

84. Powers of Minister as employing authority after investigation of alleged breach of discipline

- (1) If, following the investigation of an alleged breach of discipline under section 81, a person directed under section 81(2)(b) to investigate that breach of discipline finds that —
 - (a) a minor breach of discipline was committed by the respondent, that person shall submit that finding to the Minister and recommend to the Minister that the Minister act in relation to the respondent in the manner referred to in section 83(1)(a)(i), (ii) or (iii);
 - (b) a serious breach of discipline appears to have been committed by the respondent, that person shall submit that finding to the Minister and recommend to the Minister that the Minister act in relation to the respondent in the manner referred to in section 83(1)(b) as if the Minister were the relevant employing authority referred to in that section; or
 - (c) no breach of discipline was committed by the respondent, that person shall submit that finding to the Minister and recommend to the Minister that the Minister notify the respondent of that finding and that no further action will be taken in the matter.
- (2) On receiving a finding and recommendation made under subsection (1), the Minister shall —
 - (a) accept that finding; and
 - (b) in the case of a recommendation made under —
 - (i) subsection (1)(a), may accept that recommendation and act accordingly in relation to the respondent, or decline to accept that recommendation and take such other action in relation to the respondent as could have been recommended under that subsection; or
 - (ii) subsection (1)(b) or (c), shall accept that recommendation and act accordingly in relation to the respondent.
- (3) For the purposes of subsection (1), a breach of discipline committed as a result of disobedience to, or disregard of, a lawful order referred to in section 94(4) is a serious breach of discipline.