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G.N.No. 734/2022

JUSTICES OF APPEAL CONDITIONS OF SERVICE, SALARIES AND ALLOWANCES
REGULATIONS 2022

SL No. 17 of 2022

Notified: [13th July, 2022]

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The Cabinet makes the following Regulations under *Section 11* of the *Nauru Court of Appeal Act 2018*:

1 Citation

These Regulations may be cited as the *Justices of Appeal Conditions of Service, Salaries and Allowances Regulations 2022*.

2 Commencement

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

3 Objective

The objective of these Regulations is to prescribe the conditions of service, salaries and allowances of the Justices of Appeal.

4 Interpretation

In these Regulations:

'month' means a calendar month beginning on any day of a named month and ending:

- (a) at the end of the day before the corresponding day of the next named month; or
- (b) if there is no corresponding day, at the end of the next named month; and

'President' means the President of the Nauru Court of Appeal or any other Justice of Appeal acting as the President in his or her absence or inability to perform the functions or exercise the powers of the office of the President.

5 Salary of the President

- (1) The salary of the President is fixed and set out in Schedule 1.
- (2) The President shall receive the salary in subregulation (1) when he or she is in the Republic commencing from the date of arrival to the date of departure.

6 Salary of Justice of Appeal

- (1) The salary of a Justice of Appeal is fixed and set out in Schedule 1.
- (2) A Justice of Appeal shall receive the salary in subregulation (1) when he or she is in the Republic commencing from the date of arrival to the date of departure.

7 When salary payable

- (1) For the purposes of Regulations 5 and 6, the salary of the President and a Justice of Appeal shall:
 - (a) be paid on a monthly basis or part thereof depending on the period of his or her presence in the Republic; and

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(b) include Saturdays, Sundays and Public Holidays.

(2) Where the Nauru Court of Appeal is required to sit through audio visual link, the salary of the President or a Justice of Appeal shall be paid for each day of the Court sittings and shall take no more than 3 days to write the judgment, decision or order of the Court.

8 Other allowances

- (1) A Justice of Appeal shall be paid a non-accountable subsistence allowance per month or part thereof for the period of his or her presence in the Republic as set out in Item 1 of Schedule 2.
- (2) The President shall be provided with a reimbursable entertainment allowance as set out in Item 2 of Schedule 2.

9 Travel

- (1) Subject to the availability of flight and a seat, a Justice of Appeal shall be entitled to a business class return airfare from his or her place of residence to the Republic.
- (2) Where a Justice of Appeal is required to travel on official travel, he or she shall be entitled to a business class return airfare.
- (3) The spouse of the President may accompany him or her to the Republic or on official travel on a business class return airfare.
- (4) Where a Justice of Appeal travels on official travel, he or she:
 - (a) shall be paid a per diem as set out in Item 1 of Schedule 2; and
 - (b) is not eligible to be paid any salary unless he or she is employed on a full-time basis.

10 Accommodation

A furnished paid for accommodation shall be provided to a Justice of Appeal by the Republic.

11 Transport

- (1) A Justice of Appeal shall be provided with transport and a driver.
- (2) A Justice of Appeal has unlimited use of the vehicle during the period of his or her presence in the Republic.

12 Medical

A Justice of Appeal is entitled without charge for any medical treatment available at the Republic of Nauru hospital.

13 Leave

- (1) Where a Justice of Appeal is employed on a full-time basis, he or she shall be entitled to the following leave:

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- (a) recreation leave of 20 working days;
 - (b) medical leave of 10 working days;
 - (c) special leave of 3 working days; and
 - (d) any other leave contained in the Contract of Employment or as the Cabinet may approve.
- (2) A Justice of Appeal who is employed on a full time basis may take leave of absence from the Republic during a judicial vacation.

14 Telecommunication

A Justice of Appeal shall be provided with an official phone number and internet facility as set out in Schedule 3.

15 Allowances not taxable

The allowances and other benefits of a Justice of Appeal are not taxable income.

16 Employment and services tax

The salary of a Justice of Appeal shall be subject to the provisions of the *Employment and Services Tax Act 2014*.

17 Transition

- (1) These Regulations shall not apply to an existing contract of employment of any Justice of Appeal until the date of expiry of such contract, when it is deemed to have come to an end.
- (2) A Justice of Appeal may be re-appointed under a new contract of employment on the terms and conditions prescribed in these Regulations, once a contract is deemed to have come to an end under subregulation (1).

SCHEDULE 1

[Regulations 5, 6 and 7]

GROSS SALARY OF JUSTICES OF APPEAL

Justices of Appeal	Gross salary per month
President	\$29,000.00
Justice of Appeal	\$27,000.00

SCHEDULE 2

[Regulations 8 and 9]

OTHER ALLOWANCES OF JUSTICES OF APPEAL

Item 1

Justices of Appeal	Non-accountable Allowance per month	Per diem for official travel
President	\$1,200.00	At the rate provided for a Judge in the Republic of Nauru travel allowance (per diem) for official travel on behalf of the Republic.
Justice of Appeal	\$1,200.00	At the rate provided for a Judge in the Republic of Nauru travel allowance (per diem) for official travel on behalf of the Republic.

Item 2

Reimbursable entertainment allowance of President	\$ 5,000.00 per annum
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SCHEDULE 3

[Regulations 10, 11 and 14]

The Justices of Appeals are entitled to the following benefits:

- (a) fully paid and furnished accommodation;
- (b) official vehicle and driver [unlimited use]; and
- (c) a sim card with 50GB data per month.