;

(d) national, regional or international information communications technology organisations;

(e) national, regional and international institutions dealing with sustainable development, environment and climate change matters for the purpose of capacity building and financing

of green growth, green jobs and green productivity projects, including the promotion of green volunteers;

- (f) national, regional and international institutions dealing with disability matters for the purpose of capacity building and financing of disability projects, including the absorption of persons with disabilities into employment and small and micro enterprise development;
- (g) the Ministry of Employment, Productivity and Industrial Relations, the Ministry of Youths, the Ministry of Civil Service and the Office of the Registrar of Births, Deaths and Marriages under the Ministry of Justice; or
- (h) the iTaukei Land Trust Board, the Ministry of iTaukei Affairs, the Ministry of Provincial Development and *mataqali* land owners for the purpose of capacity building, cost sharing and relocation of a person back to the rural areas.”

Section 70 amended

7. Section 70(5) of the Decree is amended by deleting “Chief Executive Officer or”.

Section 77 amended

8. Section 77(2) of the Decree is amended by deleting “Human Resource Management Division of the Public Service Commission to be the Fiji Volunteer Service” and substituting “Fiji Volunteer Service to be operated under or hosted by the Ministry of Employment, Productivity and Industrial Relations”.

Section 97 amended

9. Section 97(1) of the Decree is amended in paragraph (a) by inserting “professional counselling, aptitude assessment,” before “life”.

Section 103 amended

10. Section 103 of the Decree is amended in subsections (1) and (4) by inserting “after consultation with the National Employment Centre Board” after “Board”.

NATIONAL EMPLOYMENT CENTRE (AMENDMENT) BILL 2016

EXPLANATORY NOTE

(This note is not part of the Bill and is only intended to indicate its general effect)

1.0 BACKGROUND

- 1.1 The National Employment Centre Decree 2009 (**'Decree'**) was published in the Gazette and came into force on 22 December 2009. The Decree was implemented to reform the management of employment creation services and to provide a reformative legislative framework for the provision of quality employment services to unemployed persons, and the creation of decent and environmentally sustainable employment to promote productivity, welfare and prosperity for all Fijians.
- 1.2 The Decree established the National Employment Centre (**'NEC'**) which provides employment creation services to unemployed persons throughout Fiji. NEC also facilitates, coordinates and monitors the provision of quality counselling services, life skills training, employment skills training and entrepreneurship skills training to promote decent and environmentally sound employment, creation of small businesses and volunteer services to boost productivity among unemployed persons.
- 1.3 Employment creation services such as the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service carry out their powers, functions and duties under NEC.

2.0 FEATURES OF THE BILL

- 2.1 The National Employment Centre (Amendment) Bill 2016 (**'Bill'**) seeks to amend the Decree.
- 2.2 Clause 1 of the Bill provides for the short title and commencement provisions. If passed by Parliament, the new Act will come into force on a date or dates appointed by the Minister by notice in the Gazette.

- 2.3 Clause 2 of the Bill amends section 5 of the Decree by inserting the definition of “Higher Education Commission”. Given that the phrase is used in the Decree, it is defined as the Higher Education Commission that is established under section 5 of the Higher Education Promulgation 2008.
- 2.4 Clause 3 of the Bill amends section 18 of the Decree by deleting subsection (1)(g) and replacing it with a new subsection (1)(g). Section 18 of the Decree outlines the functions and powers of the NEC Board, and subsection (1)(g) is deleted so that NEC implements the employment creation policies of Government, including a national employment policy. Clause 3 of the Bill also removes the reference to the chief executive officer in section 18(5) of the Decree.
- 2.5 Clause 4 of the Bill amends section 25(1) of the Decree by deleting the reference to chief executive officers and managers. Section 25(1) and (2) of the Decree are also amended so that the officers are appointed by the Permanent Secretary with the agreement of the Minister on a performance-based contract.
- 2.6 Clause 5 of the Bill amends section 29 of the Decree. Section 29 of the Decree states that the NEC Secretariat must, in a timely manner, forward a copy of the integrated annual report of all the employment creation services to the chairperson of the NEC Board and the Minister responsible for employment matters, including the host ministers of the respective services. The amendment removes “the host ministers of the respective services” and substitutes it with “the Minister responsible for civil service”.
- 2.7 Clause 6 of the Bill amends section 47 of the Decree to also allow NEC to secure strategic partnerships with—
- (a) social security institutions;
 - (b) financial institutions and donor agencies;
 - (c) civil society organisations and religious institutions;
 - (d) national, regional or international information communications technology organisations;
 - (e) national, regional and international institutions dealing with sustainable development, environment and climate change matters for the purpose of capacity building and financing of green growth, green jobs and green productivity projects, including the promotion of green volunteers;
 - (f) national, regional and international institutions dealing with disability matters for the purpose of capacity building and financing of disability projects, including the absorption of persons with disabilities into employment and small and micro enterprise development;

- (g) the Ministry of Employment, Productivity and Industrial Relations, the Ministry of Youths, the Ministry of Civil Service and the Office of the Registrar of Births, Deaths and Marriages under the Ministry of Justice; or
- (h) the iTaukei Land Trust Board, the Ministry of iTaukei Affairs, the Ministry of Provincial Development and *mataqali* land owners for the purpose of capacity building, cost sharing and relocation of a person back to the rural areas.

- 2.8 Clause 7 of the Bill amends section 70(5) of the Decree to remove the reference to the chief executive officer.
- 2.9 Clause 8 of the Bill amends section 77(2) of the Decree to specify that the Fiji Volunteer Service operates under the Ministry of Employment, Productivity and Industrial Relations.
- 2.10 Clause 9 of the Bill amends section 97 of the Decree. Section 97 deals with the application of money standing to the credit of the NEC Trust Fund for the purpose of defraying the expenses of the certain activities associated with employment creation.
- 2.11 Clause 10 of the Bill amends section 103 of the Decree. Section 103 of the Decree provides for the making of regulations. Essentially, the amendments ensure that the NEC Board is also consulted before the making of any regulations or the issuance of codes of practice or guidelines.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Decree comes under the responsibility of the Minister responsible for employment.

A. SAYED-KHAIYUM
Attorney-General