

NAOERO NATIONAL ANTHEM, EMBLEM AND FLAG PROTECTION

Table of Contents

	<i>Page</i>
<i>Principal</i>	
Naoero National Anthem, Emblem and Flag Protection Act 2018	
Table of Provisions	331
Table of Amendments	333
Naoero National Anthem, Emblem and Flag Protection Act 2018	335
<i>Subsidiary</i>	
Naoero National Anthem, Emblem and Flag Protection Regulations 2019	
Table of Provisions	357
Table of Amendments	359
Naoero National Anthem, Emblem and Flag Protection Regulations 2019	361

Naoero National Anthem, Emblem and Flag Protection Act 2018

TABLE OF PROVISIONS

Section

Title

PART 1 — PRELIMINARY

- 1 Short title
- 2 Commencement
- 3 Definitions

PART 2 — NATIONAL ANTHEM

- 4 National Anthem of the Republic of Nauru
- 5 Persons to respect the National Anthem

PART 3 — PROHIBITED USE OF THE NATIONAL ANTHEM

- 6 Commercial use of the National Anthem
- 7 Disrespecting the National Anthem

PART 4 — EMBLEM

- 8 Emblem of the Republic
- 9 Protection of the use of the Emblem

PART 5 — UNAUTHORISED USE OF EMBLEM

- 10 Misuse of the Emblem
- 11 Commercial use of the Emblem
- 12 Desecrating the Emblem

PART 6 — THE FLAG OF THE REPUBLIC

- 13 Flag of the Republic
- 14 Persons to respect the Flag
- 15 Persons to respect the raising and lowering of the Flag
- 16 Flying of the Flag
- 17 Flying of the Flag at half-mast

PART 7 — PROHIBITED USE OF THE FLAG

- 18 Desecrating the Flag
- 19 Actions promoting violence
- 20 Commercial use of the Flag
- 21 Production of the Flag
- 22 Use of the Flag as a Political Party Logo

<i>Section</i>	<i>Title</i>
23	Disposal of the Flag

PART 8 — MISCELLANEOUS

24	Offences by corporations
25	Jurisdiction of court
26	Powers of police officers
27	Regulations
	SCHEDULE 1 — NATIONAL ANTHEM OF THE REPUBLIC OF NAURU
	SCHEDULE 2 — EMBLEM OF THE REPUBLIC OF NAURU
	SCHEDULE 3 — NATIONAL FLAG OF THE REPUBLIC OF NAURU

Naoero National Anthem, Emblem and Flag Protection Act 2018

TABLE OF AMENDMENTS

The Naoero National Anthem, Emblem and Flag Protection Act 2018 No 5 was certified and commenced on 26 January 2018 (GN No 84/2018; Gaz 15/2018).

Amending Legislation	Certified	Date of Commencement
Naoero National Anthem Emblem and Flag Protection (Amendment) Act 2019 No 20	12 July 2019	12 July 2019
Naoero National Anthem Emblem and Flag Protection (Amendment) Act 2020 No 39	3 December 2020	3 December 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

An Act to make provision for the protection of the National Anthem, Emblem and Flag of the Republic 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 *Naoero National Anthem, Emblem and Flag Protection Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker and came into effect on 26 January 2018.

3 Definitions

In this Act:

‘Emblem’ for the purposes of this Act means the National Emblem of the Republic of Nauru as described and specified to be used as an official seal of the Government of Nauru in Schedule 2;

‘Flag’ or *‘flag’* means the National Flag of the Republic of Nauru as described and specified in Schedule 3;

‘Minister’ means the President of the Republic; and

‘National Anthem’ means the national anthem, the words of which are set out in Schedule 1.

PART 2 — NATIONAL ANTHEM

4 National Anthem of the Republic of Nauru

There shall be a National Anthem of the Republic which shall be as described and specified in Schedule 1.

5 Persons to respect the National Anthem

- (1) A person who is within or comes upon a public place or an area at which the National Anthem is being sung or played shall come to a standstill position and remain in that position until the playing or singing of the National Anthem is completed.
- (2) The driver of a vehicle:
 - (a) that is within a public place or an area where the National Anthem is being sung or played shall refrain from driving the vehicle and ensure that the vehicle remains motionless until the playing or singing of the National Anthem is completed; or
 - (b) that enters a public place or area where the National Anthem is being sung or played shall ensure that the vehicle is stopped and kept motionless until playing or singing of the National Anthem is completed.

PART 3 — PROHIBITED USE OF THE NATIONAL ANTHEM

6 Commercial use of the National Anthem

- (1) A person shall not without the prior written approval of the Minister use the National Anthem or any lyrics of the National Anthem:
 - (a) in any trademark, slogan or logo;
 - (b) for any advertising purpose; or
 - (c) for any commercial purpose.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

7 Disrespecting the National Anthem

- (1) A person shall not:
 - (a) disrespect or insult the National Anthem by any word, conduct, action or in writing; or
 - (b) be disrespectful by any word, conduct or action while the National Anthem is being sung or played in a public place.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

PART 4 — EMBLEM

8 Emblem of the Republic

There shall be a National Emblem of the Republic which shall be as described and specified in Schedule 2.

9 Protection of the use of the Emblem

- (1) A person shall not use the Emblem for any purpose whatsoever without the prior written approval of the Minister.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

PART 5 — UNAUTHORISED USE OF EMBLEM

10 Misuse of the Emblem

- (1) A person shall not use or associate the Emblem with any action, speech, writing or any other means for the purposes of demeaning, disrespecting and insulting the Republic.
- (2) A person shall not use the Emblem as a political party logo or as a candidate logo during a national election campaign.
- (3) A person shall not use any design which in any way resembles the Emblem in any manner likely to deceive another person.
- (4) A person who contravenes this Section, commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

11 Commercial use of the Emblem

- (1) A person shall not without the prior written approval of the Minister use the Emblem or any part of the Emblem:
 - (a) in any trademark or logo;
 - (b) for any advertising purpose;
 - (c) in any form whatsoever that involves depiction, engraving or embossing on merchandise; or
 - (d) for any commercial purpose.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

12 Desecrating the Emblem

- (1) A person shall not:
 - (a) modify the Emblem by placing any letters, slogan, words or representation on it; or
 - (b) use, display, destroy, burn, mutilate, tear or damage any image bearing the Emblem.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

PART 6 — THE FLAG OF THE REPUBLIC

13 **Flag of the Republic**

There shall be an official Flag of the Republic of Nauru which is the Flag described in Schedule 3.

14 **Persons to respect the Flag**

The Flag shall be respected by every person in the Republic.

15 **Persons to respect the raising and lowering of the Flag**

- (1) A person who is within or comes upon a public place or area where the Flag of the Republic is being raised or lowered shall go into a standstill position and remain in that position until the raising or lowering of the flag has been completed.
- (2) The driver of a vehicle:
 - (a) that is within a public place or an area where the flag is being raised or lowered shall refrain from driving the vehicle and ensure that the vehicle remains motionless until the raising and lowering of the flag is completed; or
 - (b) that enters a public place or area where the flag is being raised or lowered shall ensure that the vehicle is stopped and kept motionless until the raising or lowering of the flag is completed.

16 **Flying of the Flag**

- (1) The Flag may be hoisted or displayed on any premises including any school, home, institution, building or event.
- (2) The Flag may be used or worn as part of any attire or costume at any national sporting or entertainment event.
- (3) The Flag, whether displayed on a public or private premises, shall be displayed in a place of prominence.
- (4) Subject to Section 20, the Flag may be used or displayed for any other purposes in the media.

17 **Flying of the Flag at half-mast**

The Flag shall be lowered to half-mast as a token of mourning and to commemorate the funerals of:

- (a) the President;
- (b) a Cabinet Minister; and
- (c) such other persons as may be approved by the Minister from time to time.

PART 7 — PROHIBITED USE OF THE FLAG

18 Desecrating the Flag

- (1) A person shall not:
 - (a) modify the Flag by placing any emblem, letters, slogan, words or representation on it; or
 - (b) use, display, destroy, burn, mutilate, insult, damage, injure or tear the Flag in any manner.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

19 Actions promoting violence

- (1) A person shall not display, destroy, burn, mutilate, insult, damage, injure or tear the Flag:
 - (a) with the intent to incite violence or any breach of peace; or
 - (b) under circumstances in which that person knows it is reasonably likely to incite or promote violence or a breach of peace.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

20 Commercial use of the Flag

- (1) A person shall not without the prior written approval of the Minister use the Flag or any part of the Flag:
 - (a) in any trademark or logo;
 - (b) for any advertising purpose; or
 - (c) for any commercial purpose.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

21 Production of the Flag

- (1) A person shall not without the prior written approval of the Minister produce, depict, engrave or emboss the Flag or any part of the Flag onto any commercial medium or merchandise, uniform, attire or any other item.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

22 Use of the Flag as a Political Party Logo

- (1) A person shall not use the Flag as a political party logo or a candidate logo during a national election campaign.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

23 Disposal of the Flag

Where the Flag is in such condition rendering it no longer fit for display or use, the Flag shall be disposed of in a dignified way by burning in private after approval is granted by the Cabinet.

PART 8 — MISCELLANEOUS

24 Offences by corporations

- (1) Where an offence has been committed under this Act by a corporation, firm, society or other body of persons, a person who at the time of the commission of the offence was a Director, manager, secretary or officer or a partner of the corporation, firm, society or other body of persons or was purporting to act in such capacity shall be guilty of that offence and liable to be prosecuted and punished accordingly unless he or she proves that:
 - (a) the offence was committed without his or her consent or collusion; and
 - (b) he or she exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised, having regard to the nature of his or her functions in that capacity and to all circumstances.
- (2) Upon conviction, the court may impose:
 - (a) in the case of a corporation, firm, society or other body of persons, a fine not exceeding \$100,000; and
 - (b) in the case of a Director, manager, secretary or officer or a partner of the company, firm, society or other body of persons, a fine not exceeding \$20,000 or a term of imprisonment not exceeding 12 months or to both.

25 Jurisdiction of court

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

26 Powers of police officers

All police officers are authorised officers and may exercise all such powers as may be necessary for the enforcement of this Act.

27 Regulations

- (1) The Cabinet may make regulations prescribing any matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), regulations may be made to:
 - (a) provide for any forms required under this Act;
 - (b) provide for any fees required under this Act;
 - (c) provide for any exemption from payment of fees; and
 - (d) amend the Schedules.

[s 27 subst Act 39 of 2020 s 4, opn 3 Dec 2020]

SCHEDULE 1

[Section 4]

NATIONAL ANTHEM OF THE REPUBLIC OF NAURU

(Version in Nauruan)

Nauru Bwiema

(Nauru, Our Homeland)

Nauru bwiema

Ngaben ma auwe

Ma tetaro bwe dogum

Ma otota bet egom

Atsin ngago/ bwien okor ama bagadugu

Epoa/ ngabuna ri nan orre bet imur

Mi ian aema ngeijin ouge

Nauru eko dogin

(Version in English)

Nauru our home

our beloved people

We pray for you

We behold your name

You have always been home to our ancestors

and to those who come after them

And in our own words we will say

Nauru forever

SCHEDULE 2

[Section 8]

EMBLEM OF THE REPUBLIC OF NAURU

[Sch 2 subst Act 20 of 2019 s 4, opn 12 July 2019; subst Act 39 of 2020 s 5, opn 3 Dec 2020]

The emblem is divided and separated in the middle.

In the upper section, the cross on the backdrop of a woven mat represents the cross sitting on Mount Calvary.

The lower left section depicts a black frigate bird, which sits on a perch over blue ocean waves. The black frigate bird is the national bird of Nauru.

The lower right section is blue which represents the ocean and contains a branch of 7 tomano (*calophyllum*) flowers with 6 leaves.

The shield is surrounded by images of tribal gear known as *ikirira*, which was worn to ceremonies or other important occasions. The ropes are woven from coconut husks with red *Adenantha pavonina* L. beans, 2 feathers of the frigate bird hanging loosely on both sides and 2 flat *argopecten* seashells or *ikibar* obtained from the deep sea which is a sign of bravery. Coconut leaves encircle the images of the cross on top of the woven mat and the frigate bird perching over blue ocean waves.

The star centered above the shield represents the 12 different tribes. The star also appears in the flag. The ribbon above it bears the name of the island 'NAOERO' which is the Nauruan name for Nauru.

The ribbon under the shield bears the words: 'GOD'S WILL FIRST' which symbolises the importance of the Christian religion and Nauru strives to put God's Will First in everything it does. It is also the national motto.

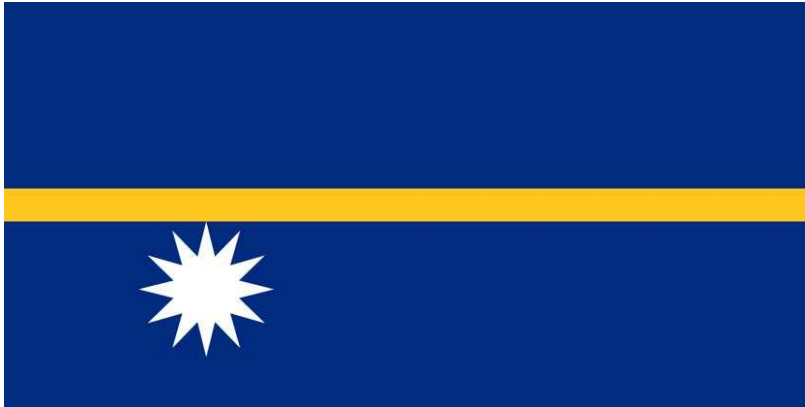


SCHEDULE 3

[Section 13]

NATIONAL FLAG OF THE REPUBLIC OF NAURU

The rectangular flag is divided into three portions horizontally; the top portion is blue; the middle portion is yellow; the bottom portion is blue and a large white 12-pointed star below the yellow stripe on the hoist side. The top and bottom portions are in equal portions. The blue represents the Pacific Ocean, the white star indicates the country's location in relation to the equator, the 12 points symbolise the 12 original tribes of Nauru and the horizontal yellow stripe represents the equator.



Naoero National Anthem, Emblem and Flag Protection Regulations 2019

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Application for use of National Anthem, Emblem or Flag
4	Particulars required
5	Form of approval
6	Register of approved users
7	Application fees
	SCHEDULE 1 — FORMS
	FORM 1 — APPLICATION FORM FOR USE OF NATIONAL ANTHEM, EMBLEM OR FLAG
	FORM 2 — APPROVAL FOR USE OF NATIONAL ANTHEM, EMBLEM OR FLAG
	FORM 3 — REGISTER FOR APPROVED USERS OF NAOERO NATIONAL ANTHEM, EMBLEM AND FLAG
	SCHEDULE 2 — FEES

Naoero National Anthem, Emblem and Flag Protection Regulations 2019

TABLE OF AMENDMENTS

The Naoero National Anthem, Emblem and Flag Protection Regulations 2019 SL 9 was notified and commenced on 18 March 2019 (GN No 181/2019; Gaz 43/2019).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

The Cabinet makes the following Regulations under Section 36 of the *Naoero National Anthem, Emblem and Flag Protection Act 2018*:

1 Citation

These Regulations may be cited as the *Naoero National Anthem, Emblem and Flag Protection Regulations 2019*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Application for use of National Anthem, Emblem or Flag

For the purposes of Sections 6, 9, 11 and 20 of the Act, the prescribed form for an application for the use of the National Anthem, Emblem or Flag is set out in Form 1 in Schedule 1.

4 Particulars required

A person applying to the Minister for approval to use the National Anthem, Emblem or Flag shall provide:

- (a) surname and forenames;
- (b) name of firm, institution, corporation or group person is applying on behalf of;
- (c) usual residential address;
- (d) correspondence address, if different from address of the business;
- (e) purpose of use of the National Anthem, Emblem or Flag;
- (f) a certified copy of the business licence under the *Business Licences Act 2017* if applicable;
- (g) a certified copy of certificate of incorporation or partnership if applicable; and
- (h) an undertaking to comply with the provisions of the Act in relation to the protection of the National Anthem, Emblem and Flag.

5 Form of approval

Where the Minister approves an application for the use of the National Anthem, Emblem or Flag, the Secretary to Cabinet shall provide an approval under the hand of the Minister in accordance with Form 2 of Schedule 1 with any necessary conditions.

6 Register of approved users

A register of applications and approved users shall be kept by the Secretary to Cabinet as set out in Form 3 of Schedule 1.

7 Application fees

The prescribed fees to be paid for the purposes of the Act are set out in Schedule 2.

SCHEDULE 1

FORMS

FORM 1



REPUBLIC OF NAURU

NAOERO NATIONAL ANTHEM, EMBLEM AND FLAG PROTECTION ACT 2018

[Sections 6, 9, 11 and 20, Regulation 3]

APPLICATION FORM FOR USE OF NATIONAL ANTHEM, EMBLEM OR FLAG

To: Hon Minister (.....) MP, Nauru

Details of the applicant:(individual/firm/corporation/institution/group):

Applicant name:	
Name of individual/firm/corporation/institution/group:	
Business name <i>(if applicable)</i> :	
Principal place of business/operation <i>(if applicable)</i> :	
Telephone number:	
Email address:	

Purpose of application:	<input type="checkbox"/> ANTHEM: <ul style="list-style-type: none"> ◦ To be used or incorporated as a trademark//logo; ◦ To be used or incorporated for advertising purposes; or ◦ To be used for commercial purposes.
	<input type="checkbox"/> EMBLEM: <ul style="list-style-type: none"> ◦ To be used or incorporated as a trademark/logo; ◦ To be used or incorporated for advertising purposes; or ◦ To be used for commercial purposes. ◦ Will involve depiction/engraving or embossing on merchandise.
	<input type="checkbox"/> FLAG: <ul style="list-style-type: none"> ◦ To be used or incorporated as a trademark/logo; ◦ To be used or incorporated for advertising purposes; or ◦ To be used for commercial purposes.

NOTE: the following must be provided in support of the application:

1. Receipt of payment of application fee.
2. Reason for application/use of National Anthem/Emblem/Flag.

UNDERTAKING:

I/We undertake to comply with the requirements for the protection of the National Anthem, Emblem and Flag and will ensure that the dignity, respect and honour of the same is maintained at all times. I/We acknowledge that any disrespect or misuse of the authority granted under the Act, may be revoked without any notice by the Minister.

DECLARATION:

I/We the applicant.....(state name) of(address),(occupation), do solemnly and sincerely declare that (set out matter declared using numbered paragraphs if it is lengthy):

And I/We make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act 1976* conscientiously believing in the statement contained therein to be true in every particular.

Signed by the person filing this form.....

Name of person filing this form: *.....

Date:.....

NOTE: A person making a false statement is guilty of an offence and is liable to imprisonment for 5 years.

FORM 2



REPUBLIC OF NAURU

NAOERO NATIONAL ANTHEM, EMBLEM AND FLAG PROTECTION ACT 2018

[Regulation 5]

APPROVAL FOR USE OF NATIONAL ANTHEM, EMBLEM OR FLAG

PURSUANT to Section (6/9/11/20) of the *Naoero National Anthem, Emblem and Flag Protection Act 2018*, I hereby grant approval to(the applicant) to use the Naoero National (*Anthem/Emblem/Flag*) for(state purpose) for a period of.....

TAKE NOTE that this approval is conditional on:

1. The amount or use of the Naoero National (*Anthem/Emblem/Flag*) is restricted to
2. The Naoero National Anthem, Emblem and Flag shall not be used as a political party logo or as a candidate logo during a national election campaign.
3. The person granted approval shall comply with the undertaking provided and all laws of the Republic.
4. Misuse of the Naoero National Anthem, Emblem and Flag of the Republic shall result in prosecution.

DATED this day of 20.....

.....

HON (Minister responsible,) MP

FORM 3

NAOERO NATIONAL ANTHEM, EMBLEM AND FLAG PROTECTION ACT 2018

*[Regulation 6]***REGISTER FOR APPROVED USERS OF NAOERO NATIONAL ANTHEM, EMBLEM
AND FLAG**

Name of Applicant	Name of firm/corporation/institution/group	For use of: Anthem/Emblem/Flag	Purpose	Approved/Not approved	Period of use

SCHEDULE 2

[Regulation 7]

FEES

	Nature of application	Fee
1	Fee for inspection of the Register	\$25
2	Fee for a certified copy of entries in the Register and Certificate	\$25
3	Application for approval to use the National Emblem or Flag	\$25

