

No. 8 of 1979.

Emergency Act 1979.

Certified on: 15/8/1979.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 8 of 1979.

Emergency Act 1979.

ARRANGEMENT OF SECTIONS.

1. Interpretation.
 - “controller”
 - “emergency area”
 - “Emergency Regulation”
 - “liquor”
 - “national emergency”
2. Application.
3. Controller.
4. Duties of a controller.
5. Powers of a controller.
6. Emergency orders.
7. Offences.
8. Provisions for penalties under expired Emergency regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Emergency Act 1979,

Being an Emergency Act to make provisions for the control of the National
Emergency declared on 23 July 1979,

MADE by the National Parliament.

1. **INTERPRETATION.**

In this Act, unless the contrary intention appears –

“**controller**” means a person appointed as a controller under Section 3;

“**emergency area**” means the Provinces of Chimbu, Eastern Highlands,
Enga, Southern Highlands and Western Highlands;

“**Emergency Regulation**” means a law that is made in accordance with
Section 231 (Emergency Regulations) of the *Constitution* in relation to
the national emergency;

“**liquor**” means wine, spirits, ale, beer, porter, stout, cider, perry or any liquid
containing alcohol ordinary used or fit for use as a beverage;

“**national emergency**” means the national emergency declared on 23 July
1979.

2. **APPLICATION.**

This Act applies to and in relation to the emergency area.

3. **CONTROLLER.**

The Head of State, acting with, and in accordance with the advice of the Prime
Minister may, by notice in the National Gazette, appoint a controller or controllers
for the emergency area or any part of the emergency area.

4. DUTIES OF A CONTROLLER.

A controller shall –

- (a) carry out any directions given to him by the National Executive Council; and
- (b) subject to any directions under Paragraph (a), do such things as he considers necessary and within his powers to rectify the situation giving rise to the national emergency.

5. POWERS OF A CONTROLLER.

A controller has power to –

- (a) control the movement of persons, animals, vehicles, goods and things; and
- (b) evacuate persons from one part of the emergency area to another part or to a place outside the emergency area; and
- (c) requisition animals, vehicles, accommodation, goods and things; and
- (d) maintain and regulate transport of all kinds; and
- (e) regulate or prohibit the use of roads, and
- (f) enter land, buildings and structures, if necessary by force and with assistants; and
- (g) erect buildings or structures, make excavations or do any other matter or thing on land; and
- (h) authorise persons to enter upon and search any premises; and
- (i) order persons to perform labour of such kind and in such places as he thinks fit; and
- (j) prohibit or restrict the right to assemble except for the purposes of attendances at religious services, funerals or traditional gatherings of a peaceful nature; and
- (k) prohibit or restrict the sale and consumption of liquor.

6. EMERGENCY ORDERS.

(1) A controller may make Emergency Orders for the purposes of –

- (a) exercising his powers and functions under this Act; and
- (b) dealing with any contractual, employment or other situations which may arise as a result of the national emergency or the exercise of his powers and functions under this Act.

(2) An Emergency order under Subsection (1) shall, if practicable –

- (a) be in writing; and

(b) be made public in such manner as the controller thinks fit.

7. OFFENCES.

A person who –

- (a) refuses or fails to comply with an Emergency Order or any other order or instruction given by a controller (or a person authorized by a controller) in the exercise of his powers under this Act; or
- (b) hinders or obstructs a person in the performance of his duties under this Act,

is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a period not exceeding nine months.

8. PROVISIONS FOR PENALTIES UNDER EXPIRED EMERGENCY REGULATIONS.

Where –

- (a) a person found guilty of an offence against Emergency Regulations has been sentenced to pay a fine or serve a term of imprisonment; and
- (b) the Emergency Regulation under which he was sentenced has expired before the fine has been fully paid or the sentenced of imprisonment has been fully served,

that person shall, unless otherwise relieved by law, pay the fine in full or serve the term of imprisonment in full.

Office of Legislative Counsel, PNG