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SUPERSESION OF GAZETTE NO 14/2016

This gazette notice is to supersede Government Gazette No. 14 of 2016 dated 10th February, 2016.

NAURU REGIONAL PROCESSING CENTRE
CENTRE RULES
FEBRUARY 2016
SL NO. 1 of 2016

These rules are made under Division 2 of the *Asylum Seekers (Regional Processing Centre) Act 2012* (“the Act”) as in force, for the good order and management of the Regional Processing Centre (“the Centre”), and the care and welfare of persons residing there.

These rules enter into force upon notification in the Government Gazette. They will be translated and made available to all persons living at, working at, or visiting the Centre. They may be amended from time to time in accordance with the Act. These rules supersede the Centre Rules dated July 2014.

1. General

1.1. Everyone living or working at the Centre has the right to feel safe and to be treated with dignity and respect. Everyone has a part to play in making the Centre a safe and respectful environment.

2. Laws of Nauru

2.1 The laws of Nauru apply to everyone in the Centre, including all persons residing at the Centre, staff and visitors. All persons must comply with the laws of Nauru.

2.2 If any person commits an offence under the laws of Nauru at the Centre, the matter will be referred to police and charges may be laid.

2.3 Incidents of violent behaviour (including any threats, assaults, domestic violence or abuse of children) will be reported to the police.

2.4 Everyone has a responsibility to report actual or suspected domestic violence, child abuse, assault, harassment or bullying of any other persons visiting, working or residing at the Centre. It is prohibited to discriminate against any person because of their sex or gender, marital status, pregnancy, parental status and family responsibility, sexual preference or gender identity, disability, impairment or handicap, race, colour, creed, national or ethnic origin, age, religious or political beliefs.

3. Responsibilities of Persons Residing at the Centre

3.1. At all times, all persons residing at the Centre must:

3.1.1 comply with these Centre Rules;

3.1.2 comply with all reasonable orders and directions from an Operational Manager or a service provider that are in the interests of the safety, good order and maintenance of the Centre;

3.1.3 look after the buildings, furniture and facilities and not damage or alter property, marquees or equipment;

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- 3.1.4 treat others respectfully, and not do anything that puts at risk or endangers the safety and welfare of any person in the Centre. Bullying or harassment of anyone living in, working at, or visiting the Centre is prohibited;
- 3.1.5 not behave in a way that adversely affects, or is likely to adversely affect, the security and good order of the Centre;
- 3.1.6 not possess, control, solicit or hide prohibited or controlled items (see section 8);
- 3.1.7 not remove any consumables off site for the purpose of exchanging, selling, bartering outside the centre;
- 3.1.8 not participate in any form of exchange or bartering within the Centre. This includes the provision of gifts or any material goods or favours;
- 3.1.9 follow instructions of the service provider when on an excursion. Excursion arrangements are agreed with the local community and/ or Government of Nauru, and agreed conditions must be complied with or permission to hold the excursion may be revoked;
- 3.1.10 respect local people, property and their culture at all times. Persons residing at the Centre must not use inappropriate language, behave or dress inappropriately or solicit when interacting with the community;
- 3.1.11 not access websites, share, upload or download files or store information containing pornography or material that could incite violence, racism, hatred or which may cause offence;
- 3.1.12 not have or possess or consume any alcohol or drugs that have not been prescribed for the user or are used other than prescribed;
- 3.1.13 present identification cards upon request.

4. Living Together

4.1 In order to promote a respectful living environment, all persons residing at the Centre must:

- 4.1.1 keep the Centre, accommodation, living and bathroom areas clean and tidy;
- 4.1.2 respect the needs of each individual sharing the accommodation area;
- 4.1.3 request permission before entering into other people's living area;
- 4.1.4 reside in allocated accommodation room(s) and not change rooms without permission from a service provider;
- 4.1.5 keep noise to a respectful level after 10pm and before 7am;
- 4.1.6 abide by such curfews as may be set from time to time;
- 4.1.7 not damage or remove property that belongs to another person or the Centre;
- 4.1.8 not get involved in violence, and stay away if there is an incidence of violence or aggression;
- 4.1.9 not participate in intimidation or harassment and report any cases to a service provider;
- 4.1.10 report any actual or suspected cases of domestic violence, child abuse or any type of assault to a service provider.

4.2 Smoking:

- 4.2.1 Smoking is only permitted in designated smoking areas. Smoking is not permitted in vehicles or on excursions.
- 4.2.2 Children under 18 are not permitted to smoke in the Centre, nor to enter designated smoking areas;
Children under 18 cannot purchase cigarettes; adults cannot use children's points to purchase cigarettes.

5. Caring for Children

- 5.1 All persons must seek to ensure the safety of children in the Centre.

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5.2 Parents are responsible for supervising their children in accommodation and common areas (mess, playground, recreational area) at all times and while outside the Centre unless it is an organized excursion and the child is under the supervision of a service provider.

5.3 Parents are responsible for ensuring that their children attend school, observe the Centre Rules and respect other people and property.

5.4 Children under 18 should not leave the Centre without being accompanied by a responsible adult.

6. Responsibilities of Staff

6.1 At all times, staff at the Centre must:

6.1.1 seek to ensure that the Centre is a safe environment for all persons residing therein, staff and visitors;

6.1.2 comply with these Centre Rules, contractual obligations including the code of conduct and written guidelines;

6.1.3 maintain professionalism and treat everyone with dignity and respect;

6.1.4 not engage in violent behaviour, including threats, bullying, harassment, discrimination, assaults or any other behaviours that may affect the safety and welfare of those living in, working at, or visiting the Centre. Report any actual or suspected incidents of such conduct to the Operational Manager;

6.1.5 not have, control, provide or hide prohibited or controlled items or engage in any activity that may risk or endanger the safety and wellbeing of others in the Centre;

6.1.6 not participate in any form of exchange or bartering within the Centre. This includes the provision of gifts or any material goods or favours;

6.1.7 not engage in any form of sexual exploitation. This means any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes. It is strictly prohibited to exchange money, goods, services or favours for sex including sexual favours or any forms of humiliating, degrading or exploitative behaviour. This includes withholding any assistance that is due to persons residing in the Centre;

6.1.8 not take, steal, possess or remove any RPC property including damaged property and consumables off site without the prior approval of the Operational Manager;

6.1.9 not have or possess or consume any alcohol or drugs that have not been prescribed for the user or are used other than prescribed. Smoke only in the designated smoking areas;

6.1.10 follow reasonable directions relating to UAMs from the Minister or his delegated guardian.

7. Restricted Areas

7.1 Only authorised people are permitted to enter restricted areas in or around the Centre. Signs will indicate if an area is restricted. Restricted areas include the security control room, transferee property room, generator areas, fire pump room, water treatment plant, server rooms, and areas which are identified as staff only.

8. Prohibited/ Controlled Items

8.1 Prohibited items are items which are not allowed in the Centre. "Prohibited item" has the same definition as in the Act and covers:

8.1.1 a firearm, knife or other article made or adapted for use, or capable of being used, for inflicting bodily injury; or

8.1.2 an explosive or other lethal device within the meaning of the *Counter Terrorism and Transnational Organised Crime Act 2004*; or

8.1.3 liquor within the meaning the *Liquor Act 1967*; or

8.1.4 illicit drugs within the meaning of the *Illicit Drugs Control Act 2004* or any equipment for administering such drugs; or

8.1.5 any other article designated as prohibited or controlled by the Operational Manager.

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8.2 A knife under 8.1.1 is not a prohibited item if used by service providers in the normal course of their duties.

8.3 Items used by Nauru Police or authorised officers in the normal course of their duties or to maintain the safety and good order of the Centre are not prohibited items (eg a firearm under 8.1.1).

8.4 A controlled item means any article provided in a list by an Operational Manager under section 18(3) of the Act. It may be approved by lead security personnel and/or Government of Nauru for certain staff or visitors to bring in to the Centre.

9. Entry Requirements/ Screening

9.1 Entry and exit to the Centre and/or to residential accommodation and living areas is restricted to personnel whose entry is approved.

9.2 Photo identification cards or approved visitor passes must be worn by staff and visitors at all times.

9.3 All persons and vehicles entering the Centre are subject to screening, frisk search, bag checks and vehicle searches upon entry and exit;

9.4 Visitors must be approved by the Government of Nauru, ABF or a service provider manager, and be escorted at all times;

9.5 A legal practitioner who wishes to enter the Centre in order to provide legal advice to a client residing in the centre will be permitted to enter by the Operational Manager, but will be subject to the same security requirements as any other visitor to the Centre.

10. Complaint Processes

10.1 It is a requirement that service providers establish and maintain an independent, transparent and accountable complaint process and that all persons working or residing at the Centre are made familiar with the system.

11. Breach of Centre Rules

11.1 The criminal law of Nauru will be used to prosecute any criminal acts committed by any person in the Centre.

11.2 Breach of 3.1.10 may result in suspension of internet access for up to one month.

11.3 Breaches of other centre rules by asylum seekers may result in the withdrawal of privileges (for example, external excursions, points). The extent and type of penalty will be agreed between the Operational Managers, and senior representatives of the health, welfare and security service providers.

11.4 Breaches of centre rules by staff members may result in disciplinary action including dismissal.

11.5 All breaches will be brought to the attention of the Operational Managers.
