

# RESCUE AND FIRE SERVICE

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# Rescue and Fire Service Act 2019

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# Rescue and Fire Service Act 2019

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## TABLE OF AMENDMENTS

The Rescue and Fire Service Act 2019 No 7 was certified on 10 May 2019 and commenced on 22 October 2019 (s 2).

<b>Amending Legislation</b>	<b>Certified</b>	<b>Date of Commencement</b>
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021





An Act to make provision for the Rescue and Fire Service and its functions and powers, for emergency rescue and for related purposes.

Enacted by the Parliament of Nauru as follows:

## PART 1 — PRELIMINARY

### 1 Short title

This Act may be cited as the *Rescue and Fire Service Act 2019*.

### 2 Commencement

This Act commences on 22 October 2019.

### 3 Definitions

In this Act:

***‘building’*** includes any structure of whatever kind or nature, whether permanent or temporary or any part of a building or a structure;

***‘certificate’*** means a fire safety certificate issued under Part 4;

***‘Department’*** means the Department of National Emergency Services;

***‘fire officer’*** includes the Chief Fire Officer, Deputy Chief Fire Officer and any officer of the Service appointed under this Act;

***‘firefighting’*** means the services that are provided by the Department, whether provided under this Act or any other written law and include all or any of the following:

- (a) fire prevention and protection;
- (b) fire safety;
- (c) fire inspections;
- (d) fire investigation;
- (e) fire suppression;
- (f) mitigation of the effects of fires and recovery from fires;
- (g) enforcement of laws relating to fire safety or public safety;
- (h) coastal water rescue services;
- (i) support or provision of medical first response services;
- (j) response to emergency situations;
- (k) training, education and certification in relation to any of the services in subparagraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j);
- (l) fire safety and public safety awareness and education programs; and
- (m) fire dispatch and emergency communications;

***‘firefighting equipment’*** include fire extinguishers, fire blankets and smoke detectors or smoke alarms;

***‘fire prevention’*** means the provision of services for the purposes of preventing fires and includes planning, public awareness, enforcement of laws relating to fire safety and education with respect to fires and the elimination of fire risk;

***‘Minister’*** means the Minister for National Emergency Services;

*'personnel'* means staff and officers of the Service;

*'premises'* means buildings, facilities and structures and includes residential premises, any garden, yard, and garage;

*'Rescue and Fire Service' or 'Service'* means the Rescue and Fire Services Division of the Department of National Emergency Services; and

*'Secretary'* means the Secretary for National Emergency Services.

#### **4 Act does not affect powers and duties under other laws**

Nothing in this Act affects the powers and duties of persons to comply with, carry out or enforce any other written laws.

## PART 2 — ADMINISTRATION

### 5 Responsibility for rescue and fire

- (1) The Rescue and Fire Service shall have the overall authority and responsibility with respect to fire safety and protection and emergency rescue.
- (2) The Service shall have such duties and functions conferred on it by this Act and any other written law.

### 6 Functions of the Service

The Service shall:

- (a) ensure that the Service personnel complies with this Act and maintains an efficient fire service having regard to life and property;
- (b) ensure that personnel are coordinated and trained for the purposes of fire protection, reinforcement at serious fire or other emergencies including coastal waters rescue and motor traffic accidents;
- (c) supervise or carry out fire prevention activities and allow research work with respect to fire service methods, equipment, organisation or coordination with other services;
- (d) establish courses or training and generally direct the training of fire officers for the purposes of compliance with the requirements of the International Civil Aviation Organisation;
- (e) advise the public on prevention and protection measures in the event of a fire or any other emergency;
- (f) conduct training courses in relation to any aspect of fire safety and emergency preparedness;
- (g) organise community education and awareness programs relating to fires and other emergencies;
- (h) provide for such degree of standardisation of plant, equipment and training as it considers necessary for fire or any emergency operations;
- (i) undertake rescue operations in case of road traffic accidents or any other incidents;
- (j) publish reports, information and advice on rescue and fire service and safety;
- (k) carry out inspection of premises for fire safety purposes;
- (l) respond to severe weather related events, natural hazard events and disasters;
- (m) serve as an agent for firefighting equipment;
- (n) carry out periodic inspections of any premises at the request of the owner or occupier and to charge fees for the same;
- (o) respond to any other situation where the Service has the capability to assist;
- (p) perform such other functions and duties conferred on it under this Act and any other written law; and
- (q) do all things necessary to be done for the proper administration of this Act.

### 7 Chief Fire Officer

- (1) The Secretary, in consultation with the Cabinet, may appoint a Chief Fire

Officer to perform the duties and functions and exercise the powers conferred on him or her by this Act and any other written law.

- (2) The Chief Fire Officer shall act under the directive of the Secretary and shall be charged with the direction of all technical matters including the training of fire officers in accordance with the policies and standards for the purposes of this Act.

## **8 Deputy Chief Fire Officer**

- (1) The Secretary may, on the recommendation of the Chief Fire Officer, appoint a Deputy Chief Fire Officer.
- (2) The Deputy Chief Fire Officer may perform such functions and exercise such powers of the Chief Fire Officer under this Act, as the Chief Fire Officer may in writing from time to time direct or authorise him or her to perform or exercise.
- (3) The Deputy Chief Fire Officer shall have the same powers as the Chief Fire Officer in exercising the functions and powers under subsection (2).

## **9 Fire officers and other staff**

There shall be such fire officers, firefighters and such other personnel appointed as may be necessary for the efficient exercise of powers and performance of functions provided under this Act.

## **10 Oath of fire officer and firefighter**

Any person appointed as fire officer or firefighter shall subscribe to the oath or affirmation contained in Schedule 1.

## **PART 3 — POWERS OF SERVICE AND FIRE OFFICERS**

### **11 Command and control by the Service**

- (1) Where the Service receives a report or call to assist with a rescue or a fire, it shall immediately mobilise to the site of the emergency such resources, including manpower and equipment as it deems necessary.
- (2) On arrival at the site of the emergency, the fire officer highest in rank at the site:
  - (a) shall immediately assume command, determine and apply strategies, tactics and required action to control the situation;
  - (b) shall take all necessary measures to ensure the safety of officers and any other person at risk; and
  - (c) may require any other person having responsibilities in relation to the emergency to provide every officer with such facilities and assistance to enable the fire officer to exercise the powers conferred on him or her under this Act.
- (3) In the event of multi-agency response, the fire officer highest in rank on the site shall take command in accordance with any inter-agency agreement or emergency plan.

### **12 Powers of fire officers in an emergency, etc**

- (1) A fire officer may, in an emergency, fire or rescue situation do anything reasonably necessary to:
  - (a) prevent, fight, control and extinguish fires;
  - (b) protect persons, animals, property and the environment against fire or any other emergency;
  - (c) rescue or protect persons from serious harm as a result of a road traffic accident; and
  - (d) provide rescue services to a person, animal or property endangered as a result of a road or other accident.
- (2) For the purpose of subsection (1), a fire officer may:
  - (a) enter premises or a place, by force if necessary, without the consent of the owner or occupier of the premises;
  - (b) remove, using reasonable force where necessary, a person:
    - (i) who by his or her presence or otherwise, interferes with operations to deal with emergency, fire or rescue operation; or
    - (ii) in the fire officer's opinion, is in danger or is likely to cause danger to any other person or property;
  - (c) cause to shut off or disconnect the supply of electricity or gas to any premises;
  - (d) remove any vehicle impeding personnel;
  - (e) break into a vehicle without the consent of its owner;
  - (f) close a road;
  - (g) stop and regulate traffic; and
  - (h) restrict the access of persons to premises, a place or an area.

### 13 Powers during a fire

A fire officer may in the event of a fire:

- (a) take such measures as he or she deems necessary to:
  - (i) protect and save persons, animals, property and the environment; and
  - (ii) control and extinguish fire; and
- (b) control and direct the operation at a fire and in particular, may:
  - (i) cause any road or place in the vicinity of a fire to be closed to traffic during the continuance of the fire;
  - (ii) without payment use any convenient supply of water for the purpose of extinguishing or controlling a fire;
  - (iii) take such steps as he or she deems necessary to remove the hazard or risk; or
  - (iv) cause the evacuation of any premises, aircraft, vessel or vehicle.

### 14 Power to enter premises, etc after fire

- (1) For the purpose of investigating the cause or origin of any fire that occurred in or on any premises, aircraft, vessel or vehicle, a fire officer may:
  - (a) enter and inspect those premises or any adjacent premises or board the aircraft, vessel or vehicle as the case may be; or
  - (b) seize or detain the aircraft, vessel or vehicle.
- (2) A fire officer may exercise such power under subsection (1)(a):
  - (a) without notice within a period of 48 hours after the fire has been put out in any premises, aircraft, vessel or vehicle, as the case may be; and
  - (b) in any other case, only after giving notice in writing of the intended entry to the occupier of the premises or intended boarding to the owner of the aircraft, vessel or vehicle, as the case may be.

### 15 Power of entry and inspection

- (1) A fire officer may at any reasonable time enter and inspect any land or premises to do one or more of the following:
  - (a) make such inquiry as may be necessary;
  - (b) obtain information necessary for pre-incident planning;
  - (c) assess compliance with the requirements under this Act;
  - (d) conduct post-incident analysis;
  - (e) require the production of and inspect any fire certificate in relation to the building or premises; or
  - (f) in relation to equipment in or on the premises:
    - (i) require the person for the time being in charge to produce for inspection fire protection equipment or any fire alarm and detection equipment in the premises;
    - (ii) inspect such equipment so produced; and
    - (iii) conduct examination or tests of such equipment found in the building or premises, either at the premises or by removing the equipment from the premises to conduct examinations or tests of it.
- (2) Where a fire officer deems necessary for the purposes of his or her inspection, he or she may also inspect buildings or premises or part of buildings or premises that form part or are adjacent to the building or premises.

- (3) For the purpose of an inspection under this Section, a fire officer shall not enter any residential premises without the consent of the owner or occupier or a warrant issued under Section 53.

## **16 Power to restrict or prohibit entry or access to sites**

- (1) A fire officer may prohibit or restrict access of any person to any land, area or premises that is the site of an emergency where the fire officer believes on reasonable grounds that it is necessary to:
  - (a) preserve or record evidence in relation to the emergency; or
  - (b) prevent tampering with or alteration, mutilation or destruction of any thing involved in any manner in the emergency.
- (2) The prohibition or restriction of access under subsection (1), may only apply for a period that is no longer than is reasonably necessary in the circumstances to meet the objectives under subsection (1).

## **17 Power to enter premises for various purposes**

- (1) A fire officer may enter any premises at all reasonable hours for the purpose of:
  - (a) determining whether there is or has been, on or in connection with the premises, any contravention of this Act;
  - (b) obtaining information required for firefighting purposes in relation to the character of the premises, the availability of water supplies and the means of access thereto and other material circumstances relating to firefighting purposes;
  - (c) conducting fire drills and exercises, provided prior notice in writing is provided to the owner or occupier of such premises;
  - (d) determining whether there are any fire hazards in or on the premises;
  - (e) determining whether or not any place of public assembly or premises used for purposes of entertainment or recreation are being used to accommodate a larger number of persons than is permitted under any regulations made under this Act;
  - (f) checking and testing fire safety measures; and
  - (g) the performance by the Chief Fire Officer of his or her powers under this Act or any other written law.
- (2) A fire officer exercising any right conferred to him or her under subsection (1), shall not exercise such right unless 24 hours' notice in writing of the intended entry has been provided to the owner or occupier.

## **18 Power to prohibit fire in open air and prohibit or restrict other activities**

The Chief Fire Officer may by notice in writing:

- (a) prohibit the lighting of fires in open air in an area; or
- (b) prohibit or restrict any other activity in an area.

## **19 Assistance from police officers**

- (1) Police officers may support fire officers in the exercise of the powers and performance of functions under this Act.

- (2) A police officer shall, on being informed of an outbreak of fire or any other emergency rescue requiring the assistance of the Service, immediately inform the Service.

## **20 Assistance from the Nauru Utilities Corporation**

The Nauru Utilities Corporation shall:

- (a) as far as practicable make provision for the availability of an adequate supply of water for firefighting or other purposes relating to the functions of the Service;
- (b) on the occurrence of any fire on any building or premises and after having been so requested by the Chief Fire Officer, immediately despatch a competent officer to disconnect the electricity to such premises and, if necessary, to other adjoining buildings or premises; and
- (c) ensure that the area is safe from electrical hazards.



## PART 4 — FIRE SAFETY CERTIFICATES

### 21 Fire safety certificate

- (1) Any premises in Schedule 2 shall require an annual fire safety certificate which certifies that all safety requirements have been met in relation to such premises.
- (2) Where a fire safety certificate is required under subsection (1), such premises shall not be occupied, used nor any works carried out in relation to the premises unless the owner or person responsible for such premises has been issued a fire certificate.
- (3) An owner or a person who is responsible for any premises in Schedule 2 who fails to obtain a fire safety certificate under this Part, commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both.
- (4) An owner or a person who is responsible for any premises in Schedule 2 who allows such premises to be occupied, used or works carried out in relation to the premises without a fire safety certificate or with an expired fire safety certificate, commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.
- (5) The owner or person responsible to whom a fire safety certificate has been issued shall comply with the conditions specified in the certificate.
- (6) The Chief Fire Officer may revoke a fire safety certificate where the holder of the certificate fails to comply with any condition specified in the certificate.

### 22 Application for fire safety certificate

A person who applies for a fire safety certificate shall comply with the requirements under Section 23.

### 23 Requirements for application for a fire safety certificate

An application for a fire safety certificate shall:

- (a) be in the prescribed form;
- (b) contain the information required by the prescribed form;
- (c) be accompanied by the documents required by the prescribed form;
- (d) be accompanied by any additional information or documents that may be prescribed;
- (e) be signed by the person filing it; and
- (f) be accompanied with evidence of payment of the prescribed fee.

### 24 Record of fire safety certificate applications

The Chief Fire Officer shall keep and maintain records of each application received for the issuance of a fire safety certificate.

### 25 Determination of applications

- (1) The Chief Fire Officer shall consider each application lodged and inform the applicant of a decision within 7 working days of the date of the lodgement of the application.

- (2) Where an application for a fire safety certificate for any premises is made and all such plans and documentation relating to such premises as may be required have been provided to the Chief Fire Officer, the Chief Fire Officer may, subject to any other provisions of this Act:
  - (a) approve an application for a fire safety certificate, with or without conditions; or
  - (b) decline an application for a fire safety certificate.
- (3) In the exercise of his or her discretion under this Section, the Chief Fire Officer shall:
  - (a) consider any representations relating to any application; and
  - (b) cause an inspection of the premises to which an application for a fire safety certificate has been made.

## **26 Contents and issue of fire safety certificate**

The Chief Fire Officer shall:

- (a) record each application received, whether granted or refused; and
- (b) where such application has been approved, issue a certificate, in the prescribed form and specify:
  - (i) the name of the premises;
  - (ii) the name of the person responsible for the premises;
  - (iii) the district where the premises is located;
  - (iv) any conditions;
  - (v) the date when the certificate is granted; and
  - (vi) the date when the fire safety certificate expires.

## **27 Duration of fire safety certificates**

A fire safety certificate is valid for 12 months from the date the certificate was granted.

## **28 Certificates not to be granted to minors**

A fire safety certificate shall not be granted to a person under the age of 18 years.

## **29 Renewal of certificates**

- (1) Applications for the renewal of certificates shall:
  - (a) be in the prescribed form;
  - (b) accompanied by evidence of payment of the prescribed fees; and
  - (c) lodged with the Chief Fire officer within 30 days before the expiration of his or her certificate.
- (2) Where a certificate has expired and the application is lodged after the expiration of the certificate, the application shall:
  - (a) be made in the prescribed form; and
  - (b) accompanied by evidence of payment of the prescribed renewal fee and late fee.

## **30 Certificate not to be assigned or transferred**

- (1) A certificate shall not be assigned, transferred or permitted to be used by another person for any other premises.

- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.

### **31 Certificate shall be displayed**

- (1) A certificate shall be displayed in a conspicuous place in or at the premises.
- (2) A person who contravenes subsection (1), shall:
  - (a) be liable to a fixed penalty of \$1,000; and
  - (b) pay the fixed penalty within 7 days of a notice of the breach being served by a fire officer.
- (3) A person who fails to comply with subsection (2), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.
- (4) A person who complies with subsection (2), shall not be prosecuted for an offence under subsection (3).

### **32 Amendment to certificate**

- (1) Where an owner of any premises intends to make material extension of or material structural changes to the whole or part of the building or premises, he or she shall:
  - (a) notify the Chief Fire Officer in the prescribed form; and
  - (b) provide such specifications and plans for the changes to be made.
- (2) On receipt of the notice under subsection (1), the Chief Fire Officer may:
  - (a) review such specifications and plans; and
  - (b) make such amendments in the fire safety certificate as he or she deems fit for the purpose; or
  - (c) issue a new fire safety certificate specifying those amendments.
- (3) Where there are reasonable grounds to believe that there has been a material change to the premises, the Chief Fire Officer may:
  - (a) cancel the fire safety certificate;
  - (b) vary the conditions applicable to the fire safety certificate;
  - (c) require the owner to submit a modified fire safety plan for approval; or
  - (d) take such other action he or she deems fit.



## PART 5 — FIRE PREVENTION AND SAFETY DUTIES

### 33 Fire prevention

- (1) The Chief Fire Officer may require in writing an owner of any premises to take reasonable measures for the purpose of reducing the risk of a fire occurring on the premises or reducing danger to persons, animals, property or the environment in the event of a fire occurring within the premises.
- (2) The owner of any premises under subsection (1), may be required to:
  - (a) ensure that the means of escape from the premises in the event of a fire can be safely and effectively used at all material times;
  - (b) ensure that any firefighting equipment on the premises are in operational order at all material times;
  - (c) make and maintain adequate firebreaks in accordance with directions given by the Chief Fire Officer under subsection (1); or
  - (d) take reasonable measures to ensure an adequate supply of water or any other firefighting equipment that may be required.

### 34 Fire safety plans

- (1) The Chief Fire Officer may request the owner of such premises as may be prescribed to prepare a fire safety plan and submit a copy of such plan to the Chief Fire Officer for approval.
- (2) Any fire safety plan requested under subsection (1), shall be in such form as may be prescribed and may include:
  - (a) a fire and evacuation plan; and
  - (b) a fire safety management plan.
- (3) Where a fire safety plan has been submitted under subsection (1), the Chief Fire Officer may:
  - (a) approve the plan or propose any amendment before approving the plan, upon payment of a prescribed fee; and
  - (b) on approval of the plan, impose such conditions as he or she deems fit.
- (4) Any fire safety plan shall be updated in such manner as may be directed by the Chief Fire Officer, where the person responsible proposes to:
  - (a) make any material extension or structural alteration to the premises;
  - (b) substantially increase the number of persons who have access to the premises; or
  - (c) store or use explosive or highly flammable material on the premises.

### 35 Owner or occupier of residential premises may request inspection

- (1) For fire safety purposes, the owner or occupier of any residential premises may make a request in writing to the Chief Fire Officer for an inspection of such premises.
- (2) On completion of an inspection under subsection (1), the Chief Fire Officer may make recommendations to the owner or occupier in relation to fire safety and prevention.

**36 Plan and specifications for premises**

- (1) Where a person intends to construct new premises or make repairs or alterations to existing premises, such person shall before commencing construction or making alterations or repairs, submit the plans and specifications to the Chief Fire Officer for review.
- (2) Where the Chief Fire Officer considers that the plans or specifications under subsection (1), contravenes this Act or any other written law, the Chief Fire Officer shall advise the owner of such contravention and require the owner to remedy the same.
- (3) Where the Chief Fire Officer considers the plans or specifications provided under subsection (1) are sufficient, the Chief Fire Officer may endorse such plans or specifications.

**37 Duty to take fire precautions**

An owner or occupier of any land or premises shall take all reasonable fire precautions and measures in accordance with this Act and any other written law relating to the prevention of fire.

**38 Duty to report fire**

Where a person becomes aware of a fire on his or her land or in his or her premises, he or she shall immediately report such fire to the Service.

## PART 6 — INVESTIGATION OF FIRE

### 39 Investigation of fire and obtaining information

- (1) The Chief Fire Officer may investigate or cause an investigation into the origin or circumstances of every fire by which:
  - (a) a person has lost his or her life or suffered injury; or
  - (b) property has been destroyed or damaged.
- (2) Where a fire officer carries out an investigation under subsection (1), he or she may:
  - (a) take with him or her any other persons and any equipment, that he or she considers necessary;
  - (b) inspect and copy any documents or records on the premises or remove them from the premises;
  - (c) carry out any inspections, measurements and tests in relation to the premises or to an article or substance found on the premises, that he or she deems necessary;
  - (d) take samples of an article or substance found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;
  - (e) dismantle an article found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;
  - (f) take possession of an article or substance found on the premises and detain it for as long as is necessary for any of these purposes:
    - (i) to examine it and do anything he or she has power to do under paragraph (c) or (e);
    - (ii) to ensure that it is not tampered with before his or her examination of it is completed; or
    - (iii) to ensure that it is available for use as evidence in proceedings on an offence relevant to the investigation; and
  - (g) require a person present on the premises to provide him or her with any facilities, information, documents or records, or other assistance, that he or she may reasonably request.
- (3) Where a fire officer exercises the power under subsection (2)(d), he or she shall:
  - (a) leave a notice at the premises either with the person responsible or if that is impracticable, affixed in a conspicuous place giving particulars of the article or substance and stating that he or she has taken a sample of it; and
  - (b) if it is practicable to do so, give to the person responsible at the premises a portion of the sample marked in a manner sufficient to identify it.
- (4) Where a fire officer exercises the power in subsection (2)(f), he or she shall leave a notice at the premises either with a responsible person or affixed in a prominent position giving particulars of the article or substance and stating that he or she has taken possession of it.
- (5) Where in the exercise of any power under this Section a fire officer enters

premises which are unoccupied or from which the occupier is temporarily absent, he or she shall, on his or her departure leave the premises as effectively secured against unauthorised entry as he or she found them.

- (6) Where an investigation is conducted under subsection (1), the Chief Fire Officer shall provide a report to the Secretary in the prescribed form immediately following the investigation which shall include the:
- (a) facts relating to the fire;
  - (b) cause of the fire;
  - (c) origin of the fire; and
  - (d) recommendations based on the findings.

#### **40 Closure of buildings or premises**

A fire officer may:

- (a) close a building or premises in which a fire has occurred and prohibit a person other than a police officer in the execution of his or her duties from entering or remaining in the building until such time as the investigation of the fire is completed; and
- (b) remove from a building or premises and retain for the purposes of the investigation or any subsequent proceedings anything that, in the opinion of the fire officer, is material to the investigation.

#### **41 Charges and prosecution**

Notwithstanding Section 205 of the *Crimes Act 2016*, where an investigation has been carried out and completed under Section 39 and the Secretary is of the opinion that there is sufficient evidence to charge a person with the crime of arson or a threat to commit an arson or intention to commit arson, he or she shall immediately submit a report and evidence to the:

- (a) Commissioner of Police; and
- (b) Director of Public Prosecutions.



## PART 7 — COMPLIANCE

### 42 Enforcement notice

- (1) Where, upon or after inspection, the fire officer is of the opinion that there has been a contravention of this Act, the fire officer may serve on the person responsible for the building or premises an enforcement notice which shall:
  - (a) specify the failure or contravention;
  - (b) require the owner or the occupier or any manager to produce for inspection or copying, in whole or in part, any record or other document that the fire officer believes on reasonable grounds, contains information relevant to the administration of this Act;
  - (c) state what steps are necessary to remedy the contravention or failure and comply with the provision in question; and
  - (d) require the owner or occupier within such reasonable time as may be specified or such other further time as the fire officer may allow, to take steps as a specified in the enforcement notice to remedy the failure or contravention and ensure compliance.
- (2) A notice under subsection (1) shall be in the prescribed form.

### 43 Fire safety and emergency drills

- (1) The Chief Fire Officer may require an owner, occupier or person responsible for public premises to hold periodic fire safety and emergency drills or exercises.
- (2) An owner, occupier or person responsible for public premises shall hold fire safety and emergency drills or exercises when required by the Chief Fire Officer under subsection (1).
- (3) For the purposes of subsections (1) and (2), the Chief Fire Officer shall:
  - (a) cause to be carried out fire safety and emergency drills for public premises; and
  - (b) provide 24 hours' notice to the owner, occupier or person responsible for the premises.
- (4) A person who contravenes subsection (2), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.



## PART 8 — EMERGENCY RESCUE

### 44 Road traffic accidents

- (1) The Service shall make provision for the purpose of:
  - (a) responding in the event of road traffic accidents; and
  - (b) protecting persons from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic accidents.
- (2) In making provision under subsection (1), the Service shall in particular:
  - (a) secure the necessary personnel, services and equipment;
  - (b) provide for the training for personnel;
  - (c) make arrangements for dealing with calls for help and for summoning personnel;
  - (d) make arrangements for obtaining information needed for the purpose mentioned in subsection (1); and
  - (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose in subsection (1).

### 45 Coastal water emergencies

- (1) The Service shall make provision for the purpose of:
  - (a) rescuing people in the event of emergencies that occur in the waters along the coastline; and
  - (b) protecting people from serious harm, to the extent that it considers reasonable to do so, in the event of an emergency in the waters along the coastline.
- (2) In making provision under subsection (1), the Service shall in particular:
  - (a) secure the necessary personnel, services and equipment;
  - (b) provide for the training for personnel;
  - (c) make arrangements for dealing with calls for help and for summoning personnel;
  - (d) make arrangements for obtaining information needed for the purpose of discharging the function; and
  - (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage resulting from discharging the function.



## PART 9 — OFFENCES AND PENALTIES

### **46 Obstruction or hindering of fire officers**

- (1) No person shall obstruct or hinder a fire officer or any other person authorised under this Act in the performance of their duties or exercise of powers.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.

### **47 Assaulting Service personnel**

- (1) No person shall assault a fire officer or any other person authorised under this Act while performing their duties or exercise of powers.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.

### **48 Entering, attempting to enter or tampering with land or premises**

- (1) No person shall enter, attempt to enter or tamper with land or premises that have been closed off under this Act without the prior approval of the Chief Fire Officer.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.

### **49 False alarm**

- (1) No person shall knowingly give or cause to be given a false alarm of fire to the Department or a fire officer.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.

### **50 Fire in open air**

- (1) No person shall knowingly light a fire in open air in any area while a prohibition under Section 18 is in effect.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.

### **51 Firefighting equipment**

- (1) The Service shall be the agent for the import, supply, installation and maintenance of firefighting equipment in the Republic.
- (2) No person shall import, supply, install or maintain firefighting equipment in the Republic.

- (3) A person who contravenes subsection (2), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 2 years or to both.

## **52 Liability of directors, etc of corporations**

Where a corporation contravenes a provision of this Act, any officer, director or agent of the corporation who directed, authorised or assented to or participated in the commission of the offence, commits an offence and is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 2 years or both.

## PART 10 — MISCELLANEOUS

### 53 Warrant

- (1) Where the court on an application made on oath, is satisfied that there are reasonable grounds for believing that it is necessary for the purposes of ascertaining or establishing whether a person has committed or is committing an offence under this Act, the court may issue a warrant for a fire officer to exercise the powers under subsection (2), in relation to any land, building or premises.
- (2) A warrant issued under subsection (1), authorises the person named in the warrant to enter the place named in the warrant and any land, building or premises connected with that place to:
  - (a) examine the place and connected building or premises;
  - (b) carry out the activities under Section 15; and
  - (c) search for, seize and take possession of any records or things.
- (3) A fire officer may request a police officer to assist in enforcing the warrant issued under this Section.
- (4) A fire officer may exercise all or any of the powers under subsection (2) without a warrant under subsection (1), where:
  - (a) the conditions for obtaining a warrant exist; and
  - (b) the fire officer has reasonable grounds to believe that the delay caused by obtaining a warrant may result in:
    - (i) danger to human life or safety; or
    - (ii) the loss, removal or destruction of evidence.

### 54 Power to issue orders and general instructions

- (1) The Chief Fire Officer may issue such Orders and General Instructions as he or she deems necessary for the recruitment, appointment, discipline and conduct of fire officers and personnel of the Service.
- (2) Any Orders and General Instructions issued under subsection (1), may be of general or limited application.

### 55 Removal of debris after fire

- (1) Where a fire occurs in any premises, the owner of such premises shall remove or cause to remove any debris or flammable material which may be in or on such premises and which constitutes a fire hazard or a danger to life or property.
- (2) Where the owner of any premises fails to comply with subsection (1), the Chief Fire Officer may by notice in writing to the owner, require the owner within 24 hours or such longer period the Chief Fire Officer deems necessary, to remove the debris or flammable material.
- (3) Where the owner of the premises under this Section, fails to comply with the notice under subsection (2), the Chief Fire Officer may:
  - (a) cause the debris or flammable material to be removed; and
  - (b) recover as a debt due to the Department the expenses incurred in removing the debris or flammable material.

**56 Removal or destruction of vegetation, etc increasing fire risk**

- (1) The Chief Fire Officer may by notice in writing, require the owner or occupier of land to remove or destroy any vegetation or other thing on the land where the Chief Fire Officer reasonably considers that the vegetation or other thing is:
  - (a) likely to endanger persons or property by increasing the risk or spread of fire; or
  - (b) a source of imminent danger from fire to life, property or road.
- (2) An owner or occupier served with a notice under subsection (1), shall comply with the notice within one month of receipt of such notice.
- (3) Where an owner or occupier fails to comply with a notice under subsection (1), the Service may enter the land and remove or destroy the vegetation or other things as required by the notice.

**57 Priority over motor traffic**

- (1) An instrument or apparatus for the emission of sound or light may be fitted to or carried on a Service vehicle to indicate to other road users that the vehicle is being used for the purpose of firefighting, emergency or rescue.
- (2) A person driving a motor vehicle on a road shall, when the instrument or apparatus on a Service vehicle is operated, give way to the Service vehicle.

**58 Fees**

The Minister may by notice in the Gazette prescribe fees for the following:

- (a) inspections of any premises;
- (b) issuance of fire safety certificates;
- (c) providing or refilling fire extinguishers; and
- (d) carrying out fire safety training.

**59 Certified copy admissible in evidence**

A copy of a document certified by the Chief Fire Officer or the Deputy Fire Officer as being a true copy of the original is admissible as evidence.

**60 Damage in fire fighting**

Where damage to property is caused by the Chief Fire Officer or a fire officer or any other person authorised under this Act, in the exercise in good faith of his or her powers, duties or obligations at or in connection with any fire, the damage shall be deemed to be caused by the fire.

**61 Notices**

A notice required to be provided under this Act to the owner of any building, premises, aircraft, vessel or vehicle may be given by:

- (a) delivering it personally to the owner;
- (b) electronic mail to the owner's electronic mail address; or
- (c) leaving it affixed in or on a conspicuous place at the building, premises, aircraft, vessel or vehicle.

**62 Liability**

No action or proceedings shall be brought against any fire officer or any other



person authorised under this Act for the recovery of damages, for any loss or damage or bodily injury or death which is due directly or indirectly to fire or to the performance in good faith for the protection of human life where the person is acting pursuant to this Act.

**63 Jurisdiction of the court**

The District Court shall have jurisdiction to hear and determine all offences under this Act and shall have the power to impose the full penalty or punishment in respect of the offences under this Act.

**64 Regulations**

The Cabinet may make regulations prescribing any matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.



## SCHEDULE 1

*[Section 10]*

### OATHS AND AFFIRMATION

#### **Oath of fire officer/firefighter**

“I [A.B.] swear by the almighty God that I will be faithful and bear true allegiance to the Republic of Nauru and will truly and honestly discharge my duties as a [fire officer/firefighter], my fundamental duty is to serve the people I swear to protect, to safeguard and preserve life, health and property against fire and other perils and to maintain a proficiency in the fire and emergency service according to the best of my knowledge and ability so help me God.”

#### **Affirmation of fire officer/firefighter**

“I [A.B.] solemnly and sincerely declare and affirm that I will be faithful and bear true allegiance to the Republic of Nauru and will truly and honestly discharge my duties as a [fire officer/firefighter], my fundamental duty is to serve the people I swear to protect, to safeguard and preserve life, health and property against fire and other perils and to maintain a proficiency in the fire and emergency service according to the best of my knowledge and ability.”



## SCHEDULE 2

*[Section 21]*

### **PREMISES FOR WHICH FIRE SAFETY CERTIFICATES ARE REQUIRED**

A fire safety certificate is required for any premises used for the following purposes:

- (a) accommodation including hotels, motels, hostel, Air BnB, with or without cooking facilities;
- (b) institution or home providing medical or other treatment or care;
- (c) correctional or detention facility;
- (d) workplace or commercial premises;
- (e) entertainment or recreation purposes of any club, society or association or similar purposes;
- (f) church or other place of worship;
- (g) education, teaching, training or research;
- (h) storage of goods, merchandise, products or vehicles;
- (i) any purpose involving access to the building or premises by members of the public whether on payment or otherwise; and
- (j) any other purpose that may be designated and notified in the Gazette by the Minister.

