

PARLIAMENTARY SERVICES

Table of Contents

	<i>Page</i>
<i>Principal</i>	
Parliamentary Services Act 2020	
Table of Provisions	720,201
Table of Amendments	720,401
Parliamentary Services Act 2020	720,601
<i>Subsidiary</i>	
Parliamentary Services (Employment and Procedures) Regulations 2021	
Table of Provisions	723,001
Table of Amendments	723,201
Parliamentary Services (Employment and Procedures) Regulations 2021	723,401
Parliamentary Services (Remuneration) Regulations 2021	
Table of Provisions	728,001
Table of Amendments	728,201
Parliamentary Services (Remuneration) Regulations 2021	728,401
Parliamentary Services (Vehicles) Regulations 2021	
Table of Provisions	731,001
Table of Amendments	731,201
Parliamentary Services (Vehicles) Regulations 2021	731,401
Parliamentary Services (Disciplinary) Regulations 2021	
Table of Provisions	736,001
Table of Amendments	736,201
Parliamentary Services (Disciplinary) Regulations 2021	736,401
Parliamentary Services (Appeals) Regulations 2021	
Table of Provisions	740,001
Table of Amendments	740,201
Parliamentary Services (Appeals) Regulations 2021	740,401
Parliamentary Services (Financial Instructions) Finance Rules 2021	
720,001	Service 0

	<i>Page</i>
Table of Provisions	744,001
Table of Amendments	744,201
Parliamentary Services (Financial Instructions) Finance Rules 2021 ..	744,401
Parliamentary Services (Procurement) Finance Rules 2021	
Table of Provisions	748,001
Table of Amendments	748,201
Parliamentary Services (Procurement) Finance Rules 2021	748,401

[The next page is 720,201]

Parliamentary Services Act 2020

TABLE OF PROVISIONS

Section

Title

PART 1 — PRELIMINARY

- 1 Short title
- 2 Commencement
- 3 Objectives
- 4 Interpretation

PART 2 — OFFICE OF PARLIAMENTARY SERVICES

- 5 Establishment of the Office of Parliamentary Services
- 6 Functions of the Office
- 7 Separation of employees of the Office from the public service

PART 3 — SPEAKER

- 8 Administrative functions of the Speaker

PART 4 — CLERK OF PARLIAMENT

- 9 Clerk of Parliament
- 10 Functions of the Clerk
- 11 Remuneration and conditions of employment
- 12 Appointment of acting Clerk
- 13 Vacation of office
- 14 Suspension of the Clerk
- 15 Removal of the Clerk
- 16 Disclosure of interests by the Clerk
- 17 Prohibition on holding other office

PART 5 — PARLIAMENTARY LEGAL COUNSEL

- 18 Parliamentary Legal Counsel
- 19 Legal advice from Department of Justice

PART 6 — EMPLOYEES OF THE OFFICE

- 20 Employees of the Office
- 21 Outside employment
- 22 Recognition of continuity of service
- 23 Transfer of employee not to affect his or her rights
- 24 Secondment of employees in the Office and public service
- 25 No employee to be dismissed except under this Act
- 26 Right of appeal

<i>Section</i>	<i>Title</i>
27	Application of Acts
28	Clerk may draw on administrative services of the Republic

PART 7 — VALUES AND EMPLOYMENT PRINCIPLES

29	Values
30	Code of Conduct
31	Parliamentary administration employment principles
32	Hours of work
33	Leave entitlements
34	Purpose of furlough and long service leave
35	Calculation of furlough leave
36	Calculation of long service leave
37	Discipline of employees

PART 8 — FINANCIAL PROVISIONS

38	Financial year estimates
39	Funds of the Office
40	Expenses of Parliament
41	Office may establish procedures and expenditures
42	Transfer of funds within division and supplementary budget
43	Accounts and audit
44	Property of the Office

PART 9 — MISCELLANEOUS

45	Annual report
46	Protection from liability
47	Application of Republic Proceedings Act 1972
48	Parliamentary Powers, Privileges and Immunities Act 1976
49	Election candidates
50	Regulations

PART 10 — SAVINGS AND TRANSITIONAL PROVISIONS

51	Definition
52	Existing officers and employees - general
53	Existing Clerk
54	Budget and assets
55	Transitional regulations

SCHEDULE 1 — VALUES OF EMPLOYEES

SCHEDULE 2 — CODE OF CONDUCT OF EMPLOYEES

[The next page is 720,401]

Parliamentary Services Act 2020

TABLE OF AMENDMENTS

The Parliamentary Services Act 2020 No 2 was certified on 3 February 2021 and commenced on 1 July 2021.

Amending Legislation	Certified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Parliamentary Services (Amendment) Act 2022 No 11	8 June 2022	8 June 2022

[The next page is 720,601]

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.

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*.

[The next page is 720,801]

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 incorporated 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 programmes 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.

[The next page is 721,001]

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.

[The next page is 721,201]

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 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.

[The next page is 721,401]

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.

[The next page is 721,601]

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 the 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 may:
 - (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 this 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 Act.

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).

[The next page is 721,801]

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 9.00am to 5.00pm from 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 is 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 is entitled to 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 entitled to 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 a contract, 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.

[The next page is 722,001]

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 monies 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 this 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 1st July, 1st October, 2nd January and 1st 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 grant, aid or other donation shall be appropriately accounted for and kept separate from the monies 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 subhead 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 Property of the Office

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

[The next page is 722,201]

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 contest in an election shall resign in accordance with Section 59 of the *Electoral Act 2016*.

[subs (1) subst Act 11 of 2022 s 4, opn 8 June 2022]

- (2) An employee who resigns may apply to be re-employed in the Office, if he or she:
 - (a) is a candidate at an election and fails to be elected at such election;
 - (b) applies in writing to the Clerk for re-employment in the Office not earlier than 30 days from the first sitting of the Parliament after the election; and
 - (c) gives a written undertaking that he or she does not intend to challenge the results of the election.

[subs (2) subst Act 11 of 2022 s 4, opn 8 June 2022]

50 Regulations

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

[The next page is 722,401]

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 monies 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.

[The next page is 722,601]

SCHEDULE 1

[Section 29(1)]

VALUES OF EMPLOYEES

An employee is 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 3 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.

[The next page is 722,801]

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 Nauruan 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.

[The next page is 723,001]

Parliamentary Services (Employment and Procedures) Regulations 2021

TABLE OF PROVISIONS

Regulation

Title

PART 1 — PRELIMINARY

1	Citation
2	Commencement
3	Objectives
4	Interpretation
5	Meaning of ‘absent without leave’
6	Meaning of ‘continuous period of service’

PART 2 — STRUCTURE OF THE OFFICE OF PARLIAMENTARY SERVICES

7	Establishment of Divisions
8	Establishment of Sections
9	Office positions
10	Office position may be held on a permanent basis or fixed term, or be vacant
11	Reduction in remuneration following re-classification
12	Increase in remuneration following re-classification
13	Change of eligibility requirements

PART 3 — SELECTION AND APPOINTMENT OF EMPLOYEES

14	Merit principle applicable to all appointments
15	Advertising vacant position
16	Eligibility for appointment
17	Basis of appointment – permanent or fixed term
18	Medical and Police clearance
19	Publication of notice of appointment
20	Probationary period
21	Vacancies filled by internal transfer or promotion
22	Power of Clerk to transfer after 3 years
23	Permission to decline promotion or transfer
24	Employment of temporary employees
25	Review of status of temporary employee
26	Temporary employee – application of Code of Conduct
27	Temporary employees – application of Disciplinary Regulations

<i>Regulation</i>	<i>Title</i>
28	Contract positions
29	Contract position held by a permanent employee
30	Employment of contract employees
31	Misconduct by contract employees
32	Managing the work performance of a contract employee
33	Termination of employment – contract employee

PART 4 — TERMS AND CONDITIONS OF EMPLOYMENT

DIVISION 1 — HOURS OF ATTENDANCE

34	Standard hours of attendance
35	Base hours of attendance for each working day
36	Absence without leave
37	Overtime
38	Record of attendance

DIVISION 2 — LEAVE GENERALLY

39	Definition of employee
----	------------------------

DIVISION 3 — RECREATION LEAVE

40	Purpose of recreation leave
41	Entitlement to recreation leave
42	Accumulation of recreation leave – maximum
43	Taking recreation leave
44	Public holiday during recreation leave

DIVISION 4 — SICK LEAVE

45	Purpose of sick leave
46	Entitlement to sick leave
47	Taking sick leave – evidence
48	Taking sick leave – amount
49	Public holiday during sick leave

DIVISION 5 — MATERNITY LEAVE

50	Purpose of maternity leave
51	Entitlement to maternity leave
52	Taking maternity leave
53	Returning to duty after maternity leave
54	Restriction on termination

DIVISION 6 — PATERNITY LEAVE

55	Purpose of paternity leave
56	Entitlement to paternity leave
57	Taking paternity leave

DIVISION 7 — ADOPTION LEAVE

58	Purpose of adoption leave
----	---------------------------

<i>Regulation</i>	<i>Title</i>
59	Entitlement to adoption leave
60	Taking adoption leave
DIVISION 8 — SPECIAL LEAVE	
61	Purpose of special leave
62	Entitlement to special leave
63	Application for special leave
DIVISION 9 — OFFICIAL LEAVE	
64	Purpose of official leave
65	Application for official leave
66	Allowances for official leave
DIVISION 10 — LEAVE WITHOUT PAY	
67	Purpose of leave without pay
68	Taking leave without pay
DIVISION 11 — LONG SERVICE LEAVE	
69	Purpose of long service leave
70	Calculation of long service leave
71	Taking long service leave
72	Furlough Leave
73	Calculation and taking of Furlough Leave
DIVISION 12 — OTHER LEAVE OF ABSENCE	
74	Leave of absence for Office employees called as witnesses
DIVISION 13 — PUBLIC HOLIDAYS	
75	Public holidays
PART 5 — EMPLOYEE RECORDS	
76	Identification Card
77	Personal files
PART 6 — TERMINATION OF EMPLOYMENT	
DIVISION 1 — PRELIMINARY	
78	How employment terminates
79	Criminal Offence
DIVISION 2 — RESIGNATION	
80	Resignation of employee
81	Deemed resignation
82	Election candidates – resignation and re-employment
DIVISION 3 — RETIREMENT	
83	Voluntary retirement of employee
84	Clerk may require medical examination

<i>Regulation</i>	<i>Title</i>
85	Medical examination report
86	Medical retirement of employee
87	Death of an employee
DIVISION 4 — REDUNDANCY	
88	Abolition of permanent employee’s substantive position
89	Return of substantive holder – position occupied by temporary employee
90	Abolition of position occupied by temporary employee
91	Requirement to give notice
DIVISION 5 — PERFORMANCE ASSESSMENT	
92	Performance assessment
93	Unsatisfactory performance – remedial action
94	Unsatisfactory performance – alternative action
95	Disciplinary matters and procedure
DIVISION 6 — TERMINATION ENTITLEMENTS	
96	Termination entitlements cumulative
97	Notice requirement – termination of probationary employee
98	Notice requirement – termination of employee
99	Notice requirement – medical retirement
100	Severance entitlement – redundancy
101	Payment of accrued entitlements
102	Deduction of amount if notice not given
PART 7 — GIFTS, DONATIONS, EQUIPMENT AND PROPERTY OF THE OFFICE	
103	Application
104	Declaration of gifts, donations, rewards and other benefits
105	Responsibilities for declared items and other equipment, property or assets
106	Loss and damage to equipment, property or other asset
PART 8 — MISCELLANEOUS	
107	Other instruments and manuals
108	Forms
109	Delegation
SCHEDULE — OATH OF APPOINTMENT	

[The next page is 723,201]

Parliamentary Services (Employment and Procedures) Regulations 2021

TABLE OF AMENDMENTS

The Parliamentary Services (Employment and Procedures) Regulations 2021 SL 14 were notified on 2 July 2021 (GN No 445/2021; Gaz 97/2021) and commenced on 1 July 2021.

Amending Legislation	Notified	Date of Commencement
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[The next page is 723,401]

The Speaker makes the following Regulations under Sections 20(3) and 50 of the *Parliamentary Services Act 2020*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Parliamentary Services (Employment and Procedures) Regulations 2021*.

2 Commencement

These Regulations come into effect on 1 July 2021.

3 Objectives

The objectives of these Regulations are:

- (a) to provide for:
 - (i) the terms and conditions of employment of employees of the Office of Parliamentary Services; and
 - (ii) the establishment of Divisions and Sections in the Office;
- (b) to provide for certain employment processes so as to ensure that:
 - (i) employment decisions are based on merit;
 - (ii) employees are treated fairly and reasonably; and
 - (iii) equal employment opportunity is promoted; and
- (c) to make provision about matters for the administration of the Office and other matters necessary to operationalise the Act.

4 Interpretation

In these Regulations:

‘absent without leave’, is as defined in Regulation 5;

‘accrual year’, for an employee, means a continuous period of service of 12 months beginning on:

- (a) for the employee’s first year of employment in the Office – the day the employee is taken to be an employee under Section 52 of the Act or appointed as an employee; or
- (b) for each following year – the day after the employee completes the previous accrual year;

‘Act’ means the *Parliamentary Services Act 2020*;

‘adoption order’, has the same meaning it has in Section 3 of the *Adoption of Children Act 1965*;

‘adoptive parent’, has the same meaning it has in Section 3 of the *Adoption of Children Act 1965*;

‘balance’, for a type of leave, means the amount of the type of leave an employee has accrued but not used;

‘base hours of attendance’, for an Office employee, means the base hours of attendance that apply to the employee under Regulation 35;

'classification', for an Office position, means a description that identifies the class of positions to which the position belongs;

'Clerk' means the Clerk of Parliament;

'Code of Conduct' means the Code of Conduct in Schedule 2 of the Act;

'continuous period of service', is as defined in Regulation 6;

'contract employee' within the Office means a person who is employed under a contract of employment under Regulation 28;

'Division' means a Division of the Office established under these Regulations;

'employee' has the same meaning as it has in the Act;

'HR Division' means the Division within the Office responsible for human resources and administration;

'leave' includes paid leave, leave without pay and official leave;

'medical certificate' means a certificate given by a registered health practitioner or dentist;

'misconduct' means a breach of the Code of Conduct or the commission of a disciplinary offence prescribed under the *Parliamentary Services (Disciplinary) Regulations 2021*;

'Office' has the same meaning as it has in the Act;

'Office employee' means a person employed in a Division on a permanent basis and does not include a temporary employee, casual employee or contract employee;

'Office position' means a position in the Office created by the Clerk under Regulation 9;

'paid leave' means recreation leave, sick leave, maternity leave, adoption leave, paternity leave, special leave, long service leave or other leave of absence;

'permanent employee' means a person who has completed a probationary period and continuous 12 months service and holds a position in the Office on a permanent basis;

'probationary employee' means a person who holds a position on a probationary period of 6 months or as determined by the Clerk;

'probationary period', for an employee, means:

- (a) the initial period of probation under Regulation 20(2); and
- (b) any extended period under Regulation 20(4);

'public service employee' means a person employed in a Department of the public service on a permanent basis and does not include a temporary employee, casual employee or a contract employee;

'required hours of attendance', for an employee, means:

- (a) the employee's base hours of attendance; and
- (b) any additional hours the employee is required to attend duty under Regulation 37;

'Section' means a Section of the Office established under these Regulations;

'Speaker' means the Speaker of Parliament;

'standard hours of attendance' means the hours specified in Regulation 34;

'substantive holder', of a position, means the permanent employee who holds the position on a permanent basis;

'substantive position', for a permanent employee, means the position the employee holds on a permanent basis;

'supervisor', of an employee, means:

- (a) the relevant head of Division for the employee; or
- (b) a person authorised by the relevant head of Division to supervise the employee;

'temporary employee' means a person who does not hold another Office position and who is employed within the Office for a temporary purpose not exceeding 6 months;

'termination date' means the date an employee's employment in the Office terminates;

'termination entitlement' means an amount an employee is entitled to under Part 6, when the employee's employment in the Office terminates;

'outside employment' means employment outside the Office for which the person employed receives a reward; and

'vacant', for a position, means that the position is not:

- (a) held by a permanent employee on a permanent basis; or
- (b) occupied by a permanent or temporary employee for a fixed term.

5 Meaning of 'absent without leave'

- (1) An employee is **'absent without leave'** if the employee is:
 - (a) absent from duty during the employee's required hours of attendance; and
 - (b) the employee has not been granted leave for the absence.
- (2) The employee is not absent without leave if:
 - (a) the employee informs the employee's supervisor of the absence and the reason for it as soon as practicable;
 - (b) the employee applies for leave for the absence as soon as practicable; and
 - (c) the leave is granted.

6 Meaning of 'continuous period of service'

- (1) A **'continuous period of service'**, for an employee means a period during which the employee is continuously employed in the Office.
- (2) Leave without pay does not break a continuous period of service, but the time the employee is on leave without pay does not count towards the period of service.
- (3) An employee who resigns from his or her employment in the Office, but at a future date re-applies for another position in the Office, breaks his or her continuous period of service when the employee resigned from his or her first position.

[The next page is 723,601]

PART 2 — STRUCTURE OF THE OFFICE OF PARLIAMENTARY SERVICES

7 Establishment of Divisions

The following Divisions are established within the Office:

- (a) the Executive Division;
- (b) the Corporate Services Division; and
- (c) the Legislation Division.

8 Establishment of Sections

The following Sections are established within the Office:

- (a) the Section responsible for finance;
- (b) the Section responsible for human resources and administration;
- (c) the Section responsible for Hansard and official reporting;
- (d) the Section responsible for advisory support;
- (e) the Section responsible for information technology and communications;
- (f) the Section responsible for the library; and
- (g) the Section responsible for support to committees.

9 Office positions

- (1) The Clerk may by Gazette notice:
 - (a) create an Office position; or
 - (b) abolish an Office position.
- (2) The Clerk shall specify, in the Gazette notice that creates an Office position, the classification of the position.
- (3) The Clerk may, by subsequent Gazette notice, change the classification of an Office position.
- (4) The Clerk may specify, in the Gazette notice that creates an Office position or in a subsequent Gazette notice, eligibility requirements for a person holding or occupying the position.
- (5) The Clerk may, by subsequent Gazette notice, change the eligibility requirements of an Office position.
- (6) The Clerk may, in a notice under subregulation (3), (4) or (5), declare that the change of classification or the imposition or change of eligibility requirements does not take effect until the position next becomes vacant.

10 Office position may be held on a permanent basis or fixed term, or be vacant

An Office position may be:

- (a) held on a permanent basis by a permanent employee;
- (b) held on a fixed term by a temporary employee or a contract employee; or
- (c) vacant.

11 Reduction in remuneration following re-classification

- (1) This Regulation applies if:

- (a) the classification of a position, other than a vacant position, is changed; and
 - (b) the rate of remuneration or the maximum rate of remuneration, of the position immediately after the change is lower than the rate of remuneration, or the maximum rate of remuneration, of the position immediately before the change.
- (2) An employee holding or occupying the position immediately before the change of classification may elect to continue to hold or occupy the position under the new classification.
 - (3) If the employee does not elect to continue to occupy or hold the position under the new classification, the position is taken to have been abolished.

12 Increase in remuneration following re-classification

- (1) This Regulation applies if:
 - (a) the classification of a position, other than a vacant position, is changed; and
 - (b) the rate of remuneration or the maximum rate of, of the position immediately after the change is higher than the rate of remuneration, or the maximum rate of remuneration, of the position immediately before the change.
- (2) The position is taken to be vacant one month after the change in classification unless a person is appointed to the position before that time.
- (3) If an employee holding or occupying the position immediately before the change of classification is not re-appointed to the position, the position is taken to have been abolished.

13 Change of eligibility requirements

If:

- (a) the eligibility requirements for a position are changed; and
- (b) the employee who holds or occupies the position does not meet the eligibility requirements and has not done so within a reasonable period allowed by the Clerk,

Division 4 of Part 6 applies to the employee as if the position had been abolished.

[The next page is 723,801]

PART 3 — SELECTION AND APPOINTMENT OF EMPLOYEES

14 Merit principle applicable to all appointments

- (1) The selection of a person for appointment to a position in the Office shall be based on merit alone.
- (2) If the Clerk considers that more than one candidate for appointment to a particular position is suitable for the appointment, the Clerk shall select the candidate the Clerk reasonably believes has the greatest merit for the appointment.
- (3) The Clerk shall take the following matters into account in deciding the merit of a person for appointment to a position:
 - (a) the extent to which the person has the abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities relevant to performing the duties of the position; and
 - (b) if relevant:
 - (i) the way in which the person performed any previous employment duties; and
 - (ii) the extent to which the person has potential for development.

15 Advertising vacant position

- (1) Before a vacancy within the Office is filled, the vacancy shall be advertised:
 - (a) in the Gazette; and
 - (b) in a newspaper or on the Office website.
- (2) A vacancy shall be advertised for a minimum period of 5 working days.

16 Eligibility for appointment

- (1) A person is not eligible for appointment as an Office employee if the person is:
 - (a) under the age of 18 years;
 - (b) a Member of Parliament; or
 - (c) is not a Nauruan citizen.
- (2) A person who is not eligible under subregulation (1)(c) may be appointed as a contract employee.
- (3) Subregulation (2) does not limit the eligibility of Nauruan citizens from being employed in the Office as contract employees.
- (4) Upon being appointed as an Office employee, a person is required to affirm or swear before the Clerk, an oath on appointment as contained in the Schedule.
- (5) All appointments of contract employees who are not Nauruan citizens shall be conducted in a transparent manner and so far as practicable in accordance with best human resources standards, policies and practices.

17 Basis of appointment – permanent or fixed term

- (1) Subject to Regulation 16, the Clerk in consultation with the Speaker may appoint a person to a position in the Office:

- (a) on a permanent basis; or
 - (b) for a fixed term as a temporary employee or a contract employee.
- (2) The Clerk shall not appoint a person to a position on a permanent basis if another employee holds the position on a permanent basis.

18 Medical and Police clearance

- (1) Before an appointment to an Office position is made, a candidate selected for appointment shall undergo a medical examination and be passed as being in all respects physically and mentally fit by a registered health practitioner authorised by the Clerk.
- (2) The selection of a person for appointment to an Office position is subject to the person providing to the Clerk a satisfactory police clearance.

19 Publication of notice of appointment

The Clerk shall publish notice of each appointment to a position in the Gazette within 14 days after the appointment is made.

20 Probationary period

- (1) This Regulation applies:
- (a) if a person is appointed to an Office position; and
 - (b) immediately before the appointment, the person was not a public service employee within the meaning of the *Public Service Act 2016* or an Office employee.
- (2) The appointment is subject to an initial period of probation of 6 months.
- (3) The purpose of the probationary period is to determine whether the person is suitable for the position.
- (4) One month before the end of the initial period of probation for the person, the Clerk:
- (a) shall conduct or instruct the person's immediate supervisor to conduct a performance appraisal to determine if the person's performance meets the requirements for continued employment; and
 - (b) may extend the period of probation for a further single period of up to 6 months if the Clerk reasonably believes it is necessary to do so to determine whether the person is suitable for the position.
- (5) Subject to subregulation (4), the person's appointment is taken to be confirmed at the end of the probationary period unless the Clerk has earlier terminated the person's employment.
- (6) The Clerk may terminate the person's employment at any time during the probationary period.

21 Vacancies filled by internal transfer or promotion

- (1) If a vacancy exists for a position in the Office, the Clerk may seek expressions of interest from existing employees for internal transfer or promotion.
- (2) A vacancy for a position may be filled by the Clerk transferring or promoting an Office employee to the vacant position.
- (3) The selection of a person to be transferred or promoted to a vacant position shall be based on merit alone.

- (4) The transfer or promotion of an employee shall be published in the Gazette.
- (5) For the avoidance of doubt, the requirement to publicly advertise a vacancy under Regulation 15 shall be complied with even if the Clerk seeks expressions of interest under subregulation (1).

22 Power of Clerk to transfer after 3 years

The Clerk may internally transfer an employee from one position to another:

- (a) if the employee has served in the same position for 3 years or more; and
- (b) the Clerk considers it in the interest of the Office to transfer the employee to that other position.

23 Permission to decline promotion or transfer

- (1) The Clerk may permit an employee to decline a promotion or internal transfer without prejudice to his or her right of future promotion or transfer.
- (2) If a decision has been made to internally transfer an employee due to misconduct, the Clerk shall direct the transfer of the employee and the employee shall comply with the direction.
- (3) Non-compliance with a direction given under subregulation (2), may result in further disciplinary action being taken against the employee or termination.

24 Employment of temporary employees

- (1) The Clerk may, to meet temporary circumstances, employ a person as a temporary employee to perform work of a type ordinarily performed by an Office employee.
- (2) The employment may be on a temporary basis and full-time or part time, but shall not exceed 6 months unless extended by the Clerk.
- (3) A person employed under this Regulation does not, by reason of employment, become an Office employee.
- (4) The process of the selection and appointment of a temporary employee applies as if the position were a permanent position.

25 Review of status of temporary employee

- (1) The Clerk shall, 2 weeks before the end of the employment of a temporary employee, decide whether:
 - (a) the person may be employed as a permanent employee;
 - (b) the person's temporary employment is to be continued for another period of 6 months only; or
 - (c) the person's employment is to end or lapse on the completion of any period or extended period of temporary employment.
- (2) Subregulation (1)(a) and (b) are subject to:
 - (a) consultation with the Speaker; and
 - (b) the existence of a relevant vacancy within the Office.
- (3) If the Clerk does not make a decision within the 2-week period, the Clerk is taken to have decided that the person's employment ends.
- (4) A temporary employee shall not be paid any remuneration or benefit beyond the period when his or her temporary employment ends.

- (5) Despite any other provisions of these Regulations, temporary employees are eligible for official travel, special leave, sick leave and official leave on the same terms and conditions as permanent employees.
- (6) A temporary employee is eligible for recreation leave if he or she completes 12 months continuous period of service.
- (7) If a temporary employee is absent from work without the prior leave or approval of his or her supervisor or the Clerk, he or she may be terminated by written notice by the Clerk on the recommendation of the supervisor.

26 Temporary employee – application of Code of Conduct

The Code of Conduct applies to a temporary employee as if the employee were a permanent employee.

27 Temporary employees – application of Disciplinary Regulations

The *Parliamentary Services (Disciplinary) Regulations 2021* apply to a temporary employee as if the employee were a permanent employee.

28 Contract positions

- (1) The Clerk may, with the approval of the Speaker, determine that an existing permanent position in a Division is to be a contract position.
- (2) The Speaker may, upon the request of the Clerk, establish a new contract position in the Office.
- (3) If a contract position is vacant, the Clerk may fill the position in accordance with Regulation 30.
- (4) The determination of a position under contract shall be published in the Gazette.

29 Contract position held by a permanent employee

- (1) If the Clerk determines that an existing position in the Office is to be a contract position and that position is held by a permanent employee, the following provisions apply:
 - (a) the Clerk shall give the employee notice in writing of the determination;
 - (b) the notice shall state that the change in status of the position will take effect 4 weeks after the date of the notice;
 - (c) the employee is taken to have resigned from his or her employment 4 weeks after the date of the notice, and shall be paid the entitlements that would be due to the employee because of his or her resignation;
 - (d) the Clerk may offer the employee a contract of employment as a contract employee in the position not less than 2 weeks after the date of the notice;
 - (e) if the employee signs the contract of employment before the end of the 4-week period from the date of the notice, the employee becomes a contract employee with effect from the date of signature; and
 - (f) if the employee does not sign the contract before the end of the 4-week period from the date of the notice, the offer lapses at the end of the 4-week period.

- (2) If the offer of contract of employment lapses under subregulation (1)(f), the Clerk shall advertise the position in accordance with Regulation 15.

30 Employment of contract employees

- (1) If the Clerk wishes to employ a person in a contract position, the Clerk shall advertise the position in accordance with Regulation 15.
- (2) The employment of a person in a contract position shall be based on merit alone.
- (3) The contract of employment of a contract employee shall be in writing and shall be signed by the contract employee and the Clerk on behalf of the Office.
- (4) The Code of Conduct applies to a contract employee.

31 Misconduct by contract employees

- (1) The Clerk shall provide a report to the Speaker if the Clerk:
 - (a) becomes aware that a contract employee has been charged with having committed a criminal offence; or
 - (b) suspects that a contract employee may have committed any misconduct.
- (2) The Clerk shall use discretion when applying the provisions of the *Parliamentary Services (Disciplinary) Regulations 2021* to a contract employee suspected of committing a disciplinary offence.
- (3) A contract employee has no right to lodge an appeal to the Public Service Appeals Board.

32 Managing the work performance of a contract employee

- (1) If the Clerk considers that a contract employee is not performing his or her duties at the standard expected of a contract employee of that classification, the Clerk shall provide a report on the matter to the Speaker.
- (2) Regulations 94 and 95 on unsatisfactory performance apply to the work performance of a contract employee.

33 Termination of employment – contract employee

- (1) A contract employee may be terminated according to the terms and conditions of his or her contract.
- (2) The Clerk shall terminate the contract of a contract employee if he or she:
 - (a) abandons work without prior notification;
 - (b) is absent from work for a period of 14 days without prior approval;
 - (c) whilst on a category of leave attempts to extend leave by other forms of leave without any reasonable cause; or
 - (d) leaves the Republic with no intention of returning.

[The next page is 724,001]

PART 4 — TERMS AND CONDITIONS OF EMPLOYMENT

DIVISION 1 — HOURS OF ATTENDANCE

34 Standard hours of attendance

The standard hours of attendance for an employee are 40 hours from Monday to Friday, excluding overtime.

35 Base hours of attendance for each working day

- (1) An employee shall attend work from 9am to 5pm on each working day.
- (2) On each working day, an employee is entitled to a one hour meal break, which shall be taken at a time approved by the employee's supervisor.

36 Absence without leave

- (1) An employee is not entitled to receive remuneration for any time the employee is absent without leave.
- (2) An employee who is absent without leave for a continuous period exceeding 14 days may be disciplined under the *Parliamentary Service (Disciplinary) Regulations 2021* and may be terminated without any remuneration or other benefits being paid out to the employee.
- (3) An employee who, having been granted leave, fails to return to duty at the proper time is liable to disciplinary action and it may include termination under the *Parliamentary Service (Disciplinary) Regulations 2021*.

37 Overtime

- (1) Based on the prior authorisation of the Clerk, an employee may be required to attend work for a reasonable number of hours in addition to the employee's base hours of attendance, and the employee shall be compensated for the additional hours by way of:
 - (a) additional remuneration at the appropriate overtime rate determined by the Clerk; or
 - (b) time off work at another time on an hour for hour basis.
- (2) An employee may only work overtime on the recommendation of the employee's supervisor and with the prior authorisation of the Clerk.
- (3) Any hours worked without such recommendation and authorisation will not be considered as overtime.
- (4) The Clerk when approving a request to work overtime shall determine the additional hours of attendance, including:
 - (a) the maximum amount of additional hours an employee may be required to attend work; and
 - (b) the compensation the employee shall be given for the additional hours.

38 Record of attendance

- (1) Unless exempted by name by the Clerk, every employee, except the Clerk and Deputy Clerk, shall:

- (a) sign the Attendance Register when arriving at work each day and indicate the time of arrival;
 - (b) sign the Register when leaving work and indicate the time of departure; and
 - (c) give the reason for any late arrival or early departure in the space provided in the Register.
- (2) If an employee is absent for any reason other than duty, the employee shall ensure that a message explaining his or her absence is sent immediately to the employee's supervisor.
 - (3) Supervisors are required to check and initial daily the Attendance Register under their control and take appropriate action in case of persistent offenders who are either late or fail to sign in or out.
 - (4) Any absence from duty occasioned by late arrival or early departure from work except in respect of sickness may be deducted from an employee's remuneration.

DIVISION 2 — LEAVE GENERALLY

39 Definition of employee

For the purposes of Divisions 3, 4, 5, 6, 7, 8, 9 and 10, '*employee*' means a permanent employee or a contract employee.

DIVISION 3 — RECREATION LEAVE

40 Purpose of recreation leave

Recreation leave is available to an employee to enable the employee to take leave from duty to promote good physical and mental health and to allow the employee to balance work with his or her personal life.

41 Entitlement to recreation leave

- (1) For each year of service, an employee is entitled to 20 working days of recreation leave on full remuneration (the employee's '*annual entitlement*').
- (2) An employee's annual entitlement may be calculated on a *pro rata* basis.

42 Accumulation of recreation leave – maximum

- (1) Recreation leave accrues cumulatively up to a maximum of 3 years.
- (2) If an employee reaches the maximum recreation leave balance, the Clerk shall direct the employee to immediately:
 - (a) take an amount of recreation leave that will reduce the employee's recreation leave balance so it does not exceed the maximum annual balance when the employee next accrues recreation leave; or
 - (b) cash out an amount of recreation leave that will reduce the employee's recreation leave so it does not exceed the maximum recreation leave balance when the employee next accrues recreation leave.
- (3) The Clerk may direct an employee to cash out leave only if there are exceptional operational reasons preventing the employee from taking recreation leave.

- (4) An employee may only cash out recreation leave if the Clerk directs the employee to do so under subregulation (3).
- (5) For this Regulation, recreation leave is cashed out when:
 - (a) the employee is paid an amount equal to the amount of remuneration the employee would be entitled to be paid during a period (the '*cash***ed out period**') if the employee were on recreation leave; and
 - (b) the employee's recreation leave balance is reduced by the number of days equal to the cashed out period.

43 Taking recreation leave

- (1) Subject to subregulation (2), an employee shall apply through his or her supervisor to the Clerk to take recreation leave at least 14 days prior to taking the leave.
- (2) An employee may only apply to take leave under subregulation (1) if his or her leave calculated under Regulation 41(2) is not less than 5 days at any given time.
- (3) An employee shall as far as practicable take his or her recreation leave when it is due.
- (4) An employee seeking to defer his or her recreation leave shall first obtain the written approval of the Clerk.
- (5) The Clerk shall grant the recreation leave to the extent of the employee's recreation leave balance if:
 - (a) the employee has completed an initial continuous period of service of 3 months; and
 - (b) the Clerk agrees that the timing of the leave is operationally convenient.
- (6) The Clerk may only refuse to grant leave to an employee for operational reasons.
- (7) If the Clerk refuses to grant leave for operational reasons, the Clerk shall consult with the employee to determine an alternative time for the employee to take the leave.

44 Public holiday during recreation leave

If a public holiday occurs during a period an employee is absent from duty on recreation leave, the day shall not be deducted from the employee's recreation leave balance.

DIVISION 4 — SICK LEAVE

45 Purpose of sick leave

Sick leave is available to an employee to enable the employee to be absent from duty because the employee is unfit for duty due to illness or injury.

46 Entitlement to sick leave

- (1) For each year of service, an employee is entitled to up to 10 days of sick leave on full remuneration (the employee's '*annual entitlement*').
- (2) The employee accrues the annual entitlement:
 - (a) on appointment to the Office; and

- (b) on completing each accrual year.
- (3) Sick leave does not accrue cumulatively.

47 Taking sick leave – evidence

- (1) An employee shall apply through his or her supervisor to the Clerk to take a period of sick leave.
- (2) If an employee is absent from duty for more than one day, the employee shall produce a medical certificate from a registered health practitioner evidencing the employee's unfitness for duty.
- (3) If an employee is absent from duty for one day only, on sick leave, he or she is not required to produce a medical certificate.
- (4) Subregulation (3) applies to 3 non-consecutive days out of the total of the 10 days sick leave permitted per year by Regulation 46.
- (5) The remaining 7 days of sick leave whether for one or more days requires the provision of a medical certificate by the employee.
- (6) The Clerk may grant the employee the sick leave if the employee gives the Clerk any required documentary evidence for the application.
- (7) Despite subregulation (1), the Clerk may approve an employee's sick leave up to a maximum of 3 months with full pay for inpatient hospitalisation or for other medical reasons certified by a registered health practitioner.
- (8) Upon the expiration of the term approved under subregulation (7) and on the application of the employee, the Clerk may grant the employee leave without pay for a period not exceeding 12 months to allow the employee to remain away from his or her employment due to prolonged hospitalisation, illness or injury.

48 Taking sick leave – amount

The Clerk may only grant an employee sick leave to the extent of the employee's sick leave balance except as set out in Regulation 47(7).

49 Public holiday during sick leave

If a public holiday occurs during a period when an employee is absent from duty on sick leave, the day shall not be deducted from the employee's sick leave balance.

DIVISION 5 — MATERNITY LEAVE

50 Purpose of maternity leave

- (1) Maternity leave is available to a female employee to enable the employee to be absent from duty during or immediately after the employee's pregnancy.
- (2) Maternity leave is to be taken at an appropriate time on the advice of a health practitioner.

51 Entitlement to maternity leave

- (1) An employee is entitled to paid maternity leave if she has completed 6 months of continuous service on the day she begins maternity leave.
- (2) An employee is entitled to 84 consecutive days of maternity leave:

- (a) with full remuneration in relation to the first 4 pregnancies; and
- (b) on half remuneration in relation to any subsequent pregnancies.
- (3) The employee is not entitled to maternity leave beyond the date on which she would have ceased employment had she not taken maternity leave.
- (4) If the employee completes 6 months of continuous service during the period of maternity leave, she is entitled to be paid her full remuneration for the remaining period of maternity leave.
- (5) Maternity leave does not accrue cumulatively.

52 Taking maternity leave

- (1) An employee shall apply to the Clerk to take maternity leave.
- (2) The employee shall apply at least 3 months before she intends to start the leave.
- (3) The Clerk may apply discretion if an application for maternity leave is submitted less than 3 months before the intended start of leave.
- (4) The Clerk shall grant the maternity leave if the employee submits to the Clerk a medical certificate certifying:
 - (a) the employee is pregnant;
 - (b) the expected date of birth of the employee's child; and
 - (c) the date on which the employee shall cease duties.
- (5) An employee shall start maternity leave no less than 6 weeks prior to the expected date of delivery unless a registered health practitioner certifies that she is fit to continue duties.

53 Returning to duty after maternity leave

- (1) An employee who has been on maternity leave shall contact the Clerk at least 4 weeks before the end of her leave to confirm that she is returning to work at the end of her maternity leave.
- (2) An employee who returns to her employment after maternity leave shall resume at the same or equivalent position held prior to proceeding on maternity leave, without any loss of remuneration, benefits and seniority.

54 Restriction on termination

- (1) An employee shall not be terminated from her employment on the ground of pregnancy.
- (2) If a termination occurs while the employee is pregnant, the burden of disproving that the termination was related to that condition rests with the Clerk.
- (3) If, after 3 months from the expiration of her maternity leave, an employee remains absent from work, as a result of illness, certified by a registered health practitioner, arising out of her pregnancy or the birth of her child rendering her unfit for work, the Clerk may give her notice of termination in accordance with Part 6.

DIVISION 6 — PATERNITY LEAVE

55 Purpose of paternity leave

Paternity leave is available to a male employee to enable him to be absent from duty immediately after the birth of his child or after the adoption of a child less than 12 months old.

56 Entitlement to paternity leave

- (1) An employee is entitled to 10 working days of paid paternity leave per year if he has completed 6 months of continuous service on the day he begins paternity leave.
- (2) An employee is not entitled to paternity leave beyond the date on which he would have ceased employment in the Office had he not taken paternity leave.
- (3) If the employee completes 6 months of continuous service during the period of paternity leave, he is entitled to be paid his full remuneration for the remaining period of paternity leave.
- (4) Paternity leave does not accrue cumulatively.

57 Taking paternity leave

- (1) An employee shall apply to the Clerk to take paternity leave.
- (2) An employee shall apply at least 3 months before he intends to start the leave.
- (3) The Clerk may apply discretion if an application for paternity leave is submitted less than 3 months before the intended start of the leave.
- (4) The Clerk shall grant the paternity leave if:
 - (a) either:
 - (i) the employee gives the Clerk a medical certificate stating the expected date of birth of the child; or
 - (ii) the employee gives the Clerk a certified copy of the adoption order evidencing the adoption; and
 - (b) the Clerk is satisfied that the employee is a parent or adoptive parent of the child.
- (5) The employee shall also give the Clerk an extract from the Register of Births kept under Section 6 of the *Births Deaths and Marriages Registration Act 2017* as soon as practicable showing:
 - (a) the birth of the child or the registration of the child; and
 - (b) that he is the father of the child.

DIVISION 7 — ADOPTION LEAVE

58 Purpose of adoption leave

Adoption leave is available to a female employee to enable her to be absent from duty immediately after adopting a child who is less than 12 months old.

59 Entitlement to adoption leave

- (1) An employee is entitled to 12 weeks of paid adoption leave if she has completed 6 months of continuous service on the day she begins adoption leave.

- (2) An employee who becomes an adoptive parent of a child is entitled to up to 12 weeks of adoption leave in relation to the adoption if the child:
 - (a) is under the age of 12 months at the time of the adoption; and
 - (b) is not the child or step-child of the employee's spouse.
- (3) The employee is not entitled to adoption leave beyond the date on which she would have ceased employment had she not taken adoption leave.
- (4) If the employee completes 6 months of continuous service during the period of adoption leave, she is entitled to be paid her full remuneration for the remaining period of adoption leave.
- (5) Adoption leave does not accrue cumulatively.

60 Taking adoption leave

- (1) An employee who intends to take adoption leave shall inform the Clerk of the intention as soon as practicable after she applies for the adoption order in relation to the adoption.
- (2) The employee shall apply to the Clerk for the adoption leave as soon as practicable after she becomes an adoptive parent.
- (3) The Clerk shall grant the adoption leave if:
 - (a) the employee gives the Clerk a certified copy of the adoption order evidencing the adoption; and
 - (b) the Clerk is satisfied that the employee is otherwise entitled to adoption leave under Regulation 59.
- (4) The adoption leave shall be granted from the date of the adoption, even if the date of the adoption is before the date of the application for adoption leave.

DIVISION 8 — SPECIAL LEAVE

61 Purpose of special leave

Special leave may be available to an employee to enable the employee to be absent from duty without deduction from the employee's recreation leave balance.

62 Entitlement to special leave

- (1) For each year of service, an employee is entitled to 3 days of special leave on full remuneration (the employee's '*annual entitlement*').
- (2) The employee accrues the annual entitlement:
 - (a) on appointment to the Office; and
 - (b) on completing each accrual year.
- (3) Special leave does not accrue cumulatively.

63 Application for special leave

An employee may apply to the Clerk to take a period of special leave and the Clerk, upon sufficient reason being shown, may grant to the employee special leave of absence with remuneration.

DIVISION 9 — OFFICIAL LEAVE

64 Purpose of official leave

- (1) Official leave may be available to an employee to enable the employee to travel outside of Nauru for an official purpose.
- (2) The Clerk may by notice in the Gazette determine the meaning of '*official purpose*' in subregulation (1).
- (3) If official leave has been granted to an employee, and he or she is for any reason, unable to travel, complete or engage in the purpose for which the leave was approved, the employee shall report to work as soon as practicable despite the prior approval of leave.
- (4) An employee who does not report back to the Office as required under subregulation (3), will be treated as being absent without leave and subject to disciplinary action under the *Parliamentary Services (Disciplinary) Regulations 2021*.

65 Application for official leave

- (1) An employee shall apply to the Clerk to take a period of official leave.
- (2) The Clerk may, upon review of the relevant documents and upon sufficient cause being shown, grant to the employee official leave of absence with remuneration.
- (3) The Clerk may by notice in the Gazette determine the meaning of '*relevant documents*' in subregulation (2).

66 Allowances for official leave

- (1) An employee who has been granted official leave may also be paid an allowance at a rate that is determined by the Speaker.
- (2) Any allowance paid to an employee under subregulation (1) shall be returned in full or on a pro rata basis to the Clerk within 5 working days if the employee is unable or does not complete his or her travel.

DIVISION 10 — LEAVE WITHOUT PAY

67 Purpose of leave without pay

Leave without pay may be available to a permanent employee to enable the employee to be absent from duty in circumstances in which the employee cannot access any other type of leave.

68 Taking leave without pay

- (1) An employee shall apply to the Clerk to take a period of leave without pay.
- (2) The application shall include:
 - (a) the purpose of the leave; and
 - (b) evidence of the purpose, if available.
- (3) The Clerk may grant the leave if satisfied that:
 - (a) the purpose for the leave stated in the application is genuine;
 - (b) the employee cannot access any other type of leave for the purpose;
 - (c) the grant of leave is justified in the circumstances; and

- (d) the relevant supervisor consents to the grant of leave.
- (4) The maximum period of leave without pay that the Clerk may grant is 12 months, unless:
 - (a) the purpose of the leave is formal study that is directly relevant to the employee's current or future employment in the Office; or
 - (b) in the opinion of the Clerk, exceptional circumstances exist justifying a grant of leave longer than 12 months.
- (5) The Clerk shall not grant leave without pay beyond the date on which the employee would have ceased employment in the Office had the employee not taken leave without pay.
- (6) Leave granted under this category does not count as service for any purpose.
- (7) An employee granted leave without pay for the purpose of study is not entitled to be paid allowances under any other provision of these Regulations but may be paid, in respect of that period, allowances at such respective rates as the Clerk and the Speaker determine.
- (8) An employee who is on a temporary or probationary appointment is not entitled to apply for leave without pay.
- (9) The Clerk shall not consider an application by an employee on a temporary or probationary appointment for leave without pay.

DIVISION 11 — LONG SERVICE LEAVE

69 Purpose of long service leave

- (1) Long service leave is available on full pay to an employee to enable the employee to be absent from duty in recognition of the employee's length of service.
- (2) An employee becomes entitled to long service leave after completing a continuous period of 5 years of service.
- (3) For the purposes of entitlement to long service leave:
 - (a) retirement includes retirement on other grounds such as medical, redundancy or termination without cause but excludes termination for misconduct; and
 - (b) contract employees are included.

70 Calculation of long service leave

- (1) The Clerk shall grant long service leave as follows:
 - (a) if the period of service is not less than 5 years but is less than 8 years, 20 working days; and
 - (b) if the period of service is not less than 8 years but is less than 10 years, 40 working days.
- (2) Long service leave shall only be granted by the Clerk on the expiry of a contract, retirement or resignation of an employee.
- (3) The Clerk may allow the encashment of any accrued long service leave.

71 Taking long service leave

- (1) An employee shall apply to the Clerk at least one month before he or she intends to take a period of long service leave.

- (2) The Clerk may exercise his or her discretion in granting leave if an application for long service leave is submitted less than one month before the intended start of the leave.
- (3) The Clerk may only grant long service leave to the extent of the employee's long service balance if:
 - (a) the employee has completed a continuous period of service provided for under Regulation 70(1);
 - (b) the Head of the Division in which the employee is employed consents to the grant of leave; and
 - (c) the period of leave is a multiple of 3 weeks.
- (4) The Clerk may only refuse to consent to grant long service leave for operational reasons.
- (5) If the Clerk refuses to grant long service leave for operational reasons, the Clerk shall consult with the employee to determine an alternative time for the employee to take leave.
- (6) If a public holiday occurs during a period of long service leave granted to an employee, the public holiday is not to be regarded as part of the long service leave and the day shall not be deducted from the employee's long service leave balance.
- (7) If an employee, who has become eligible for long service leave, dies without taking it, the employee's estate shall be paid a sum equivalent to the amount of the employee's long service leave.
- (8) If an employee has already taken long service leave, he or she is not eligible for any additional long service leave.

72 Furlough Leave

- (1) Furlough leave is available on full pay to an employee to enable the employee to be absent from duty in recognition of the employee's length of service.
- (2) An employee is entitled to furlough leave after having served for a continuous period of 10 years.
- (3) For the purposes of entitlement to furlough leave:
 - (a) retirement includes retirement on other grounds such as medical, redundancy or termination without cause but excludes termination for misconduct; and
 - (b) contract employees are included.

73 Calculation and taking of Furlough Leave

- (1) An employee who has served for a continuous period of 10 years is eligible for furlough leave of:
 - (a) 60 days; and
 - (b) 9 days after completion of each additional year of service.
- (2) Subject to subregulation (3), any accrued furlough leave may be taken by an employee on the approval of the Clerk.
- (3) The Clerk may allow the encashment of any accrued furlough leave.
- (4) If an employee, who has become eligible for furlough leave, dies without taking it, the employee's estate shall be paid a sum equivalent to the amount of the employee's furlough leave.

- (5) If a public holiday occurs during a period of furlough leave granted to an employee, the public holiday is not to be regarded as part of the furlough leave and the Clerk will grant the employee a day off in lieu.

DIVISION 12 — OTHER LEAVE OF ABSENCE

74 Leave of absence for Office employees called as witnesses

- (1) An Office employee who is subpoenaed or called as a witness in any court proceeding shall promptly notify the Head of his or her Division.
- (2) An Office employee who is subpoenaed or called as a witness on behalf of the Republic shall be granted leave with pay for the period necessary for his or her attendance as a witness.
- (3) If it is necessary for the employee to travel to attend the court proceeding, the employee is entitled to the payment of travelling allowances and expenses as if he or she were travelling in the course of his or her duties.
- (4) An Office employee who, by reason of attending to give evidence in the circumstance referred to in subregulation (2) receives payment, other than payment of travelling allowances and expenses by reason of the operation of that subregulation, of witnesses' expenses, shall pay the amount received to the Republic.
- (5) If an Office employee is subpoenaed or called as a witness in any other circumstances, he or she may be granted leave without pay and any fees received as a witness may be retained by the employee.

DIVISION 13 — PUBLIC HOLIDAYS

75 Public holidays

- (1) A public holiday is a weekday that is pre-determined as a national holiday by law or declaration by the relevant Minister by Gazette Notice (for example: national emergency).
- (2) The following days ('public holidays') each year are holidays in the Office:
 - (a) 1 January;
 - (b) 31 January (Independence Day);
 - (c) 1 February;
 - (d) Good Friday;
 - (e) Easter Monday;
 - (f) the Tuesday following Easter Monday;
 - (g) 17 May (Constitution Day);
 - (h) 26 October (Angam Day);
 - (i) 25 December (Christmas Day);
 - (j) 26 December (Boxing Day); and
 - (k) any other day declared to be a public holiday by the responsible Minister by Gazette Notice.
- (3) Where:
 - (a) a public holiday, other than Independence Day or Christmas Day, falls on a Saturday or Sunday, there is no holiday on the day and instead the following Monday is a holiday;
 - (b) Independence Day falls on a Saturday or Sunday, there is a no holiday on the day and instead the following Monday and Tuesday are holidays;

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- (c) Christmas Day falls on a Sunday, there is no holiday on the day and instead the following Tuesday is a holiday; and
 - (d) Christmas Day falls on a Saturday, there is no holiday on the day or for Boxing Day on the following Sunday and instead the following Monday and Tuesday are holidays in the Parliament.
- (4) The Minister responsible may, by Gazette Notice, declare that a specified day in a particular year is a holiday in substitution for a specified day that would otherwise be a public holiday in the year.

[The next page is 724,201]

PART 5 — EMPLOYEE RECORDS

76 Identification Card

- (1) The Clerk shall cause an identification card to be issued to an employee.
- (2) An employee may use his or her identification card when visiting other Government offices for purposes associated with his or her duties.
- (3) An identification card shall contain an employee's name, picture, identification number and position.
- (4) An identification card shall not be altered in any way and is the property of the Office.
- (5) If an identification card is stolen or destroyed, or an employee loses his or her identification card, the employee shall report details of the stolen, destroyed or lost card to the head of the HR Division.
- (6) An employee shall return his or her identification card to the Office upon resignation, retirement, termination or cessation of work.

77 Personal files

- (1) An employee shall have a personal file ('*a personal file*').
- (2) A personal file is an official record containing personal information about the employee.
- (3) Personal information about an employee is to be held in confidence by the Office, but may be used for the performance of functions or duties within the Office, subject to subregulation (7).
- (4) Information or a document shall not be placed on an employee's personal file without the permission of the employee's supervisor.
- (5) Documents on an employee's personal file relating to the discipline of the employee shall be marked "C" for confidential and the employee's supervisor shall make him or her aware of the disciplinary documents or information placed on his or her personal file.
- (6) An employee of the HR Division shall not allow:
 - (a) a personal file to be viewed or used by a person unless he or she is approved by the head of the HR Division; and
 - (b) allow any information or document to be removed from a personal file without the approval of the head of the HR Division based on a written request by the person seeking the information or document.
- (7) Any external request to use or view information or documents on an employee's personal file shall be provided in writing to the Clerk and the Clerk may approve or reject the request.
- (8) The head of the HR Division is responsible for ensuring personal files of employees are kept up to date.
- (9) The head of the HR Division may cause other personnel records of employees to be maintained.

[The next page is 724,401]

PART 6 — TERMINATION OF EMPLOYMENT

DIVISION 1 — PRELIMINARY

78 How employment terminates

An employee's employment terminates:

- (a) if the employee resigns or is taken to have resigned;
- (b) upon the expiry of the employee's contract;
- (c) if the employee voluntarily retires under Regulation 83;
- (d) if the Clerk retires the employee under Division 3 of this Part;
- (e) if the employee is declared redundant or his or her employment is terminated on the ground of redundancy under Division 4 of this Part;
- (f) if the employee is terminated due to misconduct;
- (g) if the employee is convicted of a criminal offence; or
- (h) if the Clerk terminates the employee under the *Parliamentary Services (Disciplinary) Regulations 2021*.

79 Criminal Offence

- (1) If an employee is charged with a criminal offence, he or she shall be suspended from employment without remuneration pending the final determination of the criminal case.
- (2) If an employee has been convicted of a criminal offence, irrespective of the sentence imposed by the court, the Clerk shall summarily terminate the employee's employment.
- (3) This Regulation applies to all employees.

DIVISION 2 — RESIGNATION

80 Resignation of employee

- (1) An employee, other than a probationary employee, may resign from the Office by written notice given to the Clerk through the employee's supervisor:
 - (a) at least 30 days before the notice is to take effect; or
 - (b) within a shorter period approved by the Clerk.
- (2) Unless approved by the Clerk, an employee who resigns without giving 30 days' notice may be required to pay 30 days in lieu of notice.
- (3) A probationary employee may resign by written notice given to the Clerk through the employee's supervisor:
 - (a) at least 14 days before the notice is to take effect; or
 - (b) within a shorter period approved by the Clerk.
- (4) A notice of resignation takes effect from the date of receipt of the notice by the Clerk.

81 Deemed resignation

- (1) It is the responsibility of an employee to inform his or her supervisor of any absence from duty and to seek the appropriate form of leave to cover that absence.

- (2) Subject to subregulation (3), an employee may be absent from duty without approval for a period not exceeding 14 days ('the *absence period*').
- (3) On or before the end of the absence period, the employee shall resume duty and provide the Clerk with a written explanation for his or her absence.
- (4) If the employee fails to resume duty and provide an explanation under subregulation (3), the employee is taken to have resigned from the Office on the last day of the absence period and the position becomes immediately vacant.
- (5) Any employee who is taken to have resigned under subregulation (4) loses all rights and privileges of his or her position from a date decided by the Clerk.
- (6) If an employee is taken to have resigned under subregulation (4), the employee shall not be re-employed in the Office within a period of 6 months from the last day of the absence period.

82 Election candidates – resignation and re-employment

- (1) An employee who intends to submit a nomination as a candidate in the general elections shall resign 3 months before submitting his or her nomination.
- (2) An employee who intends to submit a nomination as a candidate in a by-election shall resign within 5 days from the date the writ of elections is published under Section 56 of the *Electoral Act 2016*.
- (3) An employee who intends to submit a nomination as a candidate in an election held as a consequence of the earlier dissolution of Parliament than its full term of 3 years 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*.
- (4) A person who resigns under subregulation (1), (2) or (3) is eligible to be re-employed in the Office if the person:
 - (a) was a candidate at that election;
 - (b) failed to be elected at that election; and
 - (c) within 2 months after the declaration of the result of that election, applied in writing to the Clerk for re-employment in the Office.
- (5) For the purposes of this Regulation, '*employee*' includes Office employees, contract employees and temporary employees.

DIVISION 3 — RETIREMENT

83 Voluntary retirement of employee

- (1) An employee who is at least 60 years of age may voluntarily retire by written notice of retirement given to the Clerk:
 - (a) at least 30 days before the notice is to take effect; or
 - (b) within a shorter period approved by the Clerk.
- (2) The notice takes effect from the date of receipt by the Clerk.
- (3) It is the responsibility of the head of the HR Division to notify the Clerk of any retirement 4 months prior to an employee reaching the age of 60.
- (4) An employee shall be paid all entitlements due prior to his or her retirement.

84 Clerk may require medical examination

- (1) This Regulation applies to an employee, other than a probationary employee, if:
 - (a) either:
 - (i) the employee is absent from duty; or
 - (ii) the Clerk believes on reasonable grounds that the employee is not performing his or her duties satisfactorily; and
 - (b) the Clerk reasonably suspects that the employee's absence or unsatisfactory performance is caused by a mental or physical illness or disability.
- (2) The Clerk may:
 - (a) appoint a registered health practitioner to examine the employee and prepare a written report on the examination; and
 - (b) require the employee to undergo the medical examination.
- (3) The health practitioner shall give the medical examination report to the Clerk who shall give the employee a copy of it.

85 Medical examination report

- (1) The report on the medical examination conducted under Regulation 84 shall include the health practitioner's opinion about whether the employee has a mental or physical illness or disability that may adversely affect the employee's performance of his or her duties.
- (2) If the health practitioner considers that the employee has a mental or physical illness or disability that may adversely affect the employee's performance of his or her duties, the report shall also include the health practitioner's opinion about:
 - (a) the likely direct or indirect effect of the illness or disability on the employee's performance of his or her duties; and
 - (b) an estimate of how long the illness or disability or its effects are likely to continue.

86 Medical retirement of employee

- After considering the report of the medical examination under Regulation 84, the Clerk may retire an employee from the service if the Clerk is reasonably satisfied that:
- (a) the employee's absence or unsatisfactory performance is caused by mental or physical illness or disability; and
 - (b) the illness or disability or its effects will not end within a reasonable time.

87 Death of an employee

- (1) The death of an employee shall be reported as soon as practicable to the head of the HR Division and he or she shall then inform the Clerk accordingly.
- (2) If:
 - (a) an employee dies; or
 - (b) is taken by the Clerk to have died on a certain date,then the Clerk may, subject to any other written law, approve the payment to the former employee's dependents or legal representative of the amount

to which the former employee would have been entitled had the employee ceased employment on resignation or retirement.

DIVISION 4 — REDUNDANCY

88 Abolition of permanent employee's substantive position

- (1) This Regulation applies if a permanent employee's substantive position is abolished under these Regulations.
- (2) The Clerk shall declare the employee redundant or terminate his or her employment on the ground of redundancy.
- (3) The Clerk shall give the former employee notice that he or she is declared redundant or his or her employment is terminated.

89 Return of substantive holder – position occupied by temporary employee

- (1) This Regulation applies if:
 - (a) a position is occupied by a temporary employee; and
 - (b) the substantive holder of the position returns to the position.
- (2) The temporary employee's employment is terminated on the ground of redundancy.

90 Abolition of position occupied by temporary employee

- (1) This Regulation applies if:
 - (a) a position is abolished under these Regulations; and
 - (b) immediately before its abolishment, the position was occupied by a temporary employee for a fixed term.
- (2) The temporary employee's employment is terminated on the ground of redundancy.

91 Requirement to give notice

- (1) This Regulation applies if:
 - (a) a position is abolished under these Regulations; and
 - (b) the abolition of the position results in the termination of an employee's employment under this Part.
- (2) The Clerk shall give the employee written notice of the decision to abolish the position.

DIVISION 5 — PERFORMANCE ASSESSMENT

92 Performance assessment

- (1) The Clerk shall implement a method by which the work performance of an employee is evaluated annually by the employee's immediate supervisor or another person determined by the Clerk.
- (2) An employee shall be formally assessed annually through his or her agreed work plan and the employee's supervisor shall assess progress, provide coaching and discuss performance improvement action with the employee.

- (3) An employee on study leave, prolonged sick leave or other longer term leave shall not be required to be assessed until he or she returns to duty.
- (4) An employee who fails to meet his or her performance targets due to factors outside the employee's control shall be supported to improve through training, mentoring, coaching and other assistance programs.
- (5) It is the responsibility of the HR Division to collate and ensure safekeeping of appraisals following endorsement by the Clerk.

93 Unsatisfactory performance – remedial action

- (1) If, in the opinion of the Clerk, an employee is not performing the employee's duties in a satisfactory manner, the Clerk may proceed to manage the unsatisfactory work performance aimed at improving the performance of the employee ('remedial action').
- (2) The Clerk shall provide the employee with an opportunity to raise any issues or concerns that may be impacting on his or her performance at work and these issues shall be carefully considered as part of the plan to resolve the performance issue.
- (3) The Clerk shall provide the employee with an opportunity to improve within a reasonable timeframe.
- (4) Remedial action may include:
 - (a) increased supervision and feedback;
 - (b) providing performance counselling to the employee;
 - (c) providing mentoring and coaching to the employee;
 - (d) providing training and development for the employee;
 - (e) developing specific strategies to address specific areas of poor performance; or
 - (f) making changes and implementing a performance management plan for the employee.

94 Unsatisfactory performance – alternative action

If the Clerk has taken remedial action referred to in Regulation 93(4) and is of the opinion that the employee fails to improve the performance of his or her duties in a satisfactory way, the Clerk may treat the case as misconduct and may institute disciplinary action against the employee under the *Parliamentary Services (Disciplinary) Regulation 2021*.

95 Disciplinary matters and procedure

The provisions governing disciplinary proceedings and dealing with misconduct are to be found in the *Parliamentary Services (Disciplinary) Regulations 2021*.

DIVISION 6 — TERMINATION ENTITLEMENTS

96 Termination entitlements cumulative

If an employee's employment is terminated, the employee is entitled to receive each of the termination entitlements that apply to the employee.

97 Notice requirement – termination of probationary employee

- (1) This Regulation applies to a probationary employee if the Clerk terminates the employee's employment for any reason other than misconduct.

- (2) The employee shall be given:
 - (a) one week notice of the termination; or
 - (b) an amount equal to the employee's remuneration over a one week period.

98 Notice requirement – termination of employee

- (1) This Regulation applies to an employee if:
 - (a) the employee's employment is terminated on the ground of redundancy under Division 4 of this Part; or
 - (b) the employee is terminated without cause.
- (2) The employee referred to in subregulation (1) shall be given:
 - (a) 4 weeks' notice of the termination; or
 - (b) an amount equal to the employee's remuneration for 4 weeks.
- (3) For the avoidance of doubt, an employee who is terminated on the ground of misconduct is not entitled to any period of notice or payment of remuneration in lieu.

99 Notice requirement – medical retirement

- (1) This Regulation applies to an employee if the Clerk retires the employee under Regulation 86 (medical retirement).
- (2) The employee shall be paid an amount equal to the employee's remuneration over a 4 week period instead of notice of the retirement and the amount shall be paid on or before the employee's last day of duty.

100 Severance entitlement – redundancy

- (1) This Regulation applies to a permanent employee whose employment is terminated on the ground of redundancy under Division 4 of this Part.
- (2) The employee shall be paid an amount equal to the employee's remuneration over a 12 week period and the amount shall be paid on or before the employee's last day of duty.

101 Payment of accrued entitlements

- (1) This Regulation applies to an employee if the employee's employment terminates for any reason.
- (2) An employee referred to in subregulation (1), shall be paid for his or her accrued:
 - (a) annual leave; and
 - (b) long service leave.
- (3) If:
 - (a) before an employee has completed 12 years' service; and
 - (b) either before or after he or she has attained the age of 60 years:
 - (i) the employee dies; or
 - (ii) the Clerk, after consideration of all the circumstances, directs that the death of the employee be presumed,subject to any other law, the Clerk may authorise payment to the dependents of the employee of an amount calculated under subregulation (4).
- (4) The amount is equivalent to the amount of remuneration which the Clerk could have authorised to be paid to the employee under subregulation (2) if:

- (a) the employee had retired on the date of his or her death or, where the Clerk has directed that the death of the employee be presumed, on a date determined by the Clerk; and
- (b) in the case of an employee who had not attained the age of 60 years at that date, he or she had attained that age.

102 Deduction of amount if notice not given

- (1) This Regulation applies to an employee if:
 - (a) the employee resigns or voluntarily retires; and
 - (b) the employee gives the Clerk less than the required period of notice of the resignation or retirement.
- (2) The Clerk may deduct from the payment of the employee's accrued entitlements an amount equal to the employee's remuneration over the period of notice the employee failed to give.

[The next page is 724,601]

PART 7 — GIFTS, DONATIONS, EQUIPMENT AND PROPERTY OF THE OFFICE

103 Application

This Part applies to all equipment, property and other assets of the Office, whether it was procured by the Office, received by way of gift or donated to the Office.

104 Declaration of gifts, donations, rewards and other benefits

- (1) Employees shall not:
 - (a) abuse their official positions for private gain; or
 - (b) solicit gifts, donations, rewards or other benefits which might compromise, or be seen to compromise, their integrity as employees of the Office.
- (2) All gifts, donations, rewards and other benefits received by employees in their official capacities shall be declared to the Clerk within 7 days after receiving them or their arrival in Nauru, whichever occurs first.
- (3) Declared items are to be presented as soon as practicable to the Clerk for sighting together with a written acknowledgement of the donor and all documents pertaining to the items, if available, are also to be submitted to the Clerk.

105 Responsibilities for declared items and other equipment, property or assets

- (1) The Clerk shall:
 - (a) inform the Speaker of the items that have been declared under Regulation 104;
 - (b) keep a record of all the items received in a register or database; and
 - (c) secure a place to store the items; and
 - (d) decide in consultation with the Speaker on the use of the items.
- (2) It is the individual responsibility of all employees to take care of and to safeguard, all declared items and any other equipment, property or assets of the Office keeping them in as close to as new condition as possible.

106 Loss and damage to equipment, property or other asset

- (1) Within 48 hours after an employee becomes aware of any loss, damage or theft of any equipment, property or other asset of the Office, the employee shall notify the Clerk of it and provide an explanation for the loss, damage or theft.
- (2) If an employee believes on reasonable grounds that any equipment, property or other asset of the Office has been stolen, the employee shall obtain a Police Report within 48 hours after the estimated time of the theft and forward the Police Report to the Clerk.
- (3) The cost of any equipment, property or other asset of the Office that is lost, damaged or stolen may be deducted from the remuneration of an employee

if the Clerk is satisfied on reasonable grounds that the employee has committed the theft or was negligently responsible for the loss or damage.

[The next page is 724,801]

PART 8 — MISCELLANEOUS

107 Other instruments and manuals

- (1) The Clerk may issue instructions, directions, manuals and guidelines for the purposes of these Regulations.
- (2) An instruction, direction, manual or guideline shall not be issued that is inconsistent with the Act or these Regulations.

108 Forms

The Clerk may prescribe leave application forms and other forms for the purposes of these Regulations.

109 Delegation

Subject to directions of the Speaker, the Clerk may in writing delegate any of his or her powers or functions under these Regulations to an Office employee, except for this power of delegation.

[The next page is 725,001]

SCHEDULE

[Regulation 16]

OATH OF APPOINTMENT

I *[insert name]*, do swear/affirm* that I will render true and faithful service as an employee of the Office of Parliamentary Services of the Republic of Nauru. *[SO HELP ME GOD.]**

* delete where applicable

[The next page is 728,001]

Parliamentary Services (Remuneration) Regulations 2021

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Fixing of remuneration
	SCHEDULE — OFFICE OF PARLIAMENTARY SERVICES REMUNERATION SCALE

[The next page is 728,201]

Parliamentary Services (Remuneration) Regulations 2021

TABLE OF AMENDMENTS

The Parliamentary Services (Remuneration) Regulations 2021 SL 15 were notified on 2 July 2021 (GN No 446/2021; Gaz 98/2021) and commenced on 1 July 2021.

Amending Legislation	Notified	Date of Commencement
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[The next page is 728,401]

The Speaker makes the following Regulations under Sections 20(3)(c) and 50 of the *Parliamentary Services Act 2020*:

1 Citation

These Regulations may be cited as the *Parliamentary Services (Remuneration) Regulations 2021*.

2 Commencement

These Regulations come into effect on 1 July 2021.

3 Fixing of remuneration

- (1) The Office of Parliamentary Services Remuneration Scale is set out in the Schedule.
- (2) The remuneration for each position in the Office of Parliamentary Services is to be determined in accordance with the relevant band in the Office of Parliamentary Services Remuneration Scale.

[The next page is 728,601]

SCHEDULE

[Regulation 3]

OFFICE OF PARLIAMENTARY SERVICES REMUNERATION SCALE

All amounts are in Australian dollars				
BAND 1	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	9,724	9,845	9,966	10,087
Basic 2	10,209	10,337	10,464	10,591
Basic 3	10,720	10,853	10,987	11,121
Basic 4	11,255	11,396	11,537	11,677
Basic 5	11,818	11,959	12,099	12,240
Gardener, housekeepers				
BAND 2	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	10,501	10,632	10,763	10,894
Basic 2	11,025	11,163	11,301	11,439
Basic 3	11,577	11,722	11,866	12,011
Basic 4	12,156	12,308	12,459	12,611
Basic 5	12,763	12,915	13,067	13,219
Handyman, security, housekeeping supervisor				
BAND 3	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	11,341	11,483	11,624	11,766
Basic 2	11,908	12,056	12,205	12,354
Basic 3	12,503	12,646	12,789	12,933
Basic 4	13,076	13,219	13,362	13,506
Basic 5	13,730	13,893	14,056	14,219
Receptionist				
BAND 4	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	12,248	12,401	12,554	12,707
Basic 2	12,860	13,021	13,182	13,342
Basic 3	13,503	13,672	13,841	14,010
Basic 4	14,178	14,355	14,532	14,710
Basic 5	14,887	15,064	15,241	15,418
Junior Executive Secretaries [for example: to Deputy Clerk, to Private Members], Hansard Editors, Hansard Reporters, Officers – Procurement, Asset Controller, Administration Officer				

BAND 5	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	12,983	13,145	13,307	13,470
Basic 2	13,632	13,802	13,972	14,143
Basic 3	14,313	14,492	14,671	14,850
Basic 4	15,029	15,217	15,404	15,592
Basic 5	15,780	16,343	16,156	16,343
Senior Executive Secretaries, Communications and ICT Officers				
BAND 6	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	13,762	13,934	14,106	14,277
Basic 2	14,450	14,630	14,811	14,991
Basic 3	15,172	15,362	15,551	15,741
Basic 4	15,930	16,129	16,328	16,527
Basic 5	16,727	16,926	17,125	17,324
BAND 7	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	14,863	15,048	15,234	15,420
Basic 2	15,606	15,801	15,997	16,192
Basic 3	16,389	16,593	16,798	17,002
Basic 4	17,208	17,423	17,638	17,853
Basic 5	18,068	18,283	18,498	18,713
Assistant Clerk – Corporate, Personal Assistant [to Speaker], Librarian, Senior Officers [for example: Senior Accounts Officer, Senior Committee Officer]				
BAND 8	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	16,052	16,486	16,921	17,355
Basic 2	17,790	18,012	18,235	18,457
Basic 3	18,679	18,913	19,146	19,380
Basic 4	19,613	19,859	20,105	20,350
Basic 5	20,596	20,842	20,088	21,333
Assistant Managers [for example: Assistant Hansard Manager]				
BAND 9	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	17,336	17,552	17,769	17,985
Basic 2	18,202	18,430	18,658	18,885
Basic 3	19,113	19,352	19,590	19,829
Basic 4	20,069	20,319	20,570	20,821
Basic 5	21,072	21,323	21,573	21,824

BAND 10	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	18,722	18,956	19,190	19,424
Basic 2	19,658	19,904	20,150	20,395
Basic 3	20,641	20,899	21,157	21,415
Basic 4	21,673	21,944	21,214	22,485
Basic 5	22,757	23,027	23,298	23,568
BAND 11	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	20,220	20,453	20,686	20,920
Basic 2	21,153	21,417	21,681	21,945
Basic 3	22,210	22,488	22,765	23,043
Basic 4	23,321	23,612	23,904	24,195
Basic 5	24,487	24,778	25,069	25,361
Manager Tables and Committee, Deputy Legislative Counsel				
BAND 12	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	21,837	22,110	22,383	22,656
Basic 2	22,929	23,216	23,502	23,789
Basic 3	24,075	24,362	24,649	24,935
Basic 4	25,222	25,537	25,852	26,167
Basic 5	26,483	20 6798	27,113	27,428
Managers [for example: Finance, Administration, Human Resources, Hansard]				
BAND 13	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	23,584	23,879	24,174	24,468
Basic 2	24,763	25,173	25,382	25,692
Basic 3	26,002	26,327	26,652	26,977
Basic 4	27,302	27,643	27,985	28,326
Basic 5	28,667	29,008	29,350	29,691
Deputy Clerk				
BAND 14	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	28,846	29,207	29,567	29,927
Basic 2	30,288	30,667	31,046	31,424
Basic 3	31,803	32,200	32,597	32,995
Basic 4	33,393	33,810	34,227	34,644
Basic 5	35,062	35,479	35,897	36,314

BAND 15	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	37,887	38,360	38,834	39,307
Basic 2	39,781	40,278	40,775	41,272
Basic 3	41,770	42,292	42,814	43,336
Basic 4	43,859	44,407	44,955	45,503
Basic 5	46,052	46,619	47,167	47,175
BAND 16	Per Annum Pay Point 1	Per Annum Pay Point 2	Per Annum Pay Point 3	Per Annum Pay Point 4
Basic 1	49,736	50,358	50,979	51,601
Basic 2	52,223	52,876	53,528	54,181
Basic 3	55,834	55,519	56,205	56,890
Basic 4	57,576	58,296	59,015	59,735
Basic 5	60,455	61,175	61,894	62,614
Clerk				

[The next page is 731,001]

Parliamentary Services (Vehicles) Regulations 2021

TABLE OF PROVISIONS

Regulation

Title

PART 1 — PRELIMINARY

1	Citation
2	Commencement
3	Interpretation
4	Application

PART 2 — VEHICLES

5	Vehicle colour code
6	Responsibility of the Clerk
7	Authorised use of the Office issued vehicle
8	Rental vehicles
9	Vehicles for consultants
10	Use and possession of vehicle during leave
11	Prohibited use
12	Motor traffic laws
13	Registration and insurance
14	Accidents or incidents reports
15	Penalties

SCHEDULE — ACCIDENT/INCIDENT REPORT FORM

[The next page is 731,201]

Parliamentary Services (Vehicles) Regulations 2021

TABLE OF AMENDMENTS

The Parliamentary Services (Vehicles) Regulations 2021 SL 16 were notified on 4 July 2021 (GN No 447/2021; Gaz 99/2021) and commenced on 1 July 2021.

Amending Legislation	Notified	Date of Commencement
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[The next page is 731,401]

The Speaker makes the following Regulations under Section 50 of the *Parliamentary Services Act 2020*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Parliamentary Services (Vehicles) Regulations 2021*.

2 Commencement

These Regulations comes into effect on 1 July 2021.

3 Interpretation

In these Regulations:

‘*Act*’ means the *Parliamentary Services Act 2020*;

‘*Clerk*’ means the Clerk of Parliament;

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

‘*leave*’ includes recreation leave, study leave, official leave, special leave and leave without pay;

‘*motor traffic laws*’ means the *Motor Traffic Act 2014* and any other relevant law;

‘*Office*’ means the Office of Parliamentary Services;

‘*use*’ includes to drive; and

‘*vehicle*’ means and Office issued or Office owned vehicle and includes a vehicle funded or donated under a Project or Programme or a vehicle provided by Development Partners.

4 Application

These Regulations applies to all employees who have been assigned the use or access to a vehicle.

[The next page is 731,601]

PART 2 — VEHICLES

5 Vehicle colour code

- (1) All vehicles shall be coded with coloured labels as follows:
 - (a) Green - assigned to the Speaker and Clerk of Parliament;
 - (b) Blue - assigned to the Deputy Clerk; or
 - (c) Red - official use during official hours between 9am to 5pm day on Monday to Friday, the weekends including during the official hours or beyond the official hours depending on the length of time Parliament is in session, excluding the Public Holidays.
- (2) All vehicles with Red labels shall be parked at the car parks allocated by the Clerk after 5pm everyday including the weekends.

6 Responsibility of the Clerk

- (1) The Clerk shall:
 - (a) monitor the usage of vehicles; and
 - (b) display the Regulations conspicuously on a notice board or in a place the employees can easily access.
- (2) An employee who is assigned or has access to a vehicle shall:
 - (a) only use the vehicle for Parliamentary services related purposes, unless expressly excluded in the Regulations or under his or her contract of employment;
 - (b) not use the vehicle for any activities which are in violation of the laws of the Republic;
 - (c) keep the vehicle clean and in good repair;
 - (d) have a valid Nauruan driver's licence with a photocopy of the licence provided to the Clerk;
 - (e) not transfer or tamper with the colour code of any vehicle;
 - (f) not remove the vehicle registration number plate; and
 - (g) not drive a vehicle without a vehicle registration number plate affixed at both the front and rear of the vehicles.

7 Authorised use of the Office issued vehicle

- (1) All employees assigned or having access to a vehicle shall ensure the vehicles are used in accordance with the authorisation given by the Clerk, applicable laws and the terms and conditions of their contracts.
- (2) The personal use of vehicle extends only to:
 - (a) the Speaker;
 - (b) the Clerk;
 - (c) the Deputy Clerk; and
 - (d) an employee who has a contractual entitlement to the personal use of a vehicle.
- (3) The Clerk may vary the authorisation for the use of a vehicle on an application by an employee on any terms as the Clerk thinks fit.
- (4) An approval under subregulation (3) shall be in writing and issued to the employee prior to the use of the vehicle.

- (5) An authorisation to drive a vehicle may be cancelled by the Clerk in consultation with the Speaker, if an:
- (a) employee's driver's licence expires;
 - (b) employee's driver's licence has been revoked;
 - (c) employee has been disqualified from driving by the Court; or
 - (d) employee breaches any:
 - (i) condition of the authorisation for the use of the vehicle;
 - (ii) motor traffic law; or
 - (iii) terms and conditions of his or her contractual use of the vehicle.

8 Rental vehicles

The Clerk shall not hire a rental vehicle for the Office use without the approval of the Speaker.

9 Vehicles for consultants

A Consultant engaged by the Office shall not have the use of a vehicle or rental vehicle paid by the Office unless provided for under his or her contract.

10 Use and possession of vehicle during leave

- (1) An employee shall return the keys to the vehicle in his or her possession to the Clerk before going on leave unless the Clerk has provided written consent for the use of the vehicle during the period of leave.
- (2) The employee shall ensure that the vehicle is parked in a safe place during the period of his or her leave of absence from office.

11 Prohibited use

- (1) The following is prohibited conduct in relation to the use of vehicles:
 - (a) smoking in vehicles;
 - (b) drinking alcohol in vehicles;
 - (c) driving of vehicles while under the influence of alcohol or narcotic or intoxicating drugs;
 - (d) using the vehicles as transport to go to places where alcohol is sold for the purposes of consumption on site including nightclubs, public bars, licensed restaurants or any other licensed premises under the *Liquor Control Act 2017*;
 - (e) using the vehicle as transport to attend public or private functions or events where alcohol is offered or served for consumption on site with or without any cost;
 - (f) using the vehicles for leisure activities including, but not limited to gambling;
 - (g) using the vehicles for commercial activities or secondary employment;
 - (h) using the vehicles to tow boat trailers or to transport other fishing gear; and
 - (i) permitting unauthorised persons to drive the vehicles.
- (2) For the purposes of this Regulation, '*permitting*' means express or implied authority or allowing access to a vehicle to unauthorised persons which includes the failure to store the vehicle keys safely.

- (3) A contravention of subregulation (1) may result in the employee being summarily dismissed from the Office.

12 Motor traffic laws

- (1) All employees shall act in accordance with all motor traffic laws.
- (2) An employee who contravenes any motor traffic law shall:
 - (a) defend himself or herself if any prosecution is undertaken; and
 - (b) pay any fine, penalty or compensation ordered by the court.

13 Registration and insurance

- (1) The Office shall ensure that all vehicles have:
 - (a) valid motor vehicle registration certificates; and
 - (b) third party insurance pursuant to the *Motor Traffic Act 2014*.
- (2) The Clerk is responsible for any fines relating to the conditions of the vehicles including the renewal of annual registration and third party insurance.

14 Accidents or incidents reports

- (1) The employee shall report in writing including electronic means to the Clerk within 24 hours if the vehicle is involved in an accident or incident.
- (2) The Clerk shall submit the report to the Speaker for his or her consideration.
- (3) If the vehicle is damaged as a result of an act or an omission of the employee, the employee shall pay for:
 - (a) the damage to the vehicle; and
 - (b) any expenses incurred by the Officer for any rental vehicles acquired as replacements for the damaged vehicles.
- (4) If a vehicle is involved in an accident without any act or omission of the employee, the employee shall pay for the damage to the vehicle, which sum shall be reimbursed by the Office upon identification of the person who caused the damage.
- (5) An employee who is the driver of a vehicle involved in an accident shall provide an account or incident report in the form in the Schedule to the Clerk within 5 days from when the accident or incident took place.

15 Penalties

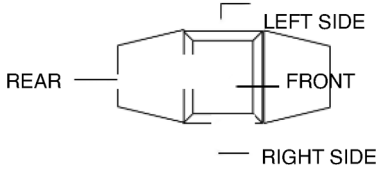
- (1) In addition to the penalty prescribed by Regulation 11(3), if an employee breaches these Regulations, the employee's vehicle privileges shall be withdrawn either permanently or for a term determined by the Clerk.
- (2) A breach of these Regulations shall be a ground:
 - (a) for disciplinary action under the *Parliamentary Services (Disciplinary) Regulations 2021*; or
 - (b) a surcharge for loss or destruction of or damage to a vehicle.
- (3) For the purposes of these Regulations, ignorance of the law is not a defence to any action which may be taken by the Office against an employee for any breach of the Regulations.

[The next page is 731,801]

SCHEDULE
PARLIAMENTARY SERVICES (VEHICLES) REGULATIONS 2021

[Regulation 14(5)]

ACCIDENT/INCIDENT REPORT FORM

Date and time of accident/incident	Driver's Name	Section
Driver's contacts (phone and email)		
Details of vehicle concerned (registration number, colour, make etc)		
Driver's Statement: <i>Please explain fully and clearly what happened. Continue on a separate sheet of paper if needed. (Provide location, names, other vehicles involved etc)</i>		
Did you report this to the Police? If yes, when? If no, why not?	Who were the witnesses if any?	
If possible, provide diagram of the scene of the accident/incident.		
Circle where the vehicle was damaged.		
		
Describe full extent of damage to the vehicle:		
Date/Time and signature by driver upon submitting this form.	Date/Time and signature of the Clerk upon receiving this report.	

[The next page is 736,001]

Parliamentary Services (Disciplinary) Regulations 2021

TABLE OF PROVISIONS

Regulation

Title

PART 1 — PRELIMINARY

- 1 Citation
- 2 Commencement
- 3 Application of Regulations
- 4 Interpretation

PART 2 — MISCONDUCT

- 5 Misconduct
- 6 Multiplicity of disciplinary offences

PART 3 — PROCEDURE FOR COMPLAINTS AGAINST EMPLOYEES

- 7 Complaint
- 8 Clerk may initiate investigation

PART 4 — DECISION TO INVESTIGATE

- 9 Complaints with no merit
- 10 Complaints warranting investigation
- 11 Employee admits to complaint
- 12 Employee denies complaint
- 13 Investigation report to be provided to Clerk
- 14 Formal charges
- 15 Employee admits charge
- 16 Employee denies charge
- 17 Panel to recommend
- 18 Clerk to consider the penalty
- 19 Penalties
- 20 Failure of employee to respond or attend to any hearing
- 21 Notification of decision
- 22 Suspension
- 23 Clerk to determine charge

PART 5 — MISCELLANEOUS

- 24 Criminal offences
- 25 Resignation pending disciplinary proceeding

<i>Regulation</i>	<i>Title</i>
26	Resignation pending criminal proceeding
27	Forms
28	Rules of evidence
29	Rules of natural justice
	SCHEDULE 1 — DISCIPLINARY OFFENCES
	SCHEDULE 2 — FORMS
	FORM 1 — [COMPLAINT FOR ALLEGED MISCONDUCT]
	FORM 2 — [SUSPENSION]
	FORM 3 — [INVESTIGATION REPORT]
	FORM 4 — [DISCIPLINARY CHARGE]
	FORM 5 — [NOTICE OF HEARING]
	FORM 6 — [DECISION ON DISCIPLINARY CHARGES]
	FORM 7 — [DECISION ON PENALTY]
	FORM 8 — [SUMMARY TERMINATION]

[The next page is 736,201]

Parliamentary Services (Disciplinary) Regulations 2021

TABLE OF AMENDMENTS

The Parliamentary Services (Disciplinary) Regulations 2021 SL 17 were notified on 6 July 2021 (GN No 448/2021; Gaz 100/2021) and commenced on 1 July 2021.

Amending Legislation	Notified	Date of Commencement
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[The next page is 736,401]

The Speaker makes the following Regulations under Section 37(a) and (b) of the *Parliamentary Services Act 2020*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Parliamentary Services (Disciplinary) Regulations 2021*.

2 Commencement

These Regulations come into effect on 1 July 2021.

3 Application of Regulations

These Regulations apply to all employees of the Office, whether permanent, temporary or contract employees.

4 Interpretation

In these Regulations:

‘*Act*’ means the *Parliamentary Services Act 2020*;

‘*Clerk*’ means the Clerk of Parliament;

‘*Code of Conduct*’ refers to the Code of Conduct in Section 30 of the Act;

‘*disciplinary offences*’ means the disciplinary offences set out in Schedule 1;

‘*disciplinary proceedings*’ means the process of receiving complaint, investigation, hearing and determination of a misconduct;

‘*legal practitioner*’ has the same meaning it has in the *Legal Practitioners Act 2019*;

‘*misconduct*’ has the meaning given to it in Regulation 5;

‘*Office*’ means the Office of Parliamentary Services; and

‘*panel*’ means a panel established under Regulation 16(1)(b).

[The next page is 736,601]

PART 2 — MISCONDUCT

5 Misconduct

- (1) Misconduct consists of:
 - (a) a breach of the Code of Conduct;
 - (b) a commission of a disciplinary offence in Schedule 1; or
 - (c) a combination of paragraphs (a) and (b).
- (2) The Clerk shall exercise disciplinary control over the employees of the Office.

6 Multiplicity of disciplinary offences

- (1) If misconduct constitutes a number of breaches of the Code of Conduct or disciplinary offences, the employee may be charged with the most serious of the disciplinary offences.
- (2) If an employee is charged with multiple disciplinary offences arising from the same facts or conduct, the penalty shall reflect the most serious of the charges so that the penalty imposed is reasonably appropriate for the gravity or impact of such offence or offences.

[The next page is 736,801]

PART 3 — PROCEDURE FOR COMPLAINTS AGAINST EMPLOYEES

7 Complaint

- (1) A person may lodge a complaint in respect of an employee to the Clerk.
- (2) The complaint shall be in writing and, so far as practicable, be accompanied by available supporting evidence.
- (3) The complaint shall be acknowledged in writing by the Clerk.

8 Clerk may initiate investigation

- (1) The Clerk may initiate an investigation for any alleged misconduct in relation to any one or more employees without a complaint being made under Regulation 7.
- (2) The Clerk may appoint a senior employee of the Office to carry out the investigation.

[The next page is 737,001]

PART 4 — DECISION TO INVESTIGATE

9 **Complaints with no merit**

If the Clerk:

- (a) receives a complaint against an employee; and
- (b) is satisfied that the complaint lacks merit,

the Clerk may summarily dismiss the complaint, with or without investigation, and shall inform the complainant of the decision.

10 **Complaints warranting investigation**

- (1) If the Clerk is of the opinion that a complaint against an employee is to be investigated, he or she shall in Form 1 of Schedule 2 provide to the employee:
 - (a) a summary of the complaint including the alleged misconduct;
 - (b) if practicable, a copy of the complaint made against the employee including available supporting evidence; and
 - (c) a directive that the employee shall within 7 days from the date of the service of the documents provide a written response admitting or denying each allegation of the complaint.
- (2) In providing the information under subregulation (1), the Clerk shall inform the employee that:
 - (a) disciplinary charges may be laid against him or her based on the complaint and the response; and
 - (b) the employee may defend himself or herself in person, or be represented or assisted by another person or a legal practitioner at any stage of the investigation, hearing or determination of the complaint.
- (3) The Clerk may appoint a senior employee of the Office to carry out the investigation.

11 **Employee admits to complaint**

If an allegation of misconduct is admitted by an employee, he or she shall:

- (a) admit the facts, with or without any variation; and
- (b) provide information or matters in Regulation 18, which the Clerk may take into account as mitigation, when considering an appropriate penalty.

12 **Employee denies complaint**

- (1) If an allegation of misconduct is denied by an employee, he or she shall:
 - (a) provide detailed reasons of the denial of the allegations;
 - (b) submit available supporting evidence including any statement of a person he or she may rely on for the purposes of paragraph (a); and
 - (c) provide the name, telephone, email or any other contact details of a person he or she has obtained a statement from under paragraph (b).
- (2) If necessary, the Clerk may prepare a summary of the employee's response and refer it to the complainant for clarification.

13 Investigation report to be provided to Clerk

The senior employee appointed to investigate a complaint shall, within 7 days of the receipt of the employee's response under Regulation 12, provide to the Clerk:

- (a) the complaint;
- (b) the response from the employee; and
- (c) a report in Form 3 of Schedule 2 containing the following:
 - (i) a summary of the complaint and response;
 - (ii) the opinion of the senior employee on the merits of the complaint;
 - (iii) the relevant employment records of the employee, if any, kept by the Office;
 - (iv) the alleged misconduct committed by the employee;
 - (v) the possible outcome of the complaint; and
 - (vi) the recommended penalty.

14 Formal charges

- (1) Upon receipt of the report in Regulation 13, and if the Clerk is of the opinion that an alleged misconduct by an employee has been committed, the Clerk shall formally charge the employee for such misconduct in Form 4 of Schedule 2.
- (2) The Clerk shall cause the charge to be given to the employee within 10 days after the receipt of the report in Regulation 13.

15 Employee admits charge

If the employee admits the allegations of misconduct in the formal charge, the Clerk shall:

- (a) require the employee to provide submissions under Regulation 18 which the Clerk may consider for the purposes of determining a penalty if they were not earlier provided; and
- (b) on receipt of any submissions, proceed to impose an appropriate penalty under Regulation 19.

16 Employee denies charge

- (1) If the employee denies the allegations of misconduct in the formal charge, the Clerk may:
 - (a) consider the allegations and the report and accompanying documents provided under Regulation 13, and find the employee guilty or not guilty of one or more of the charges; or
 - (b) subject to subregulation (2), establish a panel consisting of not more than 3 senior employees of the Office and refer the allegations and accompanying documents to the panel to hear and make recommendations to the Clerk on the formal charges.
- (2) The panel may include a legal practitioner in place of one of the senior employees of the Office if the Clerk determines that it is appropriate to do so.
- (3) For the avoidance of doubt, a panel may consist of one person and he or she may be a legal practitioner referred to in subregulation (2).

17 Panel to recommend

- (1) The panel shall hear and provide a report with a recommendation of its decision to the Clerk no later than 10 days after the receipt of a directive by the Clerk to do so.
- (2) On receiving the report from the panel, the Clerk shall consider the report, and any other relevant information, and make a determination as to whether the employee is guilty or not guilty of misconduct.

18 Clerk to consider the penalty

- (1) If:
 - (a) an employee admits any allegation of misconduct or is found to have committed misconduct; and
 - (b) the employee has not earlier provided any mitigation submissions under these Regulations,the Clerk in considering the penalty may direct the employee to provide mitigation submissions within 5 days.
- (2) In determining the penalty, the Clerk may take into account one or more of the following matters:
 - (a) the nature of the misconduct, in particular whether it is fraudulent conduct, politicising the Office or bringing disrepute to the Office;
 - (b) any malice with which the employee acted;
 - (c) the time and place of the misconduct;
 - (d) the employee taking advantage of his or her official position;
 - (e) the taking advantage of the unique position of the victim;
 - (f) the use of Office property to commit the offence;
 - (g) the habituality or frequency of the commission of misconduct, despite counselling and irrespective of whether charged or not;
 - (h) whether the employee is a first time offender;
 - (i) the employee's education or qualifications;
 - (j) the competence of the employee in the performance of his or her work;
 - (k) the employee's length of service;
 - (l) the employee's physical or mental impairment or illness, if any; and
 - (m) any other relevant matters.

19 Penalties

- (1) If the Clerk finds an employee guilty of misconduct, the Clerk may impose one or more of the following penalties:
 - (a) caution or reprimand the employee;
 - (b) reduce the remuneration payable to the employee within the applicable remuneration band;
 - (c) impose a surcharge on the employee together with a mandatory deduction from the employee's remuneration by way of restitution of any sum of money for the:
 - (i) loss or damage caused by the employee to any Office property; or
 - (ii) consequential loss or damage to other property or any other person to which the Office may become liable to pay;
 - (d) forfeit any remuneration for the period of any suspension without any remuneration before reinstating the employee;

- (e) freeze any increments in the employee's remuneration for a specified period of time;
 - (f) freeze any promotion of the employee in the Office for a specified period of time;
 - (g) impose a monetary fine on the employee;
 - (h) demote the employee;
 - (i) suspend the employee for a specified period of time not exceeding 6 months without remuneration and such period shall include any period of suspension prior to the determination of the misconduct;
 - (j) offer an opportunity to the employee to resign in lieu of being terminated;
 - (k) terminate the employee's employment;
 - (l) retire the employee in the public interest;
 - (m) a combination of one or more of the above penalties; and
 - (n) any other penalty that the Clerk may consider appropriate.
- (2) If an employee:
- (a) was suspended with half pay or without any remuneration;
 - (b) was demoted following the determination of the disciplinary offence for which he or she was suspended; and
 - (c) is entitled to receive any remuneration which was not paid during the period of suspension,
- he or she shall be paid remuneration based on the demoted position from the date of such suspension.
- (3) Form 7 of Schedule 2 is to be used for the imposition of a penalty under subregulation (1).

20 Failure of employee to respond or attend to any hearing

- (1) If an employee, who has received a formal charge under Regulation 14, fails to respond to any request or direction by the Clerk, the Clerk may, after the lapse of a reasonable period of time specified by the Clerk, determine the charge and the appropriate penalty respectively.
- (2) Notice of a hearing is to be given in Form 5 of Schedule 2.

21 Notification of decision

- (1) The Clerk shall notify the employee in writing of his or her decision on the misconduct or penalty, or both.
- (2) The decision of the Clerk shall be kept as a record in the personal records of the employee kept by the Office, whether or not the employment is terminated.
- (3) Form 6 of Schedule 2 is to be used to notify the Clerk's decision under subregulation (1).

22 Suspension

- (1) The Clerk may suspend an employee, with or without remuneration, pending an investigation and the final determination of the disciplinary proceeding.
- (2) An employee may request the Clerk to review the decision of suspension without remuneration if no formal charges have been served on the employee, or disciplinary proceedings have not commenced, within 60 days after the date of suspension.

- (3) Form 2 of Schedule 2 is to be used for a suspension under subregulation (1).

23 Clerk to determine charge

- (1) The Clerk shall, within 90 days after the date of suspension or the service of the charge on an employee, whichever occurs first, make a final determination on such charge and penalty.
- (2) If the Clerk fails to comply with subregulation (1), the employee may be permitted to resume duties, pending final determination of the disciplinary proceeding.

[The next page is 737,201]

PART 5 — MISCELLANEOUS

24 Criminal offences

- (1) If an employee is charged with a criminal offence, he or she shall be suspended without remuneration from the Office pending the final determination of the criminal case.
- (2) If an employee has been convicted of a criminal offence, irrespective of the sentence imposed by the court, he or she shall be summarily terminated from employment in the Office.
- (3) This Regulation applies to a person employed in the Office except for the Clerk.
- (4) Form 8 of Schedule 2 is to be used for a summary termination under subregulation (2).

25 Resignation pending disciplinary proceeding

If an employee resigns pending final determination of a disciplinary proceeding, such proceeding shall cease immediately.

26 Resignation pending criminal proceeding

If an employee resigns pending final determination of a criminal proceeding, any disciplinary proceeding arising out of or related to such criminal proceeding, if commenced, shall cease immediately.

27 Forms

The forms in Schedule 2 may be modified as may be necessary.

28 Rules of evidence

- (1) The strict rules of evidence do not apply to disciplinary proceedings.
- (2) Subject to Regulation 29, a disciplinary proceeding is not void for any want of form or procedure.

29 Rules of natural justice

- (1) A disciplinary proceeding conducted under these Regulations shall be in compliance with the rules of natural justice.
- (2) If an employee is given the right to natural justice and if he or she fails to exercise such right, it does not constitute a breach of the rules of natural justice.

[The next page is 737,401]

SCHEDULE 1

[Regulation 5]

DISCIPLINARY OFFENCES

The disciplinary offences set out in the following paragraphs constitute misconduct:

- Habitual late attendance to work or official functions;
- Absence from work without prior leave or permission;
- Disobeying instructions of superiors or insubordination;
- Failing to exercise proper supervisory functions;
- Concealing defective or substandard work;
- Malingering at the work place or inefficient use of time;
- Verbal and physical fighting at the work place;
- Use of indecent or vulgar language;
- Giving wrong information for official purposes;
- Neglect or dereliction of duties;
- Failure to follow or obey written laws and Office policies;
- Breach of trust and confidence;
- Theft, fraud, irregularity, embezzlement, bribery, corruption or misappropriation of funds;
- Breach of duty of official secrecy under the *Official Information Act 1976*;
- Failure to protect or wilfully divulging information contained in data protection mechanisms including in electronic mails, cloud or other digital or electronic storage programs, laptops, iPads, phones and computers;
- Falsification of records or violation or misuse of official information;
- Misuse of electronic equipment including unauthorised access to computers and other records and files;
- Reporting to work under the influence or consuming alcohol or illicit drugs at the work place;
- Discrimination, bullying, harassment including sexual harassment;
- Nepotism;
- Failing to comply with the requirements of all different types of leave under the *Parliamentary Services (Employment and Procedures) Regulations 2021*;
- Failure to disclose conflicts of interest;
- Damage to Office property including motor vehicles;
- Arrogant, abusive or violent behaviour towards the members of the public or other employees;
- Smoking or consuming alcohol in Office vehicles;
- Using Office vehicle as transport to attend public or private functions or events if alcohol is offered or served for consumption on site with or without any cost;
- Using Office vehicle for leisure activities including, but not limited to gambling;
- Using Office vehicle for commercial activities or secondary employment;
- Using Office vehicle to tow boat trailers or to transport other fishing gear;
- Permitting unauthorised persons to drive Office vehicles;
- Digital or electronic publishing, posting or messaging in social or mass media of any political, misleading or false information which is likely to bring disrepute to the Office, Speaker, Deputy Speaker, Clerk or other employees;

-
- Uttering, recording or livestreaming of any official information without prior approval of the Clerk by means of social or mass media or any other electronic or digital form;
 - Immoral, indecent or disgraceful conduct at the work place;
 - Tampering with or entering of false entries into the attendance register;
 - Failure to promptly answer or respond to telephone calls to 557 numbers, electronic mails, IMO, messenger, hang outs, whatsapp, viber, text messages.

[The next page is 737,601]

SCHEDULE 2

FORMS

FORM 1

[Regulation 10]

[COMPLAINT FOR ALLEGED MISCONDUCT]

[Insert Letterhead]

MEMORANDUM

FROM : Clerk of Parliament

TO : [insert name of employee] [insert position of employee]

DATE : [insert date]

RE : COMPLAINT FOR ALLEGED MISCONDUCT

1. This memorandum is issued to you under Regulation 10 of the *Parliamentary Services (Disciplinary) Regulations 2021*. Pursuant to this Regulation, I am formally informing you of a complaint made against you for alleged misconduct under the *Parliamentary Services (Disciplinary) Regulations 2021*.
2. It is alleged that on *[insert date]*, you *[insert actual allegations]*.
3. A copy of the complaint and supporting documents are attached [or a summary of the complaint is as follows. . .].

[NOTE: a summary is only necessary if the complaint cannot be attached for reasons of confidentiality or at the request from the complainant.]

4. Pursuant to Regulation 10(1), you are required within 7 days from the date on which you were served or received this memorandum, [and the attached documents (if any)] to provide a response in writing to each of the allegations.
5. **TAKE NOTICE** that if you fail to respond, we shall proceed to deal with the matter under the *Parliamentary Services (Disciplinary) Regulations 2021*. A copy of the list of disciplinary offences contained in Schedule 1 of the *Parliamentary Services (Disciplinary) Regulations 2021* is attached for your information. Therefore, it is in your interest to respond in a timely manner to the allegations.

[insert name]

Clerk of Parliament

Attached:

737,601

Service 0

FORM 2**[SUSPENSION]***[Regulation 22]**[Insert Letterhead]***MEMORANDUM**

FROM : Clerk of Parliament**TO :** [insert name of employee] [insert position of employee]**DATE :** [insert date]**RE : SUSPENSION FOR ALLEGED MISCONDUCT**

1. This memorandum is issued pursuant to Regulation 22(1) of the *Parliamentary Services (Disciplinary) Regulations 2021*. By virtue of the powers vested to me under Regulation 22, I suspend you from work pending the investigation [or final determination of any contemplated disciplinary proceedings]. You will be paid 50% of your basic salary [or wages].
2. You are to hand over all the office equipment, passwords, keys to *[insert name of officer to whom the hand over is to be given]*. During the period of suspension, you will have no access to the Office and you shall remove all your personal belongings from the Office.
3. Whilst on suspension, you may be contacted by *[insert name of officer]* for the purposes of investigation.
4. Your suspension without remuneration shall continue until it is revoked by me. If you are charged for a disciplinary offence, your suspension without remuneration shall continue unless you seek to have the decision to suspend reviewed by me under Regulation 22(2) after a lapse of 60 days from the date of suspension.

[insert name]

Clerk of Parliament

Attached:

NOTE: Regulation 22(2) provides: *An employee may request the Clerk to review the decision of suspension without remuneration if no formal charges have been served on the employee, or disciplinary proceedings have not commenced, within 60 days after the date of suspension.*

FORM 3

[Regulation 13]

[INVESTIGATION REPORT]

[Insert Letterhead]

MEMORANDUM

FROM : [insert name of senior employee appointed to investigate]

TO : Clerk of Parliament

DATE : *[insert date]*

RE : **INVESTIGATION REPORT FOR ALLEGED MISCONDUCT –** *[insert name of employee]*

Pursuant to Regulation 13(c) of the *Parliamentary Services (Disciplinary) Regulations 2021*, find enclosed a duly completed form containing the following:

- (i) ...
- (ii) ...
- (iii) ...
- (iv) ...
- (v) ...
- (vi) ...
- (vii) ...
- (viii) ...

[insert name of investigator]

Attached:

Complete and attach this Form

FULL NAME OF EMPLOYEE:
POSITION:
SUMMARY OF COMPLAINT:
SUMMARY OF EMPLOYEE'S RESPONSE:

.....

.....

.....

.....

.....

OPINION ON THE MERITS OF THE COMPLAINT:

.....

.....

.....

.....

.....

RELEVANT EMPLOYMENT RECORDS OF EMPLOYEE: *[Attach separately if needed]*

.....

.....

.....

.....

.....

NATURE OF ALLEGED MISCONDUCT: *[Tick the applicable misconduct]*

- Habitual late attendance to work or official functions;
- Absence from work without prior leave or permission;
- Disobeying instructions of superiors or insubordination;
- Failing to exercise proper supervisory functions;
- Concealing defective or substandard work;
- Malingering at the work place or inefficient use of time;
- Verbal and physical fighting at the work place;
- Use of indecent or vulgar language;
- Giving wrong information for official purposes;
- Neglect or dereliction of duties;
- Failure to follow or obey written laws and Office policies;
- Breach of trust and confidence;
- Theft, fraud, irregularity, embezzlement, bribery, corruption or misappropriation of funds;
- Breach of duty of official secrecy under the *Official Information Act 1976*;
- Failure to protect or wilfully divulging information contained in data protection mechanisms including in electronic mails, cloud or other digital or electronic storage programs, laptops, iPads, phones and computers;
- Falsification of records or violation or misuse of official information;
- Misuse of electronic equipment including unauthorised access to computers and other records and files;
- Reporting to work under the influence or consuming alcohol or illicit drugs at the work place;
- Discrimination, bullying, harassment including sexual harassment;
- Nepotism;

<ul style="list-style-type: none"> <input type="checkbox"/> Failing to comply with the requirements of all different types of leave under Part 7 of the Act; <input type="checkbox"/> Failure to disclose conflicts of interest; <input type="checkbox"/> Damage to Office property including motor vehicles; <input type="checkbox"/> Arrogant, abusive or violent behaviour towards the members of the public or other employees; <input type="checkbox"/> Smoking or consuming alcohol in Office vehicles; <input type="checkbox"/> Using Office vehicle as transport to attend public or private functions or events If alcohol is offered or served for consumption on site with or without any cost; <input type="checkbox"/> Using Office vehicle for leisure activities including, but not limited to gambling; <input type="checkbox"/> Using Office vehicle for commercial activities or secondary employment; <input type="checkbox"/> Using Office vehicle to tow boat trailers or to transport other fishing gear; <input type="checkbox"/> Permitting unauthorised persons to drive Office vehicles; <input type="checkbox"/> Digital or electronic publishing, posting or messaging in social or mass media of any political, misleading or false information or any information which is likely to bring disrepute to the Office, Speaker, Deputy Speaker, Clerk or other employees; <input type="checkbox"/> Uttering, recording or livestreaming of any official information without prior approval of the Clerk by means of social or mass media or any other electronic or digital form; <input type="checkbox"/> Immoral, indecent or disgraceful conduct at the work place; <input type="checkbox"/> Tampering with or entering of false entries into the attendance register; <input type="checkbox"/> Failure to promptly answer or respond to telephone calls to 557 numbers, electronic mails, IMO, messenger, hang outs, whatsapp, viber, text messages.
<p>POSSIBLE OUTCOME OF THE COMPLAINT:</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>RECOMMENDED PENALTY: [<i>Tick the recommended penalty or penalties</i>]</p> <ul style="list-style-type: none"> <input type="checkbox"/> caution or reprimand the employee <input type="checkbox"/> reduce the remuneration payable to the employee within the applicable remuneration band <input type="checkbox"/> impose a surcharge on the employee together with a mandatory deduction from the employee’s remuneration by way of restitution any sum of money for the loss or damage caused by the employee to any Office property or consequential loss or damage to other property or any other person to which the Office may become liable to pay; <input type="checkbox"/> forfeit any remuneration for the period of suspension without any remuneration before reinstating the employee; <input type="checkbox"/> freeze any increments in the employee’s remuneration for a specified period of time; <input type="checkbox"/> freeze any promotion of the employee in the Office for a specified period of time; <input type="checkbox"/> impose a monetary fine on the employee; <input type="checkbox"/> demote the employee; <input type="checkbox"/> suspend the employee for a specified period of time not exceeding 6 months without remuneration and such period shall include any period of suspension prior to the determination of the misconduct; <input type="checkbox"/> offer an opportunity to the employee to resign in lieu of being terminated; <input type="checkbox"/> terminate the employee’s employment; <input type="checkbox"/> retire the employee in the public interest.

ANY OTHER PENALTY: *[state below any other penalty you may wish to recommend to the Clerk]*

.....
.....
.....

Investigator *[Insert name]*:

Signature: Date:

FORM 4
[DISCIPLINARY CHARGE]

[Regulation 14]

[Insert Letterhead]

MEMORANDUM

FROM : Clerk of Parliament

TO : [insert name of employee] [insert position of employee]

DATE : [insert date]

RE : DISCIPLINARY CHARGES FOR MISCONDUCT

1. I have considered the complaint, [response if provided], information provided by [insert Investigator]. Based on the powers vested in me under Regulation 14, I am of the opinion that the complaint constitutes an alleged misconduct.
2. Pursuant to the powers vested in me under Regulation 14(1) of the *Parliamentary Services (Disciplinary) Regulations 2021*, I formally charge you for the following disciplinary offence [offences] under the *Parliamentary Services (Disciplinary) Regulations 2021*:

Statement of Offence

MISCONDUCT contrary to Section 37 of the *Parliamentary Services Act 2020*, Regulation 5 and Schedule 1 of the *Parliamentary Services (Disciplinary) Regulations 2021*.

Particulars of Offence

[Insert name of the employee], it is alleged against you as an employee serving as the [insert position of the employee] in the Office that on or about [insert date], you [insert details of the alleged misconduct].

3. This disciplinary charge is served to you under Regulation 14(2) of the *Parliamentary Services (Disciplinary) Regulations 2021*.
4. Regulation 15 provides you with an opportunity to admit the charge. You may also deny the charge under Regulation 16. You are required to provide your response either admitting or denying the charge to me within 7 days of the receipt of this formal charge. You may also provide any information, evidence or facts which in your view is necessary for my deliberation.
5. After receiving your response, I will deliberate upon the charges. You may be required to attend in person before me or I may deliberate on the charges based on the information already provided.
6. Pursuant to Regulation 16(b), I may exercise my discretion to refer the charges to a panel for a recommendation.

7. If you are found guilty of any disciplinary offence, you will be informed of this under Regulation 21.
8. If you admit the charges, you may make submissions for mitigation as to the penalty which I may impose. Regulation 18 provides for matters which I shall consider for the purposes of the penalty.
9. **TAKE NOTICE** that if you fail to respond under Regulation 15 or Regulation 16, I will proceed to deliberate upon the disciplinary charges based on the information already provided to me. Therefore, it is in your interest and in compliance with the requirements of natural justice under Regulation 29 for you to provide all the information that you deem appropriate.

[insert name]

Clerk of Parliament

FORM 5

[Regulation 20]

[NOTICE OF HEARING]

[Insert Letterhead]

MEMORANDUM

FROM : Clerk of Parliament

TO : *[insert name of employee] [insert position of employee]*

DATE : *[insert date]*

RE : **NOTICE OF HEARING**

TAKE NOTICE that the disciplinary proceedings commenced against you will be heard before me *[panel]* on *[insert date]*. You are required to attend the hearing.

Please note that you may defend yourself in person or engage the services of a legal practitioner or another person. During the hearing, you are also allowed to call witnesses, tender documents and make submissions which you intend to be considered for the decision.

It is in your interest to attend the hearing as I will make a decision under Regulation 20 even if you fail to attend the hearing.

[insert name]

Clerk of Parliament

NOTE: Regulation 20 provides:

If an employee, who has received a formal charge under Regulation 14, fails to respond to any request or direction by the Clerk, the Clerk may, after the lapse of a reasonable period of time specified by the Clerk, determine the charge and the appropriate penalty respectively.

FORM 6*[Regulation 21]***[DECISION ON DISCIPLINARY CHARGES]***[Insert Letterhead]***MEMORANDUM**

FROM : Clerk of Parliament**TO :** *[insert name of employee] [insert position of employee]***DATE :** *[insert date]***RE :** **DECISION ON DISCIPLINARY CHARGES**

Pursuant to the powers vested in me under Regulation 23 of the *Parliamentary Services (Disciplinary) Regulations 2021* and based on the information or evidence provided by the *[insert names of a persons]* and you, I have reached the following conclusion:

- (a) I find you not guilty and acquit you on all counts; or
- (b) I find you guilty on counts XXX and not guilty on counts YYY, as such acquit you on counts YYY and proceed to considering the penalty on count XXX.

I am attaching a copy of my decision and the reasons for the same.

[insert name]

Clerk of Parliament

Attached: Decision on disciplinary charges.

NOTE: *You have been found guilty of XX offence. You have the right to appeal the decision but this right can only be exercised after the penalty has been given.*

FORM 7

[Regulation 19]

[DECISION ON PENALTY]

[Insert Letterhead]

MEMORANDUM

FROM : Clerk of Parliament

TO : *[insert name of employee] [insert position of employee]*

DATE : *[insert date]*

RE : DECISION ON PENALTY

After considering the matters which I am required to under Regulation 18 and pursuant to the power vested in me under Regulation 19 of the *Parliamentary Services (Disciplinary) Regulations 2021*, I impose the following penalties:

[insert the penalties]

I am attaching a copy of my decision and the reasons for it.

[insert name]

Clerk of Parliament

Attached: Decision on penalty.

NOTE: *You have the right to appeal within 14 days of the decision being made.*

FORM 8*[Regulation 24]***[SUMMARY TERMINATION]***[Insert Letterhead]***MEMORANDUM**

FROM : Clerk of Parliament**TO :** *[insert name of employee]* *[insert position of employee]***DATE :** *[insert date]***RE :** **SUMMARY TERMINATION**

Pursuant to Regulation 24 of the *Parliamentary Services (Disciplinary) Regulations 2021*, you committed a *[insert offence]* for which you are liable to be summarily terminated.

Based on the following information *[insert list of information]*, you are formally dismissed from employment with immediate effect.

You will be paid your accrued benefits and entitlements under the *Parliamentary Services Act 2020*.

[insert name]

Clerk of Parliament

[The next page is 740,001]

Parliamentary Services (Appeals) Regulations 2021

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Interpretation
4	Commencing an appeal
5	Notice to Attend
6	Appeal out of time
7	Withdrawal of appeal
8	Severance of appellants
9	Interlocutory decision not appealable
	SCHEDULE
	FORM 1 — NOTICE OF APPEAL
	FORM 2 — NOTICE TO ATTEND

[The next page is 740,201]

Parliamentary Services (Appeals) Regulations 2021

TABLE OF AMENDMENTS

The Parliamentary Services (Appeals) Regulations 2021 SL 18 were notified and commenced on 6 July 2021 (GN No 449/2021; Gaz 101/2021).

Amending Legislation	Notified	Date of Commencement
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[The next page is 740,401]

The Speaker makes the following Regulations under Section 37(c) of the *Parliamentary Services Act 2020*:

1 Citation

These Regulations may be cited as the *Parliamentary Services (Appeals) Regulations 2021*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Interpretation

In these Regulations:

‘Board’ means the Public Service Appeals Board established pursuant to Article 70(1) of the *Constitution* and constituted in Section 105 of the *Public Service Act 2016*; and

‘Clerk’ means the Clerk of Parliament.

4 Commencing an appeal

An employee aggrieved by a decision of the Clerk may appeal such decision of the Clerk to the Board in Form 1 in the Schedule.

5 Notice to Attend

A notice in Form 2 in the Schedule shall be issued to the parties to attend before the Board.

6 Appeal out of time

- (1) An appeal is not to be permitted to be lodged after the time for lodging the appeal has lapsed.
- (2) Subject to subregulation (3), an aggrieved employee may seek leave to lodge an appeal out of time with the approval of the Chairperson of the Board.
- (3) If the Chairperson of the Board grants leave to file an appeal out of time, the Clerk may apply to the Board to have the appeal struck out summarily on the grounds that:
 - (a) the appeal was not filed within the stipulated time;
 - (b) there is an inordinate delay; and
 - (c) there is prejudice or it is detrimental to good administration of the Office.

7 Withdrawal of appeal

- (1) An appellant may withdraw or discontinue an appeal in writing to the Board at any time prior to the delivery of the decision of the Board.
- (2) If an appeal against a decision of the Clerk is withdrawn or discontinued under subregulation (1), no further appeals are to be filed by the appellant without the prior leave of the Board.

8 Severance of appellants

If:

- (a) in an appeal there is more than one appellant; and
 - (b) any 1 or more of the appellants exercise their right to withdraw or discontinue the appeal under Regulation 7,
- any remaining appellant may continue with the appeal.

9 Interlocutory decision not appealable

There is no appeal of any interlocutory decision or a decision to suspend an employee by the Clerk pending the investigation or the final determination of a disciplinary proceeding.

[The next page is 740,601]

SCHEDULE

FORM 1

[Regulation 4]

NOTICE OF APPEAL

Appeal No. . . . /20.

IN THE MATTER of the *Parliamentary Services Act 2020*;

AND IN THE MATTER of an Appeal to the Public Service Appeals Board pursuant to Section 37(c) of the *Parliamentary Services Act 2020* and Regulation 4 of the *Parliamentary Services (Appeals) Regulations 2021*

BETWEEN: *[INSERT NAME OF APPELLANT]* of *[insert address]*

APPELLANT

AND: **CLERK OF PARLIAMENT**, Parliament House, Yaren District

RESPONDENT

Details of Appellant	<i>[insert full name], [insert residential and email addresses], [insert phone number]</i> <i>[insert position or job title], [insert Section].</i>
State the nature of appeal	The Appellant appeals against: <input type="checkbox"/> the appointment of a person or promotion of another employee; <input type="checkbox"/> the finding that the Appellant committed a misconduct and a penalty imposed by the Clerk; <input type="checkbox"/> termination of employment; <input type="checkbox"/> the reduction of his or her classification. <i>[(a) Tick whichever is applicable]; [(b) Attach a copy of the decision]</i>
Date of decision	[day] / [month] / [year]
Date of notification of decision to the Appellant	[day] / [month] / [year] 1. <i>[insert the date on which the decision of the Clerk was given to the Appellant]</i> 2. <i>[where the intended appeal is out of time, please insert the reasons for the same below]</i>

Grounds of Appeal	<p>The grounds of appeal are as follows: <i>[Properly outline, number and state the grounds of appeal as 1, 2, 3, etc]</i></p> <p>1 2 3</p> <p><i>[If necessary, attach a separate page.][Note: No submissions are to be attached or included as part of the grounds of appeal.]</i></p>
Nature of relief sought	<p>The Appellant seeks the following relief:</p> <p>1 2 3</p> <p><i>[(a) Precisely state the relief sought from the Public Service Appeals Board; (b) If necessary attach a separate page; (c) No submissions are to be attached or included as part of the relief sought]</i></p>
Leave to extend time to appeal <i>[if applicable]</i>	<p><input type="checkbox"/> I am applying for an extension of time to lodge my appeal notice after 5.00 pm on the 14th day after I was notified of the decision. The reason I could not lodge my appeal within the 14 day timeframe is:</p> <p><i>[provide reason]</i></p> <p><i>[Appellant shall state the last date for appealing the decision under the Act – appeal shall be filed within 14 days after the appealable decision was made]</i></p>
Representation	<p>In person or by a legal representative <i>[state the name of legal representative]</i> </p>
Address for service of the Appellant or legal representative	<p>..... District Email: Telephone Number:</p> <p><i>[insert full address of Appellant or legal representative]</i></p>
Any special requirements	<i>[for example, an interpreter]</i>
Signature of Appellant or Legal representative
Date notice of appeal filed	[day] / [month] / [year]
Endorsement by the secretary to the Public Service Appeals Board	

FORM 2

NOTICE TO ATTEND

[Regulation 5]

Appeal No. . . . /20. . . .

IN THE MATTER of the *Parliamentary Services Act 2020*;

AND IN THE MATTER of an Appeal to the Public Service Appeals Board pursuant to Section 37 of the *Parliamentary Services Act 2020* and Regulation 5 of the *Parliamentary Services (Appeals) Regulations 2021*

BETWEEN: **[INSERT NAME OF APPELLANT]** of *[insert address]*
APPELLANT

AND: **THE CLERK OF PARLIAMENT**, Parliament House, Yaren District
RESPONDENT

NOTICE TO ATTEND

TAKE NOTICE that:

- (a) this appeal was filed on *[insert date of filing of the appeal]*; and
- (b) the appeal is listed before the Board on the *[insert date and time of the listing]*.

The Appellant and the Clerk or his or her representative are required to attend before the Board on the date and time contained in this Notice for directions or hearing of the appeal.

DATED the day of 20

.....
Secretary
Public Service Appeals Board

TO: *[insert name of Appellant]*
[insert address of Appellant] **District**

Clerk of Parliament
Parliament House
Yaren District

[The next page is 744,001]

Parliamentary Services (Financial Instructions) Finance Rules 2021

TABLE OF PROVISIONS

<i>Rule</i>	<i>Title</i>
1	Citation
2	Commencement
3	Interpretation
4	Delegation of authority to the Clerk to issue Financial Instructions
5	Employees to comply with the Financial Instructions

[The next page is 744,201]

Parliamentary Services (Financial Instructions) Finance Rules 2021

TABLE OF AMENDMENTS

The Parliamentary Services (Financial Instructions) Finance Rules 2021 SL 19 were notified on 6 July 2021 (GN No 450/2021; Gaz 102/2021) and commenced on 1 July 2021.

Amending Legislation	Notified	Date of Commencement
-----------------------------	-----------------	-----------------------------

[The next page is 744,401]

The Speaker and Minister for Finance jointly make the following Rules under Section 39(14) of the *Parliamentary Services Act 2020*:

1 Citation

These Rules may be cited as the *Parliamentary Services (Financial Instructions) Finance Rules 2021*.

2 Commencement

These Rules comes into effect on 1 July 2021.

3 Interpretation

In these Rules:

‘*Act*’ means the *Parliamentary Services Act 2020*;

‘*Clerk*’ means the Clerk of Parliament;

‘*Financial Instructions*’ means the Financial Instructions made by the Clerk due to the delegation jointly made by the Speaker and the Minister for Finance under these Rules;

‘*Funds*’ means the Funds of the Office provided for in Section 39 of the Act; and

‘*Office*’ means the Office of Parliamentary Services.

4 Delegation of authority to the Clerk to issue Financial Instructions

(1) The Clerk is hereby delegated the authority to issue Financial Instructions for the Office.

(2) The Clerk shall make a Financial Instructions to deal with the following matters:

(a) the collection, receipt, custody, issue, expenditure, care and management of and due accounting for all the Funds monies and the duties of the persons responsible for the financial management of the Funds;

(b) the effectual recording, examination, inspection and the Office checking of all receipt and expenditure and the keeping of all necessary books and accounts;

(c) the forms of all accounts, books and documents as required for under the provisions of the Act; and

(d) the purchase, safe custody, issue, sale or other disposal or writing off property of the Office and the proper accounting for and stocktaking of such stores and property.

(3) For the purposes of Section 9(2) of the Act, the Clerk shall be responsible for the day to day operations and implementation of the Financial Instructions including the publication in the Gazette and Office website.

5 Employees to comply with the Financial Instructions

(1) Employees of the Office shall comply with the Financial Instructions.

-
- (2) Failure by an employee to comply with the Financial Instructions shall be grounds for:
- (a) disciplinary action under the *Parliamentary Services (Disciplinary) Regulations 2021*; or
 - (b) an imposition of a surcharge action by the Speaker under Section 39(11) of the Act and Section 25 of the *Public Finance (Control and Management) Act 1997*.

[The next page is 748,001]

Parliamentary Services (Procurement) Finance Rules 2021

TABLE OF PROVISIONS

<i>Rule</i>	<i>Title</i>
PART 1 — PRELIMINARY	
1	Citation
2	Commencement
3	Application of Rules
4	Interpretation
5	Objective
PART 2 — PROCUREMENT	
6	Procurement agent
7	Procurement process
PART 3 — PROCUREMENT OPERATIONS	
8	Conduct of procurement operations
9	Annual Procurement Plans
10	Procurement operations over \$3,000 shall be conducted by a procurement agent
11	Procurement of common items
12	Financial Instructions to contain the procurement process

[The next page is 748,201]

Parliamentary Services (Procurement) Finance Rules 2021

TABLE OF AMENDMENTS

The Parliamentary Services (Procurement) Finance Rules 2021 SL 20 were notified on 6 July 2021 (GN No 451/2021; Gaz 103/2021) and commenced on 1 July 2021.

Amending Legislation	Notified	Date of Commencement
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[The next page is 748,401]

The Speaker and Minister for Finance make the following Rules under Section 39(14) of the *Parliamentary Services Act 2020*:

PART 1 — PRELIMINARY

1 Citation

These Rules may be cited as the *Parliamentary Services (Procurement) Finance Rules 2021*.

2 Commencement

These Rules comes into effect on 1 July 2021.

3 Application of Rules

These Rules apply to all goods, services or works procured by the Office.

4 Interpretation

In these Rules:

‘Clerk’ means the Clerk of Parliament;

‘Financial Instruction’ means the Financial Instructions made by the Clerk under Rule 4 of the *Parliamentary Services (Financial Instructions) Finance Rules 2021*;

‘Funds’ means the Funds of the Office as provided under Section 39 of the Act;

‘goods’ means object or property of any kind and description and includes raw materials and inventories, products, equipment and plant;

‘Office’ means the Office of the Parliamentary Services;

‘procurement agent’ means an agent engaged by the Clerk under Rule 6;

‘procurement operations’ of the Office means:

- (a) the procurement of goods, services or works required by the Office for its operations;
- (b) the management of goods of the Office include the care, custody, storage, inspection, stocktaking or distribution of goods of the Office; or
- (c) the management of the Office contract for service.

‘services’ means the rendering of a contractor, supplier or consultant and any other form of procurement apart from goods or works; and

‘works’ means all works associated with construction, reconstruction, demolition, repair or renovation of buildings, structure or works such as preparation, excavation, erection, building, installation of equipment or materials, decorating and finishing, as well as services incidental to construction and similar services provided as part of the procurement of a contract.

5 Objective

- (1) The objective of these Rules is to ensure the Office priorities and objectives of the system of procurement which is directed towards:

- (a) obtaining value in the expenditure of the Funds;
 - (b) providing for ethical and fair treatment of participants; and
 - (c) ensuring probity, accountability and transparency in procurement operations.
- (2) For the purpose of these Rules, the Clerk shall from time to time issue the conduct of procurement operations of the Office in the Financial Instructions.

[The next page is 748,601]

PART 2 — PROCUREMENT

6 Procurement agent

- (1) The Clerk may engage a procurement agent to carry out procurement operations on behalf of the Office.
- (2) The procurement agent shall be selected following a competitive tendering process conducted by:
 - (a) the Clerk;
 - (b) the person appointed to manage the Finance for the Office; and
 - (c) one other person who is not an employee of the Office appointed by the Speaker.
- (3) The procurement agent shall be independent of the Office.
- (4) A person selected to be a procurement agent after a competitive tendering process required under subrule (2) may be engaged for a period of not more than 5 years.
- (5) A person may be engaged as a procurement agent for a further period or period not exceeding 5 years without a competitive tendering process, if the Clerk is satisfied that the procurement agent has met the performance criteria specified in the procurement agent's contract for the previous period of engagement and the Speaker approves the engagement of the procurement agent.
- (6) The procurement agent's contract of engagement shall:
 - (a) require procurement operations to be conducted in accordance with these Rules and the Financial Instructions;
 - (b) set out standard terms under which the procurement agent will conduct procurement operations on behalf of the Office;
 - (c) require the procurement agent to provide reports and conduct of the procurement operations to the Office;
 - (d) contain provisions designed to enhance the skills of the employees of the Office in relation to the procurement operations including through training to be provided by the procurement agent; and
 - (e) contain any other provisions.

7 Procurement process

- (1) The Clerk is responsible for:
 - (a) the preparation of a Financial Instructions to include the procurement process governing procurement operations of the Office;
 - (b) the regular review and changes relating to the procurement process in the Financial Instructions; and
 - (c) the publication of the Financial Instructions in up to date form including on the Parliament website.
- (2) The Financial Instructions shall comply with the procurement requirements in these Rules.

[The next page is 748,801]

PART 3 — PROCUREMENT OPERATIONS

8 Conduct of procurement operations

- (1) The procurement operations of the Office shall be conducted in accordance with these Rules and the Financial Instructions.
- (2) The procurement operations of the Office are to be conducted in accordance with the Financial Instructions and determined according to the discretion of the Clerk or the procurement agent, whichever is applicable.
- (3) The procurement operations of the Office to be conducted by a procurement agent under these Rules and the Financial Instructions may be conducted under an agreement between the Office and the procurement agent as set out in the procurement agent's contract.
- (4) The Office shall not artificially divide a procurement operation to avoid the requirement of these Rules and the Financial Instructions.
- (5) The Office may be exempted from complying with subrule (1) to the extent that the exemption is not inconsistent with the terms of the agreement between the Republic of Nauru and a foreign government or an international or regional institution.
- (6) The Office may be exempted from complying with subrule (1):
 - (a) in circumstances of disaster, war or social unrest; or
 - (b) if the Clerk grants an approval to that effect.

9 Annual Procurement Plans

The Office shall prepare a procurement plan for each financial year in accordance with the Financial Instructions.

10 Procurement operations over \$3,000 shall be conducted by a procurement agent

- (1) Procurement operations with a value exceeding \$3,000 shall be conducted by the procurement agent.
- (2) The value of procurement operation is to be determined in accordance with the Financial Instructions.
- (3) The procurement plan shall be in accordance with these Rules and with the Financial Instructions for each procurement operation.

11 Procurement of common items

- (1) Procurement operations of the Office involving common items shall be conducted in accordance with these Rules and the Financial Instructions.
- (2) The Clerk may with the procurement agent identify the goods or services that are to be treated as common items.
- (3) The procurement agent may procure or arrange for the procurement, storage and distribution of common items.

12 Financial Instructions to contain the procurement process

- (1) The Financial Instructions shall contain the procurement process and align to the following procurement principles:

- (a) procurement operations is not to be conducted unless the operations are necessary for the purpose of the Office and funding is available;
 - (b) employees engaged in procurement are to be provided with suitable training;
 - (c) in determining whether to enter into an arrangement for the conduct by the procurement agent on behalf of the Office of procurement operations, the procurement officer of the Office is to take into account the nature of the operations and the training and experience of the employees of the Office;
 - (d) subject to the principles set out in the Financial Instructions allowing or payments for goods or services in stages and advance payments, payments are to be made in arrears and only if the goods or services are provided satisfactory;
 - (e) payments for goods and services are to be made promptly;
 - (f) the single stage competitive tender is the most appropriate procurement method for procuring goods or services including work except for professional services of a consultant, however if another method is used then the reasons for that decision shall be recorded in writing and can relate to:
 - (i) the estimated value of the procurement operation;
 - (ii) the nature of the procurement operation;
 - (iii) the nature of the market; and
 - (iv) any urgency or other relevant circumstances;
 - (g) requirement and technical specification for a procurement operation;
 - (h) procurement operations are to be carried out in a manner that does not discriminate against a potential supplier on the basis of nationality, race, religion, gender or other irrelevant factor;
 - (i) procurement operations are to be carried out in a manner that assess the qualifications and capacity of potential suppliers to provide the goods or services and their integrity;
 - (j) procurement operations are to be conducted in a manner that ensures that it is commercially sensitive information is kept securely and confidential;
 - (k) procurement operations are to be conducted in a manner that set out in the documentation provided to potential suppliers, including evaluating the supplies in accordance to the criteria set out in the documentation;
 - (l) the reasons for a supplier being unsuccessful in relation to a particular procurement operation is to be communicated to the supplier on request;
 - (m) records to be kept for each procurement operations; or
 - (n) a system is to be established for dealing with complains by potential suppliers.
- (2) Subject to any international agreement to which Nauru is a party, the Financial Instructions shall contain provisions setting up a system for preference for goods produced in Nauru or services provided by citizens of Nauru in appropriate cases.
- (3) The Financial Instructions may contain provisions requiring the Office to cause an independent review to be conducted within a specified period after the end of a financial year of each of its procurement operations conducted during the financial year and exceeding a specified value.