

COMMUNITY MONITORING OFFICERS

Table of Contents

Page

Principal

Community Monitoring Officers Act 2026

Table of Provisions	896,101
Table of Amendments	896,201
Community Monitoring Officers Act 2026	896,301

[The next page is 896,101]

Community Monitoring Officers Act 2026

TABLE OF PROVISIONS

<i>Section</i>	<i>Title</i>
PART 1 — PRELIMINARY	
1	Short title
2	Commencement
3	Objectives of this Act
4	Interpretation
PART 2 — COMMUNITY MONITORING OFFICERS	
5	Appointment of accredited service provider
6	Appointment of Community Monitoring Officers
7	Functions of a Community Monitoring Officer
8	Powers of Community Monitoring Officer
9	Requirements of a Community Monitoring Officer in relation to identification details
PART 3 — SPECIAL POWERS OF COMMUNITY MONITORING OFFICERS	
10	Obligation to provide name, address or other information to a Community Monitoring Officer
11	Directions by a Community Monitoring Officer
12	Consent-based search
13	Seizure of weapons and other offending materials
14	Use of reasonable force
PART 4 — ROLE OF POLICE	
15	Police powers preserved
16	Standard operating procedures
PART 5 — SAFEGUARDS AND OVERSIGHT	
17	Oversight by the Department of Internal Affairs
18	Complaints may be made
19	Record keeping
20	Confidentiality of information supplied
21	Secretary shall report potential breach of visa conditions

Section

Title

PART 6 — OFFENCES

22 Obstructing a Community Monitoring Officer

PART 7 — MISCELLANEOUS

23 Regulations

[The next page is 896,201]

Community Monitoring Officers Act 2026

TABLE OF AMENDMENTS

The Community Monitoring Officers Act 2026 No 10 was certified and commenced on 26 March 2026.

Amending Legislation	Certified	Date of Commencement
----------------------	-----------	----------------------

[The next page is 896,301]

An Act to establish a community monitoring regime for certain transferees, to provide for the appointment and powers of Community Monitoring Officers, and for related purposes.

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Community Monitoring Officers Act 2026*.

2 Commencement

This Act commences on the date it is certified by the Speaker.

3 Objectives of this Act

The objectives of this Act are to:

- (a) protect public safety while respecting the freedom of movement of transferees;
- (b) establish proportionate and rights-compatible community monitoring regime;
- (c) authorise limited and clearly defined powers for Community Monitoring Officers;
- (d) ensure accountability, oversight, and safeguards in the exercise of such powers; and
- (e) to empower community monitoring officers with such powers to maintain peace, law and order in the community consistent with Part 2 of the *Constitution*.

4 Interpretation

In this Act:

‘Community Monitoring Officer’ or **‘CMO’** means a person appointed or authorised under Section 6;

‘emergency’ means a situation involving imminent risk of serious harm;

‘identification details’ means the CMO’s name and photograph and evidence that such CMO is appointed in accordance with this Act;

‘Minister’ means the Minister responsible for this Act;

‘Secretary’ means the Secretary for Internal Affairs;

‘transferee’ means a person transferred to the Republic under an arrangement, understanding or agreement with another State, including such for which the Cabinet may make a declaration for application of this Act; and

‘weapon’ includes any item declared by the Minister by order as a weapon.

[The next page is 896,501]

PART 2 — COMMUNITY MONITORING OFFICERS

5 Appointment of accredited service provider

- (1) A service provider shall be approved by the Cabinet to provide services for the Government to achieve the objectives of this Act.
- (2) The Minister may appoint such approved service provider for the purposes of providing services to the Government under this Act.

6 Appointment of Community Monitoring Officers

- (1) An approved service provider under Section 5 shall employ persons who have been approved by the Minister under this Section.
- (2) For the purposes of subsection (1), the service provider shall seek approval from the Minister for engaging CMO.
- (3) Where the Minister has approved the engagement of a CMO, the Secretary shall publish in the gazette the appointment of such CMO.
- (4) A service provider shall only seek approval under subsection (2), if the person has successfully completed a training approved by the Secretary.
- (5) An application under subsection (2) shall be accompanied by:
 - (a) an identification instrument of the CMO;
 - (b) a certificate certifying that the CMO has undertaken the necessary training;
 - (c) a police record showing the CMO has no criminal convictions; and
 - (d) such other requirements as may be prescribed.
- (6) The service provider shall request and the Secretary shall issue a CMO with an identity card under his or her hand.

7 Functions of a Community Monitoring Officer

The functions of a CMO are to:

- (a) observe the movement and conduct of transferees in the community;
- (b) accompany transferees for activities which may require the safety of the transferees and any other person;
- (c) report any unlawful conduct of the transferee to the police; and
- (d) intervene in emergency situations to maintain peace, order and safety of all persons.

8 Powers of Community Monitoring Officer

A Community Monitoring Officer shall have the power to do all things necessary or convenient to be done for the performance of his or her functions under this Act or any other written law.

9 Requirements of a Community Monitoring Officer in relation to identification details

A CMO shall without request show his or her identification details when performing a function or exercising a power under this Act.

[The next page is 896,701]

PART 3 — SPECIAL POWERS OF COMMUNITY MONITORING OFFICERS

10 Obligation to provide name, address or other information to a Community Monitoring Officer

- (1) A transferee upon being asked by a CMO, shall provide his or her name, address or other information about his or her identity.
- (2) A transferee upon being asked by a CMO, shall not provide a false name, address or false information.
- (3) A transferee who contravenes subsections (1) and (2) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 6 months.

11 Directions by a Community Monitoring Officer

- (1) A CMO for the purpose of ensuring community safety, may issue a direction to the transferee.
- (2) A transferee who without lawful or reasonable excuse contravenes a direction issued under subsection (1), commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 6 months.

12 Consent-based search

- (1) A CMO may request a transferee's consent to search the transferee or his or her belongings.
- (2) The transferee shall be informed by a CMO that he or she may decline to give consent and provide a reasonable excuse for not providing such consent.
- (3) Where a transferee does not give consent and the CMO is of reasonable belief that the transferee is committing or intends to commit an offence, the CMO shall immediately report such matter to the Nauru Police Force.

13 Seizure of weapons and other offending materials

- (1) Where during the course of a search under Section 12 a CMO discovers a weapon or offending material which is capable of being used for committing an offence, the CMO shall seize such weapon or offending material and report the matter to the Police.
- (2) The CMO shall prepare an inventory for the seized weapon or other offending material, which shall be provided to the Nauru Police Force together with such weapon or offending material for the purposes of investigation, and prosecution.
- (3) The service provider shall provide a report of any seizure done under this Section to the Secretary, the details of which shall include:
 - (a) purpose and nature of the search;
 - (b) description of the weapon or offending material seized;
 - (c) the identity details of the transferee;
 - (d) the name of the CMO who conducted the search; and
 - (e) the matter being reported to the police including any weapons or

offending material seized that has been handed over to the police for the purposes of investigation and prosecution.

14 Use of reasonable force

- (1) A CMO may use reasonable force to restrain a transferee in carrying out his or her functions or exercising his or her powers under this Act.
- (2) The CMO shall report the incident to the Police.
- (3) Upon receiving a report under subsection (2), the Police shall promptly assist the CMO where it is required to arrest the transferee.
- (4) The CMO shall provide a report of an incident under this Section to the Secretary, the details of which shall include:
 - (a) purpose and nature of the incident;
 - (b) the identity details of the transferee;
 - (c) the name of the CMO who was involved in the incident; and
 - (d) the matter being reported to the police.

[The next page is 896,901]

PART 4 — ROLE OF POLICE

15 Police powers preserved

- (1) Nothing in this Act, shall be construed as diminishing, restricting, or impairing the full powers, duties, and responsibilities vested in the Police under the *Nauru Police Force Act 2025*.
- (2) The powers of CMOs granted under this Act, shall be supplementary and shall be exercised concurrently with, but not as a substitute for, the powers of the police under the *Nauru Police Force Act 2025*.
- (3) Where a conflict arises as to the exercise of powers by CMOs and police officers, the authority of a police officer shall prevail.

16 Standard operating procedures

The Secretary shall in cooperation with the Commissioner of Police establish Standard Operating Procedures for collaborative work required of CMOs and police officers under this Act.

[The next page is 897,101]

PART 5 — SAFEGUARDS AND OVERSIGHT

17 Oversight by the Department of Internal Affairs

- (1) The Secretary shall be responsible for regulating the performance of functions and exercise of powers of CMOs.
- (2) Where the Secretary receives a complaint under Section 18, the Secretary shall in accordance with the prescribed requirements, address such complaints.

18 Complaints may be made

- (1) A transferee who is aggrieved with the performance of functions or exercise of powers of a CMO under this Act, may lodge a complaint with the Secretary.
- (2) Regulations shall be prescribed to provide for the procedures to address complaints that are made.

19 Record keeping

- (1) The Secretary shall keep a record of all appointments made, reports received and complaint procedures undertaken.
- (2) The records shall be kept and maintained in:
 - (a) electronic or digital form which is capable of being produced in printed form; or
 - (b) physical form.
- (3) The Secretary shall not disclose or share any information with any person except where it is required by a law enforcement agency for official purposes, by the Republic, or any proceedings.

20 Confidentiality of information supplied

- (1) Any person or law enforcement agency who has requested and has been provided information under this Act shall ensure that such information obtained is kept confidential.
- (2) A person who contravenes subsection (1) commits an offence and is liable upon conviction to a fine not exceeding \$30,000 or an imprisonment term not exceeding 2 years or to both.

21 Secretary shall report potential breach of visa conditions

Where the Secretary has received a report from a CMO under this Act which is a potential breach of the transferee's visa conditions, the Secretary shall report such matter to the Secretary for Justice and Border Control.

[The next page is 897,301]

PART 6 — OFFENCES

22 Obstructing a Community Monitoring Officer

- (1) A person shall not obstruct, hinder, intimidate or resist a CMO where the CMO is performing his or her functions or exercising his or her powers.
- (2) A person who contravenes subsection (1) commits an offence and shall be liable upon conviction to an imprisonment term not exceeding 2 years.

[The next page is 897,501]

PART 7 — MISCELLANEOUS

23 Regulations

- (1) The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed to give effect to this Act.
- (2) Without limiting subsection (1), the Cabinet may make regulations to:
 - (a) offences for which fixed penalties shall be imposed;
 - (b) a fixed penalty for each corresponding prescribed fixed penalty offence;
 - (c) the fixed penalty notice which a CMO may serve to an offender for an offence for which a fixed penalty is prescribed;
 - (d) a time frame for the payment of a fixed penalty;
 - (e) procedure for the prosecution of and additional penalty to be imposed by the court on offenders defaulting to pay the prescribed penalty in accordance with the fixed penalty notice;
 - (f) procedures for dealing with a fixed penalty notice; and
 - (g) any other matters necessary for the effective enforcement of fixed penalty notices.

