



REPUBLIC OF NAURU

NATIONAL DISASTER RISK MANAGEMENT (MANAGEMENT AND MINIMISATION OF THE IMPACTS OF CORONAVIRUS (COVID-19)) REGULATIONS 2020

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Cabinet makes the following Regulations under Section 86 of the *National Disaster Risk Management Act 2016* to give effect to 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 (National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020*.

2 Commencement

These Regulations come into effect on 16 March 2020.

3 Objective

The objective of these Regulations is to:

- (a) prevent, protect, control and provide a public health response to the international and domestic spread of the Coronavirus (COVID-19);
- (b) avoid unnecessary interference with international travel or traffic;
- (c) insofar as practicable, comply with the Republic's obligations under the *International Health Regulations 2005*;
- (d) manage and minimise the impacts of the Coronavirus (COVID-19);
- (e) effectively respond to and prevent or recover from the domestic and global effects of the Coronavirus (COVID-19); and
- (f) implement and enforce the ***Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*** under the Act.

4 Definitions

In these Regulations:

'declared disease' means Coronavirus (COVID-19) which is also declared as a quarantinable disease under the *Quarantine Act 1908*;

'designated residence' means a temporary place of residence declared by the Minister or appointed under Section 13A of the *Quarantine Act 1908* and gazetted under these Regulations as a place for screening, social distancing, examining, observation, treating or confining a person for the declared disease;

'infectious disease' is a disease caused by a living organism or other pathogen;

'occupants' includes travellers and persons required to stay in a designated residence;

'premises' means any land, building or structure;

'Rules' includes any written or unwritten directions which may be issued by the Minister, Secretary or a person in charge of a designated residence;

'Secretary' means the Secretary for Health and Medical Services or any such other authorised person appointed by the Secretary;

'traveller' includes a passenger, who has purchased a ticket to travel by an aircraft or vessel.

5 Guiding principles for the interpretation of these Regulations

- (1) The guiding principles for the interpretation and application of these Regulations shall be:
 - (a) to respect the dignity, human rights and fundamental freedoms of persons when managing and minimising the impacts of the declared disease;
 - (b) guided by the Charter of the United Nations and the constitution of the World Health Organisation and such other international response to these Regulations;
 - (c) guided by the *International Health Regulations 2005* to which the Republic is a party;
 - (d) for the purposes of the protection of people of the Republic and the World from the international spread of the declared disease; and
 - (e) to implement the health policies of the Republic in relation to managing and minimising the spread of the international pandemic declared disease.
- (2) Notwithstanding the ***Declaration of the National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*** under the Act, the Minister for Health and Medical Services and Department of Health and Medical Services shall be the central agency to implement the health measures to manage and minimise the impacts of the declared disease.
- (3) The Minister where necessary, shall by Order published in the Gazette, declare or appoint such persons or agencies to be responsible for the implementation and enforcement of these Regulations.

6 Management of declared disease

- (1) No person shall wilfully, negligently or recklessly transmit or spread the declared disease:
 - (a) from a foreign country into the Republic;
 - (b) within the Republic; or
 - (c) from the Republic to a foreign country.

- (2) Where the Secretary deems that a person attempts to or has contravened subregulation (1), he or she shall require such person to be apprehended from any port of entry or exit, aircraft, vessel, after having lawfully entered or residing in the Republic to be removed to and remain in the appropriate designated residence.
- (3) A failure to comply with the directions of the Secretary constitutes:
 - (a) failure to obey lawful directions under Section 81 of the Act;
 - (b) hindering, obstructing or interfering with an emergency activity under Section 82 of the Act; and
 - (c) failing to comply with the ***Declaration of National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)*** by the Minister on or about 16 March 2020.
- (4) A person who contravenes subregulation (3), in addition to any prosecution under a written law, shall pay a fixed maximum penalty of \$500.00 under the Act to the Nauru Revenue Office.

7 Designated residence

The Minister may by Order published in the Gazette, appoint such appropriate premises as designated residences for such purposes as necessary for managing and minimising the impacts of the declared disease.

8 Persons in designated residence

- (1) Where a person, is required by these Regulations or the Secretary, to reside in a designated residence, such person shall:
 - (a) comply with all the directions as may be given from time to time by the Minister or any other authorised person;
 - (b) reside in a designated residence for such period of time as may be necessary; and
 - (c) strictly comply with the rules, directions or requirements of the occupation of such designated residence.
- (2) Where a minor is required by the Secretary to reside in a designated residence, the Minister may direct the parent or guardian of the minor to:
 - (a) accompany and reside with the minor at the designated residence; and
 - (b) ensure the minor remains in the designated residence for such period of time as may be necessary.
- (3) A person who, without the prior approval of the Secretary or an authorised person, leaves or attempts to leave the designated residence in contravention of these Regulations may be arrested without a warrant by a police officer and where applicable, returned to the designated residence.

9 Rules governing the occupation of designated residences

- (1) The Minister or any other authorised person may make rules governing the use and occupation of the designated residences.
- (2) The rules shall be limited to ensuring that every occupant has peaceful occupation and use of the designated residence for the purposes of the declared disease.
- (3) The rules shall supplement the management and minimisation of the impacts of the declared disease.
- (4) The rules made under subregulation (1) may provide for the:
 - (a) prohibition of any person or class of persons from entering or leaving the designated residence without the approval or authorisation of the Secretary;
 - (b) prohibition or restriction of any movement within the designated residence; or
 - (c) prohibition or restriction of the movement of goods into the designated residence.
- (5) A police officer or any other authorised person may take such reasonable action that is necessary to give effect to rules issued under this Regulation.

10 Travellers to transition at designated residence

- (1) A traveller shall comply with the directions of an Immigration officer or any other authorised person upon disembarking an aircraft or vessel to:
 - (a) complete all arrival formalities; and
 - (b) travel from the port of entry or disembarkation in an authorised transport only and to remain in the designated residence until informed otherwise.
- (2) At the designated residence, the traveller may be required to comply with the requirements of the following:
 - (a) Immigration;
 - (b) Customs; and
 - (c) Quarantine.
- (3) For the purposes of subregulation (2), the designated residence shall be deemed as the administration point for permitting entry into the Republic or transit to another country.

11 Arrival of travellers

For the purposes of managing and minimising the impacts of the declared disease, all travellers at the port of entry or disembarkation or at the designated residence shall:

- (a) provide information as requested including his or her final or other intermediary destination;
- (b) submit his or her itinerary to determine the destinations or countries already travelled or intending to travel;
- (c) provide health details in particular in respect of the declared disease;
- (d) submit to a thermal screening process, swab testing or such other digital or technologically innovative methods or examinations to diagnose the declared disease or other health measures as directed by the Secretary; or
- (e) allow inspection of all such accompanied or unaccompanied baggage, cargo, containers, conveyance and other goods belonging to or carried on behalf on any other person by the traveller.

12 Invasive or intrusive medical examination

- (1) Where a traveller presents any signs or symptoms or the Secretary is satisfied on preliminary examination under Regulation 11 of infection of declared disease, the traveller shall undergo an invasive or intrusive medical examination without consent, limited for the purposes of diagnosing, managing or minimising the impacts of the declared disease in the Republic.
- (2) Under these Regulations, the proprietor, its servant or agent of the aircraft or vessel shall inform an intending traveller of the requirements of subregulation (1) prior to boarding the aircraft or vessel at the port or country of departure.
- (3) The proprietor, its servant or agent of the aircraft or vessel shall be responsible for the traveller where he or she is denied entry into the Republic under Regulation 13.

13 Traveller declining medical examination

- (1) Where a traveller wilfully declines to undergo an invasive or intrusive medical examination for the purposes of diagnosing, managing or minimising the impacts of the declared disease before disembarking from an aircraft or vessel and complying with Immigration requirements, such traveller shall not be allowed to enter the Republic.
- (2) For the purpose of this Regulation, the traveller shall remain on board the aircraft or vessel or, where he or she had disembarked, be required to re-board the aircraft or vessel.
- (3) Where it is impractical or impossible to implement subregulation (2) and the traveller poses an imminent public health risk, he or she shall be compelled to undergo:
 - (a) invasive and intrusive medical examination to achieve the objective of these Regulations; and
 - (b) other preventive measures to manage and minimise the spread of the declared disease in the Republic.

14 Medical examination of minors

- (1) No medical examination, diagnosis or treatment shall be performed on a minor without the consent of a parent or guardian.
- (2) Where the parent or guardian unduly withholds consent, and the minor needs medical examination or treatment, the Secretary may apply to the District Court to allow such examination or treatment to be undertaken for the safety of the health or wellbeing of the minor and the prevention of the spread of the declared disease.

15 Travellers under observation for declared disease

The Secretary may approve or authorise a traveller on an international voyage, where such traveller has been under observation for the declared disease during a stop-over or transit, provided that the:

- (a) traveller does not pose an imminent public health risk;
- (b) relevant authorities within the Republic inform the authorities at the point of entry or destination of the traveller's expected arrival; and
- (c) traveller reports to the receiving authority immediately on arrival to the transit or destination port.

16 Duration of occupancy

- (1) A person, who is required by these Regulations or the Secretary, shall remain in the designated transit residence for a term not exceeding 14 days unless directed otherwise.
- (2) Where a person is required to undergo further observation or treatment, he or she shall not leave the designated residence for that purpose until discharged or authorised by the Secretary.
- (3) For the purposes of observation or treatment, the Secretary may refer any occupant to such other place where such observation or treatment is readily available.

17 Visitation at designated residence

- (1) Save for authorised persons and health service providers, no person shall be permitted to visit or meet any of the occupants of a designated residence.
- (2) The occupants may maintain contact during the period of their social distancing through telephone, electronic mail or voice over the internet including mass media.
- (3) The communications services providers shall provide services under Part 8 of the *Communications and Broadcasting Act 2018*.

18 Arrival of aircraft or vessel

On the arrival of an aircraft or vessel, the Secretary or any other authorised person shall:

- (a) have unlimited right of access or entry of such aircraft or vessel to cause an inspection to be carried out to such aircraft, vessel, person or cargo on board;
- (b) direct health and sanitary measures to be carried out in respect of an aircraft or vessel;
- (c) obtain from the captain or master:
 - (i) any necessary information that the Secretary requires to ascertain the health of travellers on board the aircraft or vessel;
 - (ii) a certificate relating to the sanitary condition of the aircraft or vessel;
 - (iii) information on the port last visited by such aircraft or vessel including its certificate for departure from such port; and
 - (iv) any other relevant information for the purposes of these Regulations;
- (d) inspect the journal, log book of the aircraft, vessel or the captain or master;
- (e) direct the captain of the aircraft or master of the vessel to provide copies of the traveller list, crew list and cargo manifest immediately after the arrival of such aircraft or vessel in the Republic; or
- (f) a health certificate declaring the captain, master and crew respectively have been diagnosed by a medical practitioner and health authority that no traces of the declared disease was diagnosed.

19 Disinfection of aircraft, vessel or motor vehicle transporting infected person

- (1) The Secretary or any other authorised person shall ensure that an aircraft, vessel or motor vehicle is disinfected after carrying any suspected or infected person of the declared disease.
- (2) The proprietor, its servant or agent of the aircraft or vessel may use any such chemicals or cleaning agents for the purposes of disinfecting or fumigating such aircraft or vessel, which is duly approved by the World Health Organisation or is safe for public health.

20 Unauthorised boarding or disembarking from infected aircraft or vessel

Where an aircraft or vessel is being disinfected, the captain of an aircraft or master of a vessel may:

- (a) prevent any traveller from disembarking from the aircraft or vessel without being authorised by the Secretary;
 - (b) detain any person who boards the aircraft or vessel without the approval of the Secretary;
 - (c) deliver any person detained to the Secretary or any other authorised person;
- or

- (d) prevent any baggage or cargo from being discharged from the aircraft or vessel.

21 Discharge of waste or matter from aircraft or vessel

Despite any other written law, any human dejecta, solid or liquid waste or any matter which the Secretary deems to be contaminated, shall be subject to such measures or disposal as directed by the Secretary.

22 Closure and disinfection of premises

- (1) Where the Secretary has reasonable cause to believe that there are premises likely to cause an outbreak or the spread of the declared disease, he or she may by written notice order the closure of the premises for a period not exceeding 21 days.
- (2) The notice issued under subregulation (1) may require the owner or occupier of the premises to:
 - (a) clean or disinfect the premises in the manner and within the time specified in the notice; or
 - (b) carry out such other hygienic measures as the Secretary may require.

23 Aircrafts, vessels, persons or articles from affected countries

An aircraft, vessel, person or article coming from an affected country shall be deemed to be infected unless declared otherwise by the Secretary.

24 Provision of necessities

- (1) Where a person is required by these Regulations or the Secretary to reside in a designated residence, such person shall be provided with adequate food and water.
- (2) In providing food under subregulation (1), the Secretary or such other authorised person shall ensure the dietary or religious needs of persons occupying the designated residence are met.

25 Prohibition on mass gatherings

- (1) All forms of mass gatherings are prohibited for such period as the Minister may by order published in the Gazette.
- (2) Subregulation (1) does not apply to a funeral gathering.

26 Travel restriction

Where necessary, the Minister may by Order published in the Gazette, restrict or prohibit travel to, from or within the Republic.

27 Costs and expenses incurred

The Minister may by Order published in the Gazette, declare any costs or expenses incurred for the purposes of operating a designated residence to be paid by the occupants.

28 Failure to disclose the declared disease by a visa or permit holder

Where a foreigner or a visitor, who has been granted a visa or permit, and does so knowingly enter the Republic being under suspicion or infected by the declared disease or fails to comply with these Regulations, directions or orders of any authorised person:

- (a) his or her visa or permit shall forthwith be cancelled or revoked;
- (b) such person be declared a prohibited immigrant; and
- (c) not permitted to enter the Republic for a period of at least 5 years.

29 Confidentiality of patient details

- (1) The Secretary shall maintain the patient confidentiality of any person who may be infected by the declared disease or are required to remain in any of the designated residence.
- (2) Subregulation (1) does not prohibit the publication of general statistics of any persons infected by the declared disease or are required to remain in any designated residence.

30 Offence

- (1) A person who contravenes or fails to comply with these Regulations or any other written law, commits a strict liability offence and upon conviction shall be liable to a fine not exceeding \$50,000.00 or term of imprisonment not exceeding 5 years or both.
- (2) Where a person under the Regulations is required to or prohibited to act in any particular manner whatsoever and such person fails to comply with the same, such person commits an offence under the Act.
- (3) The District Court shall have the jurisdiction to hear and determine any cause or matter under these Regulations.

31 Miscellaneous

The Minister may from time to time give such directions or orders to manage and minimise the impacts of the declared disease or as may be necessary to give effect to the Act and these Regulations.

SCHEDULE



REPUBLIC OF NAURU

National Disaster Risk Management Act 2016

National Disaster Risk Management (National Emergency for the Management and Minimisation of the Impacts of Coronavirus (COVID-19)) Regulations 2020

Order No. .../20....

Section 26
Regulation 7

Designated Residence

PURSUANT to the powers vested in me under Regulation 7, I, [*insert name*], **MP**, Minister for National Emergency Services, do hereby **ORDER** the following places to be designated residences for the purposes of the Coronavirus (COVID-19).

[Insert Designated Residence]

Dated this day of 20...

Hon., MP
Minister for National Emergency Services