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Nauru

G.N.No. 208 / 2011

Public Service Act 1998
Procedures for election of member of Public Service Appeals Board

Under section 71(1) of the *Public Service Act 1998*, Cabinet determines the following procedures for the election of members to the Public Service Appeals Board:

1 Definitions

In these procedures:

'election notice' means the notice given under clause 3(1)(b);

'presiding officer', for a polling place, means a person appointed under clause 6 for the polling place;

'returning officer' means the person appointed under clause 2(1);

'roll' means the roll of voters mentioned in clause 5;

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

2 Appointment of returning officer and deputy returning officer

- (1) The Chief Secretary must, by Gazette notice, appoint a returning officer and a deputy returning officer for each election of a member to the Public Service Appeals Board.
- (2) The returning officer has the powers and functions conferred on the returning officer under these procedures.
- (3) The deputy returning officer has the powers and functions of the returning officer during any period when the returning officer is unable to perform his or her powers and exercise his or her functions.

3 Notice of election

- (1) The returning officer must, as soon as practicable after his or her appointment:
 - (a) fix the date of the election; and
 - (b) ensure a notice is published in the Gazette and displayed in a prominent place at each workplace at which public officers are engaged:
 - (i) stating the date of the election; and
 - (ii) stating the polling places and polling hours for the election; and

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- (iii) inviting nominations of candidates for election; and
 - (iv) stating the closing day for nominations; and
 - (v) stating the place and times at which the roll can be inspected.
- (2) The election notice must be published and displayed at least 5 working days before the date of the election.

4 Nomination

- (1) A nomination of a candidate for election must be:
- (a) made in writing by the nominee; and
 - (b) received by the returning officer at least 3 working days before the date of the election.
- (2) The nomination may be withdrawn before the end of the 2nd working day before the date of the election.
- (3) If the returning officer nominates himself or herself as a candidate, a new returning officer must be appointed under clause 2(1).

5 Roll of voters

- (1) The returning officer must ensure a roll showing the name of each person entitled to vote at the election is available for inspection at the place and times specified in the election notice.
- (2) A person may object to the exclusion or inclusion of a person from the roll.
- (3) The objection must be:
- (a) made in writing to the returning officer; and
 - (b) received before the end of the 2nd working day before the date of the election.
- (4) The returning officer must:
- (a) decide whether to uphold the objection before the date of the election; and
 - (b) if the returning officer decides to uphold the objection – correct the roll before the date of the election.

6 Presiding officers

The returning officer must appoint a presiding officer for each polling place.

7 Voting

- (1) Each voter is entitled to one vote at the election.
- (2) The election must be by secret ballot.
- (3) The returning officer must make up ballot papers listing the name of each candidate for election in the alphabetical order of the candidates' surnames.

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- (4) Before giving a voter at a polling place a ballot paper, the presiding officer for the polling place must initial the back of the ballot paper.
- (5) A voter votes by placing a cross next to the name of the candidate of his or her preference.

8 Informal ballot paper

- (1) A ballot paper is valid if:
 - (a) the paper is authenticated by the initials of the presiding officer in accordance with clause 7(4); and
 - (b) the paper has a vote indicated on it; and
 - (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 ballot paper that does not meet all the requirements of subclause (1) is an informal ballot paper and must be disregarded by the returning officer in the counting of the votes.

9 Election

- (1) The candidate who receives the highest number of votes is elected.
- (2) If 2 or more candidates receive an equal number of votes, the successful candidate must be determined by lot.
- (3) If only one candidate has been nominated by the close of nominations:
 - (a) a ballot does not need to be held; and
 - (b) the returning officer must declare the candidate elected.
- (4) The returning officer must, as soon as practicable after the completion of the ballot, declare the results of the election by publishing a notice in the Gazette stating the results of the election.
- (5) The returning officer must ensure the notice is displayed in a prominent place at each workplace at which public officers are engaged.

Dated this 28th day of March 2011

MICHAEL B. CAIN
ACTING CHIEF SECRETARY
