



REPUBLIC OF NAURU

PUBLIC SERVICE (ELECTION OF THE MEMBER OF THE PUBLIC SERVICE APPEALS BOARD) RULES 2024

SL No. 25 of 2024

Notified: 3 August 2024

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The Cabinet makes the following Rules under Section 105(2) of the *Public Service Act 2016*:

1 Citation

These Rules may be cited as the *Public Service (Election of the Member of the Public Service Appeals Board) Rules 2024*.

2 Commencement

These Rules commence on the date they are notified in the Gazette.

3 Definitions

In these Rules:

'Act' means the *Public Service Act 2016*;

'Board' means the Public Service Appeals Board constituted under Article 70 of the *Constitution* and Section 105 of the Act;

'election notice' means the notice given under Rule 8;

'member of the Board' means the person constituting under Article 70(1) and Section 105(1)(c) of the Act, who shall be elected by public officers;

'presiding officer', for a polling place, means a person appointed under Rule 9;

'public officer' has the same meaning as *'public service employee'* as given under Section 4 of the Act;

'returning officer' means the person appointed under Rule 4;

'voter' means a person whose name appears on the roll.

4 Appointment of returning officer

- (1) There shall be an office of a returning officer, for the purposes of these Rules.
- (2) The returning officer shall be appointed by the Cabinet.
- (3) A person appointed as the returning officer, shall not be a public service employee.
- (4) The returning officer appointed under this Rule shall by virtue of his or her appointment be disqualified from being nominated under Rule 10.
- (5) The Chief Secretary shall, publish in the Gazette a notice of the person appointed by the Cabinet under sub-rule (2).

5 Functions and powers of the returning officer

- (1) The returning officer shall have the following functions:
 - (a) publish the provisional and final roll of voters in the Gazette;

- (b) facilitate the procedure relating to an objection received in relation to the name of a person on the roll of voters;
 - (c) issue the election notice;
 - (d) appoint a presiding officer;
 - (e) facilitate the procedure required for nominations;
 - (f) provide ballot papers for the casting of votes;
 - (g) preside over the counting of votes;
 - (h) declare the results of the election; and
 - (i) such other functions which may from time to time be given to him or her.
- (2) The returning officer has the power to do all things necessary or convenient to be done for the performance of his or her functions under these Rules.

6 Roll of voters

- (1) There shall be established a roll of voters comprising of:
- (a) the names of each public officer eligible to vote; and
 - (b) the Department or any other place of employment in the public service.
- (2) The returning officer before conducting an election shall:
- (a) publish a provisional roll of voters at least 14 working days before the date of the election;
 - (b) open the provisional roll for any inspection or objection by any person within 5 working days of the date of the publication of the provisional roll of voters; and
 - (c) prepare for publication of the final roll of voters.
- (3) The final roll of voters for the purpose of an election shall be published at least 7 working days before the date fixed for elections.
- (4) For the purposes of publishing the roll of voters, the returning officer shall request and the Chief Secretary shall provide the names to be included or excluded on the roll of voters.
- (5) The provisional and the final roll of voters may be published electronically and circulated by emails or other electronic means.

7 Objection of inclusion or exclusion of a name from the roll of voters

- (1) For the purpose of Rule 6(2)(b), a person may object to the exclusion or inclusion of the name of a person on the roll of voters, on the ground that the person is not a public officer.
- (2) The objection shall be made in writing to the returning officer.
- (3) The returning officer shall:
 - (a) uphold the objection where the person is proved not to be a public officer; and
 - (b) dismiss the objection where the person is proved a public officer.
- (4) Where the returning officer upholds an objection under sub-rule (3)(a), he or she shall correct the roll before publishing the final roll of voters.

8 Notice of election

- (1) The returning officer shall fix the election date, in consultation with the Chief Secretary, which shall be undertaken at least 21 days before the election date.
- (2) The returning officer shall ensure a notice is published in the Gazette:
 - (a) stating the date of the election;
 - (b) stating the polling places and polling hours for the election;
 - (c) inviting nominations of nominees for election;
 - (d) stating the closing day for nominations;
 - (e) stating the closing day for withdrawals of nominations; and
- (3) The Gazette notice shall be:
 - (a) displayed in a prominent place at the workplace of a public officer;
 - (b) published in the Government Information Office circular;
 - (c) published and circulated through the Public Service circulars issued by the Chief Secretary from time to time; and
 - (d) displayed, published or circulated in such other manner which the returning officer deems appropriate for the purposes of informing all the eligible voters.
- (4) The election notice shall be published and displayed:
 - (a) immediately after the date is fixed in sub-rule (1); and
 - (b) shall continue to be published and displayed under sub-rule (3) until the election date.

9 Presiding officer

- (1) The returning officer shall appoint one or more presiding officers at least 5 days before the date of election, as may be required to supervise the casting of votes at a designated polling place.
- (2) The returning officer shall not appoint a person to be a presiding officer if he or she has been nominated under Rule 10.
- (3) The returning officer shall, publish in the Gazette a notice of the person or persons appointed under this Rule.

10 Nomination

- (1) The returning officer shall receive a nomination of a person for election as the member of the Board, 7 days before the election date.
- (2) The nomination shall be made in Form 1 of the Schedule and signed by the nominee and 2 nominating public officers.
- (3) The nomination shall be published in accordance with Rule 8(3) on the closing of the nominations.
- (4) A person may make an objection to any of the nominees within 2 days of the publication of the nominations.
- (5) The returning officer shall determine the objection at least 3 days before the election date:
 - (a) uphold the objection where the person is proved not to be a public officer; and
 - (b) dismiss the objection where the person is proved a public officer.
- (6) Where the objection is upheld, the nominee shall be disqualified from contesting any further in the election.
- (7) A nomination may be withdrawn no later than 3 days before the date of election.

11 Ballot Paper

The returning officer shall provide ballot papers listing the names of each nominee in the alphabetical order of the nominees' surnames, in Form 2 of the Schedule.

12 Voting

- (1) A voter may only cast a vote if his or her name is on the roll.
- (2) The casting of votes shall be by secret ballot.
- (3) Each voter shall be entitled to cast one vote.

- (4) Before giving a voter a ballot paper at the polling place, the presiding officer shall at the back of the ballot paper, initial or endorse by any other means of identifying the validity of the ballot paper.
- (5) A voter shall vote by placing a tick next to the name of only 1 nominee, indicating his or her preference.
- (6) Voting shall commence at 9.00am and close at 4.00pm on the date of election.

13 Valid ballot paper and invalid vote

- (1) A ballot paper is valid if:
 - (a) the paper is authenticated in accordance with Rule 12(4);
 - (b) the paper has a vote indicated on it;
 - (c) it is possible to determine the voter's intended vote; and
 - (d) the paper is not marked in a way that identifies the voter.
- (2) A vote shall be deemed as invalid:
 - (a) where one or more of the requirements under sub-rule (1) is not met or complied with; and
 - (b) the returning officer has declared the vote invalid.
- (3) Where a vote has been declared invalid, the returning officer shall endorse an 'invalid' mark on the face of the ballot paper and securely store such ballot paper.

14 Counting of votes

- (1) The returning officer shall appoint counting officers for the purposes of counting the votes.
- (2) The following persons shall be present at the counting of the votes:
 - (a) returning officer;
 - (b) presiding officers; and
 - (c) counting officers.
- (3) The votes shall be counted by the presiding officers and counting officers.
- (4) The presiding officers shall display and call out the preferred nominee on each ballot paper.
- (5) The returning officer shall decide whether a vote is to be declared invalid or valid, where any questions are raised on the validity of the vote on the ballot paper.

- (6) The presiding and counting officers viewing the ballot paper shall record the results in a manner that enables the tallying of the results of the election.

15 Declaration of results

- (1) Subject to sub-rule (4), the returning officer shall, as soon as practicable after the completion of the count, declare the results of the election by:
 - (a) announcing the results at the counting place; and
 - (b) publishing a notice in the Gazette stating the results of the election.
- (2) The nominee who receives the highest number of votes shall be elected.
- (3) Where 2 or more nominees receive an equal number of votes, the successful nominee shall be determined by lot.
- (4) Where only one nominee has been nominated by the close of nominations the returning officer shall declare the nominee elected.
- (5) For avoidance of doubt, where a person is elected under sub-rule (4), it is deemed that the election process has been lawfully completed.
- (6) The declaration and publication of the results shall be in accordance with Form 3 of the Schedule.

16 Elected nominee deemed appointed as the member of the Public Service Appeals Board

The nominee declared to be elected under Rule 15 shall be deemed appointed as the member of the Public Service Appeals Board.

SCHEDULE

[Rule 10(2)]

FORM 1



REPUBLIC OF NAURU

NOMINATION OF THE MEMBER OF THE PUBLIC SERVICE APPEALS BOARD

We hereby nominate *[insert name of nominee]* of *[insert place of residence]* who currently holds the position of *[insert position]* in the *[insert name of Department]* to be appointed as the member of the Public Service Appeals Board.

DATED thisday of20..

.....
Signature
[insert name of nominating public officer 1]
[insert name of position]
[insert name of Department]

.....
Signature
[insert name of nominating public officer 2]
[insert name of position]
[insert name of Department]

I hereby consent to the above nomination

DATED thisday of 20..

.....
Signature
[insert name of Nominee]
[insert name of position]
[insert name of Department]

FORM 2

[Rule 11]



REPUBLIC OF NAURU

BALLOT PAPER FOR ELECTION OF MEMBER OF THE PUBLIC SERVICE APPEALS BOARD

Indicate your preference by placing a \surd (tick) beside the name of your preferred nominee

NO.	Name of Nominee	Place your tick in the box below next to your preferred nominee.
1	* [SURNAME] [insert other names]	
2	[SURNAME] [insert other names]	
3	[SURNAME] [insert other names]	

*The surnames of nominees must be listed in alphabetical order.

FORM 3

[Rule 15(6)]



REPUBLIC OF NAURU

DECLARATION OF RESULTS

TOTAL NUMBER OF VOTES CAST

Number of votes cast	
Valid Votes	
Invalid votes	

VOTES OF THE NOMINEES

Nominee	Number of votes
[SURNAME] [insert other names]	
[SURNAME] [insert other names]	
[SURNAME] [insert other names]	

I hereby declare Mr/Ms *[insert the name]* as the duly elected member of the Public Service Appeals Board having received a total of *[insert number of votes]* which is the highest number of votes cast by a nominee.

Dated this.....day of.....20...

[signature of returning officer]
[insert name of returning officer]