



REPUBLIC OF NAURU

QUARANTINE (AMENDMENT) ACT 2020

No. 32 of 2020

An Act to amend the *Quarantine Act 1908*.

Certified: 23rd October 2020

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Quarantine (Amendment) Act 2020*.

2 Commencement

This Act commences on certification of the Speaker.

3 Amendment of the Quarantine Act 1908

The *Quarantine Act 1908* is amended by the provisions of this Act.

4 Amendment of Section 5

Section 5 is amended by inserting the following in alphabetical order, as follows:

'fixed penalty' means a prescribed penalty payable by the offender upon receipt of a Fixed Penalty Infringement Notice;

'Minister' means the Minister for Justice and Border Control;'

5 Amendment of Section 28

Section 28(4) is amended by deleting *'imprisonment for two years'* and substituting with *'a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both'*.

6 Amendment of Section 45

Section 45 is amended as follows:

(a) for subsection (2), by deleting *'One hundred pounds or imprisonment for 3 months'* and substituting with *'a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 3 months or to both'*; and

(b) for subsection (4), by deleting *'One hundred pounds or imprisonment for 3 months'* and substituting with *'a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 3 months or to both'*.

7 Amendment of Section 48

Section 48 is amended by deleting *'ten pounds'* and substituting with *'\$1,000'*.

8 Amendment of Section 78

Section 78 is amended by deleting *'Three years' imprisonment* and substituting with *'a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both'*.

9 Amendment of Section 79

Section 79 is amended by deleting *'Three years' imprisonment* and substituting with *'a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both'*.

10 Amendment of Section 80

Section 80 is amended by deleting *'Two years' imprisonment* and substituting with *'a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both'*.

11 Amendment of Section 81

Section 81(3) is deleted and substituted as follows:

'(3) The penalty for an offence against this Section shall be as follows:

- (a) if the offence is prosecuted summarily, a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months or to both;
- (b) if the offence is prosecuted upon indictment, a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both.'

12 Amendment of Section 82

Section 82 is amended by deleting *'Three years' imprisonment* and substituting with *'a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 3 years or to both'*.

13 Amendment of Section 83

Section 83 is amended by deleting *'Two years' imprisonment* and substituting with *'a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both'*.

14 Amendment of Section 84

Section 84 is amended by deleting *'Two years' imprisonment* and substituting with *'a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or to both'*.

15 General amendment as to penalties in this Act

The Act is amended as follows:

- (a) by deleting *'Five pounds'* wherever it appears and substituting with *'a fine not exceeding \$500'*;
- (b) by deleting *'Ten pounds'* wherever it appears and substituting with *'a fine not exceeding \$500'*;
- (c) by deleting *'Twenty pounds'* wherever it appears and substituting with *'a fine not exceeding \$500'*;
- (d) by deleting *'Twenty-five pounds'* wherever it appears and substituting with *'a fine not exceeding \$500'*;
- (e) by deleting *'Fifty pounds'* wherever it appears and substituting with *'a fine not exceeding \$500'*;
- (f) by deleting *'One hundred pounds'* wherever it appears and substituting with *'a fine not exceeding \$1,000'*; and
- (g) by deleting *'Five hundred pounds'* wherever it appears and substituting with *'a fine not exceeding \$5,000'*.

16 Amendment of Section 87

Section 87 is amended as follows:

- (a) by renumbering Section '87' as Section '88'; and
- (b) for subsection (1)(s), by deleting the words *'not exceeding One hundred pounds'*.

17 Insert new Section 87

'87 Fixed Penalty Infringement Notices

- (1) A quarantine officer or an authorised officer may issue a Fixed Penalty Infringement Notice to a person who commits an offence under this Act that attracts a fine not exceeding \$5,000.
- (2) The Cabinet may make regulations prescribing the:
 - (a) offences for which fixed penalties shall be imposed;
 - (b) penalties for each corresponding prescribed fixed penalty offences;

- (c) Fixed Penalty Infringement Notice which a quarantine officer or 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 prescribed fixed penalty;
 - (e) procedure for the prosecution of and additional penalties to be imposed by the court on offenders defaulting to pay prescribed penalty in accordance with the Fixed Penalty Infringement Notice;
 - (f) procedures for dealing with Fixed Penalty Infringement Notices; and
 - (g) any other matters in relation to the effective enforcement of the Fixed Penalty Infringement Notices.
- (3) For the purposes of this Section, an authorised officer may be appointed by the Minister.'