



**REPUBLIC OF NAURU
GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY
EXTRAORDINARY**

No. 94

4th May, 2020

Nauru

G.N.No. 282/2020

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

SL No. 9 of 2020

Notified: [4th May, 2020]

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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. Objective

The objective of these Regulations is 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;

‘minor’ means a person below the age of 18 years;

‘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;

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'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 Minister for National Emergency Services;

'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;
- (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;

'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.

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- (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 any 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).

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- (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 interest 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 \$5,000.00 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 \$5,000.00, 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;

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- (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 \$5,000.00.
- (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 \$5,000.00 or 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;

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- (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.

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- (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 the 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.

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- (5) A person who fails to comply with the directions of the Secretary shall be liable to a fixed penalty of \$5,000.00:
- (a) which shall be issued by a police officer in the prescribed form; and
 - (b) such person shall continue to pay a penalty of \$1,000.00 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 Regulation (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.

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- (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 \$5,000.00 and shall continue to pay a penalty of \$1,000.00 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.
- (9)

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 \$1,000.00 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 \$5,000.00 or to a term of imprisonment not exceeding 6 months or to both.

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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 any thing 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 \$1,000.00 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 \$5,000.00 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 Home Affairs.

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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.

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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 \$1,000.00 which shall be:

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- (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 \$5,000.00 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.

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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 \$100.00; 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 \$100.00; 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 \$250.00, 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.

G.N.No. 282/2020 (Cont'd)

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.

G.N.No. 282/2020 (Cont'd)

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 \$250.00 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.

G.N.No. 282/2020 (Cont'd)

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) Any 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).

SCHEDULE 1



REPUBLIC OF NAURU

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

CORONAVIRUS (COVID-19) FIXED PENALTY NOTICE

(Regulation 26)

<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>	Fixed Penalty Notice No.:	
	Date of Issue:	
	Penalty:	
	Penalty Due:	
	Due Date:	
<p>Important Notice:</p> <p>The consequence of not paying a penalty or fine will result in proceedings for offences against you in the court where fines and imprisonment may be imposed.</p>	<p>Payment must be made at the Nauru Revenue Office within 7 days from the date of service of this Fixed Penalty Notice.</p>	

G.N.No. 282/2020 (Cont'd)

PART 1 – OFFENCE DETAILS

Offender:

Surname:.....
.....

Given Names:
.....

Nature of Offence: contrary to Regulation of the *National Disaster Risk Management (Coronavirus (COVID-19) (Community Transmission) and (Public Health Safety) 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:
.....
.....

Note:

1. *This Notice must 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)(e) for which he or she is liable to a fine not exceeding \$5,000.00 in addition to the fixed penalty.*

G.N.No. 282/2020 (Cont'd)

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 will 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 must attend the District Court at Yaren on day the day of 20.... atnoon for the hearing.

If you fail to attend to the hearing, the court will 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 will 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 of20..... 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)

G.N.No. 282/2020 (Cont'd)

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
1	16(5)	Fails to comply with directions of the Secretary – contact tracing measures
2	17(7)	Fails to comply with direction
3	19(3)	Fails to comply – restrictions on visitations or contact
4	20(5)	Fails to comply – delivering food or basic necessities

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;(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;(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 personal protective equipment or infectious waste; or(o) obstructs or hinders a person with lawful authority.
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