

NATIONAL DISASTER RISK MANAGEMENT

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National Disaster Risk Management Act 2016

TABLE OF AMENDMENTS

The National Disaster Risk Management Act 2016 No 2 was certified and commenced on 26 January 2017 (GN No 152/2017; Gaz 33/2017).

Amending Legislation	Certified	Date of Commencement
National Disaster Risk Management (Amendment) Act 2020 No 5 of 2020	4 June 2020	16 March 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

[The next page is 300,601]

An Act to repeal the *National Disaster Risk Management Act 2008* and replace it with a new law that provides for matters relating to disaster risk management in Nauru, to establish under law the National Emergency Services, the national disaster risk committee, and the National Disaster Risk Management Council and for other related purposes.

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *National Disaster Risk Management Act 2016*.

2 Commencement

This Act commences upon certification by the Speaker and came into effect on 26 January 2017.

[The next page is 300,801]

PART 2 — INTERPRETATION, PURPOSE AND APPLICATION

DIVISION 1 — INTERPRETATION

3 Definitions

In this Act:

‘agency’ means a Government agency or non-government agency and includes all essential services;

‘assisting actor’ means any assisting international actor and any assisting domestic actor responding to a disaster in the Republic;

‘assisting domestic actor’ means any non-profit entity established under the written laws of the Republic which is responding to a disaster within the Republic;

‘assisting international actor’ means any foreign state, organisation, entity or individual responding to a disaster in the Republic or transiting through the Republic to respond to a disaster in another country;

‘assisting State’ means any foreign government that is providing disaster relief or initial recovery assistance to the Republic, whether through its civilian or military institutions;

‘authorised officer’ includes a police officer and a person appointed or engaged by the Minister to respond to a disaster;

[def subst Act 5 of 2020 s 4, opn 16 Mar 2020]

‘Centre’ means the National Emergency Operations Centre established under Section 21;

‘civil society organisations’ means non-governmental and non-profit organisations;

‘community’ means the people within a District and their community committee or elected community representatives;

‘Council’ means the National Disaster Risk Management Council established under Section 16;

‘direction’ includes instructions, orders, rules or other administrative means of requiring persons to or not to do, perform or act, whether oral or written;

[def insrt Act 5 of 2020 s 4, opn 16 Mar 2020]

‘Director of Civil Aviation’ means the person appointed in accordance with Section 24 of the *Civil Aviation Act 2011*;

‘disaster’ means a serious disruption of the functioning of society, which poses a significant, widespread threat to human life, health, property or the environment whether arising from accidents, nature, human activities or such other unforeseeable causes, events or activities, whether occurring suddenly or developing as a result of long term processes;

[def subst Act 5 of 2020 s 4, opn 16 Mar 2020]

‘disaster area’ means any part of the Republic in which a State of Disaster has been declared in accordance with Section 26;

‘disaster management’ means all activities that are undertaken while preparing and responding to disasters including the disaster declared area;

‘disaster relief’ means the goods, equipment, services and internationally donated funds provided to meet the immediate humanitarian needs of disaster-affected communities;

‘disaster risk management’ includes all activities undertaken before, during and after disaster whether be structural or non-structural;

‘Disaster Risk Reduction (DRR)’ means minimising and reducing disaster risk or vulnerabilities so as to avoid adverse impacts of hazards within the broad context of sustainable development;

‘emergency activity’ means an agency:

- (a) performing a role or discharging a responsibility in accordance with the National Disaster Risk Management Plan;
- (b) training or practising for an activity referred to in paragraph (a) or being on active standby duty;
- (c) travelling to or from a place where an activity referred to in paragraph (a) or (b) has occurred or is about to occur; or
- (d) the President exercising any of his or her powers under this Act;

‘equipment’ means physical items, other than goods, which come from international sources and are designated for use in disaster relief or initial recovery assistance, including, but not limited to, vehicles, medical, and telecommunications equipment;

‘focal point agency’ means the Department of National Emergency Services established by Section 12;

‘goods’ means supplies from international sources intended to be provided to disaster-affected communities for their relief or initial recovery;

‘Government agency’ means:

- (a) any office or position created by the *Public Service Act 2016*;
- (b) an instrumentality of the Republic;
- (c) any other body corporate or unincorporated body constituted by or under an Act or an agreement for public purpose;
- (d) any member or officer of such an instrumentality or body; or
- (e) any other person in the service of the Government of Nauru upon whom any function, power, duty or responsibility is conferred by any written law;

‘Harbourmaster’ means the person appointed in accordance with the *Ports and Navigation Act 2019* and includes a Deputy Harbourmaster;

‘initial recovery assistance’ means goods, equipment, services and internationally donated funds intended to restore or improve the pre-disaster living conditions of disaster-affected communities, including initiatives to increase resilience to disasters and reduce disaster risk;

‘internationally donated funds’ means any funds donated by foreign persons or entities directly to the Government or to an assisting domestic actor for the purposes of disaster relief or initial recovery assistance;

‘international disaster assistance’ means disaster relief and initial recovery assistance that is provided by assisting international actors, or imported or otherwise brought to the Republic from abroad by or on behalf of assisting domestic actors;

‘international disaster relief period’ means the period following a disaster during which the relevant legal facilities described in Part 7 are made available to eligible actors for the purpose of providing disaster relief;

‘international initial recovery period’ means the period following a disaster during which the relevant legal facilities described in Part 7 are made available to eligible actors for the purpose of providing initial recovery assistance;

‘international personnel’ means the staff, and volunteers of any assisting actor providing disaster relief or initial recovery assistance in the Republic, being persons who are neither citizens of Nauru or domiciled in the Republic prior to their recruitment by the assisting actor;

‘legal facilities’ means the special entitlements and exemptions that are made available to eligible actors under Part 7, Division 5;

‘Minister’ means the Minister who has been given responsibility for the administration of this Act;

‘mitigation’ means regulatory and physical measures undertaken in anticipation of the occurrence of a potential disaster, including preparedness and long-term risk reduction measures to ensure that disasters are prevented or their effects mitigated;

‘National Disaster Risk Management Plan’ means the plan required under Section 23;

‘National Disaster Risk Management Report’ means the report provided to Parliament under Section 16(4)(l);

‘Plan’ means the National Disaster Risk Management Plan required under Section 23;

‘professionals’ includes health professionals, architectural, engineering and other relevant professionals;

‘Secretary’ means the Secretary for National Emergency Services including a person appointed to act in that position;

‘services’ means activities undertaken by assisting actors to assist disaster-affected communities with their relief or initial recovery, such as search and rescue activities, medical care, protection services and information services;

‘Sphere Project Minimum Standards in Humanitarian Response’ means minimum standards or requirements to respond to the needs of the affected communities;

‘State of Disaster’ means a State of Disaster declared under Section 26; and

‘unsolicited bilateral donations’ are donations of goods from non-eligible actors that have not been approved by the Department of National Emergency Services and can be identified by the following characteristics:

- (a) unannounced arrival in the country or arrival with very short notice;
- (b) faulty or incomplete paperwork;
- (c) no clearly defined consignee;
- (d) non-priority types of relief goods, or non-standard items;
- (e) incorrect packaging; and
- (f) unsuitable conditions of items.

4 Meaning of event

- (1) An *'event'* means any of the following:
 - (a) a cyclone, earthquake, flood, storm, storm surge, king tide, drought, fire, tsunami or other natural or human induced occurrences;
 - (b) climate change induced occurrences;
 - (c) an infestation, plague or epidemic; but
 - (d) does not include armed conflict or civil strife.
- (2) An event may be natural or caused by human acts or omissions.

DIVISION 2 — OBJECTIVE OF ACT

5 Objectives

The objectives of this Act are:

- (a) to help communities in the Republic:
 - (i) mitigate the potential adverse effects of an event;
 - (ii) prepare for managing the effects of an event; and
 - (iii) effectively respond to, and recover from a disaster;
- (b) to provide for effective disaster management for the Republic; and
- (c) to provide procedures for effective coordination of international disaster relief assistance.

6 How to achieve objectives

The objectives of this Act shall be achieved by making provision for the following:

- (a) establishing community disaster management committees;
- (b) preparing national disaster management plans and guidelines;
- (c) preparing agency or departmental disaster risk management plans;
- (d) ensuring communities receive appropriate information about preparing for, responding to and recovering from a disaster;
- (e) declaring a State of Disaster; and
- (f) establishing the Department of National Emergency Services, the National Disaster Risk Management Council, the National Emergency Operation Centre and the National Controller.

7 Guiding principles

This Act shall be administered according to the following guiding principles:

- (a) disaster management shall be planned according to the following four phases:
 - (i) the taking of preventative measures to prevent the likelihood of an event occurring or, if an event occurs, to reduce the severity of the event;
 - (ii) the taking of preparatory measures to ensure that, if an event occurs, communities, resources and services are able to cope with the effects of the event;
 - (iii) the taking of appropriate measures to respond to an event, including action taken and measures planned in anticipation of, during and immediately after an event to ensure that its effects are minimised and that persons affected are given immediate relief and support; and
 - (iv) the taking of appropriate measures to recover from an event, including actions taken to support disaster-affected communities in the

- reconstruction of infrastructure, the restoration of emotional, social, economic and physical wellbeing, and the restoration of the environment;
- (b) all events, whether natural or caused by human acts or omissions, should be managed in accordance with the following:
 - (i) a strategic policy framework developed by the Department of National Emergency Services, in consultation with the Council;
 - (ii) the Republic's National Disaster Risk Management Plan; and
 - (iii) any disaster management guidelines or standard operating procedures;
 - (c) community groups shall provide the necessary support, when requested, to the Department of National Emergency Services and the Council to carry out disaster operations; and
 - (d) any limitations or restrictions placed in respect of any rights or freedoms shall be interpreted with the spirit and intent of Article 3 of the *Constitution*.

[s 7 am Act 5 of 2020 s 5, opn 16 Mar 2020]

DIVISION 3 — APPLICATION OF ACT

8 Act binds all persons

This Act binds all persons, including the Government.

- (1) [subs (1) rep Act 5 of 2020 s 6, opn 16 Mar 2020]
- (2) [subs (2) rep Act 5 of 2020 s 6, opn 16 Mar 2020]

9 Relationship to other Acts

- (1) Nothing in this Act prevents a person empowered to declare an emergency, from declaring an emergency under any other written law.
- (2) The existence of a declaration mentioned in subsection (1) does not prevent the declaration of a State of Disaster under this Act.

10 Powers under this Act and other Acts

Any disaster declared powers and rescue powers under this Act does not limit the powers that a person or officer may have under any other written law.

11 Directions about powers under other Acts during a State of Disaster

- (1) This Section applies if there is a declared State of Disaster.
- (2) The President may give directions about the circumstances in which a power under another written law may be exercised during a State of Disaster.
- (3) Notwithstanding subsection (2), the President shall not give directions about the way in which the power may be exercised.
- (4) A direction under subsection (2) may be given:
 - (a) only to the person who may exercise the power under the other written law; and
 - (b) only if it is necessary for the effective management of the disaster for which a State of Disaster is declared.
- (5) A direction under subsection (2):

-
- (a) may be general or limited to a particular class of persons; and
 - (b) may be given on conditions.

[The next page is 301,001]

PART 3 — NATIONAL EMERGENCY SERVICES

12 Establishment of the Department of National Emergency Services

- (1) The Department of National Emergency Services is hereby established.
- (2) The head of the Department of National Emergency Services is the Secretary appointed by the Cabinet pursuant to the *Public Service Act 2016*.

13 Structure of the Department of National Emergency Services

The Department of National Emergency Services consists of the following offices and services:

- (a) Nauru National Disaster Risk Management Office;
- (b) Nauru Rescue and Fire Services;
- (c) Nauru Ambulance Services;
- (d) Nauru Life Guard Services; and
- (e) Nauru Meteorology Services.

14 Functions, duties and powers of the Secretary

- (1) The Secretary has the following functions in relation to Disaster Risk Management:
 - (a) coordinating the following services:
 - (i) Nauru Rescue and Fire Services;
 - (ii) Nauru Ambulance Services;
 - (iii) Nauru Life Guard Services; and
 - (iv) Nauru Meteorology Services;
 - (b) coordinating the maintenance of the National Disaster Risk Management Plan and all necessary sub-plans and frameworks for approval by the Council;
 - (c) facilitating the implementation of the National Disaster Risk Management Plan;
 - (d) preparing, reviewing and testing the National Disaster Risk Management Plan to ensure it properly protects life, property and essential infrastructure from the potential or actual impact of any Disaster;
 - (e) issuance of early warning messages of potential threats;
 - (f) coordinating any necessary improvements to the National Disaster Risk Management Plan;
 - (g) providing Disaster Risk Management advice and secretarial and administrative support to the Council;
 - (h) making recommendations to the Council in relation to the constitution of Committees established under Sections 17 and 18;
 - (i) coordinating the effective management of the National Emergency Operation Centre;
 - (j) facilitating all necessary training exercises, post-disaster Recovery and post-exercise debriefs and preparing all necessary reports to the Council;

- (k) facilitating the preparation of the National Risk Disaster Management Report to Parliament in accordance with Section 16;
 - (l) providing advice and regular reports to the Council on the activities of the Disaster Reduction Committee and the Recovery Advisory Committee established under Sections 17 and 18;
 - (m) reporting to the Council on the preparedness of all agencies for a disaster;
 - (n) conducting community education and awareness programs to assist communities in their ability to contribute to the mitigation of, response to, and recovery from a disaster;
 - (o) coordinating and reporting to the Council on the development of a database of disaster Management information including but not limited to hazard maps, vulnerability assessment reports and resulting maps, training information, exercise reports, disaster Management resources and emergency contact details;
 - (p) serving as the National Controller in accordance with Section 20; and
 - (q) performing or undertaking any other activity as directed by the Council.
- (2) The Secretary shall:
- (a) undertake periodic audits of all Government agencies to determine their preparedness levels and whether they have taken all necessary steps to implement the National Disaster Risk Management Plan, and report on their state of preparedness and any deficiencies in the implementation of the Plan to the Council;
 - (b) provide a report to the Council on or before 30th January of each year on the audit conducted in subsection (2)(a);
 - (c) undertake periodic audits of all essential services to determine whether:
 - (i) essential services have a business continuity plan; and
 - (ii) essential services have the ability to implement the business continuity plan;
 - (d) provide a report to the Council on or before 30th January of each year on the audit conducted in subsection (2)(c); and
 - (e) assist essential services in developing a business continuity plan.
- (3) For the purpose of performing an audit under subsection (2), the Secretary may by written request, compel any Government agency or essential service to provide to the Secretary any information reasonably necessary to assist in the performance of the audit.
- (4) Within 28 days of receiving a request under subsection (3), the Government agency or essential service to which the request has been sent shall provide the information to the Secretary unless:
- (a) the Secretary has granted an extension of time for the provision of the information; or
 - (b) the Secretary has agreed that the Government agency or essential service is not able to give the information.
- (5) Where the Secretary has granted an extension under subsection (4)(a), the Government agency or essential service shall provide the information within the time specified in the extension.
- (6) The Secretary may interview any employee of any Government agency or essential service for the purpose of performing an audit.

15 Delegation by the Secretary

The Secretary may delegate with or without conditions, to a person or class of persons engaged in the administration of this Act, any or all of the Secretary's functions, duties or powers under this Act.

[The next page is 301,201]

PART 4 — NATIONAL DISASTER RISK MANAGEMENT COUNCIL

16 Establishment of Council

- (1) A National Disaster Risk Management Council is established.
- (2) The Chairperson of the Council is the Minister.
- (3) The Council consists of the following persons or their nominee:
 - (a) Secretary who shall also be the Secretary of the Council;
 - (b) Commissioner of Police;
 - (c) Secretary for Health and Medical Services;
 - (d) Secretary for Finance;
 - (e) Secretary for Education;
 - (f) Secretary for Justice and Border Control;
 - (g) Secretary for Multicultural Affairs;
 - (h) Secretary for Commerce, Industry and Environment;
 - (i) Secretary for Foreign Affairs and Trade;
 - (j) Secretary for Information, Communication and Technology;
 - (k) Secretary for Transport;
 - (l) a representative from the Persons with Disabilities group in the Republic;
 - (m) a representative from civil society organisations in the Republic; and
 - (n) on the recommendation of the Secretary, any other person to be nominated by the Cabinet.
- (4) The Council shall:
 - (a) have overall responsibility for disaster management and emergency responses during disaster;
 - (b) formulate policy for disaster risk reduction and disaster management;
 - (c) approve the disaster risk management plan and ensure it provides for proper disaster risk reduction and disaster management;
 - (d) endorse reports of implementation of the disaster risk management plan;
 - (e) coordinate activities of agencies in relation to the mitigation of, preparedness for, response to and recovery from disasters;
 - (f) provide direction to and receive reports from the Secretary for National Emergency Services;
 - (g) provide advice to the President in relation to the declaration of a State of Disaster and its subsequent revocation;
 - (h) provide advice and support to the Cabinet in relation to disaster risk reduction and disaster management for national planning;
 - (i) establish the Disaster Reduction Committee and Recovery Advisory Committee and ensure that meetings are convened as required;
 - (j) ensure that effective community awareness and education programs are conducted to assist communities in their ability to contribute to the mitigation of and response to disaster;
 - (k) ensure that all relevant support is provided to the Centre; and
 - (l) prepare on or before 30 September of each year, a Disaster Management Report to be tabled before Parliament detailing the activities of the Council and the implementation of the disaster risk management plan.

- (5) Ordinary meetings of the Council shall be convened at least once every quarter and on such dates as determined by the Minister in accordance with disaster management needs.
- (6) Emergency Council meetings may be convened as required by the Minister.
- (7) During a declared State of Disaster, the Council shall convene at least once a week.

17 Establishment of Disaster Risk Reduction Committee

- (1) There shall be established within the Council a Disaster Risk Reduction Committee.
- (2) The Chairperson of the Disaster Risk Reduction Committee is the Secretary for Finance.
- (3) The Council shall establish a terms of reference for the Committee.
- (4) The Committee shall submit reports to the Council whenever a Council meeting is held.
- (5) The Committee shall report on the achievements and progress that the Republic had made on the regional and International Disaster Risk Reduction policy framework.

18 Establishment of Recovery Advisory Committee

- (1) The Council may establish a Recovery Advisory Committee consisting of current Council members and any other person that the Council may appoint.
- (2) The Council may appoint an interim Chairperson for the Committee.
- (3) The substantive Chairperson for the Committee shall be chosen during the first meeting of the Committee.
- (4) Terms of reference for the Committee shall be established by the Council.
- (5) The Committee shall submit reports to the Council on request.

19 Community Disaster Management Committees

- (1) The Council shall establish Disaster Management Committees within the communities in the Republic.
- (2) The Community Disaster Management Committees are to consist of church leaders, traditional leaders, youth leaders, men and women's groups and other suitable persons.

20 National Controller

- (1) This Section establishes the position of National Controller.
- (2) The Secretary shall serve as the National Controller.
- (3) The National Controller directs the response to a disaster and reports to the Council on the response to a disaster.
- (4) The National Controller may:
 - (a) determine the priority of the response roles of any agencies in the event of a State of Disaster;
 - (b) direct and coordinate the activities of agencies in the event of a State of Disaster; and

- (c) by Order, delegate with or without conditions to a person or class of persons employed or engaged in the administration of this Act, all or any of the powers or functions of the National Controller under this Act.
- (5) In addition to, and without limiting the generality of subsection (3), during a State of Disaster, the National Controller may:
- (a) allocate and coordinate the use of all available resources of the Government which the National Controller, in consultation with the Council, considers necessary or desirable for responding to the Disaster;
 - (b) direct any Government agency to do or refrain from doing any act or to exercise or perform or refrain from exercising or performing any function, power, duty or responsibility;
 - (c) in reasonable and necessary circumstances and only for the purpose of responding to a disaster, commandeer and use a person's property;
 - (d) control and restrict entry into, movement within and departure from the disaster Area or any part of it; and
 - (e) evacuate any or all persons from the disaster Area or any part of it.
- (6) Where a direction is given to a Government agency under subsection (4)(b), the Government agency shall make every reasonable effort to comply with that direction and the direction prevails over anything to the contrary in any other written law.
- (7) The Cabinet shall determine the amount of compensation payable to a person who sustains pecuniary loss or damage as a result of the National Controller exercising his or her powers under subsection (4)(c).
- (8) A person aggrieved by a decision under subsection (7) may apply to the Supreme Court for review of a determination made by the Cabinet.
- (9) Notwithstanding subsection (2), the Minister may appoint or assign the responsibilities of the National Controller to a person having the expertise, qualification or skills to manage a particular nature of disaster.

[subs (9) insrt Act 5 of 2020 s 7, opn 16 Mar 2020]

21 National Emergency Operations Centre

There is established a National Emergency Operations Centre which shall:

- (a) coordinate activities of disaster monitoring, warning and immediate post-disaster response including disaster relief work;
- (b) be activated when a specific threat of disaster develops or when a disaster occurs;
- (c) when activated, be manned on a 24 hour basis from teams drawn from the Public Service and agencies;
- (d) carry out its functions according to its Standard Operating Procedures;
- (e) obtain regular situation reports from personnel stationed throughout the communities; and
- (f) coordinate requests for assistance during emergency situations.

22 Location of National Emergency Operations Centre

- (1) The Council shall nominate a suitable location for the housing of the National Emergency Operations Centre.

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- (2) The Council shall facilitate staffing of the Centre and its maintenance and resourcing.

[The next page is 301,401]

PART 5 — NATIONAL DISASTER RISK MANAGEMENT PLAN

23 Requirement for a National Disaster Risk Management Plan

- (1) The Department of National Emergency Services shall, in consultation with Council representatives, prepare a National Disaster Risk Management Plan for the Republic.
- (2) The Plan shall include provisions for the following:
 - (a) a strategic policy framework for disaster risk management;
 - (b) the roles and responsibilities of parties involved in disaster operations and disaster management;
 - (c) the coordination of disaster operations and activities performed by the parties mentioned in paragraph (b) and in accordance with International Humanitarian system which include the cluster arrangements;
 - (d) events that are likely to happen in the Republic;
 - (e) priorities for disaster management in the Republic;
 - (f) the matters stated in the disaster management guidelines as matters to be included in the Plan;
 - (g) current emergency response plan or emergency action plan formulated and adopted by agencies; and
 - (h) other matters about disaster management considered appropriate or that are prescribed under regulations.

24 Contents of Plan

The National Disaster Risk Management Plan shall be consistent with the national disaster risk management standards and national disaster risk management guidelines.

25 Reviewing and renewing Plan

- (1) The National Disaster Risk Management Plan shall be reviewed on an annual basis.
- (2) Once a review of the Plan is completed, any updated Plan shall be made available to the Cabinet.

[The next page is 301,601]

PART 6 — STATE OF DISASTER

DIVISION 1 — POWERS OF THE PRESIDENT TO DECLARE STATE OF DISASTER

26 Declaration of a State of Disaster

The President may declare a State of Disaster for the whole or part of the Republic, on the advice of the Council, if the President is satisfied that:

- (a) a disaster has happened, is happening or is likely to happen; and
- (b) it is necessary for authorised officers to exercise declared disaster powers to prevent or minimise any of the following:
 - (i) loss of human life;
 - (ii) illness or injury to humans;
 - (iii) property loss or damage; and
 - (iv) damage to the environment.

27 Notice of Declaration

- (1) The declaration made under Section 26 shall be broadcast on national television, radio, and mobile messaging services.
- (2) As soon as practicable after the declaration is made, the President shall give notice of the declaration by Gazette Notice.
- (3) The Gazette Notice shall include:
 - (a) the time and date of the declaration; and
 - (b) any details considered necessary.

28 Duration of declared State of Disaster

The State of Disaster:

- (a) starts when it is declared under Section 26; and
- (b) unless any of the following happens, ends 30 days after the day it is declared:
 - (i) the President revokes the declaration sooner; or
 - (ii) a Notice under Section 29 extends the State of Disaster for a further 30 days.

29 Extending State of Disaster

- (1) The President may, on the advice of the Council, extend a State of Disaster for a further 30 days.
- (2) An extension of a State of Disaster shall be done by notice in the Government Gazette.
- (3) The President may revoke an extension to a State of Disaster under subsection (1) sooner.

30 Ending State of Disaster

- (1) As soon as the President, on the advice of the Council, is satisfied that it is no longer necessary for authorised officers to exercise declared disaster powers, the President shall end the State of Disaster.

- (2) Where the President ends a State of Disaster, the President shall direct the Secretary to inform all authorised officers exercising declared disaster powers of the ending of the State of Disaster.
- (3) A decision to declare the end to a State of Disaster shall be broadcast on national television, radio, and mobile messaging services.
- (4) The President shall as soon as practicable, give notice of the ending of the State of Disaster, by Gazette Notice.
- (5) An extension to a State of Disaster made under Section 29 ends upon the ending of the State of Disaster under this Section.

DIVISION 2 — AUTHORISING PERSONS AND POWERS FOR A STATE OF DISASTER

31 Application of Division

This Division applies if a State of Disaster is declared under Section 26.

32 Authorisation for State of Disaster

- (1) The President may, through the National Controller, authorise any of the following persons to exercise declared disaster powers during a State of Disaster:
 - (a) an ambulance officer;
 - (b) a fire officer;
 - (c) a health officer;
 - (d) a life guard;
 - (e) a police officer;
 - (f) a correctional service officer; or
 - (g) any other officer or person.
- (2) Persons authorised under subsection (1) are authorised officers for the purpose of this Act.
- (3) An authorisation under subsection (1):
 - (a) may be general or limited to a particular class officers;
 - (b) may be given on conditions; and
 - (c) may be given orally or in writing but if given orally shall be put in writing as soon as practicable.

33 General provision about powers

- (1) An authorised officer has the powers given under this Act.
- (2) An authorised officer may exercise a power only during the period of the State of Disaster for the purposes of:
 - (a) ensuring public safety, public order or public health;
 - (b) preventing or minimising loss of life, or illness or injury to humans or animals;
 - (c) preventing or minimising the loss of damage to property or environment;
 - (d) national defence or in the public interest; or
 - (e) otherwise prepare for, respond to or recover from a State of Disaster.

[subs (2) subst Act 5 of 2020 s 8, opn 16 Mar 2020]

- (3) An authorised officer may exercise a power only subject to the conditions, if any, on which the person is authorised.

- (4) Nothing in this Act takes away any power that is given to a person or an officer under any other written law.

34 Powers

- (1) An authorised officer may do any of the following:
- (a) control the movement of persons, animals or vehicles within, into, out of or around any particular areas;
 - (b) give a direction to a person to regulate the movement of the person, an animal or a person within, into, out of or around any particular areas;
 - (c) evacuate persons or animals from a particular area;
 - (d) take into a particular area the equipment, persons or material the authorised officer reasonably requires for exercising a power under this Act;
 - (e) contain an animal or substance in a particular area;
 - (f) remove or destroy any animal, vegetation or substance within a particular area;
 - (g) remove, dismantle, demolish or destroy a vehicle, or a building or a structure in a particular area;
 - (h) shut off or disconnect a supply of fuel, gas, electricity or water, and take and use the supply of fuel, gas, electricity or water;
 - (i) turn off, or disconnect any motor or equipment;
 - (j) open a container or other thing, or dismantle equipment;
 - (k) build temporary structures or barricades;
 - (l) close any road;
 - (m) maintain, restore or prevent the destruction of essential services; or
 - (n) require a person to give reasonable assistance to allow the authorised officer to exercise his or her powers.
- (2) An authorised officer may enter any building or property without a warrant or the consent of the owner if exercising his or her powers under this Act.
- (3) In the exercise of his or her powers under this Act, an authorised officer may use reasonable force against any person.
- (4) When giving a direction under this Act, an authorised officer shall inform the other person that it is an offence to fail to comply with a directive unless the person has a reasonable excuse.

[subs (4) am Act 5 of 2020 s 9, opn 16 Mar 2020]

[The next page is 301,801]

**PART 7 — FACILITATION OF INTERNATIONAL DISASTER RELIEF
ASSISTANCE**

35 Existing rights, privileges and immunities

Nothing in this Part may be interpreted to limit or reduce existing rights, privileges or immunities of any assisting actor as separately recognised by other written laws or agreements of the Republic and any status or headquarters agreement between the Republic and an assisting international actor.

DIVISION 1 — INITIATION AND TERMINATION OF INTERNATIONAL ASSISTANCE

36 Assessment of the need for international disaster relief assistance

- (1) Immediately after the onset of a major disaster, and in consultation with the Council and the Cabinet, the Secretary may make a determination, based on initial estimates, as to whether domestic capacities are likely to be sufficient to attend to the needs of affected persons and communities.
- (2) The assessment in subsection (1) may also be made prior to the onset of an imminent major disaster.
- (3) In the event of a determination that domestic response capacities are not likely to be sufficient due to the scale of the disaster, the Secretary may advise the Council that an immediate request be made for international disaster assistance which shall be formally submitted to the President for approval.
- (4) Where such a recommendation is made, the Secretary shall in consultation with the Council, develop a preliminary list of goods, equipment and services required and make this list available to potential assisting international actors immediately upon the commencement of an international disaster relief period pursuant to Section 39.
- (5) The list prepared in accordance with subsection (4) shall be updated as needed to reflect new information and changing circumstances.
- (6) A determination that domestic capacities are likely to be sufficient and that international disaster assistance is therefore unnecessary may be reviewed and rescinded by the Council at any time, in light of updated information.

37 Request for international disaster assistance

- (1) Upon the advice of the Secretary in Section 36(3), the President may:
 - (a) make a request for international disaster assistance specifically directed to particular international actors; or
 - (b) make a general request for international disaster assistance directed to the international community as a whole.
- (2) A request made under subsection (1) shall be accompanied by:
 - (a) information as to the extent and type of assistance required, based on the list prepared by the Secretary in accordance with Section 36(4), unless this would lead to undue delay; and
 - (b) information on the procedures for assisting international actors to make offers or provide assistance.

38 Offers and acceptance of international assistance

- (1) Except as provided in subsection (6), assisting international actors may provide international disaster assistance in the Republic only if they have made an offer that has been accepted pursuant to this Section.
- (2) Assisting States and intergovernmental organisations interested in providing international disaster assistance shall direct offers of assistance to the Department of Foreign Affairs and Trade through the different Nauruan Embassies, High Commissions or Consulates.
- (3) Offers made under subsection (2) shall indicate, in general terms, the type, amount and estimated duration of assistance to be provided.
- (4) The Department of Foreign Affairs and Trade shall submit the information to the President who shall seek the advice and recommendation of the Secretary and the Council.
- (5) Upon the recommendation of the Secretary and the Council, the President may direct the Secretary for Foreign Affairs and Trade to accept such offers, in whole or in part.
- (6) In the event of a general request for international disaster assistance made pursuant to Section 37(1)(b), assisting international actors other than assisting States and intergovernmental organisations are exempt from making formal offers.
- (7) Notwithstanding being exempt under subsection (6), assisting international actors shall comply with the terms of the general request and shall inform the Secretary of the type, amount and estimated duration of assistance to be provided at least 24 hours in advance of their arrival.
- (8) In the absence of a general request for international disaster assistance, assisting international actors may make unsolicited offers to the Department of Foreign Affairs and Trade through Nauruan Embassies, High Commissions or Consulates and the Secretary for Foreign Affairs and Trade, and upon direction from the President, the Secretary for National Emergency Services and the Council, may accept such offers, in whole or in part.

39 International disaster relief and initial recovery periods

- (1) The international disaster relief and initial recovery periods shall commence simultaneously upon the issuance of a request for international disaster assistance under Section 37, or upon acceptance of an offer under Section 38, and may continue until terminated in accordance with Section 40 or 41 as appropriate.
- (2) The legal facilities described in Division 5 shall only be effective during the international disaster relief and initial recovery periods.

40 Termination of the international disaster relief period

- (1) Where, based on updated needs assessments and other information and in consultation with assisting actors, the Council is satisfied that the need for disaster relief is coming to an end, the Council, through the Secretary, may advise the President to approve a termination date for the international disaster relief period, with due consideration for the impact on ongoing relief activities.

- (2) An announcement of a termination date:
 - (a) shall be made to assisting actors no later than 20 days prior to the proposed date; and
 - (b) shall include information about the anticipated ongoing needs for goods and services related to the initial recovery assistance, if any.
- (3) Upon the issuance of an announcement pursuant to this Section, the Secretary shall consult with assisting actors actively involved in disaster relief work in order to reduce any negative impact from the termination and, where necessary, to ensure an adequate handover of responsibilities.

41 Termination of the international initial recovery period

- (1) Where, based on updated needs assessments and other information and in consultation with assisting actors, the Council is satisfied that the need for international initial recover assistance is coming to an end, the Council may advise the President to approve a termination date for the international initial recovery period, with due consideration for the impact on ongoing initial recovery activities.
- (2) The termination date shall be announced to assisting actors no later than 40 days prior to the proposed date.
- (3) Upon the issuance of an announcement made in accordance with this Section, the Secretary shall consult with assisting actors actively involved in initial recovery assistance work in order to reduce any negative impact from the termination, and, where necessary, to ensure an adequate handover of responsibilities.

DIVISION 2 — COORDINATION AND PREPAREDNESS FOR INTERNATIONAL DISASTER ASSISTANCE

42 Coordination duties and powers of the focal point agency

- (1) Notwithstanding Section 38, once an offer for international disaster assistance has been accepted and assisting international actors have begun preparation for, or have arrived in the Republic, the Department of National Emergency Services shall serve as the focal point agency between the Government of Nauru and assisting international actors, promoting the effective facilitation, coordination and oversight of international disaster assistance in accordance with this Division.
- (2) The Secretary shall inform assisting actors and relevant national, and local governmental agencies of their rights and responsibilities under this Act and any other relevant written laws.
- (3) During the international disaster relief and initial recovery periods, the Secretary as National Controller may request any relevant governmental body to undertake actions or make available assets or premises required to facilitate the work of assisting international actors to provide disaster relief or initial recovery assistance.
- (4) Any governmental agency requested under subsection (3) shall comply with the fullest extent possible within their legal mandates.
- (5) Any request made under subsection (3) that may impose a substantial burden on the cooperating agency may be reviewed at its request by the Council.

- (6) During the international disaster relief and initial recovery periods, the Secretary may also request any private actor to undertake voluntary actions, at their own expense, as needed to facilitate the work of assisting international actors to provide disaster relief or initial recovery assistance.
- (7) A request made under subsection (6) may include a request to lower or waive fees or charges for key services required by assisting international actors or to extend operating hours for their provision.

43 Operational coordination of assisting international actors

- (1) National authorities shall endeavour to integrate the role of assisting international actors into their contingency planning and mechanism for operational coordination for disaster relief and initial recovery assistance efforts and in particular, they shall endeavour to facilitate the work of assisting international actors while balancing the urgent needs of the people affected by Disaster and necessary safeguards relating to public safety and health, coordination and oversight.
- (2) Assisting international actors shall cooperate and coordinate with national authorities in their disaster relief and initial recovery assistance and in particular, they shall provide them with such information as is available to them on the needs, and on the location, type and extent of their disaster relief and initial recovery assistance operations, as required for a coordinated and effective response.
- (3) With due consideration for the need to adequately coordinate and oversee their work, no official of the Republic shall seek to prevent assisting international actors from acting according to the principles for humanitarian assistance as provided in Division 3 of this Part.
- (4) Assisting international actors shall cooperate with any international or regional mechanisms for coordination that have been specifically approved for a particular operation by the Department of National Emergency Services.

44 Limited exemption from privacy of personal data

National authorities and assisting actors may be permitted to share personally-identifiable information concerning disaster-affected persons among themselves for the purpose of avoiding imminent death or physical harm to individuals, or grave and foreseeable harm to public health or safety, or for facilitating family reunification.

DIVISION 3 — GENERAL RESPONSIBILITIES OF ASSISTING ACTORS

45 Principles of international disaster assistance

- (1) Assisting actors shall comply with the principles of humanity and impartiality in providing international disaster assistance and in particular they shall establish their aid priorities on the basis of need alone and they shall not:
 - (a) engage in any adverse distinctions, exclusions or preferences based on status, such as nationality, race, ethnicity, religious beliefs, class, gender, disability, age or political opinion;

- (b) seek to further a particular political or religious standpoint or interfere in internal matters irrelevant to the disaster response;
 - (c) seek to obtain commercial gain from their assistance; and
 - (d) gather sensitive information of a political or economic nature that is irrelevant to international disaster relief or initial recovery assistance.
- (2) In addition, non-governmental organisations shall comply with the principle of independence and in particular they shall not act as instruments of the foreign policy of any government.

46 Respect for the dignity of persons affected by Disaster

Assisting actors providing international disaster assistance shall respect the dignity of persons affected by a disaster and in particular, shall consult with the beneficiaries of their assistance in the design, implementation, monitoring and evaluation of the disaster relief and initial recovery assistance they provide.

47 Quality of goods and services

- (1) Assisting actors shall ensure that the goods and services they provide are appropriate to the needs and circumstances of persons affected by the disaster and in compliance with the requirements of this Act and all other applicable written laws of the Republic.
- (2) Except as described in subsection (3), assisting actors shall additionally make their best efforts, in light of all the circumstances, to ensure that the goods and services they provide conform to the Sphere Project Minimum Standards in Humanitarian Response, as amended from time to time.
- (3) Where an assisting actor believes that the circumstances make it impractical or unwise for it to make any attempt to conform with a significant aspect of the Sphere Standards, it shall inform the Secretary for National Emergency Services and seek approval for an exemption from the requirement of subsection (2).

48 Unsolicited bilateral donations

- (1) Unsolicited donations are strongly discouraged by the Republic and such donations shall not benefit from any of the exemptions, waivers and expedited processes contained in this Act or any other written law.
- (2) The Department of National Emergency Services shall clearly communicate its position on Unsolicited Bilateral Donations in writing and ensure it is publicly available.
- (3) All international assisting actors should actively encourage members of the public interested in contributing to international disaster relief or initial recovery to make financial donations where possible or otherwise donate only those types of relief goods expressly requested by the affected State.

49 Disposal of unusable goods, non-functioning equipment and other waste

Assisting actors shall ensure that any goods or equipment they import for the purpose of disaster relief or initial recovery assistance, which are or which become unusable, as well as any other waste products produced by them in the course of their disaster relief or initial recovery assistance operations, are

destroyed, recycled or otherwise disposed of in a safe, environmentally sensitive and effective manner and in compliance with the written laws of the Republic.

DIVISION 4 — ELIGIBILITY FOR LEGAL FACILITIES

50 Provision of legal facilities to eligible actors

- (1) The legal facilities described in Division 5 of this Part are available only to eligible actors as described in this Division and are effective only during international disaster relief and initial recovery periods.
- (2) Unless otherwise stated in Division 5, the legal facilities are equally effective during both the international disaster relief and initial recovery periods.
- (3) All of the legal facilities described in Division 5 shall be available to assisting international actors deemed eligible in accordance with Section 51, or approved as eligible in accordance with Section 52.
- (4) The legal facilities described in Division 5 shall only be available to assisting domestic actors deemed eligible pursuant to Section 51 or approved as eligible in accordance with Section 52 with respect to international personnel, goods, equipment and transport they bring to Nauru from abroad to provide disaster relief or initial recovery assistance.

51 Deemed eligibility for legal facilities for certain assisting actors

- (1) Upon the commencement of an international disaster relief period in accordance with Section 39, the following assisting international actors shall be deemed eligible to receive the legal facilities described in Division 5 without a further application process:
 - (a) assisting States;
 - (b) relevant intergovernmental organisations, including the United Nations and regional organisations; and
 - (c) any other assisting actor that the Secretary deems eligible.
- (2) In order to facilitate access to the legal facilities, the Secretary shall provide assisting international actors described in subsection (1), a certificate of eligibility, upon their request.

52 Application for eligibility for legal facilities by assisting actors

- (1) With the exception of those deemed eligible in accordance with Section 51, assisting actors seeking eligibility may apply under this Section only if they are recognised as a legal person in a foreign country or under international law.
- (2) The eligibility of private businesses for legal facilities shall be limited to assistance from which they make no profit or other commercial gain.
- (3) Applications for eligibility may be made in advance of any disaster, or after the onset of a disaster.
- (4) In the event that eligibility for legal facilities is granted in advance of a disaster, it shall remain valid for 2 years, after which a new application is required.
- (5) The legal facilities shall enter into legal effect only during an international disaster relief or initial recovery period.

- (6) All assisting actors seeking eligibility shall submit:
 - (a) certified copies of documents evidencing their legal personality in a foreign jurisdiction or under international law, in the case of assisting international actors, or under the written laws of the Republic, in the case of assisting domestic actors;
 - (b) the name and full contact details of the authorised representative of the organisation and the address of its headquarters, if any, in the Republic;
 - (c) documentation relating to their previous experience and current capacity in providing effective disaster relief or initial recovery assistance; and
 - (d) an undertaking relating to their organisational commitment and practices concerning the responsibilities as set out in Division 5.

53 Eligibility determination and certificates

- (1) The Secretary shall respond to any application made in accordance with Section 52 by:
 - (a) either approving it and issuing a certificate of eligibility for the relevant Division 5 legal facilities; or
 - (b) by giving notice that the application has not been approved.
- (2) For applications made:
 - (a) during the international disaster relief period, the Secretary shall respond no later than 10 working days after receipt of all required documents; and
 - (b) after the termination of an international disaster relief period but during an international initial recovery period, the Secretary shall respond no later than 7 working days after receipt of all required documents.
- (3) Applications from assisting actors with significant experience shall be accepted unless the documentation provided or external information raises doubt as to their capacities, in which case, additional opinions and information may be gathered prior to a determination being made.
- (4) Upon approval of an application made under Section 52 or upon the request of an assisting actor deemed eligible pursuant to Section 52, the Secretary may issue a certificate indicating that the assisting actor is eligible for the relevant Division 5 legal facilities.
- (5) In the case of a domestic assisting actor, the certificate shall state that the eligibility extends to the legal facilities in Division 5.
- (6) A certificate issued in accordance with this Section is valid for a period of 2 years from the date of issue and may be renewed through a new decision under Section 50 or 52.

54 Termination of eligibility for legal facilities

Eligibility of assisting actors for the relevant Division 5 legal facilities may be terminated upon the request of the eligible actor concerned or upon the termination of the legal facilities for failure to comply with this Act.

DIVISION 5 — LEGAL FACILITIES FOR ELIGIBLE ACTORS

Subdivision 1 — International Personnel

55 Entry into Nauru and visa requirements

- (1) The *Immigration Act 2014* which deals with entry and visa requirements for

the Republic applies to all international personnel of eligible actors seeking admission into the Republic for the purpose of providing assistance under this Act.

- (2) International personnel who enter the Republic under this disaster personnel visa waiver, shall be allowed to undertake disaster relief and initial recovery work for their sponsoring entities in accordance with any visa conditions.
- (3) A visa granted to international personnel entitles the holder to remain in the Republic throughout the international disaster relief and international initial recovery periods or upon the expiry of the visa, whichever is the later.

56 Registration of medical and health professionals

- (1) The *Health Practitioners Act 1999* applies to all medical and health professionals being deployed to the Republic by eligible assisting actors.
- (2) Prior to deployment to the Republic, eligible assisting actors shall certify the validity of the foreign qualifications of all medical and health professionals and submit this certification and all relevant documents to the Health Practitioners Registration Board established in accordance with Section 4 of the *Health Practitioners Act 1999*.
- (3) Registration under the *Health Practitioners Act 1999* remains valid until the end of the international initial recovery period, unless sooner revoked.

57 Recognition of other foreign professional qualifications

- (1) This Section applies to other non-medical and health foreign professional qualifications not provided for in Section 56.
- (2) Eligible assisting actors wishing to deploy international personnel for tasks requiring legal recognition of their foreign professional qualifications shall certify the validity of those qualifications and the competence of their personnel for the tasks envisaged.
- (3) Within 1 year of the commencement of this Act, the Department of National Emergency Services shall establish a list of countries and educational institutions whose professionals may be given automatic recognition of their foreign qualifications when certified by an eligible actor in accordance with subsection (2).
- (4) The list prepared under subsection (3) shall be reviewed at least once a year and published by notice in the Government Gazette.
- (5) Recognition of qualifications under this Section shall exempt international personnel of eligible actors from any obligations for compulsory membership of professional associations or other professional registration processes within the Republic until the end of the international initial recovery period.

58 Foreign driving licence

The provisions of the *Motor Traffic Act 2014* relating to the issuance of Nauruan driving licences or recognition of foreign licences apply to all international personnel of eligible actors.

59 Access during International Initial Recovery Period

- (1) The international personnel of eligible actors may access areas that have been approved for access by the Department of National Emergency Services and may provide their goods and services directly to affected persons.
- (2) Access granted under subsection (1) is subject only to limitations based on national security, public order or public health.

Subdivision 2 — Entry of International Disaster Goods and Equipment

60 Customs facilitation

The *Customs Act 2014*, including its rules and regulations, apply to the importation of consignments of goods and equipment brought into the Republic by eligible actors including issues related to:

- (a) exemption from customs duties and taxes;
- (b) exemption from fees for work conducted outside of designated area;
- (c) waiver of economic prohibitions and restrictions for categories of special goods and equipment;
- (d) simplification of documentation requirements; and
- (e) inspection and customs security.

61 Duty of compliance by eligible actors

In order to benefit from the legal facilities in this subdivision, eligible actors shall:

- (a) declare that all goods and equipment they seek to import under this subdivision are exclusively for disaster relief or initial recovery assistance and that they comply with any relevant standards under the written laws of the Republic; and
- (b) pack, classify and mark their consignments in accordance with the requirements described in this subdivision as directed by the Nauru Customs Service.

62 Representation to Nauru Customs Service

Eligible actors may make representations to the Department of National Emergency Services who shall then direct such representation to the Nauru Customs Service with respect to their international disaster assistance consignments or through a designated third party acting on their behalf.

Subdivision 3 — Entry and Use Restrictions for Specific International Disaster Goods and Equipment

63 Medication

- (1) Any medication imported into the Republic for the purpose of disaster relief or initial recovery assistance shall conform to all applicable written laws of the Republic.
- (2) Medication imported shall be appropriate to the needs of the disaster-affected persons and shall be legal for use in the country of origin as well as in the Republic.

- (3) Medication imported for the purpose of this Act, shall be distinguished between:
 - (a) medication intended to be donated for the use of others; and
 - (b) medication that eligible actors intend to use directly in providing medical services.
- (4) Eligible actors shall ensure that medication intended to be used directly in providing medical services in disaster relief or initial recovery assistance, shall be:
 - (a) transported and maintained by the eligible actor in appropriate conditions at all times to ensure their quality; and
 - (b) guarded against misappropriation and abuse.
- (5) Medication intended for donation for the use of others shall be:
 - (a) at least 24 months from their expiry date upon arrival, unless otherwise specifically agreed to by the Secretary for Health and Medical Services;
 - (b) transported and maintained by the eligible actor in appropriate conditions to ensure their quality until they reach their intended domestic recipients; and
 - (c) appropriately labelled in English with the international non-proprietary name or generic name, batch number, dosage form, strength, name of manufacturer, quantity in the container, storage conditions and expiry date.

64 Importation of food

Subject to the *Customs Act 2014*, *Agricultural Quarantine Act 1999*, *Quarantine Act 1908*, *Food Safety Act 2005* and all other applicable laws, any food imported into the Republic by eligible actors shall:

- (a) not expire within 6 months of importation; and
- (b) be labelled in the English language.

65 Vehicles

Subject to the *Motor Traffic Act 2014*, the *Customs Act 2014* and the *Customs Tariff Act 2014*, motor vehicles may be imported into the Republic for the purposes of this Act.

Subdivision 4 — Permitted Disposition of Equipment and Unused Goods

66 Disposition of equipment and unused goods

- (1) This subdivision sets out the permitted disposition of goods and equipment for which eligible actors have received waivers or exemptions from fees, duties, taxes or other charges in accordance with this Part and which remain in their possession as of the end of their disaster relief and initial recovery operations.
- (2) Such goods and equipment may be:
 - (a) retained by eligible actors that are non-profit entities and used or distributed by them for humanitarian, development or charitable purposes in the Republic;
 - (b) re-exported in accordance with Section 67;
 - (c) donated in accordance with Section 68; or
 - (d) disposed of in accordance with Section 49.

- (3) Additionally, such goods and equipment may be sold, but only:
 - (a) after the termination of the initial recovery period; and
 - (b) if any fees, duties, taxes or charges were previously waived under any other legislation, the payment of these with regard to the items now being sold.

67 Re-export of goods and equipment

Subject to the *Customs Act 2014*, eligible actors that imported goods or equipment benefitting from the legal facilities under this Act are permitted to re-export any unused goods or equipment.

68 Donation of unused goods and equipment

When no longer needed for their disaster relief or initial recovery assistance, eligible actors are permitted to donate any imported or locally purchased goods and equipment provided that:

- (a) all applicable laws are complied with;
- (b) the donation is made no later than 2 months after the termination of the international initial recovery period;
- (c) the eligible assisting international actor provides documentation to the Cabinet with copies to the beneficiary of the identity of the importer or the purchaser, the date of import or purchase and the fact that the item or group of items was imported or purchased pursuant to the legal facilities in this Act;
- (d) the beneficiary of the donation is a non-governmental organisation registered in the Republic or other beneficiaries approved by the Cabinet; and
- (e) any items donated may not be sold for a period of 3 years unless fees, duties, taxes or charges that may have been waived under the applicable written law, are paid.

Subdivision 5 — Transport

69 Entry of transport operators

The *Immigration Act 2014* applies to any procedures on the entry of drivers, pilots and crew of transport vehicles operated by or on behalf of eligible actors.

70 Notice of transport

To facilitate the provision of the legal facilities in this Part, eligible assisting actors or their carriers shall:

- (a) inform the Director of Civil Aviation in advance of the intended route of flights, type and call signs of the aircraft, number, number of crew members, the character of the cargo, timetable of flights, and the list of all passengers and shall comply with any directions from the Director of Civil Aviation as to air traffic control and landing procedures; and
- (b) inform the Harbourmaster in advance, of the intended port or location of arrival of each water vessel, the type, make and registration number of each vessel, the number of personnel operating and on board each vessel, and the equipment, facilities and other materials on board each vessel, and shall comply with any directions given by the Harbourmaster as to the control of incoming vessels or docking procedures.

Subdivision 6 — Legal Capacity, Employment and Taxes

71 Legal capacity of assisting international actors

The status of eligibility for legal facilities of an assisting international actor includes such legal capacity as may be relevant for the exercise of its purpose in providing international disaster relief or initial recovery assistance in accordance with the written laws of the Republic during the international disaster relief and initial recovery periods, in particular the capacity to:

- (a) open bank accounts;
- (b) enter into contracts and leases;
- (c) acquire and dispose of immovable and movable property;
- (d) receive and disburse private and public funds;
- (e) instigate legal proceedings; and
- (f) engage and terminate locally engaged personnel, as set out in Section 72.

72 Engagement and termination of locally engaged personnel

- (1) Subject to Section 35, and except as provided by this Section, all eligible assisting international actors shall comply with the applicable written laws of the Republic with regard to the employment of locally engaged personnel, being persons normally resident or domiciled in the Republic.
- (2) Eligible assisting international actors shall not be required to make any separate registration as employers, including for the purposes of taxation requirements relating to the employment of locally engaged personnel.
- (3) Notwithstanding any provisions of labour and employment laws to the contrary, eligible assisting international actors may:
 - (a) recruit any individual legally entitled to perform the work envisaged in the Republic through a non-discriminatory process; or
 - (b) engage local personnel pursuant to fixed term contracts, which may be of short duration, and may be renewed as required without creating an open-ended obligation.

73 Jurisdiction over international personnel

Notwithstanding any public order or provisions of labour and employment laws to the contrary, the courts or administrative tribunals of the Republic may not seek to exercise jurisdiction concerning contracts between eligible assisting international actors and international personnel engaged by them, where such contracts contain choice of law provisions that establish the exclusive jurisdiction of a foreign or international court, tribunal or other mechanism.

74 Taxation of eligible assisting international actors

- (1) The supply of disaster relief and initial recovery assistance by an eligible assisting international actor is exempt from all service taxes and similar taxes, duties and levies and governmental fees where such supply takes place during the international disaster relief or initial recovery periods.
- (2) In providing the legal facility, the Department of Finance shall take all practical steps to ensure that local suppliers suffer no negative financial or administrative impact in providing goods or services to eligible assisting international actors.
- (3) The activities of an eligible assisting international actor carried on for the

purpose of providing disaster relief or initial recovery assistance may be disregarded for tax purposes during the international disaster relief and initial recovery periods and, accordingly, any actual or deemed income or gain arising from such activities may not be subject to any taxes, duties, levies or governmental fees having similar effect.

- (4) The activities of the international personnel of eligible assisting international actors carries on in connection with the provision of disaster relief or initial recovery assistance may be disregarded for tax purposes during the international disaster relief and initial recovery periods and, accordingly, taxes, duties, levies or other governmental fees having similar effect may not be payable in respect of such activities.
- (5) The international personnel of an eligible assisting international actor shall not be treated as resident in the Republic or as having any other connection with the Republic relevant for taxation purposes by reason of their presence in the Republic or activities undertaken during the international disaster relief and initial recovery periods.

75 Currency and banking

The Nauru Revenue Office shall facilitate the entry of funds and currencies by eligible assisting international actors to provide disaster relief and initial recovery assistance.

DIVISION 6 — SUPERVISION, REPORTING AND SANCTIONS

76 Supervision of Assisting Actors

- (1) The Council is responsible for monitoring the compliance of assisting actors with their responsibilities under this Act.
- (2) To facilitate the Council's oversight, assisting actors are required to report to the Council, at reasonable intervals, about the disaster relief and initial recovery assistance they provide and such reports shall be made available to the public by the Council through electronic means.
- (3) Any reporting requirements imposed by the Council under this Section shall be designed so as to reduce any administrative burden on assisting actors.

77 Non-compliance by assisting actors

- (1) Where, on the basis of credible information, the Council reasonably believes that any assisting actor has failed to materially comply with its responsibilities under this Act, and in particular its responsibilities under Division 3 of this Part, it shall immediately consult with the assisting actor and seek clarification or explanation and if still unsatisfied, the Council shall provide written notice of non-compliance along with a decision either:
 - (a) to require the assisting actor to bring itself into compliance within a specified period of time, with or without temporary suspension of its eligibility, if any, for legal facilities under Division 5 of this Part;
 - (b) to revoke the assisting actor's eligibility, if any, or legal facilities under Division 5 of this Part;
 - (c) in the case of deliberate misrepresentation or fraud, to impose fines to be set out by implementing regulations; or

- (d) in the most extreme cases concerning an assisting international actor, to revoke the Republic's consent for it to provide disaster relief or initial recovery assistance in response to the disaster.
- (2) In the event of a decision to revoke pursuant to subsection (1)(d), if the assisting international actor lacks a legal basis independent of this Act to remain in the Republic, it may be required to depart no later than 20 days from the date of the notice.
- (3) Decisions to suspend or revoke legal facilities pursuant to subsections (1)(a) or (1)(b) may not be given retroactive effect, except in cases of fraud or criminal misconduct attributable to the assisting international actor.
- (4) A decision of the Council under this Division is final and may not be appealed to any tribunal or court.
- (5) Nothing in this Section precludes the prosecution of assisting international actors or their international and locally engaged personnel for criminal offences or for the imposition of civil liability under the written laws of the Republic.

78 Transparency as to internationally donated funds

- (1) Internationally donated funds received by the Government of Nauru for the purposes of disaster relief and initial recovery assistance is subject to audit by the Auditor General no later than 6 months after the termination of the international disaster relief period or 3 months after the termination of the international initial recovery period and the results of which shall be made publicly available through electronic means.
- (2) Internationally donated funds received by assisting domestic actors shall be:
 - (a) maintained in a dedicated bank account for disaster relief or initial recovery assistance; and
 - (b) subjected to an external audit no later than 6 months after the termination of the international disaster relief period or 3 months after the termination of the international initial recovery period, whichever is the sooner and the results of the audit shall be reported to the Auditor General and be made publicly available through electronic means.

DIVISION 7 — TRANSIT OF INTERNATIONAL DISASTER ASSISTANCE

79 Facilitation for transit

In the event of a disaster occurring in another country for which international disaster assistance is required, the Government of Nauru may work with assisting international actors for the immediate transit or transshipment of personnel, goods or equipment across or through the Republic.

80 Applicable laws

The laws of the Republic shall apply to the transit or transshipment of personnel, goods or equipment.

[The next page is 302,001]

PART 8 — OFFENCES

81 Offences

- (1) A person commits an offence if he or she:
 - (a) fails, without reasonable excuse, to comply with a direction given by the Minister, National Controller or an authorised officer;
 - (b) obstructs, hinders or in any way interferes with a person engaged to carry out any duties or responsibilities in an emergency activity;
 - (c) impersonates an authorised officer;
 - (d) damages any equipment, material, vehicle, building or such other property used for the purposes of an emergency activity;
 - (e) utters, records, livestreams, publishes, posts or messages any false or misleading information relating to a disaster, by means of social or mass media or any other electronic or digital form;
 - (f) utters, records, livestreams, publishes, posts or messages inaccurately or distorts public information disseminated by the Government or a public officer by means of any electronic device, social or mass media or any other electronic or digital form; or
 - (g) utters, records, livestreams or publishes any information contained in paragraphs (e) and (f) which is likely to cause fear and disorder to other persons.
- (2) For the purposes of the offences in subsection 1(e) and (f), it does not matter, whether there is or is likely to be a person, who shall be misled by the information.
- (3) A police officer may carry out any investigation or arrest a person or enter any property, without a warrant, for the contravention of any provisions of this Act.

[s 81 subst Act 5 of 2020 s 10, opn 16 Mar 2020]

82 Penalties

- (1) A person found guilty of an offence under this Act or regulations, upon conviction shall be liable to a fine not exceeding \$50,000 or a term of imprisonment not exceeding 5 years or to both.
- (2) The regulations may prescribe strict liability offences as fixed penalty offences and the respective penalties.
- (3) No action shall be taken against a person who is guilty of a fixed penalty offence and has paid the fixed penalty as required by the fixed penalty notice.

[s 82 subst Act 5 of 2020 s 10, opn 16 Mar 2020]

83 Failure to pay fixed penalty

A person, who has been issued with a fixed penalty notice and fails to pay the fixed penalty as required by this Act shall be:

- (a) summoned to attend court;
- (b) in addition to the fixed penalty, liable to a fine not exceeding \$50,000 or a term of imprisonment not exceeding 5 years or to both; and

(c) liable to pay a mandatory court cost of \$100.

[s 83 subst Act 5 of 2020 s 10, opn 16 Mar 2020]

[The next page is 302,201]

PART 9 — MISCELLANEOUS

84 Protection from liability

- (1) No civil liability action may be brought against the Government, Minister, Council, the National Controller, or any authorised officers, or persons engaged in emergency activity because of anything done or omitted to be done under this Act in good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise, if this Section did not apply.

[subs (1) am Act 5 of 2020 s 13, opn 16 Mar 2020]

- (2) No person may be personally liable for any emergency activity done negligently or otherwise performed in accordance with this Act provided he or she was acting in good faith.
- (3) No criminal or other form of prosecution shall be brought against any public service employee, authorised officer or person issuing or carrying out any directions in good faith for the purposes of an emergency activity.

[subs (3) am Act 5 of 2020 s 13, opn 16 Mar 2020]

85 Compensation for injury

A person who sustains personal injury whilst engaged in an emergency activity under this Act, may seek compensation in accordance with regulations.

86 Regulations

The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular prescribing matters for and in relation to:

- (a) the amount to be paid to contractors engaged to perform recovery or other necessary works under this Act;
- (b) the amount of compensation to be paid for personal injury and the procedures for claiming such compensation under Section 85;
- (c) the training provided to and exercises to be undertaken by members and officers of agencies for which a role is defined or a responsibility is confirmed by the Disaster Management Plan;
- (d) prescribing fees for training courses conducted by the Secretary for National Emergency Services or his or her delegate;
- (e) prescribing conditions of issue or use of property loaned by a Government agency to volunteers or any third party for the purpose of disaster management, response or recovery;
- (f) declaring a service additional to the services listed in Section 3 to be an essential service for the purpose of this Act;
- (g) prescribing necessary powers, functions, duties or authority with regard to the provision of assistance by international assisting actors;
- (h) the form of any notice or declaration required under this Act;
- (i) any laws that may be required as a matter of necessity to be made limiting any right or freedom of a person for the purposes of interest of defence, public safety, public order, public morality, public health or other purposes beneficial to the community:

- (i) for a limited period of the existence of a disaster or the continuation of any declaration of a State of Disaster; or
- (ii) for the purposes of disaster management, response or recovery; and
- (j) prescribe necessary powers, functions and duties to a person or entity for the purposes of disaster management, response or recovery.

[s 86 am Act 5 of 2020 s 14, opn 16 Mar 2020]

87 Emergency powers not affected

Nothing in this Act affects the power of the President to declare a State of Emergency in accordance with Part IX of the *Constitution of Nauru*.

88 Severability of Act

The Sections of this Act are severable and if any Section of this Act is or becomes illegal, invalid or unenforceable in any respect, that shall not affect or impair the legality, validity or enforceability of this Act.

89 Repeal of Act

The *National Disaster Risk Management Act 2008* is repealed by the provisions of this Act.

90 Savings and transitional provisions

- (1) Notwithstanding the repeal of the *National Disaster Risk Management Act 2008*, all appointments and decisions made under the Act remains in force.
- (2) All Cabinet decisions relating to the Department of National Emergency Services continues to have effect.

[The next page is 303,401]

DECLARATION OF NATIONAL EMERGENCY FOR THE MANAGEMENT AND MINIMISATION OF THE IMPACT OF CORONAVIRUS (COVID-19)

TABLE OF AMENDMENTS

The Declaration of National Emergency for the Management and Minimisation of the Impact of Coronavirus (Covid-19) was notified on 17 March 2020 (GN No 195/2020; Gaz 65/2020).

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

[The next page is 303,601]

DECLARATION OF NATIONAL EMERGENCY FOR THE MANAGEMENT AND MINIMISATION OF THE IMPACT OF CORONAVIRUS (COVID-19)

PURSUANT to the powers vested in me to declare a State of Disaster under Section 26 of the *National Disaster Risk Management Act 2016*, on the advice of the Cabinet and the Council, I, LIONEL ROUWEN AINGIMEA, MP, hereby declare a National Emergency for the Management and Minimisation of the impact of Coronavirus (Covid-19).

- (a) This Declaration comes into immediate effect and shall continue for 30 days unless revoked or varied.
- (b) Any subsidiary legislation, directions or orders issued by me or any authorised person or agency to supplement this Declaration must be complied with by all persons residing in or travelling to the Republic.

DECLARED at Yaren on this 16th day of March 2020.

HON. LIONEL ROUWEN AINGIMEA, MP

**PRESIDENT AND MINISTER FOR NATIONAL EMERGENCY
SERVICES**

[The next page is 304,801]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020

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<i>Regulation</i>	<i>Title</i>
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	SCHEDULE 1 — DESIGNATED RESIDENCE
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National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020

TABLE OF AMENDMENTS

The National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 SL 4 was notified on 19 March 2020 and commenced on 16 March 2020 (GN No 197/2020; Gaz 67/2020).

Amending Legislation	Notified	Date of Commencement
National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) (Amendment) Regulations 2020 SL 8	29 April 2020	16 March 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) (Amendment) Regulations 2022 SL 12	5 July 2022	5 July 2022

[The next page is 305,201]

The Cabinet makes the following Regulations under Section 82 and Section 86 of the *National Disaster Risk Management Act 2016* to give effect to the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*:

[Long title am SL 12 of 2022 reg 4, opn 5 July 2022]

1 Citation

These Regulations may be cited as the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020*.

2 Commencement

These Regulations come into effect on 16 March 2020.

3 Objectives

The objectives of these Regulations are to:

- (a) prevent, protect, control and provide a public health response to the international and domestic spread of the Coronavirus (COVID-19);
- (b) avoid unnecessary interference with international travel or traffic;
- (c) insofar as practicable, comply with the Republic's obligations under the *International Health Regulations 2005*;
- (d) manage and minimise the impacts of the Coronavirus (COVID-19);
- (e) effectively respond to and prevent or recover from the domestic and global effects of the Coronavirus (COVID-19); and
- (f) implement and enforce the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)* under the Act.

4 Definitions

In these Regulations:

'declared disease' means Coronavirus (COVID-19) which is also declared as a quarantinable disease under the *Quarantine Act 1908*;

'designated residence' means a temporary place of residence declared by the Minister or appointed under Section 13A of the *Quarantine Act 1908* and gazetted under these Regulations as a place for screening, social distancing, examining, observation, treating or confining a person for the declared disease;

'infectious disease' is a disease caused by a living organism or other pathogen;

'occupants' includes travellers and persons required to stay in a designated residence;

'premises' means any land, building or structure;

'Rules' includes any written or unwritten directions which may be issued by the Minister, Secretary or a person in charge of a designated residence;

'Secretary' means the Secretary for Health and Medical Services or any such other authorised person appointed by the Secretary; and

‘traveller’ includes a passenger, who has purchased a ticket to travel by an aircraft or vessel.

5 Guiding principles for the interpretation of these Regulations

- (1) The guiding principles for the interpretation and application of these Regulations shall be:
 - (a) to respect the dignity, human rights and fundamental freedoms of persons when managing and minimising the impacts of the declared disease;
 - (b) guided by the Charter of the United Nations and the constitution of the World Health Organisation and such other international response to these Regulations;
 - (c) guided by the *International Health Regulations 2005* to which the Republic is a party;
 - (d) for the purposes of the protection of people of the Republic and the World from the international spread of the declared disease; and
 - (e) to implement the health policies of the Republic in relation to managing and minimising the spread of the international pandemic declared disease.
- (2) Notwithstanding the *Declaration of the National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)* under the Act, the Minister for Health and Medical Services and Department of Health and Medical Services shall be the central agency to implement the health measures to manage and minimise the impacts of the declared disease.
- (3) The Minister where necessary, shall by Order published in the Gazette, declare or appoint such persons or agencies to be responsible for the implementation and enforcement of these Regulations.

6 Management of declared disease

- (1) No person shall wilfully, negligently or recklessly transmit or spread the declared disease:
 - (a) from a foreign country into the Republic;
 - (b) within the Republic; or
 - (c) from the Republic to a foreign country.
- (2) Where the Secretary deems that a person attempts to or has contravened subregulation (1), he or she shall require such person to be apprehended from any port of entry or exit, aircraft, vessel, after having lawfully entered or residing in the Republic to be removed to and remain in the appropriate designated residence.
- (3) A failure to comply with the directions of the Secretary constitutes:
 - (a) failure to obey lawful directions under Section 81 of the Act;
 - (b) hindering, obstructing or interfering with an emergency activity under Section 82 of the Act; and
 - (c) failing to comply with the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)* by the Minister on or about 16 March 2020.

- (4) A person who contravenes subregulation (3), in addition to any prosecution under a written law, shall pay a fixed maximum penalty of \$500 under the Act to the Nauru Revenue Office.

7 Designated residence

The Minister may by Order published in the Gazette, appoint such appropriate premises as designated residences for such purposes as necessary for managing and minimising the impacts of the declared disease.

8 Persons in designated residence

- (1) Where a person, is required by these Regulations or the Secretary, to reside in a designated residence, such person shall:
- (a) comply with all the directions as may be given from time to time by the Minister or any other authorised person;
 - (b) reside in a designated residence for such period of time as may be necessary; and
 - (c) strictly comply with the rules, directions or requirements of the occupation of such designated residence.
- (2) Where a minor is required by the Secretary to reside in a designated residence, the Minister may direct the parent or guardian of the minor to:
- (a) accompany and reside with the minor at the designated residence; and
 - (b) ensure the minor remains in the designated residence for such period of time as may be necessary.
- (3) A person who, without the prior approval of the Secretary or an authorised person, leaves or attempts to leave the designated residence in contravention of these Regulations may be arrested without a warrant by a police officer and where applicable, returned to the designated residence.

9 Rules governing the occupation of designated residences

- (1) The Minister or any other authorised person may make rules governing the use and occupation of the designated residences.
- (2) The rules shall be limited to ensuring that every occupant has peaceful occupation and use of the designated residence for the purposes of the declared disease.
- (3) The rules shall supplement the management and minimisation of the impacts of the declared disease.
- (4) The rules made under subregulation (1) may provide for the:
- (a) prohibition of a person or class of persons from entering or leaving the designated residence without the approval or authorisation of the Secretary;
 - (b) prohibition or restriction of any movement within the designated residence; or
 - (c) prohibition or restriction of the movement of goods into the designated residence.
- (5) A police officer or any other authorised person may take such reasonable action that is necessary to give effect to rules issued under this Regulation.

10 Travellers to transition at designated residence

- (1) A traveller shall comply with the directions of an immigration officer or any other authorised person upon disembarking an aircraft or vessel to:
 - (a) complete all arrival formalities; and
 - (b) travel from the port of entry or disembarkation in an authorised transport only and to remain in the designated residence until informed otherwise.
- (2) At the designated residence, the traveller may be required to comply with the requirements of the following:
 - (a) Immigration;
 - (b) Customs; and
 - (c) Quarantine.
- (3) For the purposes of subregulation (2), the designated residence shall be deemed as the administration point for permitting entry into the Republic or transit to another country.

11 Arrival of travellers

For the purposes of managing and minimising the impacts of the declared disease, all travellers at the port of entry or disembarkation or at the designated residence shall:

- (a) provide information as requested including his or her final or other intermediary destination;
- (b) submit his or her itinerary to determine the destinations or countries already travelled or intending to travel;
- (c) provide health details in particular in respect of the declared disease;
- (d) submit to a thermal screening process, swab testing or such other digital or technologically innovative methods or examinations to diagnose the declared disease or other health measures as directed by the Secretary; or
- (e) allow inspection of all such accompanied or unaccompanied baggage, cargo, containers, conveyance and other goods belonging to or carried on behalf on any other person by the traveller.

12 Invasive or intrusive medical examination

- (1) Where a traveller presents any signs or symptoms or the Secretary is satisfied on preliminary examination under Regulation 11 of infection of declared disease, the traveller shall undergo an invasive or intrusive medical examination without consent, limited for the purposes of diagnosing, managing or minimising the impacts of the declared disease in the Republic.
- (2) Under these Regulations, the proprietor, its servant or agent of the aircraft or vessel shall inform an intending traveller of the requirements of subregulation (1) prior to boarding the aircraft or vessel at the port or country of departure.
- (3) The proprietor, its servant or agent of the aircraft or vessel shall be responsible for the traveller where he or she is denied entry into the Republic under Regulation 13.

13 Traveller declining medical examination

- (1) Where a traveller wilfully declines to undergo an invasive or intrusive medical examination for the purposes of diagnosing, managing or

minimising the impacts of the declared disease before disembarking from an aircraft or vessel and complying with Immigration requirements, such traveller shall not be allowed to enter the Republic.

- (2) For the purpose of this Regulation, the traveller shall remain on board the aircraft or vessel or, where he or she had disembarked, be required to re-board the aircraft or vessel.
- (3) Where it is impractical or impossible to implement subregulation (2) and the traveller poses an imminent public health risk, he or she shall be compelled to undergo:
 - (a) invasive and intrusive medical examination to achieve the objective of these Regulations; and
 - (b) other preventive measures to manage and minimise the spread of the declared disease in the Republic.

14 Medical examination of minors

- (1) No medical examination, diagnosis or treatment shall be performed on a minor without the consent of a parent or guardian.
- (2) Where the parent or guardian unduly withholds consent, and the minor needs medical examination or treatment, the Secretary may apply to the District Court to allow such examination or treatment to be undertaken for the safety of the health or wellbeing of the minor and the prevention of the spread of the declared disease.

15 Travellers under observation for declared disease

The Secretary may approve or authorise a traveller on an international voyage, where such traveller has been under observation for the declared disease during a stop-over or transit, provided that the:

- (a) traveller does not pose an imminent public health risk;
- (b) relevant authorities within the Republic inform the authorities at the point of entry or destination of the traveller's expected arrival; and
- (c) traveller reports to the receiving authority immediately on arrival to the transit or destination port.

16 Duration of occupancy

- (1) A person, who is required by these Regulations or the Secretary, shall remain in the designated transit residence for a term not exceeding 14 days unless directed otherwise.
- (2) Where a person is required to undergo further observation or treatment, he or she shall not leave the designated residence for that purpose until discharged or authorised by the Secretary.
- (3) For the purposes of observation or treatment, the Secretary may refer any occupant to such other place where such observation or treatment is readily available.

17 Visitation at designated residence

- (1) Save for authorised persons and health service providers, no person shall be permitted to visit or meet any of the occupants of a designated residence.

- (2) The occupants may maintain contact during the period of their social distancing through telephone, electronic mail or voice over the internet including mass media.
- (3) The communications services providers shall provide services under Part 8 of the *Communications and Broadcasting Act 2018*.

18 Arrival of aircraft or vessel

On the arrival of an aircraft or vessel, the Secretary or any other authorised person shall:

- (a) have unlimited right of access or entry of such aircraft or vessel to cause an inspection to be carried out to such aircraft, vessel, person or cargo on board;
- (b) direct health and sanitary measures to be carried out in respect of an aircraft or vessel;
- (c) obtain from the captain or master:
 - (i) any necessary information that the Secretary requires to ascertain the health of travellers on board the aircraft or vessel;
 - (ii) a certificate relating to the sanitary condition of the aircraft or vessel;
 - (iii) information on the port last visited by such aircraft or vessel including its certificate for departure from such port; and
 - (iv) any other relevant information for the purposes of these Regulations;
- (d) inspect the journal, log book of the aircraft, vessel or the captain or master;
- (e) direct the captain of the aircraft or master of the vessel to provide copies of the traveller list, crew list and cargo manifest immediately after the arrival of such aircraft or vessel in the Republic; or
- (f) a health certificate declaring the captain, master and crew respectively have been diagnosed by a medical practitioner and health authority that no traces of the declared disease was diagnosed.

19 Disinfection of aircraft, vessel or motor vehicle transporting infected person

- (1) The Secretary or any other authorised person shall ensure that an aircraft, vessel or motor vehicle is disinfected after carrying any suspected or infected person of the declared disease.
- (2) The proprietor, its servant or agent of the aircraft or vessel may use any such chemicals or cleaning agents for the purposes of disinfecting or fumigating such aircraft or vessel, which is duly approved by the World Health Organisation or is safe for public health.

20 Unauthorised boarding or disembarking from infected aircraft or vessel

Where an aircraft or vessel is being disinfected, the captain of an aircraft or master of a vessel may:

- (a) prevent any traveller from disembarking from the aircraft or vessel without being authorised by the Secretary;
- (b) detain any person who boards the aircraft or vessel without the approval of the Secretary;

- (c) deliver any person detained to the Secretary or any other authorised person;
or
- (d) prevent any baggage or cargo from being discharged from the aircraft or vessel.

21 Discharge of waste or matter from aircraft or vessel

Notwithstanding any other written law, any human dejecta, solid or liquid waste or any matter which the Secretary deems to be contaminated, shall be subject to such measures or disposal as directed by the Secretary.

22 Closure and disinfection of premises

- (1) Where the Secretary has reasonable cause to believe that there are premises likely to cause an outbreak or the spread of the declared disease, he or she may by written notice order the closure of the premises for a period not exceeding 21 days.
- (2) The notice issued under subregulation (1) may require the owner or occupier of the premises to:
 - (a) clean or disinfect the premises in the manner and within the time specified in the notice; or
 - (b) carry out such other hygienic measures as the Secretary may require.

23 Aircrafts, vessels, persons or articles from affected countries

An aircraft, vessel, person or article coming from an affected country shall be deemed to be infected unless declared otherwise by the Secretary.

24 Provision of necessities

- (1) Where a person is required by these Regulations or the Secretary to reside in a designated residence, such person shall be provided with adequate food and water.
- (2) In providing food under subregulation (1), the Secretary or such other authorised person shall ensure the dietary or religious needs of persons occupying the designated residence are met.

25 Prohibition on mass gatherings

- (1) All forms of mass gatherings are prohibited for such period as the Minister may by order published in the Gazette.
- (2) Subregulation (1) does not apply to a funeral gathering.
- (3) An Order issued under this Regulation may:
 - (a) prescribe what constitutes as mass gatherings; and
 - (b) prohibit activities that lead to mass gatherings.

[subreg (3) insrt SL 12 of 2022 reg 5, opn 5 July 2022]

- (4) A person who fails to comply with this Regulation or an Order issued under this Regulation commits a strict liability offence and shall be liable to a fixed penalty of \$1,000.

[subreg (4) insrt SL 12 of 2022 reg 5, opn 5 July 2022]

26 Travel restriction

Where necessary, the Minister may by Order published in the Gazette, restrict or prohibit travel to, from or within the Republic.

27 Costs and expenses incurred

The Minister may by Order published in the Gazette, declare any costs or expenses incurred for the purposes of operating a designated residence to be paid by the occupants.

28 Failure to disclose the declared disease by a visa or permit holder

Where a foreigner or a visitor, who has been granted a visa or permit, and does so knowingly enter the Republic being under suspicion or infected by the declared disease or fails to comply with these Regulations, directions or orders of any authorised person:

- (a) his or her visa or permit shall forthwith be cancelled or revoked;
- (b) such person be declared a prohibited immigrant; and
- (c) not permitted to enter the Republic for a period of at least 5 years.

29 Confidentiality of patient details

- (1) The Secretary shall maintain the patient confidentiality of a person who may be infected by the declared disease or are required to remain in any of the designated residence.
- (2) Subregulation (1) does not prohibit the publication of general statistics of persons infected by the declared disease or are required to remain in any designated residence.

30 Offence

- (1) Save for Regulation 25, a person who contravenes or fails to comply with these Regulations, an Order or Rules made under these Regulations commits a strict liability offence and is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 6 months or to both.
[subreg (1) subst SL 8 of 2020 reg 3, opn 16 Mar 2020; am SL 12 of 2022 reg 6, opn 5 July 2022]
- (2) Where a person under the Regulations is required to or prohibited to act in any particular manner whatsoever and such person fails to comply with the same, such person commits an offence under the Act.
- (3) The District Court shall have the jurisdiction to hear and determine any cause or matter under these Regulations.

30A Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice

- (1) A police officer may issue a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice to a person where the police officer has reasonable cause to believe the person has committed an offence under Regulation 25.
- (2) The Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice is set out in Schedule 2.
- (3) A Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice shall:
 - (a) state the name and address of the offender;
 - (b) provide details of the circumstances alleged to constitute the offence;and

- (c) specify the amount of the fixed penalty.
- (4) A police officer who issues a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice to an offender shall inform the offender:
 - (a) of the contents of the Notice;
 - (b) that he or she shall pay the penalty or appear in court to contest or defend the Notice; and
 - (c) that the penalty shall be paid within 7 days of service of such Notice.
- (5) A person who refuses to accept service of a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice commits an offence and is liable to pay a penalty of \$1,000 in addition to the fixed penalty under Regulation 25.

[reg 30A insrt SL 12 of 2022 reg 7, opn 5 July 2022]

30B Payment of Fixed penalty offences

- (1) The fixed penalty shall be paid to the Nauru Revenue Office and a copy of the official receipt is to be submitted to the Registrar of Courts.
- (2) Where an offender provides an official Nauru Revenue Officer receipt for the payment of the penalty under subregulation (1), the Registrar of Courts shall not list his or her case before the Resident Magistrate.

[reg 30B insrt SL 12 of 2022 reg 7, opn 5 July 2022]

30C Failure to comply with fixed penalty notice

A person who is issued a fixed penalty notice under Regulation 30A and fails to pay the fixed penalty within the required time shall:

- (a) be summoned to attend court; and
- (b) in addition to the respective fixed penalty, upon conviction be liable under Section 83 of the Act.

[reg 30C insrt SL 12 of 2022 reg 7, opn 5 July 2022]

30D Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice court appearances

- (1) Where a person served with a Coronavirus ((COVID-19) Breach of Prohibition of Mass Gathering) Fixed Penalty Notice, fails to pay the penalty and pleads guilty on the date of the hearing of the offence contained in Part 3 of the Notice, the court:
 - (a) shall impose the penalty for the offence as contained in these Regulations;
 - (b) shall order court costs of \$100; and
 - (c) may grant such other orders the court deems fit to ensure compliance with the order of the court not limited to committal.
- (2) The Resident Magistrate may hear and determine any offences under these Regulations where a person fails to attend court by himself or herself or by a legal representative on the date so required to be by the Notice.
- (3) The Resident Magistrate:
 - (a) shall impose a penalty for the offence as contained in these Regulations;
 - (b) shall order court costs of \$100; and

- (c) may grant such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (4) Where the person is present or represented by a legal practitioner and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.

[reg 30D insrt SL 12 of 2022 reg 7, opn 5 July 2022]

31 Miscellaneous

The Minister may from time to time give such directions or orders to manage and minimise the impacts of the declared disease or as may be necessary to give effect to the Act and these Regulations.

[The next page is 305,401]

SCHEDULE 1



National Disaster Risk Management Act 2016

*National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus
(COVID-19)) Regulations 2020
Order No. . . . /20. . . .*

[Section 26; Regulation 7]

DESIGNATED RESIDENCE

[Sch heading renum SL 12 of 2022 reg 8, opn 5 July 2022]

PURSUANT to the powers vested in me under Regulation 7, I, *[insert name]*, **MP**, Minister for National Emergency Services, do hereby **ORDER** the following places to be designated residences for the purposes of the Coronavirus (COVID-19).

[Insert Designated Residence]

Dated this day of 20.....

Hon., MP
Minister for National Emergency Services

[The next page is 305,501]

SCHEDULE 2



REPUBLIC OF NAURU

NATIONAL DISASTER RISK MANAGEMENT (MANAGEMENT AND MINIMISATION OF THE IMPACTS OF CORONAVIRUS (COVID-19)) REGULATIONS 2020

CORONAVIRUS ((COVID-19) BREACH OF PROHIBITION OF MASS GATHERING) FIXED PENALTY NOTICE

[Sch 2 insrt SL 12 of 2022 reg 9, opn 5 July 2022]

This Coronavirus (COVID-19 Breach of Prohibition of Mass Gathering) Fixed Penalty Notice is issued pursuant to the powers given to police officers under the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020* for offences under Regulations 25.

Important Notice:

The consequence of not paying a penalty or fine shall result in proceedings for offences against you in the court where fines and imprisonment may be imposed.

Fixed Penalty Notice No	
Date of Issue	
Penalty:	
Due Date:	
Payment shall be made at the Nauru Revenue Office within 7 days from the date of service of this Fixed Penalty Notice	

PART 1: OFFENCE DETAILS

Offender:

Surname:

Given Names:

Nature of Offence: contrary to Regulation 25 of the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020*

Location: Date: Time: Details of the circumstances alleged to constitute the offence:
Penalty \$ Police Officer's Signature: Police Officer's Name: Date / /20 Acknowledgement of Service of Fixed Penalty Notice by: Name and Signature: (<i>If a person refuses to accept Notice, a Police may note the refusal of acceptance</i>) Note: 1. This Notice shall only be served to the Offender at the time of the offence or as soon as practicable. 2. If the offender refuses to accept the Notice, he or she commits an offence under Regulation 30A(5) for which he or she is liable to a penalty not exceeding \$1,000 in addition to the fixed penalty.
<u>PART 2: TIME FOR PAYMENT OF PENALTY</u> A. Take Notice that the penalty shall be paid to the Nauru Revenue Office within 7 days of the date of the issuance of this Fixed Penalty Notice. B. Contesting the Fixed Penalty Notice If you intend to defend or contest the Notice, you are to appear in person or by a legal representative in court on the date and time provided in Part 3.
<u>PART 3: NOTICE TO ATTEND TO COURT</u> Take Notice that if you fail to pay the fixed penalty or intend to contest or defend this notice, you shall attend the District Court at Yaren on day of 20 at ... noon for the hearing. If you fail to attend to the hearing, the court shall proceed to the hearing of the Fixed Penalty Notice in your absence and may impose a fine and costs or imprisonment term in accordance with Section 83 of the <i>National Disaster Risk Management Act 2016</i> . If you fail to abide by any order of the court, you shall be arrested under a committal warrant without any further notice.
AFFIDAVIT OF SERVICE I Police Officer make oath/solemnly affirm that I did on the day of 20 served the offender the original copy of this Coronavirus ((COVID-19) Breach of Mass Gathering) Fixed Penalty Notice at (time) on (date) AND he/she acknowledged service by affixing his/her signature to this Fixed Penalty Notice. Police officer: Before me: (Commissioner for Oaths)

[The next page is 306,601]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 1 of 2020

TABLE OF AMENDMENTS

The National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 1 of 2020 was notified on 20 March 2020 (GN No 198/2020; Gaz 68/2020).

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

[The next page is 306,801]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 1 of 2020

[Section 26; Regulation 7]

Designated Residences

PURSUANT to the powers vested in me under Regulation 7, **I, Lionel Rouwen Aingimea, MP**, Minister for National Emergency Services, do hereby **ORDER** the following places to be designated residences for the purposes of the Coronavirus (COVID-19):

(a) **Designated Residence - Transit Stations:**

(i) ***Budapest Hotel:***

(ii) ***Meneng Hotel:***

- Dens Block: Rooms 1–14;
- Lads Block: Rooms 15–22;
- Paks Block: Rooms 23–28;

(iii) ***Anibare Village:***

- F Block: Rooms 1–16;
- G Block: Rooms 1–20;
- H Block: Rooms 1–20.

(b) **Designated Residence - Observation Station**

Menen Hotel:

- Tom's Cabin: Rooms 1–14;
- High 5: Rooms 1–12;
- G Block: Rooms 1–14.

(c) **Designated Residence - Treatment Station**

RON Hospital:

- Acute Block.

**HON. LIONEL ROUWEN AINGIMEA, MP MINISTER FOR NATIONAL
EMERGENCY SERVICES**

EXPLANATORY NOTES:

1. Designated Residence — ‘*Transit Station*’

In order to ensure that all travelers to the Republic are screened, they shall be required to travel directly from the airport in an approved transport to the designated transit station. The travelers may be required to stay up to 14 days for the purposes of being screened or tested for the Coronavirus (COVID-19). If cleared, such person shall be required to go to their residence or accommodation upon approval of the Secretary for Health and Medical Services.

2. Designated Residence — ‘*Observation Station*’

Those who show any signs or symptoms of the Coronavirus (COVID-19) to the reasonable satisfaction of a health practitioner, and/or tested positive may be required to be moved to the ‘*Observation Station*’. This includes a person found on the island to be showing signs or symptoms of Coronavirus (COVID-19). Based on the advice of the health practitioners, a person from this station may be released if the ultimate result is negative.

3. Designated Residence — ‘*Treatment Station*’

Those who require treatment and hospitalisation shall be moved to the acute block of the RON Hospital. This is to ensure that all health and medical care is provided to those who need such medical attention. They shall remain there as long as necessary and shall only be discharged on the advice of the health practitioners.

[The next page is 307,801]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 2 of 2020

TABLE OF PROVISIONS

Clause

1	Objective of the Rules
2	Designated Residences
3	Occupants to acquire knowledge of station
4	Occupants to provide personal details
5	Designated Residence - <i>'Transit Station'</i>
6	Designated Residence - <i>'Observation Station'</i>
7	Designated Residence - <i>'Treatment Station'</i>
8	Obligations of occupants
9	Social distancing
10	Prohibition of smoking
11	Visitors not allowed
12	Authorised persons
13	Prohibited items
14	Responsibilities of authorised officers
15	Prohibition on photographs, filming, recording and social media
16	Confidentiality
17	Security Incident Reports
18	Use of reasonable force
19	Emergency Procedures
20	Medical Assistance
21	Complaints procedure

[The next page is 308,001]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 2 of 2020

TABLE OF AMENDMENTS

The National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 2 of 2020 were notified on 4 April 2020 (GN No 244/2020; Gaz 82/2020).

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

[The next page is 308,201]

RULES FOR DESIGNATED RESIDENCE

[Section 26; Regulation 9]

PURSUANT to the powers vested in me under *Regulation 9, I, Lionel Rouwen Aingimea, MP*, Minister for National Emergency Services, do hereby **MAKE** the following Rules for the occupation and use of **Designated Residences** for the purposes of the Coronavirus (COVID-19):

1 Objective of the Rules

The purpose and the objective of these Rules is to supplement the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020* to maintain peace and order at all times in or around the Designated Residence to ensure the health safety of all the residents of the Republic of Nauru.

2 Designated Residences

- (a) Designated Residences have been declared by Order dated 20th March 2020 in Gazette No. 68/2020 under the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020*, for the purposes of requiring travellers and such other persons who may require social distancing or medical attention to manage and minimise the impacts of the virus under the policy of ‘capture and contain at the borders’.
- (b) The 3 categories of Designated Residences declared by the Order are:
 - (i) Transit Station;
 - (ii) Observation Station; and
 - (iii) Treatment Station.

3 Occupants to acquire knowledge of station

All persons required by any authorised person to stay in a Designated Residence shall familiarise him or herself with:

- (a) the category of residence as there may be different restrictions and requirements for the occupation of each of the different categories of stations;
- (b) the health and safety instructions provided by health practitioners or any authorised person; and
- (c) the emergency evacuation procedures.

4 Occupants to provide personal details

All occupants shall provide the following personal details to an authorised person:

- (a) all occupants shall provide the following personal details to an authorised person:
 - (i) full name;
 - (ii) residential and email addresses;
 - (iii) mobile number; and
 - (iv) full name and mobile number of emergency contact;
- (b) the details provided by an occupant to an authorised person shall be kept confidential and only used for official purposes.

5 Designated Residence - ‘Transit Station’

All travelers to the Republic are required to remain in a Transit Station for up to 14 days or until such further time as may be directed by a health practitioner or authorised person, for the purposes of being screened or tested for the Coronavirus (COVID-19) to prevent any community transmission and health risks to the residents of the Republic of Nauru.

6 Designated Residence - ‘Observation Station’

Where a person in the Transit Station presents any signs or symptoms of the Coronavirus (COVID-19) to the reasonable satisfaction of a health practitioner, and/or tested positive shall be required to transfer to the Observation or Treatment Station.

7 Designated Residence - ‘Treatment Station’

Where a person in a Transition or Observation Station requires treatment and hospitalisation, he or she shall be moved to the acute block of the RON Hospital, which is the Treatment Station.

8 Obligations of occupants

All occupants shall:

- (a) comply with the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*, Regulations, Orders and these Rules;
- (b) comply with all reasonable instructions and directions of the authorised persons;
- (c) maintain harmony, treat each other with respect as it is ordinarily expected in a family household and conduct in such a manner to ensure the safety and peaceful occupation of the Designated Residence;
- (d) refrain from obtaining or possessing any prohibited items or such items that may not be authorised to be brought in or retained by any occupant;
- (e) refrain from bringing into, obtaining or consuming any intoxicating substances or drugs in the Designated Residence;
- (f) be economical on the use of anything provided to the occupants which includes the usage of internet telecommunication services;
- (g) refrain from using any offensive, abusive or derogatory words, language or gestures;
- (h) ensure that any items or property either given or provided with the accommodation is returned to the authorised officers prior to departure from the Designated Residence;
- (i) keep the Designated Residence, surrounding areas and the rooms clean and tidy at all times;
- (j) maintain highest level of hygiene as may be directed by a health practitioner or any authorised officer;
- (k) not damage or destroy any property in the Designated Residence;
- (l) submit to medical examination on request of a health practitioner on site; and
- (m) report to the Site Manager or any authorised person any actual or suspected cases of violence, child abuse or any type of assault.

9 Social distancing

- (a) The occupants may maintain contact with their family members or friends during the period of their social distancing through telephone, electronic mail or voice over the internet including mass media.
- (b) Where social distancing is directed by a health practitioner or an authorised officer, the occupants shall comply with social distancing.
- (c) Where the health practitioner or authorised officer requires a person to maintain absolute isolation in a closed room, the occupant shall comply with the same for his or her own safety and that of the other occupants.

10 Prohibition of smoking

- (a) Smoking is prohibited in the Designated Residence.
- (b) The authorised officers may designate certain areas for smoking which shall be in an open space outside any buildings.

11 Visitors not allowed

- (a) Visitors are not permitted at the Designated Residence.
- (b) Where occupants' families or friends intend to provide personal effects, food or other edible items, these shall be given to an authorised officer at the gate, who shall deliver the same to the respective occupant at a time fixed by the Site Manager.

12 Authorised persons

- (a) For the purposes of safety of health, no person, other than authorised persons are allowed to enter the Designated Residence.
- (b) Authorised persons shall carry with them photo identification cards or approved passes at all times.
- (c) The authorised persons shall at all times be equipped with personal protective equipment when entering the Designated Residence for their own safety of health and that of the occupants or other authorised persons.

13 Prohibited items

- (a) The authorised officers may prohibit the keeping of any items or weapons which may not be reasonably safe to be kept by any of the occupants.
- (b) The authorised officers may require the delivery of such items for safekeeping which shall be returned to the occupants at the time of departure from the Designated Residence.

14 Responsibilities of authorised officers

Authorised officers at all times shall:

- (a) maintain professionalism and treat everyone with respect and dignity;
- (b) not have, control, provide or hide prohibited items or engage in any activity that may risk or endanger the safety and wellbeing of others in the Designated Residence;
- (c) report to the Site Manager any actual or suspected cases of violence, child abuse or any type of assault;
- (d) perform any screening, searching and checking of bags and service vehicles in an appropriate manner;

- (e) ensure that a person or vehicle entering or exiting the Designated Residence shall be recorded in the Register of movements;
- (f) provide assistance when required or where necessary to an occupant or other authorised person;
- (g) not bring bags into Designated Residence unless such bags are for official use;
- (h) not remove any property from the Designated Residence including those belonging to the occupants;
- (i) maintain a safe distance from the occupants;
- (j) wear personal protective equipment; and
- (k) comply with any directions or instructions given by the Site Manager or health practitioners at the Designated Residence.

15 Prohibition on photographs, filming, recording and social media

- (a) The Designated Residence is for the purposes of health safety as such, the privacy of every person in the Designated Residence shall be honoured and respected by all persons which includes the occupants, health practitioners, authorised officers, other service providers and passers-by.
- (b) Photographing, filming, livestreaming or any other means of taking images or pictures is strictly prohibited at the Designated Residence as this may constitute an intrusion of privacy of occupants.
- (c) Publishing, tweeting, uploading stories on IMO and Facebook or conveyance in any other digital form including social and mass media, of a person, or activity in the Designated Residence is not permitted to protect and preserve privacy of occupants.

16 Confidentiality

All persons at the Designated Residence shall maintain confidentiality of a person who may be infected by the virus or are required to remain in any of the Designated Residences.

17 Security Incident Reports

- (a) All authorised officers shall be vigilant and assist with identifying safety and security breaches.
- (b) Where a security incident is observed, the matter shall be reported to security immediately and an incident report shall be completed as soon as practicable.

18 Use of reasonable force

An authorised person may take such reasonable action or use reasonable force where necessary for the purposes of maintaining peace and order at the Designated Residence.

19 Emergency Procedures

- (a) In the event of an emergency, authorised officers shall:
 - (i) remove the occupants from immediate danger to a place of safety or designated evacuation assembly area;
 - (ii) inform staff, occupants and any stakeholders of the emerging incident;

- (iii) require the occupants to proceed to the evacuation assembly area immediately if an evacuation tone is sounded or if requested to evacuate; and
- (iv) ensure the occupants remain in the evacuation assembly area until advised it is safe to return to the Designated Residence.
- (b) The location of the evacuation assembly area can be identified on the evacuation plan with the markers indicated.
- (c) In case of emergency, all occupants shall strictly comply with the instructions and directions of authorised officers.

20 Medical Assistance

- (a) Health practitioners from the Department of Health and Medical Services shall provide necessary medical assistance at the Designated Residence.
- (b) Authorised officers shall report a person who reports sick or shows any symptoms of sickness which includes fever, cough, tiredness and difficulty breathing (*symptoms of the virus*) to the health practitioners for immediate medical examination and treatment.
- (c) Authorised officers shall assist the health practitioners on their daily checks of the occupants.

21 Complaints procedure

- (a) An occupant, who has any complaint, may make such complaint to an authorised officer.
- (b) On receipt of any complaints, the authorised officer shall deal with such complaint immediately or report the same to the Site Manager for consideration.

Notes:

Authorised officers include:

- (a) Police Officers;
- (b) Community Liaison Officers; and
- (c) such Security Officers engaged or employed for the purposes of the Act and Declaration to provide security specifically at the designated residences.

[The next page is 308,401]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 3 of 2020

TABLE OF AMENDMENTS

The National Disaster Risk Management (Management and Minimisation for the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 3 of 2020 were notified on 9 April 2020 (GN No 247/2020; Gaz 85/2020).

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

[The next page is 308,601]

DECLARATION OF REMAND CENTRE

[Section 26; Regulation 31]

PURSUANT to the powers vested in me under Regulation 31, **I, Lionel Rouwen Aingimea, MP**, Minister for National Emergency Services, do hereby **ORDER** that the former Correctional Centre at Yaren District be the Remand Centre for the purposes of the Coronavirus (COVID-19).

The Remand Centre is limited to the accommodation of accused persons who may be subject to screening or observation purposes for Coronavirus (COVID-19) and remanded by an order of the Court or required to be detained by Nauru Police Force pending investigation.

[The next page is 308,801]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order No 4 of 2020

TABLE OF PROVISIONS

Clause

1	Objective of the Rules
2	Remand Centre
3	Occupants to acquire knowledge of Remand Centre
4	Occupants to provide personal details
5	Obligations of occupants
6	Clothing
7	Necessities
8	Social distancing
9	Prohibition of smoking
10	Visitors not allowed
11	Authorised persons
12	Prohibited items
13	Responsibilities of Correctional officers and authorised officers
14	Prohibition on photographs, filming, recording and social media
15	Confidentiality
16	Incident Reports
17	Use of reasonable force
18	Medical Assistance
19	Complaints procedure

[The next page is 309,001]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 4 of 2020

TABLE OF AMENDMENTS

The National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 4 of 2020 were notified on 22 April 2020 (GN No 261/2020; Gaz 88/2020).

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

[The next page is 309,201]

RULES FOR REMAND CENTRE

[Section 26; Regulation 31]

PURSUANT to the powers vested in me under Regulation 31, **I, Lionel Rouwen Aingimea, MP**, Minister for National Emergency Services, do hereby **MAKE** the following Rules for the occupation and use of the Remand Centre for the purposes of the Coronavirus (COVID-19):

1 Objective of the Rules

The purpose and the objective of these Rules are to supplement the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19) Regulations 2020* to maintain peace and order at all times in or around the Remand Centre and to ensure the safety of health of the remand inmates both at the principal Remand area at the Correctional Centre and also the Remand Centre.

2 Remand Centre

The former Correctional Centre at Yaren is declared the Remand Centre with effect from 9th April 2020 for the accommodation:

- (a) of accused persons who may be subject to screening or observation purposes for Coronavirus (COVID-19) and remanded by an order of the Court;
- (b) for other persons required to be detained by the Nauru Police Force for a maximum period of 24 hours permitted under the *Constitution* pending investigation; or
- (c) for other persons who may have come into contact with a persons referred to in subrules (a) and (b) with or without any contact tracing for the purposes of screening and observation.

3 Occupants to acquire knowledge of Remand Centre

All persons required under Rule 2 to be held in or stay in the Remand Centre shall be provided with and familiarised with these Rules, other written laws pertaining to the Coronavirus (COVID-19) and the health and safety instructions provided by health practitioners or any authorised person.

4 Occupants to provide personal details

- (a) All occupants shall provide the following personal details to an authorised person:
 - (i) full name;
 - (ii) residential and email addresses;
 - (iii) mobile number; and
 - (iv) full name and mobile number of emergency contact.
- (b) Where necessary, an occupant shall provide the names and contacts of persons that such occupant had been in close contact with prior to being moved to the Remand Centre.
- (c) The details provided by an occupant to an authorised person shall be kept confidential and only used for official purposes.

5 Obligations of occupants

All occupants shall:

- (a) comply with the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*, Regulations, Orders and these Rules;
- (b) comply with all reasonable instructions and directions of the authorised persons;
- (c) refrain from obtaining or possessing any prohibited items or such items that may not be authorised to be brought in or retained by any occupant;
- (d) not bring into, obtain or consume any intoxicating substances or drugs in the Remand Centre;
- (e) refrain from using any offensive, abusive or derogatory words, language or gestures;
- (f) maintain high level of hygiene as may be directed by a health practitioner or any authorised officer – that is, wash hands regularly with water and soap, cough and sneeze into elbow and not hands, and maintain safe distance from other occupants;
- (g) not damage or destroy any property in the Remand Centre;
- (h) submit to medical examination on request of a health practitioner on site; and
- (i) report to the Correctional officers or any authorised person any actual or suspected cases of violence or any type of assault.

6 Clothing

- (a) All occupants may wear clothing of their own if and insofar as it is suitable and clean.
- (b) Subject to Rule 10(b), Correctional officers may arrange for sufficient clean clothing to be brought for occupants from their families.

7 Necessities

- (a) All occupants shall be provided with adequate food and water as is provided in the principal remand area at the Correctional Centre.
- (b) Correctional officers shall ensure the dietary or religious needs of persons occupying the Remand Centre are met.

8 Social distancing

- (a) Where social distancing is directed by a health practitioner or an authorised officer, the occupants shall be kept separately in individual remand blocks or cells.
- (b) Where a health practitioner or authorised officer requires a person to maintain absolute isolation in a closed room, the occupant shall comply with the same for his or her own safety and that of the other occupants.
- (c) Spitting through the locked cells' doors or windows is strictly prohibited.

9 Prohibition of smoking

Smoking is prohibited in the Remand Centre.

10 Visitors not allowed

- (a) Visitors are not permitted at the Remand Centre except for the requirements under the *Correctional Services Act 2009*.

- (b) Where occupants' families or friends intend to provide personal effects, food or other edible items, these shall be given to a Correctional officer at the reception area, who shall deliver the same to the respective occupant at a time fixed by the Chief Correctional Officer.
- (c) Where necessary, the Correctional officers shall use their discretion to allow occupants to be able to be in contact with their family members through telephone calls.
- (d) Occupants may be permitted to have phone calls with a duration of one hour 3 times a week.

11 Authorised persons

- (a) For the purposes of safety of health, no person, other than Correctional officers and authorised persons are allowed to enter the Remand Centre.
- (b) Authorised persons shall carry with them photo identification cards or approved passes at all times.
- (c) The Correctional officers and authorised persons shall at all times be equipped with personal protective equipment when entering the Remand Centre for their own safety of health and that of the occupants or other authorised persons.

12 Prohibited items

- (a) An occupant shall not acquire, obtain, possess or supply to another occupant any of the following items:
 - mobile phone;
 - personal stereos and earphones;
 - any item which may be used as a weapon;
 - cigarettes;
 - alcohol;
 - intoxicating substances or drugs;
 - lighter, matches or any flammable substance used to light a fire;
 - pressurised spray canister;
 - paint;
 - glue;
 - oil;
 - camera;
 - data storage device;
 - a device that includes a modem or other device enabling it to transmit data to or from a network of computers; or
 - pornographic material.
- (b) A Correctional officer or authorised person may confiscate any prohibited item found in the possession of an occupant.

13 Responsibilities of Correctional officers and authorised officers

The Correctional officers and authorised officers at all times shall:

- (a) not have, control, provide or hide prohibited items or engage in any activity that may risk or endanger the safety and wellbeing of others in the Remand Centre;
- (b) report to the Chief Correctional Officer any actual or suspected cases of violence or any type of assault;

- (c) perform any screening, searching and checking of bags and service vehicles in an appropriate manner;
- (d) ensure that a person entering or exiting the Remand Centre shall be recorded;
- (e) provide assistance when required or where necessary to an occupant or other authorised person;
- (f) not remove any property from the Remand Centre including those belonging to the occupants;
- (g) maintain a safe distance from the occupants; and
- (h) comply with any directions or instructions given by the Chief Correctional Officer or health practitioners at the Remand Centre.

14 Prohibition on photographs, filming, recording and social media

- (a) Photographing, filming, livestreaming or any other means of taking images or pictures is strictly prohibited at the Remand Centre by a person.
- (b) Publishing, tweeting, uploading stories on IMO and Facebook or conveyance in any other digital form including social and mass media, of a person, or activity in the Remand Centre is not permitted by a person.

15 Confidentiality

All persons at the Remand Centre shall maintain confidentiality of a person who may be infected by the virus or are required to remain in the Remand Centre.

16 Incident Reports

- (a) All correctional officers and authorised officers shall be vigilant and assist with identifying safety and security breaches.
- (b) Where an incident is observed, the matter shall be reported to the Chief Correctional Officer immediately and an incident report shall be completed as soon as practicable.

17 Use of reasonable force

The Correctional officers and authorised officers may take such reasonable action or use reasonable force where necessary for the purposes of maintaining peace and order at the Remand Centre.

18 Medical Assistance

- (a) Health practitioners from the Department of Health and Medical Services shall provide necessary medical assistance at the Remand Centre.
- (b) The correctional officers and authorised officers shall report a person who reports sick or shows any symptoms of sickness which includes fever, cough, tiredness and difficulty breathing (*symptoms of the virus*) to the health practitioners for immediate medical examination and treatment.
- (c) The correctional officers or authorised officers shall assist the health practitioners on their daily checks of the occupants.

19 Complaints procedure

- (a) A remand inmate, who has any complaint, may make such complaint to the Chief Correctional Officer or the Registrar of Courts.

- (b) Except for the remand inmates, all other occupants may make their complaints to a correctional officer or the supervisor of the security on duty.
- (c) The keeping of any persons in the Remand Centre is limited to 14 days or as directed by a health practitioner and where necessary, an order of the court.

[The next page is 310,201]

Appointment of Authorised Officers

TABLE OF AMENDMENTS

The Appointment of Authorised Officers were notified on 21 March 2020 (GN No 217/2020; Gaz 74/2020).

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

[The next page is 310,401]

Appointment of Authorised Officers

[Section 32]

Pursuant to the powers vested in me under Section 32 of the Act, **I, Lionel Rouwen Aingimea, M.P.**, hereby appoint the following classes of persons as authorised officers for the purposes of the Act and the **Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)** at all Designated Residences:

1. Police Officers;
2. Community Liaison Officer; and
3. Such Security Officers engaged or employed for the purposes of the Act and Declaration to provide security specifically at the designated residences.

The authorised officers shall exercise all such powers contained in Section 33 and 34 of the Act.

POWERS OF AUTHORISED OFFICERS

[Section 34]

- (1) An authorised officer may do any of the following:
 - (a) control the movement of persons, animals or vehicles within, into, out of or around any particular areas;
 - (b) give a direction to a person to regulate the movement of the person, an animal or a person within, into, out of or around any particular areas;
 - (c) evacuate persons or animals from a particular area;
 - (d) take into a particular area the equipment, persons or material the authorised officer reasonably requires for exercising a power under this Act;
 - (e) contain an animal or substance in a particular area;
 - (f) remove or destroy any animal, vegetation or substance within a particular area;
 - (g) remove, dismantle, demolish or destroy a vehicle, or a building or a structure in a particular area;
 - (h) shut off or disconnect a supply of fuel, gas, electricity or water, and take and use the supply of fuel, gas, electricity or water;
 - (i) turn off, or disconnect any motor or equipment;
 - (j) open a container or other thing, or dismantle equipment;
 - (k) build temporary structures or barricades;
 - (l) close any road;
 - (m) maintain, restore or prevent the destruction of essential services; or
 - (n) require a person to give reasonable assistance to allow the authorised officer to exercise his or her powers.
- (2) An authorised officer may enter any building or property without a warrant or the consent of the owner if exercising his or her powers under the Act.
- (3) In the exercise of his or her powers under the Act, an authorised officer may use reasonable force against a person.

- (4) When giving a direction under the Act, an authorised office shall ensure to inform the other person that it is an offence to fail to comply with a directive unless the person has a reasonable excuse.

[The next page is 310,601]

National Disaster Risk Management (Coronavirus (Covid-19)) (Community Transmission) and (Public Health Safety) Regulations 2020

TABLE OF PROVISIONS

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<i>Regulation</i>	<i>Title</i>
30	Jurisdiction of court
31	Power to arrest without warrant
32	Liability for coming into physical contact with person in Designated Residence, Remand Centre or other place of social distancing
33	Application of Criminal Procedure Act 1972
34	Fixed penalty offences
35	Disposal of infectious waste
36	Disposal of used personal protective equipment
	SCHEDULE 1 — CORONAVIRUS (COVID-19) FIXED PENALTY NOTICE
	SCHEDULE 2 — PRESCRIBED OFFENCES AND PENALTIES

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National Disaster Risk Management (Coronavirus (Covid-19)) (Community Transmission) and (Public Health Safety) Regulations 2020

TABLE OF AMENDMENTS

The National Disaster Risk Management (Coronavirus (Covid-19)) (Community Transmission) and (Public Health Safety) Regulations 2020 SL 9 were notified and commenced on 4 May 2020 (GN No 282/2020; Gaz 94/2020).

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

[The next page is 311,001]

The Cabinet makes the following Regulations under Section 86 of the *National Disaster Risk Management Act 2016* to supplement the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*:

1 Citation

These Regulations may be cited as the *National Disaster Risk Management (Coronavirus (COVID-19)) (Community Transmission) and (Public Health Safety) Regulations 2020*.

2 Commencement

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

3 Objectives

The objectives of these Regulations are to:

- (a) prevent the spread of the pandemic Coronavirus (COVID-19) which is reasonably required in the interest of public safety and public health;
- (b) supplement and give effect to *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)* declared on 16 March 2020 and any extensions that may be necessary; and
- (c) encourage voluntary action by all citizens and residents of the Republic to comply with all instructions, requirements and directions by the relevant authorities and enforcement of any such instructions, requirements and directions is only anticipated, where voluntary compliance is not observed and necessary as a means to ensure public safety and public health.

4 Definitions

In these Regulations:

‘biological specimen’ includes blood sample, respiratory secretions or secretions or swabs taken through the nasopharynx;

‘biological waste’ includes blood and blood products, excretions, exudates, secretions, suctioning and other body fluids that cannot be directly discarded into the sewer system but excludes articles contaminated with fully absorbed or dried blood;

‘contact tracing’ means tracing any person, who has had contact with or been exposed to a potentially infectious person, within a timeframe ranging from 48 hours before and 14 days after the onset of sign or symptoms or 14 days immediately prior to the actual diagnosis of the potentially infectious person being infected by the declared disease;

‘cultures and stocks’ include etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures;

‘declared disease’ means Coronavirus (COVID-19) which is also declared as a quarantinable disease under the provisions of the *Quarantine Act 1908*;

'health practitioner' has the same meaning under the *Health Practitioners Act 1999*;

'infectious waste' includes biological waste, culture and stocks, pathological waste and sharps;

'Minister' unless otherwise stated, means the Minister for National Emergency Services;

'minor' means a person below the age of 18 years;

'other place of social distancing' includes private homes and residences other than Designated Residences and Remand Centre;

'pathological waste' includes biopsy materials, all human tissues, anatomical parts from surgery and other procedures;

'personal protective equipment' includes gloves, masks, gowns, face protection, goggles, faceshield, coveralls, headcover, rubber boots and any other similar products or items to provide protection from the declared disease;

'potentially infectious person' means a person who:

- (a) at any time is or may be infected, carrier or contaminated with the declared disease and poses a risk of infecting or contaminating other persons but excludes any person who has been certified by a health practitioner to have recovered from the declared disease;
- (b) has last been in a restricted area for not less than 14 days; or
- (c) has been in contact with or exposed to a potentially infectious person;

'restricted area' means:

- (a) any country outside of the Republic where there is known to be human to human transmission of the declared disease; or
- (b) any area within the Republic declared under Regulation 13 where there is an outbreak or imminent outbreak of the declared disease and which already has or has the potential of human to human transmission;

'Secretary' means the Secretary for Health and Medical Services; and

'sharps' includes needles, scalpel blades, lancets, glass tubes or any other surgical equipment.

5 Notification of declared disease

- (1) A health practitioner shall notify the Secretary, where he or she is of the opinion or has reasonable cause to believe, that a person:
 - (a) attended to or treated by him or her presented signs or symptoms of the declared disease; or
 - (b) is a potentially infectious person.
- (2) A health practitioner who is in charge of a pathological laboratory shall notify the Secretary, if during an examination or diagnosis of any samples or specimens for testing, is of the opinion that a sample or specimen contains traces of the declared disease.
- (3) A health practitioner shall notify the Secretary immediately where a person's cause of death is diagnosed to be as a result of the declared disease.
- (4) The Secretary shall at all times:
 - (a) keep the Minister for Health and Medical Services informed of the notifications; and

- (b) maintain a register and record of all such notifications.
- (5) The Minister for Health and Medical Services may release a summary of the information for any official purposes or to the public.
- (6) The confidentiality of the names or identities of any potentially infectious person shall be maintained for the purposes of dissemination of any information under subregulation (5).

6 Power to require mandatory medical examination, diagnosis or treatment

- (1) Where the Secretary, a health practitioner or an authorised person is of the opinion or has reasonable cause to believe that a person:
 - (a) is presenting signs or symptoms of or is suffering from the declared disease; or
 - (b) is a potentially infectious person,the Secretary, a health practitioner or an authorised person may require such person to undergo medical screening, examination, diagnosis or treatment with or without such person's consent.
- (2) In the case of a minor or a person who is not able to give consent due to mental or physical incapacity, a parent or guardian of such person shall be qualified to give such consent for medical screening, examination, diagnosis or treatment.
- (3) For the purposes of requiring a person to undergo medical screening, examination, diagnosis or treatment under subregulation (1), the Secretary, a health practitioner or authorised person may receive information from any person including members of the community.
- (4) The Secretary, a health practitioner or an authorised person may:
 - (a) direct a potentially infectious person to undergo appropriate medical screening, examination, diagnosis or treatment;
 - (b) remove the person to a suitable place for medical screening, examination, diagnosis or treatment; or
 - (c) request a police officer to remove the person to a place for appropriate medical screening, examination, diagnosis or treatment where the potentially infectious person fails or refuses to voluntarily comply with paragraphs (a) and (b).
- (5) The Secretary, a police officer or an authorised person may exercise the powers conferred by subregulation (4) in relation to a potentially infectious person only where the Secretary, police officer or an authorised person considers it necessary and proportionate to do so:
 - (a) in the interests of the potentially infectious person;
 - (b) for the protection and safety of health of other persons; or
 - (c) for the purposes of public safety and public health declared under the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*.
- (6) Where the Secretary, a police officer or an authorised person exercises the powers conferred under this Regulation, he or she shall:
 - (a) inform the potentially infectious person of the reason for his or her removal; and
 - (b) inform the potentially infectious person that it is an offence for him or her:

- (i) to, without any reasonable excuse, decline or refuse to comply with the directions; or
 - (ii) where removed to a Designated Residence, Remand Centre or such other place of social distancing, to abscond from such place for the purposes of avoiding screening, examination, diagnosis or treatment.
- (7) Where the Secretary, a health practitioner or an authorised person requires a potentially infectious person to remain at a place, he or she shall inform such person:
- (a) of the reason for imposing the requirements;
 - (b) of the maximum period the person may be required to remain at such place; and
 - (c) that it is an offence to neglect or fail to comply with the requirements.
- (8) A person who neglects or fails to comply with this Regulation, commits a strict liability offence and shall be liable to pay a fixed penalty of \$5,000 which shall be paid within 7 days of the date of the service of the notice for the fixed penalty.
- (9) Where the person fails to comply with this Regulation and fails to pay the fixed penalty of \$5,000, he or she commits a strict liability offence and is liable to a term of imprisonment not exceeding 6 months.

7 Obligations of a potentially infectious person

- (1) A potentially infectious person under Regulation 6 when required to, shall:
- (a) provide a biological sample or specimen;
 - (b) permit a health practitioner to extract or take such biological sample or specimen;
 - (c) produce any travel or other documents;
 - (d) provide his or her contact details in the Republic; and
 - (e) provide details of his or her travels or movements within and outside the Republic for the immediate past 21 days from the day on which he or she is contacted by the Secretary, a health practitioner or an authorised person.
- (2) A person who neglects or fails to comply with any request under subregulation (1), commits a strict liability offence and shall be liable to pay a fixed penalty of \$5,000.
- (3) A potentially infectious person who fails to comply with the requirements of subregulation (1):
- (a) shall be removed to a Designated Residence or be required to self-isolate;
 - (b) on an application of the Minister for Health and Medical Services, be required by an order of the court to comply with the requirements of subregulation (1); and
 - (c) commits an offence and is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 6 months or to both.

8 Social distancing of potentially infectious person

Where a potentially infectious person is required to remain at a Designated Residence, he or she may be required to move to another Designated Residence or such other place for the purposes of social distancing, screening, observation, diagnosis or treatment.

9 Powers after examination

- (1) Where a potentially infectious person has been screened or examined by a health practitioner and where the results of such screening or examination:
 - (a) confirms that such person is infected or contaminated with the declared disease;
 - (b) is inconclusive; or
 - (c) to a health practitioner still poses a prospect of the person being potentially infectious,such person may be required to maintain social distancing or remain in any of the Designated Residences or such other place for such period as may be necessary.
- (2) After the results of the screening or examination under subregulation (1), such person shall, when required to by a health practitioner or a police officer:
 - (a) provide health details to a health practitioner;
 - (b) provide his or her contact details;
 - (c) undergo further screening or examination;
 - (d) remain at a specified place and for a specified period;
 - (e) maintain social distancing from other persons for a specified period;
 - (f) restrain any travel or movement to, from or within the Republic; or
 - (g) refrain from attending to work, other business activities, social or religious gatherings, funerals or such other places where the public have unrestricted access to, including shopping centres, supermarkets and public parks.
- (3) Where a health practitioner or police officer imposes a restriction under subregulation (2), he or she shall inform the person of the reasons for such restrictions and that a failure to comply with such restrictions constitutes an offence.

10 Discharge of persons

Where a person is screened or examined and has no signs or symptoms of the declared disease, such person:

- (a) shall be permitted to re-join the community as soon as practicable;
- (b) may, on the advice of a health practitioner, still be monitored from time to time to ensure the person has fully recovered from the declared disease; and
- (c) may be required to undergo examination for anti-bodies or immunities testing against the declared disease.

11 Post mortem examination

The Secretary may order a post mortem examination where:

- (a) the death of a person is suspected to have been caused by the declared disease and the facts relating to the death cannot with certainty be ascertained without a post mortem examination;
- (b) it is necessary for preventing the occurrence or spread of the declared disease; or
- (c) it is necessary for the purposes of scientific or medical research for the study of the cause, transmission and treatment of the declared disease.

12 Person presenting signs or symptoms, suffering from or carrier of declared disease

- (1) A person who:
 - (a) is presenting signs or symptoms of, suffering from or is a carrier of the declared disease; or
 - (b) after contact tracing, is found to have been in contact with a person who is suffering from or is a carrier of the declared disease; and
 - (c) is required by the Secretary, an authorised person or a health practitioner to socially distance himself or herself,shall reside in a Designated Residence, the Remand Centre or such other place for such period as may be necessary.
- (2) A person in a Designated Residence shall be personally responsible for any damage or loss to property which is allocated to him or her individually or jointly.

13 Restricted area during outbreak or imminent outbreak

- (1) The Minister, with the approval of the Cabinet, may by an order declare an area in the Republic to be a restricted area where he or she has reasonable cause to believe that:
 - (a) there is an outbreak or imminent outbreak of the declared disease; and
 - (b) such outbreak poses a risk to public safety and public health.
- (2) The Minister may declare any country a restricted area for the purposes of these Regulations.
- (3) The order may contain such conditions as the Minister may deem necessary.

14 Entering hospital or public health centre

For the purposes of managing and minimising the impacts of the declared disease and for public safety and public health, all persons entering the RON hospital or health centres:

- (a) shall submit to a thermal screening process or other health measures as directed by the Secretary or a health practitioner; or
- (b) may be required to handover or allow the search of any bags or items as may be reasonably necessary.

15 Destruction and disposal of materials

The Minister, in consultation with the Minister for Health and Medical Services, may order the destruction and disposal of any edible items or such other material which is suspected of or is contaminated and is likely to be a source of transmission of the declared disease.

16 Contact tracing

- (1) The Secretary, a health practitioner, an authorised person or a police officer may carry out contact tracing for the purposes of public safety and public health.
- (2) The Secretary shall compile, update and maintain a list of persons, families, households, workplaces and such other places for the purposes of tracing the suspected or actual spread or transmission of the declared disease,

which record shall comply with the confidentiality requirements of a medical patient except for any lawful purposes including those under these Regulations.

- (3) Where the Secretary is of the opinion that any such person is found to have been in contact with a potentially infectious person, he or she shall direct such person to reside in a Designated Residence or such other place where he or she is able to socially distance from other persons.
- (4) Where a person fails to comply with the directions of the Secretary under subregulation (3), a health practitioner, a police officer or an authorised person may use reasonable force to ensure such person maintains social distancing in accordance with the directions of the Secretary.
- (5) A person who fails to comply with the directions of the Secretary shall be liable to a fixed penalty of \$5,000:
 - (a) which shall be issued by a police officer in the prescribed form; and
 - (b) such person shall continue to pay a penalty of \$1,000 a day until such time he or she complies with the directions of the Secretary.
- (6) Where a person fails to comply with subregulation (5), he or she commits a strict liability offence and in addition to the fixed penalty, is liable to a term of imprisonment not exceeding 6 months.

17 Self-isolation other than Designated Residence or Remand Centre

- (1) The Secretary or an authorised person may direct any person to self-isolate at a place where he or she normally resides within a specified time to prevent the likely outbreak or reduce the spread of the declared disease for the purposes of public safety and public health.
- (2) A person under subregulation (1) shall:
 - (a) comply with these Regulations and where applicable, other Regulations and rules relating to Designated Residences and Remand Centre;
 - (b) comply with all instructions, requirements or directions as may be given from time to time by the Secretary or any authorised person; or
 - (c) comply with the rules, instructions, requirements or directions of self-isolation.
- (3) A person in self-isolation shall not leave or attempt to leave the place of self-isolation within the specified time without the prior approval of the Secretary or an authorised person.
- (4) A person who contravenes subregulation (3) may be arrested without a warrant by a police officer.
- (5) A person who is arrested, may be:
 - (a) returned to where he or she resides;
 - (b) required to maintain social distancing in such other place as may be deemed necessary including the Remand Centre; or
 - (c) investigated for any contravention of these Regulations or any other written law.
- (6) Where the person who contravened the order under this Regulation is a minor, the police officer or the authorised person may direct the parent or guardian of the minor to:
 - (a) accompany the minor to where the minor normally resides; and

- (b) ensure that the minor complies with any instruction, requirement or direction given by the police officer or the authorised person.
- (7) A person who fails to comply with an order, rule, instruction, requirement or direction under this Regulation shall be liable to pay a fixed penalty of \$5,000 and shall continue to pay a penalty of \$1,000 a day until such time such person complies with the order, rule, instruction, requirement or direction.
- (8) Where a person fails to comply with subregulation (7), he or she shall in addition to the fixed penalty, be liable to a term of imprisonment not exceeding 6 months.

18 Rules governing self-isolation

- (1) The Minister may make rules governing self-isolation.
- (2) The rules may provide for the:
 - (a) prohibition or restriction of any person from entering or leaving the place of self-isolation;
 - (b) prohibition or restriction of the movement of any goods or edible items from the place of self-isolation;
 - (c) prohibition on visitation of persons to the place of self-isolation;
 - (d) placement of police officers or security officers to monitor and control any movement of persons in or out of the place of self-isolation;
 - (e) unrestricted reasonable access to any person in the place of self-isolation by a health practitioner for the purposes of health examination;
 - (f) allowing police officers and authorised persons for visitations to or enter the place of self-isolation for the purposes of surveillance of any potentially infectious person; or
 - (g) other matters as may be necessary.

19 Restrictions on visitations or contact

- (1) No person shall visit or intentionally or recklessly come into physical contact with a potentially infectious person required to stay in a Designated Residence, Remand Centre or such other place of social distancing.
- (2) A person who fails to comply with subregulation (1), is liable to pay a fixed penalty of \$1,000 which shall be:
 - (a) issued by a police officer in the prescribed form; and
 - (b) paid within 7 days from the date of issue of such notice.
- (3) A person who contravenes subregulations (1) and (2), commits a strict liability offence and upon conviction, in addition to the fixed penalty, is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 6 months or to both.

20 Delivering food or basic necessities

- (1) A person may provide food or any other basic necessities to a potentially infectious person in a Designated Residence, Remand Centre or such other place of social distancing by leaving the same with a police officer or a security officer at the point of entry of any such place.
- (2) No person shall pass over or through the fence or provide food or any other basic necessities directly to a potentially infectious person in a Designated Residence, Remand Centre or such other place of social distancing.

- (3) A potentially infectious person in a Designated Residence, Remand Centre or such other place of social distancing shall not pass over or through the fence anything to a person outside such residence without the same being disinfected or fumigated by the relevant authority.
- (4) No person shall be permitted to visit or come into contact with a potentially infectious person at the Designated Residence, Remand Centre or such other place of social distancing by an on-duty police officer or security officer at the relevant site.
- (5) A person who fails to comply with subregulation (1) is liable to pay a fixed penalty of \$1,000 which shall be:
 - (a) issued by a police officer in the prescribed form; and
 - (b) paid within 7 days from the date of issue of such notice.
- (6) A person who contravenes this Regulation commits a strict liability offence and upon conviction, in addition to the fixed penalty, is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 6 months or to both.

21 Minors

- (1) A parent or guardian who has the responsibility for a minor shall so far as practicable, ensure that the minor complies with the instructions, requirements or directions given to or imposed on the minor.
- (2) A parent or guardian who has the responsibility for a minor shall provide to the Secretary, a health practitioner, a police officer or any authorised person, such information and assistance in relation to the minor as is reasonably necessary and practicable.
- (3) A power to direct or require a minor to maintain social distancing at a Designated Residence or such other place may instead be exercised by directing or requiring the parent or guardian who has the responsibility for the minor to take the minor to such Designated Residence or such other place.
- (4) A power in relation to the minor may only be exercised in the presence of:
 - (a) a parent or guardian responsible for the minor;
 - (b) if the minor is not accompanied by a parent or guardian, any other adult person who may have control over the minor; or
 - (c) an officer from the Child Protection Unit of the Department of Women and Social Development Affairs.

22 Control of employment, trade or business

- (1) The Minister may by an order, direct any employer, trade or business to take any measure as may be reasonably necessary for the purposes of public safety and public health.
- (2) The order under subregulation (1), may require:
 - (a) cessation of such business or trade at a specified place or for a specified time;
 - (b) an employee who is a potentially infectious person to take extended sick leave or absence from work with pay in addition to the employee's prevailing entitlements;
 - (c) such business or trade to reorganise the work schedule and practice to allow for social distancing;

- (d) an employee who is under instruction, requirement or direction, by the Secretary or authorised person to maintain social distancing shall be paid his or her remuneration; or
 - (e) such other measures as may be necessary for public safety and public health.
- (3) Notwithstanding subregulations (1) and (2), an employer, trade or business may provide its own procedure to prevent the likely outbreak or reduce the spread of the declared disease or in the interest of public safety and public health.
- (4) Where an employee, by his or her own wilful conduct, fails to maintain social distancing or is required to be removed to and remain in a Designated Residence, Remand Centre or such other place of social distancing, when directed by the Secretary or an authorised person, such employee may not be paid remuneration or benefits.

23 Form of instruction, requirement or direction

An instruction, requirement or direction may be given or imposed verbally or in writing by the Minister, Minister for Health and Medical Services, Secretary, a health practitioner, a police officer or an authorised person.

24 Ancillary powers

The Minister for Health and Medical Services, Secretary, a health practitioner, a police officer or an authorised person may give reasonable instructions, requirements or directions to a person in connection with:

- (a) an instruction, requirement or direction in addition to that already given to that person;
- (b) socially distancing the person to or keeping the person at a place;
- (c) entering any place for the purpose of exercising a power conferred under these Regulations;
- (d) using reasonable force if necessary to exercise the powers conferred under these Regulations; or
- (e) informing a person of the reason for the instruction, requirement or direction and that failure to comply with the same constitutes an offence.

25 Offences

- (1) A person commits an offence, if he or she:
- (a) conceals or fails to report in a timely manner to the Secretary any case of contracting the declared disease;
 - (b) intentionally declares or reports false information on the declared disease;
 - (c) intentionally comes into contact with a potentially infectious person in a Designated Residence, Remand Centre or other place of social distancing with or without any intention to be required to be removed or taken in the Designated Residence or Remand Centre;
 - (d) discriminates against, publishes negative images of and information on any potentially infectious person;
 - (e) fails without reasonable excuse to comply with measures for preventing and controlling the declared disease;

- (f) refuses to accept service of a Coronavirus (COVID-19) Fixed Penalty Notice issued under these Regulations;
 - (g) fails without reasonable excuse to comply with the rules for a Designated Residence, Remand Centre or self-isolation;
 - (h) fails without reasonable excuse to comply with any instruction, requirement or direction given to or imposed on the person;
 - (i) fails without reasonable excuse to comply with any responsibilities under these Regulations;
 - (j) absconds or attempts to abscond while being removed to or socially distanced at a Designated Residence, Remand Centre or such other place of social distancing;
 - (k) knowingly provides false or misleading information when information is required by the Secretary, a health practitioner, a police officer or an authorised person;
 - (l) utters, publishes, posts, livestreams, messages, records any false, misleading or inaccurate information relating to the declared disease, public information by Government or potentially infectious person, by means of social or mass media or any other electronic or digital form;
 - (m) fails to comply with the requirements of these Regulations;
 - (n) disposes of any personal protective equipment or infectious waste contrary to the requirements of these Regulations; or
 - (o) obstructs or hinders a person in the exercise of such person's functions or powers under these Regulations or any other written law.
- (2) A person who fails to comply with subregulation (1), is liable to pay a fixed penalty of \$1,000 which shall be:
- (a) issued by a police officer in the prescribed form; and
 - (b) paid within 7 days from the date of service of such notice.
- (3) A person who fails to comply with the requirement of paying the fixed penalty under subregulation (2) or any other Regulations providing for the payment of fixed penalties shall be:
- (a) summoned to attend court; and
 - (b) in addition to the respective fixed penalty, liable to a fine of \$5,000 or a term of imprisonment not exceeding 6 months or to both.
- (4) Where there is any inconsistency with this Regulation and any specific offence provided for in other parts of these Regulations, the specific offence provisions prevail.

26 Coronavirus (COVID-19) Fixed Penalty Notice

- (1) A police officer may issue a Coronavirus (COVID-19) Fixed Penalty Notice to a person that the police officer has reasonable cause to believe has committed an offence under these Regulations.
- (2) The Coronavirus (COVID-19) Fixed Penalty Notice is set out in Schedule 1.
- (3) A Coronavirus (COVID-19) Fixed Penalty Notice shall:
 - (a) state the name and address of the offender;
 - (b) provide details of the circumstances alleged to constitute the offence; and
 - (c) specify the amount of the fixed penalty.
- (4) Where a person is served with a Coronavirus (COVID-19) Fixed Penalty Notice under these Regulations:

- (a) no proceedings may be taken for the offence before the end of the period of 7 days following the date of service of such notice; and
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of the 7 day period.

27 Offender to be informed

A police officer who issues a Coronavirus (COVID-19) Fixed Penalty Notice to an offender shall inform the offender:

- (a) of the contents of the Notice;
- (b) that he or she shall pay the penalty or appear in court to contest or defend the Notice; and
- (c) that the penalty shall be paid within 7 days of service of such Notice.

28 Coronavirus (COVID-19) Fixed Penalty Notice court appearances

- (1) Where a person served with a Coronavirus (COVID-19) Fixed Penalty Notice, fails to pay the penalty and pleads guilty on the date of the hearing of the offence contained in Part 3 of the Notice, the court:
 - (a) shall impose the penalty for the offence as contained in these Regulations;
 - (b) shall order court costs of \$100; and
 - (c) may grant such other orders the court deems fit to ensure compliance with the order of the court not limited to committal.
- (2) The Resident Magistrate may hear and determine any offences under these Regulations where a person fails to attend court by himself or herself or by a legal representative on the date so required to be by the Notice.
- (3) The Resident Magistrate:
 - (a) shall impose a penalty for the offence as contained in these Regulations;
 - (b) shall order court costs of \$100; and
 - (c) may grant such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (4) Where the person is present or represented by a legal practitioner and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.

29 Obligation of employer of security officers

- (1) Where any breach or contravention of any Regulations, rules or directions or any other written law in respect of managing and minimising the impacts of Coronavirus (COVID-19):
 - (a) is caused or occasioned by any wilful conduct or neglect of any security officer, at any of the Designated Residences, Remand Centre or such other place of social distancing; and
 - (b) the Republic incurs any cost or expenses for the purposes of containing the declared disease,the employer or the security firm which employs or subcontracts such security officer shall be liable to pay such costs or expenses.
- (2) The cost payable per potentially infectious person per day is fixed at \$250, which sum shall be deducted from the payments by the Secretary for

Finance prior to the payments being made for the contractual services provided by the employer or the security firm.

- (3) The cost per day continues to accrue until such time any potentially infectious person is authorised to leave such Designated Residence, Remand Centre or such other place of social distancing.
- (4) Any monies due and owing under this Regulation is a debt to the Republic and is recoverable by a garnishee order directly from the employer's or security firm's bank account or by civil proceedings.

30 Jurisdiction of court

- (1) The District Court shall have the jurisdiction to hear and determine any cause or matter under these Regulations including any interlocutory applications, applications for medical consent, removing or remanding of a potentially infectious person in a Designated Residence, Remand Centre or other place of social distancing, enforcement of any instruction, requirement or direction and contempt proceedings for non-compliance of any orders of the court.
- (2) The court may hear any interlocutory application in a cause or matter including an offence committed or contempt proceedings under these Regulations involving a potentially infectious person in his or her absence to prevent the spread of the declared disease for public safety and public health.
- (3) The court shall not hear the substantive cause or matter until such time the potentially infectious person has recovered from the declared disease and is able to attend court, engage a legal representative or defend the cause or matter in person.
- (4) For the purposes of subregulation (2), the court may:
 - (a) communicate with the potentially infectious person over the telephone or other form of live communication technology, notwithstanding any laws prohibiting such form of proceedings for other causes or matters;
 - (b) allow a legal practitioner to represent the potentially infectious person in his or her absence from court; or
 - (c) direct the Office of the Public Legal Defender to obtain necessary instructions for the purposes of the interlocutory hearing from the potentially infectious person.

31 Power to arrest without warrant

- (1) A person who contravenes these Regulations or fails to comply with instructions, requirements or directions of the Secretary, a health practitioner or an authorised officer may be arrested without a warrant by a police officer.
- (2) A person who is arrested may be:
 - (a) returned to where he or she is required to reside;
 - (b) required to maintain social distancing in such other place as may be deemed necessary including the Remand Centre; or
 - (c) investigated for any contravention of these Regulations or any other written law.

32 Liability for coming into physical contact with person in Designated Residence, Remand Centre or other place of social distancing

- (1) A person who intentionally or recklessly comes into contact with a potentially infectious person in a Designated Residence, Remand Centre or other place of social distancing for no lawful reason:
 - (a) may be required to be removed or taken into a Designated Residence or Remand Centre; or
 - (b) may be required to self-isolate in other place of social distancing.
- (2) In case of a person in subregulation (1)(a), he or she shall be liable to pay the expenses incurred by the Government which sum shall be fixed at \$250 per day for such time that person is required to remain in a Designated Residence or Remand Centre.
- (3) Any monies due and owing under this Regulation is a debt to the Republic and is recoverable by a garnishee order directly from such person's bank account or by civil proceedings.

33 Application of Criminal Procedure Act 1972

The *Criminal Procedure Act 1972* applies *mutatis mutandis* to any relevant proceedings under these Regulations.

34 Fixed penalty offences

- (1) The fixed penalty offences under these Regulations are summarised and set out in Schedule 2.
- (2) The fixed penalty shall be paid to the Nauru Revenue Office and a copy of the official receipt is to be submitted to the Registrar of Courts.
- (3) Where an offender provides an official Nauru Revenue Officer receipt for the payment of the penalty under subregulation (2), the Registrar of Courts shall not list his or her case before the Resident Magistrate.

35 Disposal of infectious waste

All health practitioners shall ensure that infectious waste is:

- (a) segregated from other wastes by storing such waste in separate closed containers at the point of segregation; and
- (b) disinfected prior to disposal by incineration.

36 Disposal of used personal protective equipment

- (1) Any used personal protective equipment shall be disposed of in closed containers or bags and destroyed by way of incineration.
- (2) A person who is authorised to or uses any personal protective equipment shall not:
 - (a) share, reuse or preserve any used personal protective equipment; or
 - (b) dispose of any used personal protective equipment other than as required under subregulation (1).

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SCHEDULE 1



REPUBLIC OF NAURU

**NATIONAL DISASTER RISK MANAGEMENT (CORONAVIRUS (COVID-19))
(COMMUNITY TRANSMISSION) AND (PUBLIC HEALTH SAFETY) REGULATIONS 2020**

[Regulation 26]

CORONAVIRUS (COVID-19) FIXED PENALTY NOTICE

<p>This Coronavirus (COVID-19) Fixed Penalty Notice is issued pursuant to the powers given to police officers under the <i>National Disaster Risk Management (Coronavirus (COVID-19) (Community Transmission) and (Public Health Safety) Regulations 2020</i> for offences under these Regulations.</p> <p>Important Notice: The consequence of not paying a penalty or fine shall result in proceedings for offences against you in the court where fines and imprisonment may be imposed.</p>	Fixed Penalty Notice No:	
	Date of Issue:	
	Penalty:	
	Due Date:	
		Payment shall be made at the Nauru Revenue Office within 7 days from the date of service of this Fixed Penalty Notice.

<p><u>PART 1: OFFENCE DETAILS</u></p> <p>Offender: Surname: Given Names:</p> <p>Nature of Offence: contrary to Regulation. of the <i>National Disaster Risk Management (Coronavirus (COVID-19) (Community Transmission) and (Public Health Safety) Regulations 2020</i></p> <p>Location: Date: Time:</p> <p>Details of the circumstances alleged to constitute the offence:</p>

.....
.....

Penalty \$. Police Officer’s Signature:

Police Officer’s Name: Date. / /20.

Acknowledgement of Service of Fixed Penalty Notice by: Name and Signature:
.....

Note:

- 1. This Notice shall only be served to the Offender at the time of the offence or as soon as practicable.
- 2. If the offender refuses to accept the Notice, he or she commits an offence under Regulation 25(1)(f) for which he or she is liable to a fine not exceeding \$5,000 in addition to the fixed penalty.

PART 2: TIME FOR PAYMENT OF PENALTY

A. Take Notice that the penalty shall be paid to the Nauru Revenue Office within 7 days of the date of the issuance of this Fixed Penalty Notice. Failure or late payment of the penalty shall result in payment of additional costs in the sum of \$.

B. Contesting the Fixed Penalty Notice

If you intend to defend or contest the Notice, you are to appear in person or by a legal representative in court on the date and time provided in Part 3.

PART 3: NOTICE TO ATTEND TO COURT

Take Notice that if you intend to contest or defend this notice, you shall attend the District Court at Yaren on day the day of 20. at noon for the hearing.

If you fail to attend to the hearing, the court shall proceed to hearing of the Fixed Penalty Notice in your absence and impose a fine and costs.

If you fail to pay the fine and costs ordered by the court, you shall be arrested under a committal warrant without any further notice.

AFFIDAVIT OF SERVICE

I. Police Officer make oath/solemnly affirm that I did on the day of. 20. served the offender. the original copy of this Coronavirus (COVID-19) Fixed Penalty Notice at. (time) on (date) AND he/she acknowledged service by affixing his/her signature to this Coronavirus (COVID-19) Fixed Penalty Notice.

Police officer: Before me:
.....

(Commissioner for Oaths)

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SCHEDULE 2

NATIONAL DISASTER RISK MANAGEMENT (CORONAVIRUS (COVID-19)) (COMMUNITY TRANSMISSION) AND (PUBLIC HEALTH SAFETY) REGULATIONS 2020

[Regulation 33]

PRESCRIBED OFFENCES AND PENALTIES

	Regulation	Fixed Penalty Offences	Fixed penalty	Court costs
1	16(5)	Fails to comply with directions of the Secretary – contact tracing measures	\$5,000	\$100
2	17(7)	Fails to comply with direction	\$5,000	\$100
3	19(3)	Fails to comply – restrictions on visitations or contact	\$1,000	\$100
4	20(5)	Fails to comply – delivering food or basic necessities	\$1,000	\$100
5	25(1)	<ul style="list-style-type: none"> (a) conceals or fails to report case of declared disease; (b) intentionally declares or reports false information; (c) intentionally comes into contact with a potentially infectious person in a Designated Residence, Remand Centre or other place of social distancing with or without any intention to be required to be removed or taken in the Designated Residence or Remand Centre; (d) discriminates, publishes negative images or information of person suffering from declared disease; (e) fails without reasonable excuse to comply with measures for preventing and controlling declared disease; (f) refuses to accept service of Coronavirus (Fixed Penalty) Notice; (g) fails without reasonable excuse to comply with rules for Designated Residence, Remand Centre or self-isolation; (h) fails without reasonable excuse to comply with direction requirement or restrictions; (i) fails without reasonable excuse to comply with responsibilities; (j) absconds or attempts to abscond while being moved to or at Designated Residence; 	\$1,000	\$100

		<p>(k) knowingly provides false or misleading information in response to information required under Regulations to be provided to Secretary, health practitioner, police officer or authorised person;</p> <p>(l) utters, publishes, posts, livestreams, messages, records any false, misleading or inaccurate information relating to the declared disease, public information by Government or potentially infectious person, by means of social or mass media or any other electronic or digital form;</p> <p>(m) fails to comply with the requirements of these Regulations;</p> <p>(n) disposes of personal protective equipment or infectious waste; or</p> <p>(o) obstructs or hinders a person with lawful authority.</p>		
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Rules for Self-Isolation in places other than in Designated Residences or Remand Centre

TABLE OF PROVISIONS

<i>Rule</i>	<i>Title</i>
1	Objective of the Rules
2	Familiarity with laws
3	Requirements
4	Maintaining contact
5	Offence
6	Your duty as a citizen
7	Rules to be provided to household member

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Rules for Self-Isolation in places other than in Designated Residences or Remand Centre

TABLE OF AMENDMENTS

The Rules for Self-Isolation in places other than in Designated Residences or Remand Centre were notified and commenced on 27 May 2020 (GN No 347/2020; Gaz 105/2020).

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

[The next page is 313,001]

Rules for Self-Isolation in places other than in Designated Residences or Remand Centre

[Regulation 18]

PURSUANT to the powers vested in me under Regulation 18, **I, Lionel Rouwen Aingimea, MP**, Minister for National Emergency Services, do hereby **MAKE** the following Rules for Self-Isolation in places other than in Designated Residences or Remand Centre for the purposes of the Coronavirus (COVID-19):

1 Objective of the Rules

The purpose and objective of these Rules are to supplement the *National Disaster Risk Management (Coronavirus (COVID-19)) (Community Transmission) and (Public Health Safety) Regulations 2020* and to prevent the likely outbreak or minimisation of the spread of the declared disease, Coronavirus (COVID-19) for reasons of public safety and public health.

2 Familiarity with laws

A person who is required to self-isolate and remain in his or her home or residence shall familiarise himself or herself with these Rules, other written laws pertaining to the Coronavirus (COVID-19) and the health and safety instructions provided by health practitioners or any authorised person.

3 Requirements

- (a) The members of a household shall remain in their home or residence.
- (b) All members of the household shall:
 - (i) comply with all verbal or written instructions and directions of a health practitioner, authorised person, police or security officer to avoid being forced to comply with the same;
 - (ii) not leave or attempt to leave the house for any reason except for the purposes of obtaining essential medical care on the instructions of a health practitioner or to escape a genuine risk of harm;
 - (iii) refrain from any physical contact, interaction or meeting with any other person including family members, relatives, friends or visitors for the purposes of safety of health of all such persons as physical contact interaction or meeting may result in other family members, relatives, friends or visitors being required to isolate themselves for at least 14 days;
 - (iv) maintain high level of hygiene as may be directed by a health practitioner or an authorised person;
 - (v) request family members, relatives or friends who do not live in the same home or residence to deliver food or other necessities including

non-prescription medication and which shall be dropped off with the police or security officers stationed outside the home or residence;

- (vi) shall not permit any family members, relatives, friends or visitors or any other person who do not reside in the same home or residence to enter the premises until such time the risk of the spread of the Coronavirus (COVID-19) is eliminated;
 - (vii) allow reasonable attendance or access by a health practitioner to any person in the household for the purposes of health examination;
 - (viii) allow a police officer or authorised person to enter the home or residence for the purposes of surveillance of any person who may be potentially suffering from or have contracted Coronavirus (COVID-19); and
 - (ix) self-isolate for a period of 14 days or for such other period as instructed by the Secretary for Health and Medical Services, health practitioner or authorised person.
- (c) Where you are required to self-isolate in a place other than at your home or residence, you shall travel directly from that other place to your home or residence.

4 Maintaining contact

You are free to contact and communicate with family members, relatives and friends by telephone, IMO, messenger, hangout, Whatsapp, Viber and other video links.

5 Offence

If you do not comply with these Rules, you commit an offence under the Regulations and you shall be prosecuted and also liable to pay a fixed penalty of up to \$5,000 or to a term of imprisonment up to 6 months or to both.

6 Your duty as a citizen

As a resident and citizen of Nauru, it is your duty and responsibility to ensure and assist the Government in keeping the community safe to defeat Coronavirus (COVID-19).

These Rules are to assist you to understand your responsibilities under the laws but your civic duty as a resident and citizen of Nauru is more important for public safety and public health.

It is your moral, social and legal duty to protect each member of your family, relatives and friends from the Coronavirus (COVID-19).

7 Rules to be provided to household member

These Rules shall be given to a senior member of a household where self-isolation is necessary in a private home or residence.

[The next page is 313,201]

National Disaster Risk Management (Coronavirus (Covid-19)) (Ports) Regulations 2020

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Objectives
4	Application of these Regulations
5	Definitions
6	Obligations of the master of vessel
7	Documents to be submitted before arrival in Nauru waters
8	Duty of captain to notify authorities
9	Embarkation or disembarkation of persons at port
10	Precautionary measures
11	Loading and off-loading in and out of port
12	Personal protective equipment for crew
13	Contact tracing system at seaport
14	Isolation of crew on board aircraft or vessel
15	Offences
16	Jurisdiction of court
17	Miscellaneous
	SCHEDULE 1 — NAURU MARITIME AND PORT AUTHORITY HEALTH DECLARATION FORM
	SCHEDULE 2 — CORONAVIRUS (COVID-19) (PORTS) FIXED PENALTY NOTICE

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National Disaster Risk Management (Coronavirus (Covid-19)) (Ports) Regulations 2020

TABLE OF AMENDMENTS

The National Disaster Risk Management (Coronavirus (Covid-19)) (Ports) Regulations 2020 SL 10 were notified and commenced on 20 May 2020 (GN No 319/2020; Gaz 100/2020).

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

[The next page is 313,601]

The Cabinet makes the following Regulations under Section 86 of the *National Disaster Risk Management Act 2016* to give effect to the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*:

1 Citation

These Regulations may be cited as the *National Disaster Risk Management (Coronavirus (COVID-19) (Ports)) Regulations 2020*.

2 Commencement

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

3 Objectives

The objectives of these Regulations are to:

- (a) supplement and give effect to the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)* declared on 16 March 2020 and any extensions that may be necessary;
- (b) avoid unnecessary interference with the loading and off-loading of cargo at the international airport or seaport;
- (c) prevent the spread of the declared disease which is reasonably required in the interest of public safety and public health;
- (d) controlling the embarkation or disembarkation of specific persons at a seaport;
- (e) provide a process for loading and off-loading of cargo at ports;
- (f) permit screening and examination of crew as defined in these Regulations before off-loading travellers or cargo on arrival at ports; and
- (g) ensure contact tracing measures are carried out where necessary.

4 Application of these Regulations

These Regulations apply to:

- (a) a vessel and her crew in Nauru waters; and
- (b) the crew of an aircraft at the airport.

5 Definitions

'contact tracing' has the same meaning it has under the *National Disaster Risk Management (Coronavirus (COVID-19)) (Community Transmission) and (Public Health Safety) Regulations 2020* and includes contact with a crew, staff, traveller or any other person on board of an aircraft or vessel entering any port in the Republic;

'crew' means a crew, staff or any other person on board an aircraft or vessel employed or any contract of service providing services or of an aircraft or vessel which includes captain or master respectively, other on board employees or staff of such aircraft or vessel;

'declared disease' means Coronavirus (COVID-19) which is also declared as a quarantinable disease under the provisions of the *Quarantine Act 1908*;

'on board' means a traveller or crew who is travelling on a particular voyage or journey transiting through, stopping and leaving any port in the Republic;

'off-loading' means unloading or taking off travellers or cargo of an aircraft or vessel;

'traveller' means a person travelling in a vessel and who is not a member of the crew;

'personal protective equipment' includes gloves, masks, gowns, face protection, goggles, faceshield, coveralls, headcover, rubber boots, ordinary protective equipment used on a vessel during the voyage and any other similar products or items to provide protection from the declared disease;

'port' or *'ports'* includes an international seaport and the airport in the Republic;

'potentially infectious person' means a person who:

- (a) at any time is or may be infected, carrier or contaminated with the declared disease and poses a risk of infecting or contaminating other persons but excludes any person who has been certified by a health practitioner to have recovered from the declared disease;
- (b) has last been in a restricted area for not less than 14 days; or
- (c) has been in contact with or exposed to a potentially infectious person; and

'Secretary' means the Secretary for Health and Medical Services.

6 Obligations of the master of vessel

A master of a vessel in Nauru waters shall:

- (a) inform travellers and crew of the signs and symptoms of the declared disease which includes fever, runny nose, cough and shortness of breath or such other symptoms as may be advised by the Secretary;
- (b) cause or carry out and maintain twice daily temperature checks for travellers and crew on board who are likely to or come into contact with any person at a seaport in the Republic;
- (c) isolate a potentially infectious person on board to avoid the spread of the declared disease on board or outside the vessel;
- (d) ensure that common areas and rooms in the vessel are disinfected before arrival in Nauru waters; and
- (e) ensure the places where the Harbourmaster, Immigration officer, Customs officer, maritime security officer or any other authorised person may have access to on the vessel are disinfected every day before such officials or persons are required to go on board.

7 Documents to be submitted before arrival in Nauru waters

- (1) Notwithstanding any other written law, as part of the measures to prevent the spread of the declared disease, all vessels shall submit the following documents to the Nauru Maritime and Port Authority 12 hours prior to arriving in Nauru waters:
 - (a) Health Declaration Form as prescribed in Schedule 1;
 - (b) traveller list;
 - (c) crew list;
 - (d) cargo manifest;
 - (e) last 2 ports of call list; and

- (f) list of all travellers and crew, if any, displaying any signs or symptoms of or is suffering from the declared disease.
- (2) The documents under subregulation (1) shall be provided despite no traveller or crew displaying any signs or symptoms of or is suffering from the declared disease or may be a potentially infectious person.
- (3) Where a master of a vessel fails to comply with the requirements under subregulation (1), the vessel shall not be allowed to off-load travellers, crew or cargo unless a period of 14 days has lapsed from the last departing port to the date of the off-loading of travellers, crew or cargo.

8 Duty of captain to notify authorities

- (1) The captain of an aircraft shall notify the border control authorities at the airport of any traveller or crew who he or she suspects or has knowledge of displaying any signs or symptoms of or is suffering from the declared disease before the disembarkation of the traveller or crew from the aircraft.
- (2) A traveller or crew, who displays signs or symptoms of or is suffering from the declared disease on board the aircraft during the flight shall be mandatorily reported by the captain of the aircraft to the border control authorities.
- (3) In reporting any case of any traveller under subregulations (1) and (2), the captain shall give the list of the travellers who travelled in the seat within the parameters of 2 metres of the seat of such traveller.
- (4) Where the captain has reason or cause to believe that a crew is displaying signs or symptoms of or is suffering from the declared disease, he or she shall immediately direct the crew to remain in an isolated seat to avoid the spread of the declared disease.

9 Embarkation or disembarkation of persons at port

- (1) No crew on board an aircraft or vessel shall embark or disembark except for the following:
 - (a) disembarkation of a returning Nauruan citizen or person who is ordinarily a resident of the Republic;
 - (b) embarkation of a departing foreign national;
 - (c) emergency medical evacuation; or
 - (d) any other circumstances as authorised by the Minister.
- (2) Any crew who disembarks from an aircraft shall be required to submit to:
 - (a) a mandatory thermal screening process; and
 - (b) any other health measures as directed by the Secretary.

10 Precautionary measures

The crew of a vessel in Nauru waters, when conducting operations at a seaport, shall:

- (a) undergo daily temperature checks at least twice a day;
- (b) not work, if such crew is unwell and immediately seek medical assistance;
- (c) where necessary, wear a mask or any other personal protective equipment;
- (d) practice frequent hand washing with soap or any alcohol based hand sanitiser;
- (e) practice respiratory hygiene;

- (f) avoid shaking hands and adopt other non-contact means of greeting;
- (g) reduce vessel to shore activities by reducing vessel to shore exchanges, non-essential maintenances and other non-essential activities;
- (h) strengthen gangway or ladder control;
- (i) minimise unnecessary physical interactions between crew and Harbourmaster, Immigration officer, Customs officer, maritime security officer or any other authorised person and refrain from prolonged interactions in close proximity;
- (j) prohibit unnecessary boarding visits for any other person;
- (k) ensure that only essential crew and Harbourmaster, Immigration officer, Customs officer, maritime security officer or any other authorised person are in the same work area if necessary;
- (l) in so far as practicable, conduct briefings and completion of paperwork through electronic means;
- (m) use the appropriate personal protective equipment if it is assessed that there is an imminent risk of being in contact with a potentially infectious person; and
- (n) do such other things as may be deemed necessary.

11 Loading and off-loading in and out of port

- (1) The loading and off-loading of travellers or cargo in and out of a port is permitted.
- (2) The Minister may make rules governing loading and off-loading of travellers or cargo in and out of a port.

12 Personal protective equipment for crew

- (1) Any crew at a port shall use appropriate personal protective equipment when the relevant authorities board the vessel or aircraft for the necessary clearances.
- (2) The personal protective equipment shall be disposed of in closed containers or bags in a safe manner including compliance with all international obligations relating to environmental protection.
- (3) Any crew who uses any personal protective equipment shall not:
 - (a) share, reuse or preserve any used personal protective equipment; or
 - (b) dispose of any used personal protective equipment other than as required under subregulation (2).

13 Contact tracing system at seaport

- (1) Where a master of a vessel at a seaport is of the opinion or has reasonable cause to believe that a crew is:
 - (a) presenting signs or symptoms of or is suffering from the declared disease; or
 - (b) is a potentially infectious person,the master shall immediately notify the Harbourmaster.
- (2) The Harbourmaster shall:
 - (a) keep a register of all crew on a vessel; and
 - (b) in consultation with the Secretary, compile and update a list of persons, ports and such other places for the purposes of tracing the suspected or

actual spread or transmission of the declared disease, which record shall comply with the confidentiality requirements of a medical patient except for any lawful purposes including those under these Regulations.

- (3) Where the Secretary is of the opinion that any citizen or person who is ordinarily a resident of the Republic is found to have been in contact with a crew or potentially infectious person, the Secretary shall direct such citizen or person who is ordinarily a resident of the Republic to reside in a Designated Residence or such other place where he or she is able to socially distance from other persons.
- (4) A crew presenting signs or symptoms of or is suffering from the declared disease whilst in Nauru waters shall be removed to closed quarters or area on the vessel where he or she is able to socially distance from other crew.

14 Isolation of crew on board aircraft or vessel

- (1) Where necessary, a crew on board an aircraft or vessel shall be isolated from the area of an aircraft or vessel if any person from the Republic has to board the vessel or aircraft for:
 - (a) carrying out any statutory functions or exercising powers;
 - (b) health screening or examination of any traveller or crew;
 - (c) police officers to carry out any investigation including arresting any person on board;
 - (d) the Harbourmaster for the purposes of complying with the laws or requirements of the seaport;
 - (e) the Registrar of Courts to execute any orders of the court by serving the same to the master of the vessel or for attaching the order to the vessel under the *Civil Procedure Rules 1972* or as ordered by the court;
 - (f) stevedores for the purposes of loading or off-loading cargo on a vessel; and
 - (g) immigration, customs and quarantine officers for the routine requirements for immigration, customs and quarantine laws.
- (2) The captain of an aircraft or master of a vessel shall comply with all instructions and directions given to them by a person in the Republic in the performance of any statutory duties or exercise of any powers including allowing unrestricted access to such person on board the aircraft or vessel.
- (3) The captain of an aircraft or master of a vessel shall maintain minimum contact with Nauruan officials, employee or other authorised person entering or boarding the vessel as a preventive measure to avoid the spread of the declared disease.
- (4) Any Nauruan official, employee or other authorised person boarding the aircraft or vessel shall carry with him or her and when required to shall show his or her identification card to the captain of an aircraft or master of a vessel.
- (5) Where the captain or master fails or neglects to comply with the requirements under this Regulation, he or she commits an offence and is liable to a fixed penalty of \$10,000 which shall be paid within 24 hours of the service of a Coronavirus (COVID-19) (Ports) Fixed Penalty Notice by a police officer or the aircraft or vessel is cleared to leave the port.

- (6) The Coronavirus (COVID-19) (Ports) Fixed Penalty Notice is set out in Schedule 2.
- (7) A fixed penalty is a debt to the Republic which shall be payable by the captain or master and in case of a vessel, is recoverable by an *action in rem* against the vessel.

15 Offences

- (1) A person commits an offence, if he or she:
 - (a) contravenes these Regulations and where applicable, other Regulations relating to Coronavirus (COVID-19);
 - (b) fails to comply with the requirements contained in these Regulations;
 - (c) without reasonable excuse, fails or neglects to comply with all instructions, requirements or directions as may be given from time to time by the Secretary or any authorised person;
 - (d) obstructs or hinders an authorised person in the exercise of powers or performance of functions under these Regulations or any other written law;
 - (e) contravenes any rules made under Regulation 11; or
 - (f) refuses to accept service of a Coronavirus (COVID-19) (Ports) Fixed Penalty Notice issued under these Regulations.
- (2) A person who contravenes subregulation (1), commits a strict liability offence and is liable to a fixed penalty of \$10,000 to be paid within 24 hours of being charged or before leaving the Republic, whichever is later.
- (3) Where a person fails to comply with subregulation (2), he or she commits an offence and upon conviction, in addition to the fixed penalty, is liable to a fine not exceeding \$10,000 or to a term of imprisonment of 6 months or to both.
- (4) Any fixed penalty or fine against a crew of a vessel is recoverable directly as an *action in rem* against the vessel.

16 Jurisdiction of court

- (1) Subject to subregulation (2), the District Court shall have jurisdiction to hear and determine any cause or matter under these Regulations.
- (2) The Supreme Court shall have jurisdiction over any aircraft or vessel including any proceedings for the purposes of admiralty suits.

17 Miscellaneous

The Minister may from time to time give such directions, rules or orders to give effect to these Regulations.

[The next page is 313,801]

SCHEDULE 1



REPUBLIC OF NAURU

NATIONAL DISASTER RISK MANAGEMENT (CORONAVIRUS (COVID-19) (PORTS)) REGULATIONS 2020

[Regulation 7(1)]

NAURU MARITIME AND PORT AUTHORITY HEALTH DECLARATION FORM

To be completed and submitted to the Nauru Maritime and Port Authority by a master of a vessel 12 hours before arriving in Nauru waters.

DETAILS OF VESSEL	
Name of vessel	
Registration / IMO No	
Arriving from	
Sailing to	
Nationality / Flag of vessel	
Full name of master of vessel	
Gross tonnage of vessel	
Has the vessel visited an affected country identified by the World Health Organisation?	
Port and date of visit	
List all ports of call from commencement of voyage with dates of departure or within past 30 days, whichever is shorter	
LIST OF TRAVELLERS	
1. Name:	1. Joined from:
2. Name:	2. Joined from:
3. Name:	3. Joined from:
LIST OF CREW	
1. Name:	1. Joined from:
2. Name:	2. Joined from:
3. Name:	3. Joined from:
HEALTH DETAILS	
(1) Has any traveller or crew died on board during voyage otherwise than as a result of an accident? If yes, provide details including the total number of deaths on board the vessel.	

(2) Is there on board or has there been during the international voyage any case of a declared disease which you suspect?

(3) How many ill travellers or crew on board the vessel during the voyage?

(4) Is there any ill traveller or crew on board now? Yes / No. If yes, provide details:

(5) Has any socially distancing, disinfection or such other measures been applied on board? Yes / No. If yes, provide details:

(6) Have any stowaways been found on board? Yes / No. If yes, provide details of port that stowaway embarked the ship from:

Note: In the absence of a health practitioner, the master should regard the following symptoms as grounds for suspecting the existence of a declared disease:

- (a) fever persisting for several days or accompanied;
(b) with or without fever.

I hereby declare that the information given in this Declaration are true and correct to the best of my knowledge and belief.

Date: / / 20. Signed: Master

OFFICIAL PURPOSES

Received by:

Date: / / 20.

[The next page is 314,001]

SCHEDULE 2



REPUBLIC OF NAURU

**NATIONAL DISASTER RISK MANAGEMENT (CORONAVIRUS (COVID-19) (PORTS))
REGULATIONS 2020**

[Regulation 14(6)]

CORONAVIRUS (COVID-19) (PORTS) FIXED PENALTY NOTICE

<p>This Coronavirus (COVID-19) Fixed Penalty Notice is issued pursuant to the powers given to police officers under the <i>National Disaster Risk Management (Coronavirus (COVID-19) (Ports)) Regulations 2020</i> for a contravention of these Regulations.</p> <p>Important Notice:</p> <ul style="list-style-type: none"> The consequence of not paying a penalty or fine shall result in criminal proceedings against you. In case of a vessel, any penalty or fine is capable of being recovered against the vessel in an <i>action in rem</i>. 	Fixed Penalty Notice No:	
	Date of Issue:	
	Penalty:	
	Due Date:	
<p>Payment shall be made at the Nauru Revenue Office within 7 days from the date of service of this Fixed Penalty Notice.</p>		

<p>PART 1: OFFENCE DETAILS</p> <p>Captain of aircraft or Master of vessel:</p> <p>Surname:</p> <p>Given Names:</p> <p>Nature of Offence: contrary to Regulation 15 of the <i>National Disaster Risk Management (Coronavirus (COVID-19) (Ports)) Regulations 2020</i></p> <p>Name of aircraft / vessel:</p> <p>Aircraft Registration Number / Vessel Registration or IMO No.</p>

Arriving from:..... Flying / Sailing to:.....
Aircraft Nationality / Nationality or Flag of vessel:
Full name of captain of aircraft or master of vessel:.....

Date: / /20. Time:.....

Details of the circumstances alleged to constitute the offence:

.....
.....
.....

Penalty: \$10,000

Police Officer's Signature:.....

Police Officer's Name:..... Date. /..... /20. . .

Acknowledgement of Service of Fixed Penalty Notice by:

Name and Signature:

.....

Note:

This Notice shall only be served to the captain of aircraft or master of vessel at the time of the offence or as soon as practicable.

AFFIDAVIT OF SERVICE

I..... Police Officer make oath/solemnly affirm that I did on the day of.....20. served captain of an aircraft or master of a vessel. the original copy of this Coronavirus (COVID-19) Fixed Penalty Notice at..... (time) on (date) AND he/she acknowledged service by affixing his/her signature to this Coronavirus (COVID-19) (Ports) Fixed Penalty Notice.

Police officer:..... Before me:

(Commissioner for Oaths)

[The next page is 317,001]

National Disaster Risk Management (Coronavirus (COVID-19)) (Vaccination) Regulations 2021

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Definitions
4	Importing and using Coronavirus (COVID-19) vaccine
5	National vaccination or immunisation programme
6	Vaccination against Coronavirus (COVID-19)
6A	Vaccination against Coronavirus (COVID-19) by person travelling to Nauru
7	Administration of Coronavirus (COVID-19) vaccine
8	Certificate of Coronavirus (COVID-19) test or vaccination
8A	Falsifying certificate of Coronavirus (COVID-19) test or vaccination
9	Coronavirus (COVID-19) vaccination record
10	Record of person vaccinated
11	Managing, storing, handling and disposing of Coronavirus (COVID-19) vaccine

[The next page is 317,101]

National Disaster Risk Management (Coronavirus (COVID-19)) (Vaccination) Regulations 2021

TABLE OF AMENDMENTS

The National Disaster Risk Management (Coronavirus (COVID-19)) (Vaccination) Regulations 2021 SL 2 were notified and commenced on 24 March 2021 (GN No 121/2021; Gaz 35/2021).

Amending Legislation	Notified	Date of Commencement
National Disaster Risk Management (Coronavirus (COVID-19)) (Vaccination) (Amendment) Regulations 2021 SL 5	16 April 2021	16 April 2021 (except reg 4)
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
National Disaster Risk Management (Coronavirus (COVID-19)) (Vaccination) (Amendment) Regulations No 2 2021 SL 34	13 December 2021	13 December 2021

[The next page is 317,201]

The Cabinet makes the following Regulations under Section 86 of the *National Disaster Risk Management Act 2016* to give effect to the *Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*:

1 Citation

These Regulations may be cited as the *National Disaster Risk Management (Coronavirus (COVID-19)) (Vaccination) Regulations 2021*.

2 Commencement

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

3 Definitions

In these Regulations:

‘*Minister*’ means the Minister for Health and Medical Services;

‘*Secretary*’ means the Secretary for Health and Medical Services; and

‘*vaccination or vaccinated against Coronavirus (COVID-19)*’ means the administration of an approved vaccine to help the immune system develop protection from Coronavirus (COVID-19).

4 Importing and using Coronavirus (COVID-19) vaccine

- (1) No Coronavirus (COVID-19) vaccine shall be imported and used unless approved by the Cabinet on the recommendation of the Minister.
- (2) The Coronavirus (COVID-19) vaccine recommended by the Minister shall be a vaccine:
 - (a) listed for use by the World Health Organisation:
 - (i) as a prequalified vaccine; or
 - (ii) on the Emergency Use Listing; or
 - (b) authorised for use by a competent National Regulatory Authority of a country supplying and the Republic accepting such vaccine.
- (3) On the approval of the Cabinet, the Minister may issue a certificate for the importation and use of a Coronavirus (COVID-19) vaccine.
- (4) A Coronavirus (COVID-19) vaccine approved for importation and use under this Regulation shall be notified in the Gazette.

5 National vaccination or immunisation programme

The Secretary shall formulate and implement a Coronavirus (COVID-19) national vaccination or immunisation programme.

6 Vaccination against Coronavirus (COVID-19)

For the purposes of preventing the spread of Coronavirus (COVID-19), all persons residing in the Republic shall be vaccinated against Coronavirus (COVID-19) unless:

- (a) the person is exempted by a health practitioner as a result of an existing medical condition; or

- (b) the Coronavirus (COVID-19) vaccine is not recommended to be used for or administered to specified persons.

6A Vaccination against Coronavirus (COVID-19) by person travelling to Nauru

- (1) A person traveling to Nauru shall, unless exempted in writing by the Secretary, be fully vaccinated against Coronavirus (COVID-19) at least 14 days before the intended date of travel, with a vaccine:
- (a) approved for use in Nauru;
 - (b) listed for use by the World Health Organisation:
 - (i) as a prequalified vaccine; or
 - (ii) on the Emergency Use Listing; or
 - (c) authorised for use by a competent National Regulatory Authority approved by the Minister.
- (2) A person who requires exemption from the requirements of subregulation (1), shall apply in writing to the Secretary or person authorised by the Secretary at least 14 days before the intended date of travel.
- (3) The Secretary or person authorised by the Secretary under this Regulation, may issue an exemption under subregulation (1):
- (a) if he or she is satisfied that using or administering the Coronavirus (COVID-19) vaccine to such person is not recommended; or
 - (b) for any other reason as deemed appropriate by the Secretary or person authorised by the Secretary.
- (4) For the purposes of subregulation (1), ‘**person**’ includes a traveller intending to enter Nauru or traveller transiting Nauru, staff and crew of an aircraft or vessel.

[reg 6A insrt SL 34 of 2021 reg 4, opn 13 Dec 2021]

7 Administration of Coronavirus (COVID-19) vaccine

The Coronavirus (COVID-19) vaccine shall be administered by a:

- (a) duly registered health practitioner employed by the Department of Health and Medical Services;
- (b) duly registered health practitioner employed by a health service provider in the Republic other than the Department of Health and Medical Services; or
- (c) person trained by the Department of Health and Medical Services and authorised by the Minister.

8 Certificate of Coronavirus (COVID-19) test or vaccination

- (1) The Director of Public Health may issue a certificate of Coronavirus (COVID-19) to a person who has been:
- (a) tested for Coronavirus (COVID-19); or
 - (b) vaccinated against Coronavirus (COVID-19).
- (2) Where it is impractical for the Director of Public Health to issue a certificate under subregulation (1), he or she may authorise in writing:
- (a) a person under Regulation 7 to issue a certificate for a person who has been vaccinated against Coronavirus (COVID-19); or

- (b) a person employed at the Republic of Nauru hospital laboratory to issue a certificate for a person who has been tested for Coronavirus (COVID-19).
- (3) For the purposes of subregulations (1) and (2), any certificate:
 - (a) may be issued in digital form or in a form approved by the Secretary; and
 - (b) shall include:
 - (i) the name of the person who was tested for or vaccinated against Coronavirus (COVID-19);
 - (ii) the date of birth of the person who was tested for or vaccinated against Coronavirus (COVID-19);
 - (iii) the date of issuance of certificate;
 - (iv) the identifying code;
 - (v) the passport number of the person who was tested for or vaccinated against Coronavirus (COVID-19); and
 - (vi) any other information approved by the Secretary.
 - (c) Where appropriate, the Secretary may also endorse a certificate of Coronavirus (COVID-19) vaccination on a travel document with the respective details required under paragraph (b).

[reg 8 subst SL 5 of 2021 reg 5, opn 16 Apr 2021]

8A Falsifying certificate of Coronavirus (COVID-19) test or vaccination

- (1) No person shall falsify or cause another person to falsify a certificate under Regulation 8.
- (2) A person who contravenes subregulation (1), commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 6 months or to both.

[reg 8A insrt SL 5 of 2021 reg 6, opn 16 Apr 2021]

9 Coronavirus (COVID-19) vaccination record

For the purposes of Regulation 10, the following information of the person vaccinated shall be recorded:

- (a) full name;
- (b) sex;
- (c) date of birth;
- (d) place of birth;
- (e) nationality;
- (f) residential address;
- (g) time of vaccination;
- (h) date of vaccination;
- (i) name of vaccine;
- (j) name of manufacturer of vaccine;
- (k) vaccine batch number; and
- (l) vaccine expiration date.

10 Record of person vaccinated

- (1) The Director of Public Health shall keep and maintain a record of persons vaccinated against Coronavirus (COVID-19).

-
- (2) The Director of Public Health shall provide to the Minister a record of persons vaccinated against Coronavirus (COVID-19).

11 Managing, storing, handling and disposing of Coronavirus (COVID-19) vaccine

The Secretary shall formulate procedures necessary for managing, storing, handling and disposing of Coronavirus (COVID-19) vaccines.

[The next page is 320,001]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 2 of 2022

TABLE OF AMENDMENTS

The National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 2 of 2022 were notified and commenced on 24 June 2022.

Amending Legislation	Notified	Date of Commencement
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[The next page is 320,201]

National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020 Order 2 of 2022

[Regulation 31]

PROHIBITION OF HOARDING AND PRICE INFLATION

PURSUANT to the powers vested in me under Regulation 31, I, **Lionel Rouwen Aingimea, MP**, Minister for National Emergency Services, do hereby issue this **ORDER** for the purpose of minimising the impacts of the Coronavirus (COVID-19) commencing from the date of publication of this Order until the Order is revoked:

1. A trader who, whether owner or otherwise, has in his or her possession or control any goods for sale or resale to another person shall:
 - (a) not inflate or increase the existing wholesale or retail price of any goods that are generally accepted as being necessary or essential for the everyday living of members of the community including staple food and household commodities;
 - (b) not inflate or increase the price of any existing wholesale or retail services as being necessary or essential for everyday living of members of the community;
 - (c) not hoard or withhold the selling or making available of the sale of any goods or services in paragraphs (a) and (b) for whatever purpose;
 - (d) make available the goods and services in paragraphs (a) and (b) to consumers until the trader's supplies of those goods and services are exhausted; and
 - (e) ensure that goods and services in paragraphs (a) and (b) for retail purposes are made available in reasonable quantities for domestic consumption or use.
2. For the purposes of this Order '*existing wholesale or retail price*' means the price of goods and services which they were being sold on or immediately before the date of publication of this Order.
3. A trader who does not comply with this Order commits a strict liability offence under Regulation 30 of the *National Disaster Risk Management (Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020* and upon conviction is liable to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 6 months.
4. Where a trader or person who contravenes this Order and he or she has a business visa, such person will:

- (a) have his or her visa cancelled under the *Immigration Act 2014*; and
- (b) be deported from the Republic.

[The next page is 330,001]