



REPUBLIC OF NAURU

PARLIAMENTARY SERVICES (DISCIPLINARY) REGULATIONS 2021

SL No. 17 of 2021

Notified: 6th July 2021

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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 subregulation 16(1)(b).

PART 2 – MISCONDUCT

5 Misconduct

(1) Misconduct consists of:

- (a) a breach of the Code of Conduct; or
- (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.

PART 3 – PROCEDURE FOR COMPLAINTS AGAINST EMPLOYEES

7 Complaint

(1) Any 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.

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; and

- (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; and
 - (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 any 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; and
- (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;
- (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 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) To avoid 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);
 - (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; and
 - (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.

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 any 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.

SCHEDULE 1

DISCIPLINARY OFFENCES

[Regulation 5]

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 or any 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.

SCHEDULE 2

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:

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:
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POSITION:			
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SUMMARY OF COMPLAINT:			
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SUMMARY OF EMPLOYEE’S RESPONSE:
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OPINION ON THE MERITS OF THE COMPLAINT:
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RELEVANT EMPLOYMENT RECORDS OF EMPLOYEE: *[Attach separately if needed]*
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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;
- Failing to comply with the requirements of all different types of leave under Part 7 of the Act;
- 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 or any 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.

POSSIBLE OUTCOME OF THE COMPLAINT:

.....

RECOMMENDED PENALTY: *[Tick the recommended penalty or penalties]*

- caution or reprimand the employee
- reduce the remuneration payable to the employee within the applicable remuneration band
- 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;
- forfeit any remuneration for the period of suspension without any remuneration before reinstating the

employee;

- freeze any increments in the employee's remuneration for a specified period of time;
- freeze any promotion of the employee in the Office for a specified period of time;
- impose a monetary fine on the employee;
- demote the employee;
- 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;
- offer an opportunity to the employee to resign in lieu of being terminated;
- terminate the employee's employment;
- retire the employee in the public interest.

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

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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 committee 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 *[committee]* 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 any 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