

I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the "Public Service Act (No.2) 1968" that has been made by Parliament and is now presented to the Speaker for his Certificate, under Article 47 of the Constitution.

Pursuant to Article 35 (3.) and 47 of the Constitution, I, ITUBWA ALFRED AMRAM, Speaker of Parliament, HEREBY CERTIFY that the Public Service Act (No.2) 1968, a copy of which is attached, has been passed by Parliament.

San Bondeid

Itubwa Amram

Acting Clerk of Parliament
16 /10/1968

Speaker
16 /10/1968

THE REPUBLIC OF NAURU

(NO.10 of 1968)

AN ACT

To amend the Public Service Act 1961-1968.

(Certified /10/1968)

Be it enacted by the Parliament of Nauru as follows:-

Short title and citation. 1.--(1.) This Act may be cited as the Public Service Act (No.2) 1968.

(2.) The Public Service Ordinance 1961-1967, as amended by the Public Service Act 1968, is in this Act referred to as the Principal Act.

(3.) Section 1 of the Public Service Act 1968 is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the Public Service Act 1961-1968.

Division of the Public Service. 2. Section 13 of the Principal Act is amended by omitting sub-section (2.) and by inserting in its place the following sub-section:-

"(2.) For the purposes of Article 68 (3.) of the Constitution the Cabinet may specify offices by notice in the Gazette.

"(2.A) The First Division consists of the persons for the time being holding or acting in the office of a person in charge of a Department and such other offices as are prescribed under the last preceding sub-section."

Suspension from duty. 3. Section 74 of the Principal Act is amended by omitting the word "Commissioner" (wherever appearing) and by inserting in its place the words "Chief Secretary".

Determination of the charge. 4. Section 75 of the Principal Act is amended by omitting the word "Commissioner" (wherever appearing) and by inserting in its place the words "Chief Secretary".

- Punishment. 5. Section 76 of the Principal Act is amended -
- (a) by omitting the word "Commissioner" (wherever appearing) and by inserting in its place the words "Chief Secretary"; and
 - (b) by omitting paragraph (f) of sub-section (1.) and by inserting in its place the following sub-section:-
- "(f) dismiss the officer from the Public Service."
- Notification to officer. 6. Section 77 of the Principal Act is amended by omitting the word "Commissioner" and by inserting in its place the words "Chief Secretary".
- Dismissal. 7. Section 78 of the Principal Act is repealed.
- Right of appeal in certain cases. 8. Section 79 of the Principal Act is repealed and the following section is inserted in its place:-
- "79. An appeal by an officer to the Public Service Appeals Board -
- (a) shall be in accordance with the form approved by the Chief Secretary;
 - (b) may be made on the grounds of innocence of the charge or against the severity of the punishment; and
 - (c) shall be lodged with the Chief Secretary within seven days after the decision of the Chief Secretary is served upon the officer."
- Appeals to be heard by Public Service Appeals Board. 9. Section 80 of the Principal Act is repealed.
10. Section 81 of the Principal Act is repealed and the following section is inserted in its place:-
- "81.-(1.) The election of the member of the Public Service Appeals Board to be elected by public officers shall be conducted in such manner as the Cabinet, by notice in the Gazette, determines.
- Election of member of Board.

"(2.) The member so elected shall hold office for a period of three years from the date of his election or until he sooner resigns by giving written notice of his resignation to the Chairman of the Public Service Appeals Board."

11. Section 82 of the Principal Act is repealed and the following section is inserted in its place:-

Appeal Notice
to be
forwarded.

"82. The Chief Secretary shall, within seven days after the receipt of an appeal, forward a copy of the appeal notice to each member of the Public Service Appeals Board."

12. Section 83 of the Principal Act is repealed and the following section is inserted in its place:-

Fixing of
time.

"83.-(1.) The Chairman of the Public Service Appeals Board shall, as soon as practicable after the receipt of a notice of appeal, fix a time, date and place for the hearing of the appeal, and shall inform the Chief Secretary of the time, date and place so fixed.

"(2.) The Chief Secretary shall, upon receipt of notification under the last preceding sub-section, forward a copy of the notification to the other members of the Public Service Appeals Board and to the appellant without delay."

13. Sections 84, 85 and 86 of the Principal Act are repealed and the following section is inserted in their place:-

Ineligibility
of member.

"84. A member of the Public Service Appeals Board shall not act in relation to an appeal where it would be contrary to the principles of natural justice for him to so act."

Copies of
documents to
be supplied.

14. Section 87 of the Principal Act is amended by omitting the word "Commissioner" (wherever appearing) and by inserting in its place the words "Chief Secretary".

Chief Secretary
respondent.

15. Section 88 of the Principal Act is amended by omitting the word "Commissioner" and by inserting in its place the words "Chief Secretary".

16. Sections 89, 90 and 91 of the Principal Act are repealed and the following section is inserted in their place:-

Decision of Appeal.

"89. The Public Service Appeals Board may confirm, annul, or vary the decision against which an appeal is brought and shall furnish a statement of its decision, under the hand of the Chairman, to the Chief Secretary and to the appellant within seven days after it has decided the matter."

Charge for offence.

17. Section 93 of the Principal Act is amended by omitting the word "Commissioner" (wherever appearing) and by inserting in its place the words "Chief Secretary".

Suspension from duty.

18. Section 94 of the Principal Act is amended -

(a) by omitting the word "Commissioner" (wherever appearing) and by inserting in its place the words "Chief Secretary";

(b) by omitting sub-section (3.) and by inserting in its place the following sub-section:-

"(3.) An officer who has been suspended from duty under this section shall be paid salary for the period of suspension, unless the Cabinet otherwise directs."

19. Section 95 of the Principal Act is repealed and the following section is inserted in its place:-

Report to the Cabinet.

"95. Upon the charging of an officer, and the suspension of an officer, under this Division, the Chief Secretary shall report in writing to the Cabinet."

20. Section 96 of the Principal Act is repealed and the following section is inserted in its place:-

Determination of the charge.

"96. Where an officer charged under this Division does not admit in writing to the charge, the charge shall be determined in the manner prescribed by the Cabinet."

21. Section 97 of the Principal Act is repealed and the following section is inserted in its place:-

Decision and
punishment.

"97. Where an officer admits to a charge laid against him or where he is found guilty of that charge, the Chief Secretary may, with the approval of the Cabinet -

- (a) caution or reprimand the officer;
- (b) fine the officer an amount not exceeding Twenty dollars;
- (c) reduce the officer to a lower office and salary;
- (d) reduce the rate of salary of the officer to a rate of salary within the limits of salary fixed for the office held by the officer;
- (e) transfer the officer to another Department or office; or
- (f) dismiss the officer from the Public Service."

Hearing by
Board of
Inquiry.

22. Section 98 of the Principal Act is repealed.

23. Section 99 of the Principal Act is repealed and the following section is inserted in its place:-

Definition.

"99. In this Division "Board" means the Public Service Appeals Board, or a Board of Inquiry established pursuant to Section 96 of this Act."

Oath to be
taken by
Members of
Boards.

24. Section 100 of the Principal Act is amended -

- (a) by omitting the word "Commissioner" (wherever appearing), and by inserting in its place the words "Chief Secretary"; and
- (b) by omitting the word "Ordinance" and by inserting in its place the word "Act".

Procedure on
hearings by
Boards.

25. Section 101 of the Principal Act is amended by omitting the word "Commissioner" (wherever appearing) and by inserting in its place the words "Chief Secretary".

Costs.

26. Section 103 of the Principal Act is amended -

- (a) by omitting the word "Administration" and by

inserting in its place the word "Republic"; and
 (b) by omitting the word "Minister" and by inserting
 in its place the word "President".

Previous
 record of
 officer.

27. Section 104 of the Principal Act is amended by
 omitting the words "The Commissioner, an Appeal Board, a
 Board of Inquiry or the Minister" and by inserting in their
 place the words "The Chief Secretary, the Public Service
 Appeals Board, or a Board of Inquiry established pursuant
 to this Act.".

Conviction
 on criminal
 charge.

28. Section 105 of the Principal Act is amended -

(a) by omitting the word "Commissioner" (wherever
 appearing) and by inserting in its place the
 words "Chief Secretary";

(b) by omitting the word "Minister" (wherever appearing)
 and by inserting in its place the words "Chief
 Secretary"; and

(c) by adding after sub-section (7.) the following
 sug-section:-

"(8.) A reference in this section to the Chief
 Secretary shall, where the officer is an officer
 of the First Division, be read as a reference to
 the Chief Secretary, with the approval of the
 Cabinet.".

Strikes.

29. Section 107 of the Principal Act is amended by
 omitting sub-section (2.) and by inserting in its place the
 following sub-sections:-

"(2.) Where an officer is adjudged by the Chief
 Secretary after investigation and hearing to be guilty
 of an offence under this section, the Chief Secretary
 may summarily dismiss him from the Public Service.

"(3.) A reference in the last preceding sub-section
 to the Chief Secretary shall, where the officer is an
 officer of the First Division, be read as a reference
 to the Chief Secretary, with the approval of the
 Cabinet.".

Record of
punishments.

30. Section 108 of the Principal Act is amended by omitting the word "Commissioner" and by inserting in its place the words "Chief Secretary".

Breaches to
be reported.

31. Section 109 of the Principal Act is amended by omitting the word "Commissioner" and by inserting in its place the words "Chief Secretary".

Second
Schedule.

32. The Second Schedule to the Principal Act is repealed and the following Schedule is inserted in its place:-

" SECOND SCHEDULE

Section 100

OATH

I, A.B., do swear that I will render true and faithful service as a member of the Public Service Appeals Board (or Board of Inquiry constituted for the purpose of inquiring into the charge against) and that I will perform the duties and exercise the powers imposed and conferred upon me as a member thereof without fear or favour, affection or ill will. SO HELP ME GOD!

AFFIRMATION

I, A.B., do solemnly and sincerely affirm and declare that I will render true and faithful service as a member of the Public Service Appeals Board (or Board of Inquiry constituted for the purpose of inquiring into the charge against) and that I will perform the duties and exercise the powers imposed and conferred upon me as a member thereof without fear or favour, affection or ill will."