



REPUBLIC OF NAURU

# QUARANTINE (AMENDMENT) ACT 2020

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No. 32 of 2020

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An Act to amend the *Quarantine Act 1908*.

Certified: 23<sup>rd</sup> October 2020

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Quarantine (Amendment) Act 2020*.

**2 Commencement**

This Act commences on certification of the Speaker.

**3 Amendment of the Quarantine Act 1908**

The *Quarantine Act 1908* is amended by the provisions of this Act.

**4 Amendment of Section 5**

Section 5 is amended by inserting the following in alphabetical order, as follows:

**‘fixed penalty’** means a prescribed penalty payable by the offender upon receipt of a Fixed Penalty Infringement Notice;

**‘Minister’** means the Minister for Justice and Border Control;’

**5 Amendment of Section 28**

Section 28(4) is amended by deleting *‘imprisonment for two years’* and substituting with *‘a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both’*.

**6 Amendment of Section 45**

Section 45 is amended as follows:

(a) for subsection (2), by deleting *‘One hundred pounds or imprisonment for 3 months’* and substituting with *‘a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 3 months or to both’*; and

(b) for subsection (4), by deleting *‘One hundred pounds or imprisonment for 3 months’* and substituting with *‘a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 3 months or to both’*.

**7 Amendment of Section 48**

Section 48 is amended by deleting *‘ten pounds’* and substituting with *‘\$1,000’*.

**8 Amendment of Section 78**

Section 78 is amended by deleting '*Three years' imprisonment*' and substituting with '*a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both*'.

**9 Amendment of Section 79**

Section 79 is amended by deleting '*Three years' imprisonment*' and substituting with '*a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both*'.

**10 Amendment of Section 80**

Section 80 is amended by deleting '*Two years' imprisonment*' and substituting with '*a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both*'.

**11 Amendment of Section 81**

Section 81(3) is deleted and substituted as follows:

'(3) The penalty for an offence against this Section shall be as follows:

- (a) if the offence is prosecuted summarily, a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months or to both;
- (b) if the offence is prosecuted upon indictment, a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both.'

**12 Amendment of Section 82**

Section 82 is amended by deleting '*Three years' imprisonment*' and substituting with '*a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both*'.

**13 Amendment of Section 83**

Section 83 is amended by deleting '*Two years' imprisonment*' and substituting with '*a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both*'.

**14 Amendment of Section 84**

Section 84 is amended by deleting '*Two years' imprisonment*' and substituting with '*a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both*'.

**15                    General amendment as to penalties in this Act**

The Act is amended as follows:

- (a) by deleting '*Five pounds*' wherever it appears and substituting with '*a fine not exceeding \$500*';
- (b) by deleting '*Ten pounds*' wherever it appears and substituting with '*a fine not exceeding \$500*';
- (c) by deleting '*Twenty pounds*' wherever it appears and substituting with '*a fine not exceeding \$500*';
- (d) by deleting '*Twenty-five pounds*' wherever it appears and substituting with '*a fine not exceeding \$500*';
- (e) by deleting '*Fifty pounds*' wherever it appears and substituting with '*a fine not exceeding \$500*';
- (f) by deleting '*One hundred pounds*' wherever it appears and substituting with '*a fine not exceeding \$1,000*'; and
- (g) by deleting '*Five hundred pounds*' wherever it appears and substituting with '*a fine not exceeding \$5,000*'.

**16                    Amendment of Section 87**

Section 87 is amended as follows:

- (a) by renumbering Section '87' as Section '88'; and
- (b) for subsection (1)(s), by deleting the words '*not exceeding One hundred pounds*'.

**17                    Insert new Section 87**

**'87                    Fixed Penalty Infringement Notices**

- (1) A quarantine officer or an authorised officer may issue a Fixed Penalty Infringement Notice to a person who commits an offence under this Act that attracts a fine not exceeding \$5,000.
- (2) The Cabinet may make regulations prescribing the:
  - (a) offences for which fixed penalties shall be imposed;
  - (b) penalties for each corresponding prescribed fixed penalty offences;

- (c) Fixed Penalty Infringement Notice which a quarantine officer or authorised officer may serve to an offender for an offence for which a fixed penalty is prescribed;
  - (d) a time frame for the payment of prescribed fixed penalty;
  - (e) procedure for the prosecution of and additional penalties to be imposed by the court on offenders defaulting to pay prescribed penalty in accordance with the Fixed Penalty Infringement Notice;
  - (f) procedures for dealing with Fixed Penalty Infringement Notices; and
  - (g) any other matters in relation to the effective enforcement of the Fixed Penalty Infringement Notices.
- (3) For the purposes of this Section, an authorised officer may be appointed by the Minister.'