



REPUBLIC OF NAURU

# NATIONAL DISASTER RISK MANAGEMENT (CORONAVIRUS (COVID-19)) (PORTS) REGULATIONS 2020

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SL No. 10 of 2020

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Notified: 20<sup>th</sup> May 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 (Coronavirus (COVID-19) (Ports)) 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) supplement and give effect to the *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;
- (b) avoid unnecessary interference with the loading and off-loading of cargo at the international airport or seaport;
- (c) prevent the spread of the declared disease which is reasonably required in the interest of public safety and public health;
- (d) controlling the embarkation or disembarkation of specific persons at a seaport;
- (e) provide a process for loading and off-loading of cargo at ports;
- (f) permit screening and examination of crew as defined in these Regulations before off-loading travellers or cargo on arrival at ports; and
- (g) ensure contact tracing measures are carried out where necessary.

**4 Application of these Regulations**

These Regulations apply to:

- (a) a vessel and her crew in Nauru waters; and
- (b) the crew of an aircraft at the airport.

**5 Definitions**

**‘contact tracing’** has the same meaning it has under the *National Disaster Risk Management (Coronavirus (COVID-19)) (Community Transmission) and (Public Health Safety) Regulations 2020* and includes contact with a crew, staff, traveller or any other person on board of an aircraft or vessel entering any port in the Republic;

**'crew'** means a crew, staff or any other person on board an aircraft or vessel employed or any contract of service providing services or of an aircraft or vessel which includes captain or master respectively, other onboard employees or staff of such aircraft or vessel;

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

**'on board'** means a traveller or crew who is travelling on a particular voyage or journey transiting through, stopping and leaving any port in the Republic;

**'off-loading'** means unloading or taking off travellers or cargo of an aircraft or vessel;

**'traveller'** means a person travelling in a vessel and who is not a member of the crew;

**'personal protective equipment'** includes gloves, masks, gowns, face protection, goggles, faceshield, coveralls, headcover, rubber boots, ordinary protective equipment used on a vessel during the voyage and any other similar products or items to provide protection from the declared disease;

**'port' or 'ports'** includes an international seaport and the airport in the Republic;

**'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;

**'Secretary'** means the Secretary for Health and Medical Services.

## **6 Obligations of the master of vessel**

A master of a vessel in Nauru waters shall:

- (a) inform travellers and crew of the signs and symptoms of the declared disease which includes fever, runny nose, cough and shortness of breath or such other symptoms as may be advised by the Secretary;
- (b) cause or carry out and maintain twice daily temperature checks for travellers and crew on board who are likely to or come into contact with any person at a seaport in the Republic;
- (c) isolate a potentially infectious person on board to avoid the spread of the declared disease on board or outside the vessel;

- (d) ensure that common areas and rooms in the vessel are disinfected before arrival in Nauru waters; and
- (e) ensure the places where the Harbourmaster, Immigration officer, Customs Officer, maritime security officer or any other authorised person may have access to on the vessel are disinfected every day before such officials or persons are required to go on board.

## **7 Documents to be submitted before arrival in Nauru waters**

- (1) Despite any other written law, as part of the measures to prevent the spread of the declared disease, all vessels shall submit the following documents to the Nauru Maritime and Port Authority 12 hours prior to arriving in Nauru waters:
  - (a) Health Declaration Form as prescribed in Schedule 1;
  - (b) traveller list;
  - (c) crew list;
  - (d) cargo manifest;
  - (e) last 2 ports of call list; and
  - (f) list of all travellers and crew, if any, displaying any signs or symptoms of or is suffering from the declared disease.
- (2) The documents under subregulation (1) shall be provided despite no traveller or crew displaying any signs or symptoms of or is suffering from the declared disease or may be a potentially infectious person.
- (3) Where a master of a vessel fails to comply with the requirements under subregulation (1), the vessel shall not be allowed to off-load travellers, crew or cargo unless a period of 14 days has lapsed from the last departing port to the date of the off-loading of travellers, crew or cargo.

## **8 Duty of captain to notify authorities**

- (1) The captain of an aircraft shall notify the border control authorities at the airport of any traveller or crew who he or she suspects or has knowledge of displaying any signs or symptoms of or is suffering from the declared disease before the disembarkation of the traveller or crew from the aircraft.
- (2) A traveller or crew, who displays signs or symptoms of or is suffering from the declared disease on board the aircraft during the flight shall be mandatorily reported by the captain of the aircraft to the border control authorities.
- (3) In reporting any case of any traveller under subregulations (1) and (2), the captain shall give the list of the travellers who travelled in the seat within the parameters of two metres of the seat of such traveller.

- (4) Where the captain has reason or cause to believe that a crew is displaying signs or symptoms of or is suffering from the declared disease, he or she shall immediately direct the crew to remain in an isolated seat to avoid the spread of the declared disease.

**9 Embarkation or disembarkation of persons at port**

- (1) No crew on board an aircraft or vessel shall embark or disembark except for the following:
- (a) disembarkation of a returning Nauruan citizen or person who is ordinarily a resident of the Republic;
  - (b) embarkation of a departing foreign national;
  - (c) emergency medical evacuation; or
  - (d) any other circumstances as authorised by the Minister.
- (2) Any crew who disembarks from an aircraft shall be required to submit to:
- (a) a mandatory thermal screening process; and
  - (b) any other health measures as directed by the Secretary.

**10 Precautionary measures**

The crew of a vessel in Nauru waters, when conducting operations at a seaport, shall:

- (a) undergo daily temperature checks at least twice a day;
- (b) not work, if such crew is unwell and immediately seek medical assistance;
- (c) where necessary, wear a mask or any other personal protective equipment;
- (d) practice frequent hand washing with soap or any alcohol based hand sanitiser;
- (e) practice respiratory hygiene;
- (f) avoid shaking hands and adopt other non-contact means of greeting;
- (g) reduce vessel to shore activities by reducing vessel to shore exchanges, non-essential maintenances and other non-essential activities;
- (h) strengthen gangway or ladder control;
- (i) minimise unnecessary physical interactions between crew and Harbourmaster, Immigration officer, Customs Officer, maritime security officer or any other authorised person and refrain from prolonged interactions in close proximity;

- (j) prohibit unnecessary boarding visits for any other person;
- (k) ensure that only essential crew and Harbourmaster, Immigration officer, Customs Officer, maritime security officer or any other authorised person are in the same work area if necessary;
- (l) in so far as practicable, conduct briefings and completion of paperwork through electronic means;
- (m) use the appropriate personal protective equipment if it is assessed that there is an imminent risk of being in contact with a potentially infectious person; and
- (n) do such other things as may be deemed necessary.

**11 Loading and off-loading in and out of port**

- (1) The loading and off-loading of travellers or cargo in and out of a port is permitted.
- (2) The Minister may make rules governing loading and off-loading of travellers or cargo in and out of a port.

**12 Personal protective equipment for crew**

- (1) Any crew at a port shall use appropriate personal protective equipment when the relevant authorities board the vessel or aircraft for the necessary clearances.
- (2) The personal protective equipment shall be disposed of in closed containers or bags in a safe manner including compliance with all international obligations relating to environmental protection.
- (3) Any crew who 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 (2).

**13 Contact tracing system at seaport**

- (1) Where a master of a vessel at a seaport is of the opinion or has reasonable cause to believe that a crew is:
  - (a) presenting signs or symptoms of or is suffering from the declared disease; or
  - (b) is a potentially infectious person, -  
the master shall immediately notify the Harbourmaster.
- (2) The Harbourmaster shall:

- (a) keep a register of all crew on a vessel; and
  - (b) in consultation with the Secretary, compile and update a list of persons, ports 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 these Regulations.
- (3) Where the Secretary is of the opinion that any citizen or person who is ordinarily a resident of the Republic is found to have been in contact with a crew or potentially infectious person, the Secretary shall direct such citizen or person who is ordinarily a resident of the Republic to reside in a Designated Residence or such other place where he or she is able to socially distance from other persons.
- (4) A crew presenting signs or symptoms of or is suffering from the declared disease whilst in Nauru waters shall be removed to closed quarters or area on the vessel where he or she is able to socially distance from other crew.

#### **14 Isolation of crew on board aircraft or vessel**

- (1) Where necessary, a crew on board an aircraft or vessel be isolated from the area of an aircraft or vessel if any person from the Republic has to board the vessel or aircraft for:
- (a) carrying out any statutory functions or exercising powers;
  - (b) health screening or examination of any traveller or crew;
  - (c) police officers to carry out any investigation including arresting any person on board;
  - (d) the Harbourmaster for the purposes of complying with the laws or requirements of the seaport;
  - (e) the Registrar of the Courts to execute any orders of the court by serving the same to the master of the vessel or for attaching the order to the vessel under the *Civil Procedure Rules 1972* or as ordered by the Court;
  - (f) stevedores for the purposes of loading or off-loading cargo on a vessel; and
  - (g) immigration, customs and quarantine officers for the routine requirements for immigration, customs and quarantine laws.
- (2) The captain of an aircraft or master of a vessel shall comply with all instructions and directions given to them by any person in the Republic in the performance of any statutory duties or exercise of any powers including allowing unrestricted access to such person on board the aircraft or vessel.

- (3) The captain of an aircraft or master of a vessel shall maintain minimum contact with Nauruan officials, employee or other authorised person entering or boarding the vessel as a preventive measure to avoid the spread of the declared disease.
- (4) Any Nauruan official, employee or other authorised person boarding the aircraft or vessel shall carry with him or her and when required to shall show his or her identification card to the captain of an aircraft or master of a vessel.
- (5) Where the captain or master fails or neglects to comply with the requirements under this Regulation, he or she commits an offence and is liable to a fixed penalty of \$10,000.00 which shall be paid within 24 hours of the service of a Coronavirus (COVID-19) (Ports) Fixed Penalty Notice by a police officer or the aircraft or vessel is cleared to leave the port.
- (6) The Coronavirus (COVID-19) (Ports) Fixed Penalty notice is set out in Schedule 2.
- (7) A fixed penalty is a debt to the Republic which shall be payable by the captain or master and in case of a vessel, is recoverable by an *action in rem* against the vessel.

## 15 Offences

- (1) A person commits an offence if he or she:
  - (a) contravenes these Regulations and where applicable, other Regulations relating to Coronavirus (COVID-19);
  - (b) fails to comply with the requirements contained in these Regulations;
  - (c) without reasonable excuse, fails or neglects to comply with all instructions, requirements or directions as may be given from time to time by the Secretary or any authorised person;
  - (d) obstructs or hinders an authorised person in the exercise of powers or performance of functions under these Regulations or any other written law;
  - (e) contravenes any rules made under Regulation 11; or
  - (f) refuses to accept service of a Coronavirus (COVID-19) (Ports) Fixed Penalty Notice issued under these Regulations;
- (2) A person who contravenes subregulation (1) commits a strict liability offence and is liable to a fixed penalty of \$10,000.00 to be paid within 24 hours of being charged or before leaving the Republic, whichever is later.



- (3) Where a person fails to comply with subregulation (2), he or she commits an offence and upon conviction, in addition to the fixed penalty, is liable to a fine not exceeding \$10,000.00 or to a term of imprisonment of 6 months or to both.
- (4) Any fixed penalty or fine against a crew of a vessel is recoverable directly as an *action in rem* against the vessel.

**16 Jurisdiction of court**

- (1) Subject to subsection (2), the District Court shall have jurisdiction to hear and determine any cause or matter under these Regulations.
- (2) The Supreme Court shall have jurisdiction over any aircraft or vessel including any proceedings for the purposes of admiralty suits.

**17 Miscellaneous**

The Minister may from time to time give such directions, rules or orders to give effect to these Regulations.

## SCHEDULE 1



### REPUBLIC OF NAURU

#### NATIONAL DISASTER RISK MANAGEMENT (CORONAVIRUS (COVID-19) (PORTS)) REGULATIONS 2020

#### NAURU MARITIME AND PORT AUTHORITY HEALTH DECLARATION FORM

*(Regulation 7(1))*

**To be completed and submitted to the Nauru Maritime and Port Authority by a master of a vessel 12 hours before arriving in Nauru waters.**

<b>DETAILS OF VESSEL</b>	
Name of vessel	
Registration / IMO No.	
Arriving from	
Sailing to	
Nationality / Flag of vessel	
Full name of master of vessel	
Gross tonnage of vessel	
Has the vessel visited an affected country identified by the World Health Organisation?	
Port and date of visit	
List all ports of call from commencement of voyage with dates of departure or within past 30 days, whichever is shorter	
<b>LIST OF TRAVELLERS</b>	
1. Name:	1. Joined from:
2. Name:	2. Joined from:
3. Name:	3. Joined from:
<b>LIST OF CREW</b>	
1. Name:	1. Joined from:
2. Name:	2. Joined from:
3. Name:	3. Joined from:
<b>HEALTH DETAILS</b>	
(1) Has any traveller or crew died on board during voyage otherwise than as a result of an accident? If yes, provide details including the total number of deaths on board the vessel. ..... ..... .....	
(2) Is there on board or has there been during the international voyage any case of a declared disease which	

you suspect?

.....  
.....

(3) How many ill travellers or crew on board the vessel during the voyage?

.....  
.....  
.....

(4) Is there any ill traveller or crew on board now? Yes / No. If yes, provide details:

.....  
.....  
.....

(5) Has any socially distancing, disinfection or such other measures been applied on board? Yes / No. If yes, provide details:

.....  
.....  
.....

(6) Have any stowaways been found on board? Yes / No. If yes, provide details of port that stowaway embarked the ship from:

.....  
.....  
.....

*Note: In the absence of a health practitioner, the master should regard the following symptoms as grounds for suspecting the existence of a declared disease:*

- (a) fever persisting for several days or accompanied;*
- (b) with or without fever.*

I hereby declare that the information given in this Declaration are true and correct to the best of my knowledge and belief.

Date:        /        / 20.....        Signed: .....

Master

**OFFICIAL PURPOSES**

Received by: .....

Date:        /        / 20.....

## SCHEDULE 2



**REPUBLIC OF NAURU**

### NATIONAL DISASTER RISK MANAGEMENT (CORONAVIRUS (COVID-19) (PORTS)) REGULATIONS 2020

#### CORONAVIRUS (COVID-19) (PORTS) FIXED PENALTY NOTICE

*(Regulation 14(6))*

This Coronavirus (COVID-19) Fixed Penalty Notice is issued pursuant to the powers given to police officers under the *National Disaster Risk Management (Coronavirus (COVID-19) (Ports)) Regulations 2020* for a contravention of these Regulations

**Important Notice:**

- The consequence of not paying a penalty or fine will result in criminal proceedings against you.
- In case of a vessel, any penalty or fine is capable of being recovered against the vessel in an *action in rem*.

Fixed Penalty Notice No.:	
Date of Issue:	
Penalty:	
Penalty Due:	
Due Date:	
Due Time:	
<i>Payment must be made at the Nauru Revenue Office within 24 hours from the date of service of this Fixed Penalty Notice or the aircraft or vessel being cleared to leave the port.</i>	

**PART 1 – OFFENCE DETAILS**

***Captain of aircraft or Master of vessel:***  
 Surname:.....  
 Given Names: .....

**Nature of Offence:** contrary to Regulation 15 of the *National Disaster Risk Management (Coronavirus (COVID-19) (Ports)) Regulations 2020*

Name of aircraft / vessel: .....  
 Aircraft Registration Number / Vessel Registration or IMO No. ....  
 Arriving from: ..... Flying / Sailing to: .....  
 Aircraft Nationality / Nationality or Flag of vessel: .....  
 Full name of captain of aircraft or master of vessel: .....

Date:     /     /20..... Time: .....

Details of the circumstances alleged to constitute the offence:  
 .....  
 .....

**Penalty: \$10,000.00**

Police Officer’s Signature: .....

Police Officer’s Name:..... Date:..... /..... / 20....

**Acknowledgement of Service of Fixed Penalty Notice by:**

Name and Signature:

.....

**Note:**

*This Notice must only be served to the captain of aircraft or master of vessel at the time of the offence or as soon as practicable.*

**AFFIDAVIT OF SERVICE**

I ..... Police Officer make oath/solemnly affirm that I did on the ..... day of .....20..... served the captain of an aircraft or master of a vessel ..... the original copy of this Coronavirus (COVID-19) (Ports) Fixed Penalty Notice at ..... (time) on (date)..... AND he/she acknowledged service by affixing his/her signature to this Coronavirus (COVID-19) (Ports) Fixed Penalty Notice.

Police officer: ..... Before me: .....  
(Commissioner for Oaths)