

EXPLANATORY STATEMENT  
STATUTORY RULE 1984 NO. 84/5 ISSUED BY  
THE AUTHORITY OF THE MINISTER FOR COMMUNICATIONS  
STATUTORY RULES 1984 No.105

Regulation 1 provides an amended definition of a disciplinary appeal.

Regulation 2 repeals the existing regulations 15-18 providing for disciplinary appeals and replaces them with the proposed regulations as follows:

Regulation 15 provides definitions of "appropriate organisation", meaning trade union, and "working day", and takes the definition of "postal article" from the Postal Services Act 1975.

Regulation 16 provides procedures for the lodging of a disciplinary appeal, within 14 days of receipt of the notice of decision, at the appropriate office by post, as a telecommunications message or in person. The disciplinary appeal is to set out grounds of appeal.

Regulation 17 provides for the nomination of a member of a Disciplinary Appeal Board to represent officers or employees. The Commission must provide the appropriate body with the name and address of the appellant, the grounds and subject matter of the appeal, the name of the Chairman of the Board and of the member nominated by the Commission. If the appropriate body fails to notify the Commission of its nomination within five days or as soon as practicable after receiving the request, the Commission must itself nominate a representative of employees or officers.

Regulation 18 directs that the Commission, within five working days or as soon as practicable after receiving the appeal, must give the appellant, the Chairman and members of the Board copies of the appeal lodged under regulation 16, the information provided by the Commission under regulation 17, the admonition, direction, decision or refusal from which the appeal has arisen and a statement approved by the disciplining officer setting out the reasons for the action.

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Regulation 18A provides that on receipt of the papers required under regulation 18, the Chairman of the Board must ask the Commission to make speedy arrangements for a hearing at a time and place suitable to the appellant, Chairman and members of the Board. The Chairman, at his own motion or at the request of a party, may ask the Commission to cancel the hearing and make new arrangements. Within five working days or as soon as practicable after either of these requests, the Commission shall inform all the parties of the hearing arrangements in writing, and where appropriate, give notice that the previous arrangements have been cancelled. If arrangements cannot be speedily agreed to, the Chairman shall fix a time and place, ensuring that there is time for all parties to receive notification and make travel arrangements.

Regulation 18B provides that the appellant may alter the grounds of his appeal at the commencement or during the course of a hearing.

Regulation 3 amends existing regulation 21 by the insertion of "or employee" after "officer".

Regulation 4 amends existing regulation 28 by the insertion of "or employee" after "officer".

Regulation 5 repeals existing regulation 30. Part IV presently applies to "officers", and its provisions are extended to certain classes of employee by regulation 30. It is proposed that the amended regulations will apply to all officers and employees, and as a result regulation 30 is to be repealed.