



REPUBLIC OF NAURU

PUBLIC SERVICE (APPEALS) REGULATIONS 2020

SL No. 22 of 2020

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Cabinet makes the following Regulations under *Section 130* of the *Public Service Act 2016*:

1 Citation

These Regulations may be cited as the *Public Service (Appeals) Regulations 2020*.

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 constituted in *Section 105* of the Act;

'secretary' means the secretary to the Public Service Appeals Board.

4 Commencing an appeal

A person aggrieved by a decision of the Chief Secretary made under the *Public Service (Disciplinary) Regulations 2020* may appeal such decision of the Chief Secretary to the Board in Form 1 in the Schedule.

5 Notice to Attend

For the purpose of *Section 113(1)(b)* of the Act, a notice in Form 2 in the Schedule shall be issued to the parties to attend before the Board.

6 Appeal out of time

- (1) No appeal shall 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) Where the Chairperson of the Board grants leave to file an appeal out of time, the Chief Secretary may apply to have the appeal struck out summarily on the grounds that:
 - (a) the appeal was not filed within the stipulated time;
 - (b) there is an inordinate delay; and
 - (c) there is prejudice or it is detrimental to good administration of public service.

7 Withdrawal of appeal

- (1) An appellant may withdraw or discontinue the appeal in writing at any time prior to the delivery of the decision of the Board.
- (2) Where an appeal against a decision of the Chief Secretary is withdrawn or discontinued under subregulation (1), no further appeals shall be filed by the appellant without the prior leave of the Board.

8 Severance of appellants

Where in an appeal there is more than one appellant and any one or more of the appellants exercise their right to withdraw or discontinue an appeal under Regulation 7, any remaining appellant may continue with the appeal.

9 Interlocutory decision not appealable

There shall be no appeal of any interlocutory decision or a decision to suspend an employee by the Chief Secretary or Head of Department pending the investigation or the final determination of a disciplinary proceeding.