



REPUBLIC OF NAURU

NAOERO NATIONAL ANTHEM EMBLEM AND FLAG PROTECTION BILL 2018

No. of 2018

A Bill for an Act to make provision for the protection of the National Anthem, Emblem and Flag of the Republic and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Naoero National Anthem Emblem and Flag Protection Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Definitions

In this Act:

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

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

'Minister' means the President of the Republic;

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

PART 2 – NATIONAL ANTHEM

4 The National Anthem of the Republic of Nauru

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

5 Persons to respect the National Anthem

(1) A person who is within or comes upon a public place or an area at which the National Anthem is being sung or played shall come to a standstill position and remain in that position until the playing or singing of the National Anthem is completed.

(2) The driver of a vehicle:

(a) that is within a public place or an area where the National Anthem is being sung or played shall refrain from driving the vehicle and ensure that the vehicle remains motionless until the playing or singing of the National anthem is completed; or

(b) that enters a public place or area where the National Anthem is being sung or played shall ensure that the vehicle is stopped and kept motionless until playing or singing of the National Anthem is completed.

PART 3 – PROHIBITED USE OF THE NATIONAL ANTHEM

6 Commercial use of the National Anthem

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

7 Disrespecting the National Anthem

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

PART 4 – NATIONAL EMBLEM

8 National Emblem of the Republic

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

9 Protection of the use of the Emblem

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

PART 5 – UNAUTHORISED USE OF NATIONAL EMBLEM

10 Misuse of the Emblem

- (1) A person shall not use or associate the Emblem with any action, speech, writing or any other means for the purposes of demeaning, disrespecting and insulting the Republic.

- (2) A person shall not use the Emblem as a political party logo or as a candidate logo during a national election campaign.
- (3) A person shall not use any design which in any way resembles the Emblem in any manner likely to deceive another person.
- (4) Any person who contravenes this section commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

11 Commercial use of the Emblem

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

12 Desecrating the Emblem

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

PART 6 – THE FLAG OF THE REPUBLIC

13 The Flag of the Republic

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

14 Persons to respect the Flag

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

15 Persons to respect the raising and lowering of the Flag

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

16 Flying of the Flag

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

17 Flying of the Flag at half-mast

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

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

PART 7 – PROHIBITED USE OF THE FLAG

18 Desecrating the Flag

- (1) A person shall not:
 - (a) modify the Flag by placing any emblem, letters, slogan, words or representation on it; or

(b) use, display, destroy, burn, mutilate, insult, damage, injure or tear the Flag in any manner.

(2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

19 Actions promoting violence

(1) A person shall not display, destroy, burn, mutilate, insult, damage, injure or tear the Flag:

(a) with the intent to incite violence or any breach of peace; or

(b) under circumstances in which that person knows it is reasonably likely to incite or promote violence or a breach of peace.

(2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

20 Commercial use of the Flag

(1) A person shall not without the prior written approval of the Minister use the Flag or any part of the Flag:

(a) in any trademark or logo;

(b) for any advertising purpose; or

(c) for any commercial purpose.

(2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

21 Production of the Flag

(1) A person shall not without the prior written approval of the Minister produce, depict, engrave or emboss the Flag or any part of the Flag onto any commercial medium or merchandise, uniform, attire or any other item.

(2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

22 Use of the Flag as a Political Party Logo

(1) A person shall not use the Flag as a political party logo or a candidate logo during a national election campaign.

(2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

23 Disposal of the Flag

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

PART 8 – MISCELLANEOUS

24 Offences by corporations

(1) Where an offence has been committed under this Act by a corporation, firm, society or other body of persons, any person who at the time of the commission of the offence was a Director, manager, secretary or officer or a partner of the company, firm, society or other body of persons or was purporting to act in such capacity shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he or she proves that:

(a) the offence was committed without his or her consent or collusion; and

(b) he or she exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised, having regard to the nature of his or her functions in that capacity and to all circumstances.

(2) Upon conviction, the court may impose:

(a) in case of a corporation, firm, society or other body of persons a fine not exceeding \$100,000; and

(b) in the case of a Director, manager, secretary or officer or a partner of the company, firm, society or other body of persons, a fine not exceeding \$20,000 or a term of imprisonment not exceeding 12 months or both.

25 Jurisdiction of Court

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

26 Powers of Police officers

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

27 Regulations

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

SCHEDULE 1

(section 4)

National Anthem of the Republic of Nauru

(Version in Nauruan)

Nauru Bwiema

(Nauru, Our Homeland)

Nauru bwiema, ngabena ma auwe
Ma dedaro bwe dogum, mo otata bet egom
Atsin ngago bwien okor, ama bagadugu
Epoa ngabuna ri nan orre bet imur
Ama memag ma nan epodan eredu won engiden
Miyam aema ngeiyin ouge, Nauru eko dogin

(Version in English)

Nauru our homeland, the land we dearly love,
We all pray for you and we also praise your name.
Since long ago you have been the home of our great forefathers
And will be for generations yet to come.
We all join in together and say;
Nauru for evermore

SCHEDULE 2

(section 8)

Emblem of the Republic of Nauru

The shield is divided and separated in the middle. In the upper section the alchemical symbol of phosphorous is shown over a golden woven background.

The lower silver section depicts a black frigate bird, which sits on a perch over blue ocean waves. The lower right section is blue and contains a branch of calophyllum flowers. The shield is surrounded by images of tribal chief gear, which was worn to ceremonies - ropes from palm leaves, feathers of the frigate bird and shark teeth. The star centered above the shield is taken from the flag. The ribbon above it bears the name of the island in Micronesian Nauruan: *Naoero*.

The ribbon under the shield bears the national motto of the Republic of Nauru: *God's Will First*.

The woven background symbolises the people of Nauru.



SCHEDULE 3

(section 13)

National Flag of the Republic of Nauru

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

