



REPUBLIC OF NAURU

NAOERO NATIONAL ANTHEM EMBLEM AND FLAG PROTECTION BILL 2018

No. of 2018

A Bill for an Act to make provision for the protection of the National Anthem, Emblem and Flag of the Republic and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Naoero National Anthem Emblem and Flag Protection Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Definitions

In this Act:

‘Emblem’ for the purposes of this Act means the National Emblem of the Republic of Nauru as described and specified to be used as an official seal of the Government of Nauru in Schedule 2;

‘Flag’ or ‘flag’ means the National Flag of the Republic of Nauru as described and specified in Schedule 3;

‘Minister’ means the President of the Republic;

‘National Anthem’ means the national anthem, the words of which are set out in Schedule 1.

PART 2 – NATIONAL ANTHEM

4 The National Anthem of the Republic of Nauru

There shall be a National Anthem of the Republic which shall be as described and specified in Schedule 1 of this Act.

5 Persons to respect the National Anthem

(1) A person who is within or comes upon a public place or an area at which the National Anthem is being sung or played shall come to a standstill position and remain in that position until the playing or singing of the National Anthem is completed.

(2) The driver of a vehicle:

(a) that is within a public place or an area where the National Anthem is being sung or played shall refrain from driving the vehicle and ensure that the vehicle remains motionless until the playing or singing of the National anthem is completed; or

(b) that enters a public place or area where the National Anthem is being sung or played shall ensure that the vehicle is stopped and kept motionless until playing or singing of the National Anthem is completed.

PART 3 – PROHIBITED USE OF THE NATIONAL ANTHEM

6 Commercial use of the National Anthem

- (1) A person shall not without the prior written approval of the Minister use the National Anthem or any lyrics of the National Anthem:
 - (a) in any trademark, slogan or logo;
 - (b) for any advertising purpose; or
 - (c) for any commercial purpose.
- (2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

7 Disrespecting the National Anthem

- (1) A person shall not:
 - (a) disrespect or insult the National Anthem by any word, conduct, action or in writing; or
 - (b) be disrespectful by any word, conduct or action while the National Anthem is being sung or played in a public place.
- (2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

PART 4 – NATIONAL EMBLEM

8 National Emblem of the Republic

There shall be a National Emblem of the Republic which shall be as described and specified in Schedule 2 of the Act.

9 Protection of the use of the Emblem

- (1) A person shall not use the Emblem for any purpose whatsoever without the prior written approval of the Minister.
- (2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

PART 5 – UNAUTHORISED USE OF NATIONAL EMBLEM

10 Misuse of the Emblem

- (1) A person shall not use or associate the Emblem with any action, speech, writing or any other means for the purposes of demeaning, disrespecting and insulting the Republic.

- (2) A person shall not use the Emblem as a political party logo or as a candidate logo during a national election campaign.
- (3) A person shall not use any design which in any way resembles the Emblem in any manner likely to deceive another person.
- (4) Any person who contravenes this section commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

11 Commercial use of the Emblem

- (1) A person shall not without the prior written approval of the Minister use the Emblem or any part of the Emblem:
 - (a) in any trademark or logo;
 - (b) for any advertising purpose;
 - (c) in any form whatsoever that involves depiction, engraving or embossing on merchandise; or
 - (d) for any commercial purpose.
- (2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

12 Desecrating the Emblem

- (1) A person shall not:
 - (a) modify the Emblem by placing any letters, slogan, words or representation on it; or
 - (b) use, display, destroy, burn, mutilate, tear or damage any image bearing the Emblem.
- (2) Any person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$100,000 or to a term of imprisonment not exceeding 5 years or to both.

PART 6 – THE FLAG OF THE REPUBLIC

13 The Flag of the Republic

There shall be an official Flag of the Republic of Nauru which is the Flag described in Schedule 3.

14 Persons to respect the Flag

The Flag shall be respected by every person in the Republic.