



REPUBLIC OF NAURU

EDUCATION (AMENDMENT) ACT 2025

No. 29 of 2025

An Act to amend the *Education Act 2011* and for other related purposes.

Certified: 19 June 2025

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Education (Amendment) Act 2025*.

2 Commencement

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

3 Amendment of the Education Act 2011

The *Education Act 2011* is amended by the provisions of this Act.

4 Amendment of Section 4

- (1) Section 4 is amended by deleting the definition '*authorised person*' and substituting with the following:

"authorised officer" means a person appointed by the Minister under Section 113;'.

- (2) Section 4 is amended by deleting the definition of the term '*secular*'.

5 Amendment of Section 37

Section 37 is deleted and substituted as follows:

'37 Corporal Punishment

- (1) In this Section:

'corporal punishment' means the application of reasonable physical force to correct misconduct which may cause physical pain or discomfort for that purpose.

- (2) A principal or a teacher shall not use:

- (a) corporal punishment as a form of discipline;
- (b) any form of punishment that may cause harm to the student; or
- (c) any form of punishment that humiliates or is intended to humiliate the student.

- (3) Notwithstanding subsection (2), a principal or a teacher authorised by the principal, may use corporal punishment on a student, where it is necessary:

- (a) to maintain discipline of a student's conduct in the school;
- (b) to prevent or minimise harm to the student or another person; or
- (c) to prevent the student from engaging or continuing to engage in misconduct including any criminal conduct;

- (d) to prevent the student from engaging or continuing to engage in threatening, offensive or disruptive behaviour; or
- (e) in such other reasonable circumstances which requires the use of corporal punishment.

- (4) A principal or teacher who contravenes subsection (2), or who contravenes subsection (3) by using corporal punishment for any circumstance other than those provided under subsection (3), commits an offence and shall be liable to a fine not exceeding \$500.’.

6 Amendment of Section 76

Section 76 is deleted.

7 Amendment of Section 113

Section 113 is deleted and substituted as follows:

‘113 Appointment of authorised officer

- (1) The Minister may appoint any persons to be authorised officers for the purposes of this Act.
- (2) An authorised officer appointed under this Section shall act under the directions or instructions of the Minister.
- (3) An authorised officer shall be issued with an identification card signed by the Minister.
- (4) An authorised officer appointed under this Section shall produce his or her identification card on request.
- (5) Where an authorised officer fails to produce his or her identification card as required under subsection (4), he or she shall not exercise any powers under this Act.’.

8 Insertion of new Sections 113A to 113F

After Section 113, insert new Sections 113A to 113F as follows:

‘113A Powers of authorised officer

An authorised officer who has reasonable cause to believe that there has been a contravention of this Act, may:

- (a) issue a Fixed penalty notice; and
- (b) exercise such power in the performance of his or her functions under the Act.

113B Offences against authorised officer

- (1) A person shall not:

- (a) hinder or obstruct an authorised officer in the performance of his or her duties or the exercise of any powers under this Act;
 - (b) induce or incite any other person to hinder or obstruct an authorised officer acting in accordance with this Act;
 - (c) by words or conduct falsely represent that he or she is an authorised officer or impersonate an authorised officer;
 - (d) fail to provide information to an authorised officer in the course of the duties of the authorised officer under this Act;
 - (e) refuse to give access to records to an authorised officer in accordance with this Act;
 - (f) refuse to give assistance to an authorised officer in accordance with this Act; or
 - (g) provide false or misleading information to an authorised officer in the course of the duties of the authorised officer under this Act.
- (2) A person who contravenes subsection (1), commits an offence and is liable upon conviction:
- (a) for an individual, to a fine not exceeding \$20,000 or an imprisonment term not exceeding 1 year or to both; or
 - (b) for a corporation, to a fine not exceeding \$100,000.

113C Fixed Penalty Notice

- (1) A Fixed Penalty Notice shall comply with the following requirements:
- (a) state the place, date and time of alleged offence;
 - (b) state the name and address of the person to whom the notice is issued;
 - (c) notify the person to whom the notice is issued when and where the fixed penalty may be paid;
 - (d) require the person to whom the notice is issued to pay the amount due within 21 days and in the event of failure to pay the fixed penalty, legal proceedings shall be instituted within the next 14 days and the person may have legal representation to represent them or enter a written guilty plea;
 - (e) notify the person to whom the notice is issued that, in case of default in payment within the time specified in

the notice, the court may, if the person is found guilty by the court, impose a penalty which is more than the fixed penalty for the offence; and

- (f) shall bear the date on which it was served on the person charged as the case requires.
- (2) The Cabinet may make regulations prescribing:
- (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 an authorised officer may serve to an offender for an offence for which a fixed penalty is prescribed;
 - (d) a time frame for the payment of 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.
- (3) An authorised officer may issue a Fixed Penalty Notice to a person who commits an offence under this Act.
- (4) The fixed penalty for any offence shall not exceed fifty percent of the maximum penalty provided under this Act.

113D Requirements for a Fixed Penalty Notice

- (1) A Fixed Penalty Notice shall not be served more than 14 days after the day on which the offence is alleged to have been committed.
- (2) The authorised officer who issues a Fixed Penalty Notice shall cause a signed copy of the notice to be placed before the Nauru Revenue Office and District Court as specified in the notice not later than 7 days after the notice is issued.
- (3) Where a Fixed Penalty Notice served upon a person has not been accepted by payment of the fixed penalty within 21 days of the date of the Fixed Penalty Notice, the notice shall be regarded for all purposes as a summons issued under the *Criminal Procedure Act 1972*.

- (4) A person who is issued a Fixed Penalty Notice by an authorised officer shall accept its service by signing for the service of the Fixed Penalty Notice.
- (5) A person who fails to comply with subsection (4), commits an offence and is liable upon conviction to a fine not exceeding \$5,000.
- (6) The issuance of a Fixed Penalty Notice shall not be taken to prevent the institution of proceedings under any other provision of this Act.
- (7) Where a Fixed Penalty Notice served upon a person is not complied with and is placed before the court, the court may impose a penalty higher than the fixed penalty stipulated for the offence and such penalty shall:
 - (a) be commensurate with the seriousness of the offence; and
 - (b) deprive the offender of any benefits arising from the commission of the offence.

113E Evidence of acceptance of a Fixed Penalty Notice

In any proceedings, a certificate signed by the Registrar of Courts, Nauru Revenue Office or an authorised officer that the fixed penalty is or is not paid shall, unless the contrary is proved, be conclusive evidence of the matters stated in the certificate.

113F Application of Criminal Procedure Act 1972

The *Criminal Procedure Act 1972* applies mutatis mutandis to any matter or proceedings under this Act.’

9 General amendments

All references to “authorised persons” are deleted and substituted with “authorised officers”.

10 Savings and transitional provision

An appointment made under Section 113, prior to the commencement of the *Education (Amendment) Act 2025*, continues to be valid after the commencement of the *Education (Amendment) Act 2025*.