



REPUBLIC OF NAURU

PARLIAMENTARY SERVICES (DISCIPLINARY) REGULATIONS 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: