



REPUBLIC OF NAURU

# PARLIAMENTARY SERVICES ACT 2020

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No. 2 of 2021

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An Act to establish the Office of Parliamentary Services, to provide support services to the Parliament of Nauru, to provide for the autonomous administration and funding requirements for Parliamentary purposes and for related purposes.

Certified: 3<sup>rd</sup> December 2020

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Enacted by the Parliament of Nauru as follows:

## PART 1 – PRELIMINARY

### 1 Short title

This Act may be cited as the *Parliamentary Services Act 2020*.

### 2 Commencement

This Act commences with effect from 1 July 2021.

### 3 Objectives

The objectives of this Act are to:

- (a) facilitate the separation of powers of the Legislature and the constitutional autonomy of the Parliament as a branch of the Government;
- (b) provide administrative and functional efficiency of the services provided for the operations of the Parliament;
- (c) provide a framework for the employment, leadership and management of employees of the Office and for the good governance of the administration of the Parliament; and
- (d) provide for the financial and budgetary mechanisms for Parliamentary purposes.

### 4 Interpretation

In this Act:

**‘Clerk’** means the person appointed as the Clerk of Parliament pursuant to *Article 33 of the Constitution*;

**‘Committee’** or **‘Committees’** unless specifically referred to by its name, refers to one or more of the Committees established under the *Standing Orders of the Parliament of Nauru* or any other written law;

**‘employee’** means any staff or officer of the Office;

**‘Office’** means the Office of Parliamentary Services established by Section 5;

**‘Parliament’** refers to the Parliament of Nauru established as the Legislature under *Article 26 of the Constitution* and the Office established under this Act to provide services to the Parliament;

**‘precinct’** has the same meaning it has in the *Parliamentary Powers, Privileges and Immunities Act 1976*;

**‘responsible Minister’** has the same meaning it has in Section 2 of the *Public Finance (Control and Management) Act 1997*;

**‘Speaker’** means the Speaker of Parliament referred to in *Article 34 of the Constitution*; and

**‘Standing Orders’** refer to the *Standing Orders of the Parliament of Nauru*.

## **PART 2 – OFFICE OF PARLIAMENTARY SERVICES**

### **5 Establishment of the Office of Parliamentary Services**

- (1) There shall be established an Office of Parliamentary Services, which shall provide autonomous Parliamentary Services independent of the other branches of the Government.
- (2) The Office may:
  - (a) sue and be sued;
  - (b) enter into contracts and other legal obligations;
  - (c) acquire, hold, manage and dispose of real or personal properties; and
  - (d) have all such powers, functions, duties and responsibilities of a corporation established under the *Corporations Act 1972*.
- (3) For the purposes of this Act, the Speaker shall have the power to execute agreements, receive documents for court proceedings, and such other matters except for any matter specifically provided for under this Act or any other written law.
- (4) The Office consists of the:
  - (a) Clerk of Parliament; and
  - (b) employees of the Office.

### **6 Functions of the Office**

- (1) The functions of the Office shall include:
  - (a) providing impartial legal, financial or other advice and support to the Parliament, its Committees and Members of Parliament;
  - (b) providing impartial legal or other advice on the Standing Orders and parliamentary practice and procedure;
  - (c) developing and conducting public education programs and awareness on Bills and legislation;
  - (d) conducting public awareness on the role and functions of the Parliament and its Committees;
  - (e) providing administrative and support services to the Parliament, its Committees and Members of Parliament;
  - (f) ensuring the accurate and efficient reporting of the proceedings of Parliament and meetings of its Committees;
  - (g) maintaining an official record of proceedings of the Parliament and its Committees;

- (h) providing library and information facilities and services for Members of Parliament;
  - (i) providing secretarial support services to enable the Parliament, its Committees and Members of Parliament to operate efficiently;
  - (j) providing business support functions, including administering support services for Members of Parliament who are not part of the Executive;
  - (k) maintaining the precincts and properties of the Parliament; and
  - (l) any other function conferred to it under this Act, any other written law or as may be necessary.
- (2) For the avoidance of doubt, the functions to be performed by the Office do not relate to the constitutional functions of the Legislature, the Speaker, Deputy Speaker and Clerk.

**7 Separation of employees of the Office from the Public Service**

- (1) The employees of the Office are not public service employees.
- (2) The Clerk and the employees are not subject to the control or direction of the Executive branch of the Government.

**PART 3 – SPEAKER**

**8 Administrative functions of the Speaker**

- (1) The Speaker shall have the general control and direction of the Parliamentary precincts, properties, employees, and the operational services to be provided under this Act to the Parliament, its Committees and Members of Parliament.
- (2) The Speaker shall perform the following functions under this Act:
  - (a) present the annual financial plans and estimates of the Office;
  - (b) make policies to guide the operation and management of the Office;
  - (c) supervise the management, operation and delivery of services by the Office;
  - (d) establish different Sections or Divisions within the Office to ensure efficient and economical delivery of services;
  - (e) execute an agreement, arrangement or understanding which the Office may require;
  - (f) make policies or subsidiary legislation for the recruitment, tenure of appointment, discipline or termination of employees or any other employment matters under this Act; and
  - (g) perform such other functions as required by this Act or as may be necessary to give full effect to the objectives of this Act.

- (3) The Speaker may delegate any of the functions conferred upon him or her under this Act to the Deputy Speaker, Clerk, a Committee or such other person he or she may deem appropriate.
- (4) The Speaker shall have all such powers necessary to carry out or perform his or her functions under this Act.

## **PART 4 – CLERK OF PARLIAMENT**

### **9 Clerk of Parliament**

- (1) The Speaker shall appoint a Clerk of Parliament pursuant to *Article 33(1)* of the *Constitution*.
- (2) The Clerk shall be the head of the Office and is responsible to the Speaker for managing the day to day operations of the Office, including carrying out any direction of the Speaker under this Act.

### **10 Functions of the Clerk**

- (1) The Clerk shall:
  - (a) carry out such duties and exercise such powers as is conferred on the Clerk by the *Constitution*, any other written law, Standing Orders and customs and practices of the Parliament;
  - (b) ensure accurate recording of all proceedings of Parliament and its Committees;
  - (c) in performing operational duties under this Act, be responsible to the Speaker for the efficient and economical management of the Office;
  - (d) provide advice and recommendation to the Speaker with respect to any matter for consideration by the Speaker;
  - (e) implement the provisions of this Act; and
  - (f) take all necessary steps to implement all such decisions of the Speaker that require action to be taken by the Office.
- (2) The Clerk shall have all such powers necessary to carry out or perform his or her functions under this Act.

### **11 Remuneration and conditions of employment**

- (1) The Clerk shall be paid the salary and allowances provided for under the *Statutory Salaries Act 1974*.
- (2) The terms and conditions of employment of the Clerk shall be determined and prescribed by the Speaker.

- (3) The salary and allowances payable to the Clerk and other conditions of service shall not be altered to the Clerk's disadvantage during the term of his or her appointment.
- (4) The salary and allowances payable to the Clerk shall be a direct charge on the Treasury Fund.

## **12 Appointment of acting Clerk**

Where the Clerk is unable to perform the functions and duties of the Office, the Speaker shall appoint a senior employee to perform the functions and duties of the Clerk in accordance with *Article 33(4)* of the *Constitution*.

## **13 Vacation of office**

- (1) The Clerk may resign from his or her office by giving a notice in writing delivered to the Speaker.
- (2) The Clerk ceases to hold office if he or she resigns or is removed under *Section 15*.

## **14 Suspension of the Clerk**

- (1) The Speaker may suspend the Clerk on the ground of:
  - (a) misconduct; or
  - (b) physical or mental impairment or incapacity, if such impairment or incapacity substantially affects the performance of the Clerk's functions.
- (2) The Speaker shall give the Clerk a written notice of the suspension stating the reasons for such suspension.
- (3) The Clerk's salary, allowances or any other terms and conditions of service shall continue while the Clerk remains suspended.
- (4) The suspension of the Clerk shall be for a reasonable period of time which in any case shall not be for more than 30 days.
- (5) Where the Speaker is satisfied following an investigation that no further action is required, he or she shall inform the Clerk accordingly, who shall then return to perform his or her functions and exercise his or her powers.

## **15 Removal of the Clerk**

- (1) The Speaker may remove the Clerk from office at any time.
- (2) The Speaker shall give a written notice of removal with the reason of such removal to the Clerk.
- (3) Where the Speaker has decided to remove the Clerk, he or she may table a report in Parliament during the sitting immediately after the decision is conveyed to the Clerk.



**16 Disclosure of interests by the Clerk**

- (1) The Clerk shall disclose to the Speaker in writing:
  - (a) any conflict of interest he or she has in connection with his or her appointment, performance of any functions or exercise of any powers as the Clerk; or
  - (b) any conflict of interest he or she has in the carrying out of any specific duty or responsibility.
- (2) Where the Clerk is unable to perform his or her duties for a reason under subsection (1), the Speaker may appoint a senior employee to carry out that specific duty or responsibility of the Clerk.

**17 Prohibition on holding other office**

The Clerk shall not hold any office of profit or engage in any occupation for reward outside the Office of the Clerk of Parliament.

**PART 5 – PARLIAMENTARY LEGAL COUNSEL**

**18 Parliamentary Legal Counsel**

- (1) There shall be a Parliamentary Legal Counsel appointed under this Act as an employee of the Office.
- (2) The Speaker may in consultation with the Clerk:
  - (a) appoint a Parliamentary Legal Counsel who shall provide legal advice or representation including in litigation for the Office, Speaker, Members of Parliament and Committees;
  - (b) provide for the remuneration and other terms and conditions of employment of the Parliamentary Legal Counsel; and
  - (c) assign such other duties and responsibilities as he or she deems appropriate.
- (3) The Parliamentary Legal Counsel is an employee of the Office and shall report to the Clerk.

**19 Legal advice from Department of Justice**

- (1) In the absence of a Parliamentary Legal Counsel, the Office may seek legal:
  - (a) assistance from the Department of Justice limited to matters which are or not likely to conflict with the Executive Branch of the Government; or
  - (b) advice or assistance from a legal practitioner in private practice within or outside the Republic.

- (2) The Office may seek legal advice on matters for which the Department of Justice is solely responsible for providing legal advice.
- (3) For the purposes of subsection (1)(a), the Secretary for Justice may decide whether the nature of advice or assistance sought constitutes conflict of interest and shall accordingly inform the Clerk in writing.

## **PART 6 – EMPLOYEES OF THE OFFICE**

### **20 Employees of the Office**

- (1) The Clerk may employ such persons necessary for the performance of the functions and duties of the Office under this Act and any other written law.
- (2) The Clerk may in consultation with the Speaker:
  - (a) determine the terms and conditions of employment or engagement of the employees;
  - (b) fix the levels of remuneration, which in so far as practicable, be commensurate with the public service salary scale;
  - (c) assign positions, titles and duties in accordance with any Section and Division established by the Speaker under this Act;
  - (d) transfer an employee to a different Section or Division or promote an employee within the Office establishment; or
  - (e) discipline, suspend or dismiss any employee in the manner as may be prescribed.
- (3) The Speaker in consultation with Clerk, may make regulations to provide for the following:
  - (a) terms and conditions of employment of employees;
  - (b) establishment of different Sections or Divisions; and
  - (c) the fixing of remuneration.

### **21 Outside employment**

- (1) An employee shall not engage in any outside employment without the prior approval of the Clerk.
- (2) An employee shall apply in writing to the Clerk for authorisation to engage in outside employment.
- (3) The Clerk may, in consultation with the Speaker and the employee's immediate Supervisor, refuse the application under subsection (2) if the Clerk believes on reasonable grounds that the outside employment would:
  - (a) be in conflict with the employee's employment;
  - (b) adversely affect the performance of the employee's duties; or

(c) be incompatible with the Office's Code of Conduct and Values.

**22 Recognition of continuity of service**

- (1) Where an existing employee continues with his or her employment or a public service employee is appointed to the Office under this Act, the period of such person's continuous service of employment, shall be deemed to be continuous service without the abatement or loss of any such continuous service or accrued rights under this Act or any other written law.
- (2) Subsection (1) does not apply where any accrued right is exhausted or entitlement has been paid out upon ceasing of employment to join the Office.

**23 Transfer of employee not to affect his or her rights**

- (1) Where an existing employee:
  - (a) transfers to the public service immediately prior to the coming into effect of this Act; or
  - (b) continues with his or her employment in the Office after the coming into effect of this Act, is transferred or appointed to the public service,  
  
the period of such person's continuous service of employment under this Act shall be deemed to be continuous service in the public service without the abatement or loss of any such continuous service or accrued rights under the *Public Service Act 2016*.
- (2) Subsection (1) does not apply where any accrued right is exhausted or entitlement has been paid out upon ceasing of employment to join the Office.

**24 Secondment of employees in the Office and public service**

- (1) Where an employee of the public service or the Office, is seconded for a period of time to either the Office or the public service, as the case may be, the rights and entitlements of the employment of that employee under the *Public Service Act 2016* or this Act respectively, shall not be abated for the reason of the period of secondment.
- (2) For the purpose of Section 37, a public service employee under this Section is deemed to be an employee of the Office.

**25 No employee to be dismissed except under Act**

An employee shall not be subjected to any form of disciplinary proceedings other than that provided for under this Act.

**26 Right of appeal**

- (1) The Public Service Appeals Board is conferred the power to hear and determine an appeal from a decision of the Clerk under subsection (2).

- (2) The following decisions of the Clerk are appealable to the Public Service Appeals Board:
  - (a) a decision to appoint or promote another person;
  - (b) a decision under this Act or regulations that the employee has committed any misconduct;
  - (c) a decision imposing any penalty on the employee under this Act or regulations; and
  - (d) a decision to:
    - (i) reduce the employee's classification; or
    - (ii) terminate the employment of the employee.
- (3) An employee is not entitled to appeal against a decision to appoint or promote a person to a position unless:
  - (a) the employee was an applicant for that position; and
  - (b) the movement of the employee to that position would have been a promotion.
- (4) The only ground of appeal in relation to a decision to appoint or promote a person is that the employee appealing has more merit for that position than the person who was appointed or promoted.
- (5) Where an employee has appealed against a decision to appoint or promote another person to a position, the appeal lapses where:
  - (a) the employee is promoted to a position of the same or an equivalent grade;
  - (b) the appointment or promotion of the other person is cancelled; or
  - (c) the position becomes vacant.
- (6) This Section does not apply to the Clerk.

## **27 Application of Acts**

Subject to the provisions of this Act, employees are subject to the provisions of any written law with necessary modifications expressly applied to them by the Parliament, whether before or after the commencement of this Section.

## **28 Clerk may draw on administrative services of the Republic**

- (1) In exercising any power or performing a function or duty under this Act, the Clerk may in consultation with the Speaker, for operational services of the Office, seek administrative support, services or advice from any entity of the Republic.

- (2) The Office may enter into an agreement, arrangement or understanding in order to provide and receive the support, services or advice under subsection (1).

## **PART 7 – VALUES AND EMPLOYMENT PRINCIPLES**

### **29 Values**

- (1) The values of the employees are contained in Schedule 1.
- (2) Schedule 1 may be amended by Regulations made by the Speaker.

### **30 Code of Conduct**

- (1) The employees shall comply with the Code of Conduct in Schedule 2.
- (2) Schedule 2 may be amended by Regulations made by the Speaker.

### **31 Parliamentary administration employment principles**

The Speaker in consultation with the Clerk shall establish and publish in writing employment processes that will ensure that:

- (a) employment decisions are based on merit;
- (b) employees are treated fairly and reasonably;
- (c) equal employment opportunity is provided; and
- (d) employees have a reasonable avenue of redress against unfair or unreasonable treatment.

### **32 Hours of work**

- (1) Subject to subsection (2), the hours of work of employees shall be from 9.00am to 5.00pm on Monday to Friday.
- (2) The employees shall when required by the Speaker or Clerk, perform such duties outside the normal work hours to meet the exigencies of Parliamentary business.
- (3) The provisions of public holidays apply to the employees.

### **33 Leave entitlements**

- (1) An employee shall have the following leave entitlements:
  - (a) recreation leave of 20 working days per year;
  - (b) special leave of 3 working days per year;
  - (c) sick leave of 10 working days per year;

- (d) maternity leave of 84 consecutive days to be taken at an appropriate time on the advice of a health practitioner;
  - (e) paternity leave of 10 working days per year;
  - (f) furlough and long service leave; and
  - (g) any such other leave which the Clerk in consultation with the Speaker may approve.
- (2) The procedure for taking any leave under subsection (1) may be as prescribed.
- (3) The leave entitlement for an employee under this Act shall be similar to the leave entitlement for an employee under the *Public Service Act 2016*.

**34 Purpose of furlough and long service leave**

- (1) Furlough and long service leave is available on full pay to an employee to enable the employee to be absent from duty in recognition of such employee's length of service.
- (2) An employee becomes entitled to long service leave after completing a continuous period of service of 5 years.
- (3) An employee is entitled to furlough leave after having served for a continuous period of 10 years.
- (4) Where an employee, who has become eligible for furlough or long service leave, dies without taking the same his or her estate shall be paid a sum equivalent to the amount of the employee's furlough or long service leave.

**35 Calculation of furlough leave**

- (1) An employee who has served for a continuous period of 10 years is eligible for furlough leave of 60 days and 9 days after completion of each additional year of service.
- (2) Subject to subsection (3), any accrued furlough leave may be taken by an employee on the approval of the Clerk and relevant supervisor.
- (3) The Clerk may allow the encashment of any accrued furlough leave.

**36 Calculation of long service leave**

- (1) The Clerk shall grant long service leave as follows:
- (a) where the period of service is not less than 5 years but is less than 8 years, 20 working days; and
  - (b) where the period of service is not less than 8 years but is less than 10 years, 40 working days.

- (2) Long service leave accrued under subsection (1), shall only be granted by the Clerk on the expiry of contracts, retirement or resignation of an employee.
- (3) The Clerk may allow the encashment of any accrued long service leave.

**37 Discipline of employees**

The Speaker may in consultation with the Deputy Speaker and the Clerk make regulations providing for:

- (a) disciplinary offences and penalties for such offences;
- (b) the procedure for the conducting of disciplinary investigation, offence and penalty; and
- (c) the procedure for appeals to the Public Service Appeals Board.

**PART 8 – FINANCIAL PROVISIONS**

**38 Financial year estimates**

- (1) In each financial year, the Office shall prepare and submit to the Minister for Finance estimates for that year, the expenses and services of the Office and the Parliament.
- (2) The Speaker shall present the estimates in subsection (1) to the Minister for Finance.
- (3) The Minister for Finance shall cause the estimates to be laid before the Parliament without revision but with any recommendations that the Government may have.
- (4) All salaries, allowances and other expenditure payable or incurred under or in the administration of this Act shall be paid out of the Treasury Fund from moneys appropriated for that purpose by Parliament.

**39 Funds of the Office**

- (1) There shall be established for the purposes of the Office a special fund to be known as the 'Parliamentary Services Fund'.
- (2) The funds for the administration and operation of the Office shall be:
  - (a) as appropriated by the Parliament;
  - (b) funds received from the Government for the purposes of the Act; and
  - (c) any such other funds including grants or aid.
- (3) Subject to *Articles 58 and 59 of the Constitution*, the sums of money required for the purposes of the Fund in subsection (1) which have been appropriated by the Parliament, shall be paid by the Secretary for Finance into the Parliamentary Services Fund in equal sums on a quarterly basis on 1<sup>st</sup> July, 1<sup>st</sup> October, 2<sup>nd</sup> January and 1<sup>st</sup> April of each year.

- (4) The Secretary for Finance shall have electronic access to the account where the Parliamentary funds are kept for the purposes of maintaining accountability and financial planning.
- (5) The Clerk shall provide quarterly financial reports to the Secretary for Finance on the expenditure of the Office for the purposes of accountability and financial planning.
- (6) The administration and control of the Fund shall vest in the Speaker, who shall perform all such duties and responsibilities assigned to the responsible Minister under the *Public Finance (Control and Management) Act 1997*.
- (7) The Office shall establish such bank account as necessary for the purposes of the Fund taking into account that any grants, aid or other donations shall be appropriately accounted for and kept separate from the moneys appropriated by the Parliament for operational expenditure.
- (8) Where the Speaker considers it necessary to increase the amount assigned in the estimates to a particular subhead, the Speaker may direct that there shall be applied to the aid of that subhead a further sum out of any surplus arising on any other subhead, but so that the total amount withdrawn and expended does not exceed the total budget amount authorised by the Parliament.
- (9) For the purposes of subsection (8), an inter sub head transfer shall be:
  - (a) in writing;
  - (b) jointly authorised by the Speaker, Deputy Speaker and the Clerk in place of the Cabinet as required under Section 8(5) of the *Public Finance (Control and Management) Act 1997*; and
  - (c) a copy of such authorisation be provided to the Secretary for Finance.
- (10) The provisions of the *Treasury Fund Protection Act 2004* shall apply to the Fund established under this Act.
- (11) The *Public Finance (Control and Management) Act 1997* shall apply to the Fund established under this Act and:
  - (a) the Speaker shall perform all the functions and exercise the powers of the responsible Minister assigned under that Act; and
  - (b) the Clerk shall perform all such functions and exercise the powers of the Head of Department assigned under that Act.
- (12) Any surplus or unexpended appropriated funds at the end of the financial year shall revert to the Treasury Fund.
- (13) The Speaker and the Clerk shall be the co-signatories of the Fund.



- (14) The Speaker and the Minister for Finance may jointly make such rules or financial instructions for the administration of the transfer or management of the appropriated funds to and from the Treasury fund.

**40 Expenses of Parliament**

The administrative and operations expenses of the Office shall include salaries, allowances, and pensions payable to or in respect of persons serving or who have served Parliament and are eligible for payment.

**41 Office may establish procedures and expenditures**

The Office may establish procedures and expenditures involving:

- (a) official travel;
- (b) purchases necessary for the administration and operation of the Office; and
- (c) regular property maintenance.

**42 Transfer of funds within division and supplementary budget**

- (1) Notwithstanding any other written law, if it becomes necessary to alter the amounts assigned to the sub-division under a division of expenditure or to create a new sub-division, the Speaker may in writing approve the application in aid of any sub-division which may be deficient or any new sub-division a sum or further sum, as the case may be, out of any surplus arising on any other sub-division of the same division.
- (2) Where any funds in addition to the appropriated funds are required, a supplementary budget shall be appropriated by the Parliament in the same manner and form as the annual budget.

**43 Accounts and audit**

- (1) The Clerk shall be the accounting officer of the Office and is charged with the responsibility of financial accountability under the *Public Finance (Control and Management) Act 1997* and the *Treasury Fund Protection Act 2004*.
- (2) The provisions of the *Audit Act 1973* apply to the Office.
- (3) The Auditor General shall prepare the annual audit report for the Office for tabling in Parliament.
- (4) The Speaker shall table the report in subsection (3) within 60 days of receipt of the report from the Auditor General.

**44 Properties of the Office**

Any property purchased or received by way of gifts or donations shall be the property of the Office.

## PART 9 – MISCELLANEOUS

### 45 Annual Report

- (1) The Clerk shall prepare an annual report on the performance of the functions, duties and powers of the Office during the year and any other matter required or authorised by this Act or any other written law to be disclosed or reported.
- (2) The annual report shall be tabled in Parliament within 3 months of the end of the financial year by the Speaker.

### 46 Protection from liability

The Speaker, Deputy Speaker, Clerk and employees shall not be liable for any loss or damage arising from or be subject to any criminal prosecution and civil claims for the performance of a function or duty or exercise of a power in good faith under this Act or any other written law.

### 47 Application of Republic Proceedings Act 1972

The *Republic Proceedings Act 1972* shall apply *mutatis mutandis* to the Office in relation to any proceedings under this Act in the same manner and form as it applies to an instrumentality of the Republic or a Department.

### 48 Parliamentary Powers Privileges and Immunities Act 1976

For the avoidance of doubt, the provisions of this Act do not affect the application of the *Parliamentary Powers Privileges and Immunities Act 1976*.

### 49 Election candidates

- (1) An employee who intends to submit a nomination as a candidate in Nauru's general elections shall resign within 3 months from the date the writ of elections is published under Section 56 of the *Electoral Act 2016*.
- (2) An employee who intends to submit a nomination as a candidate:
  - (a) in a by-election; or
  - (b) in a general election which is held due to an early dissolution of Parliament under *Article 41(7)* of the *Constitution*,shall resign within 5 days from the date the writ of elections is published under Section 56 of the *Electoral Act 2016*.

### 50 Regulations

- (1) The Speaker may make Regulations under this Act.
- (2) Regulations may make provision about matters for the administration of the Office.

## PART 10 – SAVINGS AND TRANSITIONAL PROVISIONS

### 51 Definition

'*changeover day*' means the day this Act comes into force and this Part commences.

### 52 Existing officers and employees - general

- (1) Subject to this Act, a person who was an officer or employee under the *Public Service Act 2016* and has held a position at the Parliament immediately before the changeover date is taken to be an employee under this Act.
- (2) Except as amended by this Act, the terms and conditions of employment of a person to whom subsection (1) applies, shall on the changeover date and until varied or superseded, be the same as the terms and conditions of that person's employment immediately before the changeover day.
- (3) If there is doubt about whether a person is an existing officer or employee, the Speaker may, if the person asks, declare the person to be an employee of the Office.
- (4) On making the declaration, subsections (1) and (2) are taken to have always applied to the person.
- (5) This Act does not affect the length of employment of any existing officer or employee.

### 53 Existing Clerk

- (1) The person who held appointment as Clerk immediately before the changeover day is taken to have been appointed to that office on the changeover day in accordance with the *Constitution* and this Act.
- (2) The terms and conditions of employment of the Clerk shall be deemed to continue under this Act.

### 54 Budget and assets

- (1) The moneys appropriated under the *Appropriation Act 2020-21* is deemed to be appropriated for the Office on the coming into effect of this Act.
- (2) The Parliamentary precincts and all other properties and assets currently under the management and administration of the Parliament are deemed to be transferred and be managed and administered by the Office on the coming into effect of this Act.

### 55 Transitional regulations

- (1) The Cabinet may, on the recommendation of the Speaker, make transitional regulations that make provision about a matter for which:
  - (a) it is necessary to make provision for the transition to the operation of this Act; and

(b) this Act does not make provision or sufficient provision.

(2) A transitional regulation:

(a) may have retrospective operation to a date not earlier than the commencement date; and

(b) to the extent to which it has retrospective operation, does not operate to the disadvantage of a person by adversely affecting the person's rights or imposing liabilities on the person.

(3) This Section expires 12 months after the commencement date of this Act.

## **SCHEDULE 1**

*[Section 29(1)]*

### **VALUES OF EMPLOYEES**

The employees are to:

- (a) conduct himself or herself in a manner that promotes the national image and interests of the Republic;
- (b) be patriotic and loyal to the Republic;
- (c) conduct himself or herself with honesty and integrity in the delivery of service having regard to principles of political neutrality, professionalism, economy, efficiency, equality, courtesy and discipline;
- (d) declare and take reasonable steps to avoid any conflict of interest in connection with the services of the Office;
- (e) while on official travel, conduct himself or herself in a manner that promotes the good image of the Republic;
- (f) promote gender equality and respect for the rights and freedoms of other persons;
- (g) inspire public confidence in and respect for the institution of Parliament;
- (h) foster understanding and cooperation amongst the three branches of the Government namely, the Parliament, Executive and Judiciary in the separation of powers and concurrently complementing each other; and
- (i) combat corruption and misuse or wastage of public resources.

## SCHEDULE 2

[Section 30(1)]

### CODE OF CONDUCT OF EMPLOYEES

The Code of Conduct for employees is as follows:

- (1) **Responsiveness:** employees should demonstrate responsiveness by:
  - (a) providing frank, impartial and timely advice to the Parliament;
  - (b) providing high quality services to the Nauru community; and
  - (c) identifying and promoting best practice;
  
- (2) **Integrity:** employees should demonstrate integrity by:
  - (a) being honest, open and transparent in their dealings;
  - (b) using powers responsibly;
  - (c) reporting improper conduct;
  - (d) avoiding any real or apparent conflicts of interest; and
  - (e) striving to earn and sustain public trust of a high level;
  
- (3) **Impartiality:** employees should demonstrate impartiality by:
  - (a) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
  - (b) acting fairly by objectively considering all relevant facts and fair criteria;
  
- (4) **Accountability:** employees should demonstrate accountability by:
  - (a) working to clear objectives in a transparent manner;
  - (b) accepting responsibility for their decisions and actions;
  - (c) seeking to achieve best use of resources; and
  - (d) submitting themselves to appropriate scrutiny;
  
- (5) **Respect:** employees should demonstrate respect for members of Parliament, colleagues, other public officials and members of the Nauruan community by:
  - (a) treating them fairly and objectively;
  - (b) ensuring freedom from discrimination, harassment and bullying; and
  - (c) using their views to improve outcomes on an ongoing basis; and
  
- (6) **Leadership:** employees should demonstrate leadership by actively implementing, promoting and supporting these values.