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PARLIAMENTARY SERVICES (VEHICLES) REGULATIONS 2021

SL No. 16 of 2021

Notified: [4<sup>th</sup> July, 2021]

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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 the Office 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.

## **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; or

(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.

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- (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 sub regulation (3) shall be in writing and issued to the employee prior to the use of the vehicle.

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(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;

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- (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 sub regulation (1) may result in the employee being summarily dismissed from the Office of the Parliamentary services employment.

## **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 prescribed form in the Schedule to the Clerk within 5 days from when the accident or incident took place.

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## 15. Penalties

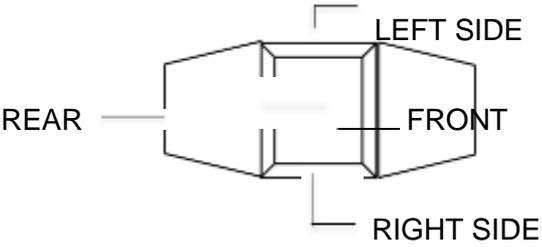
- (1) In addition to the penalty prescribed by Regulation 11(3), if an employee breaches these Regulations, the employee's vehicle privileges shall be withdrawn either permanently or for a term determined by the Clerk.
- (2) A breach of these Regulations shall be a ground:
  - (a) for disciplinary action 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.

**SCHEDULE**

**PARLIAMENTARY SERVICE (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.)		
<b>Driver's Statement:</b> <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.		
<p>Circle where the vehicle was damaged.</p> 		
Describe full extent of the 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.	