



REPUBLIC OF NAURU

DRONES BILL 2018

No. of 2018

A Bill for an Act to regulate the importation, sale and use of drones in 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 *Drones Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Objective of the Act

The objective of the Act is to regulate the importation, sale and use of drones in the Republic.

4 Definitions

In this Act:

‘Department’ means the Department of Finance;

‘drone’ means an aircraft that:

- (a) is operated without a pilot on board;
- (b) is controlled by a person by a remote or any other device;
- (c) can fly autonomously through software-controlled flight plans in their computer systems; and
- (d) includes an unmanned aircraft that is flown strictly for hobby or recreational purposes;

‘Minister’ means the Minister for Finance;

‘Secretary’ means the Secretary for Finance.

PART 2 – ADMINISTRATION

5 Powers of the Secretary

The Secretary has the power to:

- (a) issue, vary, suspend or revoke permits or licences;
- (b) establish and maintain a register of all permits or licences issued for drones imported and being sold in the Republic;
- (c) monitor the importation or sale of drones; and
- (d) administer and enforce conditions of permits or licences issued under the Act.

6 Delegation of powers of the Secretary

The Secretary may delegate with or without conditions to any person any or all of the Secretary's powers under this Act.

PART 3 – PERMITS AND LICENCES

7 General prohibition

- (1) A person shall not import or offer for sale a drone without a permit issued or licence granted under this Act.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 12 months or to both.

8 Application for permit to import drone

- (1) A person who intends to import a drone shall apply for a permit in the prescribed form.
- (2) The applicant shall pay the prescribed fee prior to the permit being issued.

9 Conditions for permit

- (1) A permit issued under section 8 shall be subject to such requirements and conditions as may be specified therein.
- (2) A person who contravenes a requirement or condition imposed under subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 6 months or to both.

10 Application for licence to sell drones

- (1) A person who sells or who intends to sell drones shall apply for a licence in the prescribed form.
- (2) The applicant shall pay the prescribed fee prior to the licence being granted.

11 Licence conditions

- (1) A licence granted under section 10 shall be subject to such requirements and conditions as may be specified therein or as may be prescribed by regulations.
- (2) A licensee who contravenes a requirement or condition imposed under subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 12 months or to both.

12 Power to revoke, limit or suspend permit or licence

The Secretary may revoke, limit or suspend a permit issued or licence granted under this Act where there has been a breach of any requirement or condition of the permit or licence.

PART 4 – PROHIBITION ON USE

13 Prohibited photography, filming and recording

- (1) A drone shall not be used by any person to take photographs, film or record:
 - (a) any event whether social, sporting or official without a permit issued by the Secretary in the prescribed form;
 - (b) a person without such person's consent; or
 - (c) an area declared by the Minister as a protected area under section 17.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

14 Danger to person, property or animal

- (1) A person shall not fly or cause to fly a drone in a manner which is likely to endanger the safety of any person, property or animal.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

15 Prohibition on drone flight over residential premises

- (1) A person shall not fly or cause to fly a drone over residential premises or over the curtilage of such premises unless prior written permission has been provided by the owner of such property.
- (2) Subsection (1) does not prevent the owner of the residential premises from causing a drone to be flown or operated over premises he or she owns.
- (3) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.

16 Prohibition on the carrying out of surveillance of residential premises

- (1) A person shall not fly or cause to fly a drone for the purpose of carrying out surveillance at or over a residential premises or the curtilage of such premises.
- (2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

17 Protected areas

- (1) For the purposes of this Act, the Minister may declare an area or a place as a protected area.
- (2) A person shall not fly or cause to fly a drone at any height over any area declared by the Minister to be a protected area under subsection (1).
- (3) A person who contravenes subsection (2) commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 12 months or to both.

PART 5 – AUTHORISED OFFICERS

18 Minister may authorise officers

- (1) The Minister may, by notice in the Gazette, authorise an officer of the Department or a police officer to be an authorised officer for the purposes of this Act.
- (2) All Police officers are authorised officers and may exercise all such powers as may be necessary for the enforcement of this Act.

19 Identification of authorised officers

- (1) An authorised officer, other than a Police officer or Customs officer, shall be issued with an identification card which:
 - (a) contains his or her name and a recent photograph;
 - (b) states that he or she is an authorised officer for the purposes of this Act;
 - (c) provides the period of validity of the identification card;
 - (a) states any conditions in his or her instrument of appointment that limits his or her powers as an authorised officer; and
 - (b) shall be produced for the purposes of inspection or performance of any duties under the Act.
- (2) Where an authorised officer is a Police officer or a Customs officer, he or she shall produce for inspection his or her Police or Customs identification card.

20 Powers of authorised officers

- (1) An authorised officer may seize and detain a drone and any component of such drone where:
 - (a) the owner, operator or seller does not have or cannot produce a permit or licence as required under this Act;

- (b) the drone is being flown or operated in a manner which is in contravention of a requirement or condition of the permit issued or licence granted under this Act; or
 - (c) the drone is flown or operated in contravention of the Act.
- (2) For the purposes of subsection (1), an authorised officer may:
 - (a) direct any person having control of the drone to land the drone;
 - (b) assume control of the drone; or
 - (c) force the drone to land or cease flight.
- (3) Any person who contravenes a direction of an authorised officer under this section commits an offence and upon conviction is liable to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 12 months or to both.

PART 6 – MISCELLANEOUS

21 Payment of penalty

The owner or operator of the drone seized under section 20 shall on reclaiming the drone pay a prescribed penalty.

22 Release of drone

The Department shall release the drone to the owner or seller under section 19 on the payment of the penalty and the permit or licence fee.

23 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.

24 Jurisdiction of Court

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

25 Regulations

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