

No. 7 of 2006.

***Emergency (Southern Highlands Province) (General Provisions) Act 2006.***

Certified on: 9/8/2006.



INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 7 of 2006.

***Emergency (Southern Highlands Province) (General Provisions) Act 2006.***

**ARRANGEMENT OF SECTIONS.**

1. Interpretation.
  - “aircraft”
  - “Assistant Controller”
  - “Controller”
  - “Deputy Controller”
  - “emergency area”
  - “Emergency Laws”
  - “liquor”
  - “national emergency”
2. Application.
3. Controller, Deputy Controller and Assistant Controllers.
4. Duties of Controller, etc.,.
5. Powers of the Controller, etc.,.
6. Emergency Orders.
7. Offences.
8. Protection of Controller, etc.,.
9. Reports.



INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

***Emergency (Southern Highlands Province) (General Provisions) Act 2006,***

Being an Emergency Act as authorized by Part X of the *Constitution* to make provisions for the control of the national emergency,

MADE by the National Parliament to come into operation on the date of declaration of the national emergency.

**1. INTERPRETATION.**

(1) In this Act, unless the contrary intention appears –

“**aircraft**” means any machine that can derive support in the atmosphere;

“**Assistant Controller**” means an Assistant Controller appointed under Section 3;

“**Controller**” means the person appointed as Controller under Section 3;

“**Deputy Controller**” means the Deputy Controller appointed under Section 3;

“**emergency area**” means the Southern Highlands Province being the area to which the national emergency applies;

“**Emergency Laws**” means an Emergency Act, Emergency Regulation or Emergency Order;

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

“**national emergency**” means the national emergency declared in respect of the Southern Highlands Province.

(2) Unless the contrary intention appears, the provisions of the *Interpretation Act 1975* (Chapter 2) apply to this Act.

**2. APPLICATION.**

(1) This Act applies to and in relation to the emergency area.

(2) This Act applies notwithstanding the provisions of any other law to the contrary.

**3. CONTROLLER, DEPUTY CONTROLLER AND ASSISTANT CONTROLLERS.**

(1) The Head of State, acting with, and in accordance with, the advice of the National Executive Council may appoint –

(a) a Controller; and

(b) a Deputy Controller; and

(c) such number of Assistant Controllers as are necessary,

for the purposes of this Act and any other Emergency Laws relating to the national emergency.

(2) As soon as is practicable after it has been made, an appointment under Subsection (1) –

(a) shall be published in the National Gazette; and

(b) shall otherwise be brought to public notice in such ways as are considered appropriate.

**4. DUTIES OF CONTROLLER, ETC.,.**

(1) The Controller shall –

(a) carry out any directions given to him by the National Executive Council; and

(b) administer the Emergency Laws passed in respect of the national emergency; and

(c) subject to any directions under Paragraph (a), do such things as are necessary and within his powers to rectify the situation giving rise to the national emergency.

(2) the Deputy Controller shall –

(a) carry out any directions given to him by –

(i) the National Executive Council; or

(ii) the Controller; and

(b) subject to any directions under Paragraph (a), do such things as are necessary and within his powers to rectify the situation giving rise to the national emergency.

(3) An Assistant Controller shall –

- (a) carry out any directions given to him by –
  - (i) the National Executive Council; or
  - (ii) the Controller;
  - (iii) the Deputy Controller; and
- (b) subject to any directions under Paragraph (a), do such things as are necessary and within his powers to rectify the situation giving rise to the national emergency.

**5. POWERS OF THE CONTROLLER, ETC.,.**

The Controller, the Deputy Controller and an Assistant Controller each 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 another place outside the emergency area; and
- (c) requisition animals, aircraft, vehicles, accommodation, buildings, land, goods and things; and
- (d) maintain and regulate transport of all kinds; and
- (e) regulate or prohibit the use of roads; and
- (f) enter any land, buildings and structures, if necessary by force and with assistants; and
- (g) erect buildings or structures, make excavations or do any matter or thing on land; and
- (h) authorize persons to enter on 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 importation into the emergency area of and the manufacture, sale or consumption of, liquor; and
- (k) impose a curfew in accordance with an Emergency Act; and
- (l) delegate to a person or persons all or any of his powers (except this power of delegation).

**6. EMERGENCY ORDERS.**

(1) The Controller, the Deputy Controller and an Assistant Controller each may make Emergency Orders for the purposes of –

- (a) exercising his powers and functions under this Act and any other Emergency Act relating to the national emergency; and

s. 7. *Emergency (Southern Highlands Province) (General Provisions) 2006*

(b) dealing with any contractual, employment or other situations that may arise as a result of the national emergency or the exercise of his powers and functions under this Act or any other Emergency Act relating to the national emergency.

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

(a) be in writing; and

(b) be made in 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 –

(i) the Controller, the Deputy Controller or by an Assistant Controller; or

(ii) a person authorized by the Controller, the Deputy Controller or an Assistant 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 K2,000.00 or imprisonment for a term not exceeding twelve months.

**8. PROTECTION OF CONTROLLER, ETC.,**

The Controller or the Deputy Controller or an Assistant Controller or any person authorized by the Controller or the Deputy Controller or an Assistant Controller to assist him in carrying out his duties and exercising his powers under this Act and any other Emergency Act passed in relation to the national emergency is not liable for anything done or omitted to be done in good faith for the purposes of this Act relating to the national emergency.

**9. REPORTS.**

The Controller shall furnish to the Minister such reports as are required by the Minister.

Office of Legislative Counsel, PNG