



REPUBLIC OF NAURU

PUBLIC SERVICE (APPEALS) REGULATIONS 2020

SL No. 22 of 2020

Notified: 24th July 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- (2) Where an appeal against a decision of the Chief Secretary is withdrawn or discontinued under subregulation (1), no further appeals shall be filed by the appellant without the prior leave of the Board.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.

SCHEDULE

FORM 1

[Section 111; Regulation 4]

NOTICE OF APPEAL

Appeal No./20....

IN THE MATTER of the *Public Service Act 2016*;

AND IN THE MATTER of an Appeal to the Public Service Appeals Board pursuant to *Section 109* of the *Public Service Act 2016*.

BETWEEN: [INSERT NAME OF APPELLANT] of [insert address]

APPELLANT

AND: **THE CHIEF SECRETARY**, Government Buildings, Yaren District

RESPONDENT

Details of Appellant	[insert full name], [insert residential and email addresses], [insert phone number] [insert position or job title], [insert Section], [insert Department].
Employment status	I am a: <input type="checkbox"/> public service employee; <input type="checkbox"/> temporary employee; <input type="checkbox"/> contract employee; <input type="checkbox"/> foreign service employee. [Tick whichever is applicable]
State the nature of appeal	The Appellant appeals against: <input type="checkbox"/> the appointment of a person or promotion of another public service employee; <input type="checkbox"/> the finding that the Appellant committed a misconduct and a penalty imposed by the Chief Secretary; <input type="checkbox"/> being transferred for reasons other than as a penalty for misconduct; <input type="checkbox"/> the reduction of his or her classification. [(a) Tick whichever is applicable]; [(b) Attach a copy of the decision]

Date of decision	[day] / [month] / [year]
Date of notification of decision to the Appellant	[day] / [month] / [year] 1. <i>[insert the date on which the decision of the Chief Secretary was given to the Appellant]</i> 2. <i>[where the intended appeal is out of time, please insert the reasons for the same below]</i>
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: <i>[provide reason]</i> <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

[Section 113(1)(b); Regulation 5]

Appeal No. /20....

IN THE MATTER of the *Public Service Act 2016*

AND IN THE MATTER of an Appeal to the Public Service Appeals Board pursuant to *Section 109* of the *Public Service Act 2016*

BETWEEN: [INSERT NAME OF APPELLANT] of *[insert address]*

APPELLANT

AND: **THE CHIEF SECRETARY,**
Government Buildings, 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 Chief Secretary or his or 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**

Chief Secretary
Department of Chief Secretary
Government Offices
Yaren District