



REPUBLIC OF NAURU

PARLIAMENTARY SERVICES (APPEALS) REGULATIONS 2021

SL No. 18 of 2021

Notified: 6th July 2021

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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 must 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 have the appeal struck out summarily on the grounds that:

(a) the appeal was not filed within the stipulated time; and

(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- (2) If an appeal against a decision of the Clerk is withdrawn or discontinued under subregulation (1), no further appeals are to be filed by the appellant without the prior leave of the Board.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.

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	[insert full name], [insert residential and email addresses], [insert phone number] [insert position or job title], [insert Section].
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. [insert the date on which the decision of the Clerk was given to the Appellant]

	2. [where the intended appeal is out of time, please insert the reasons for the same below]
Grounds of Appeal	The grounds of appeal are as follows: <i>[Properly outline, number and state the grounds of appeal as 1, 2, 3, etc]</i> 1 2 3 <i>[If necessary, attach a separate page.][Note: No submissions are to be attached or included as part of the grounds of appeal.]</i>
Nature of relief sought	The Appellant seeks the following relief: 1 2 3 <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>
Leave to extend time to appeal <i>[if applicable]</i>	<input type="checkbox"/> I am applying for an extension of time to lodge my appeal notice after 5.00 pm on the 14 th day after I was notified of the decision. The reason I could not lodge my appeal within the 14 day timeframe is: [provide reason] <i>[Appellant must state the last date for appealing the decision under the Act – appeal must be filed within 14 days after the appealable decision was made]</i>
Representation	In person or by a legal representative <i>[state the name of legal representative]</i>
Address for service of the Appellant or legal representative District Email: Telephone Number: <i>[insert full address of Appellant or legal representative]</i>
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