

No. 23 of 1994.

Emergency (General Powers) Act 1994.

Certified on: 27/10/1994.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



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 - “buildings”
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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Emergency (General Powers) Act 1994,

Being an Emergency Act as authorized by Part X of the *Constitution* for the purpose of dealing with national emergency declared in relation to East New Britain Province on 19 September 1994, as extended by the National Parliament.

MADE by the National Parliament to come into operation on 10 October 1994.

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;

“**buildings**” includes walls, roads, bridges, tanks, wharves and other marine structures;

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

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

“**emergency area**” means East New Britain Province being the area to which the national emergency applies;

“**Emergency Law**” means an Emergency Act or an Emergency Regulation;

“**ship**” includes every description of vessel used, or capable of being used, in navigation by water;

“**the national emergency**” means the national emergency declared in relation to the volcanic eruption in the Rabaul area of East New Britain Province on 19 September 1994;

“**vehicle**” means any description of vehicle on wheels.

(2) Unless the contrary intention appears, the provisions of the *Interpretation Act 1975* 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) shall be published in the National Gazette and 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 he considers necessary and within his powers to alleviate suffering and minimize damage arising from the circumstances giving rise to the national emergency.

(2) An Assistant 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 he considers necessary and within his powers to alleviate suffering and minimize damage arising from the circumstances 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; or
 - (iii) the Deputy Controller; and
 - (b) subject to any directions under Paragraph (a), do such things as he considers necessary and within his powers to alleviate suffering and minimize damage arising from the circumstances giving rise to the national emergency.

5. POWERS OF CONTROLLER, ETC.

The Controller, the Deputy Controller and an Assistant Controller each has powers 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 of the emergency area or to a place outside the emergency area; and
- (c) requisition animals, aircraft, vehicles, ships, machinery, installations, buildings, land, accommodation (including accommodation on aircraft, vehicles and ships), goods and things; and
- (d) maintain and regulate transport of all kinds; and
- (e) regulate or prohibit the use of roads, waterways and sea; 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) authorize 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) authorize persons to exercise on his behalf the powers contained in this Act; and
- (k) prohibit or restrict the importation into the emergency area of and the manufacture, sale or consumption of, alcoholic liquor; and
- (l) authorize a person or persons to assist him in his duties.

6. EMERGENCY ORDERS.

(1) The Controller, the Deputy Controller and an Assistant Controller each may make Emergency Orders for the purpose 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 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 the Controller or by the Deputy Controller or by an Assistant Controller (or by a person authorized by the Controller or by the Deputy Controller or by 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 K2000.00 or imprisonment for a term not exceeding nine 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 Law passed in relation to the national emergency), is not liable for any thing done or omitted to be done, or purporting to be done or omitted to be done, in good faith under this Act or any other Emergency Law relating to the national emergency.

9. REPORTS.

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

10. REPEAL.

The Emergency (General Powers) Regulation 1994 is repealed.

11. TRANSITIONAL PROVISIONS.

The persons appointed as Controller, Deputy Controller and Assistant Controllers under the Emergency (General Powers) Regulation 1994, repealed by

Section 10, and holding office as such Controller, Deputy Controller and Assistant Controllers immediately before the coming into operation of this Emergency Act, are, on that coming into operation, deemed to have been appointed Controller, Deputy Controller and Assistant Controllers respectively under Section 3.

12. PROVISIONS FOR PENALTIES UNDER EXPIRED OR REPEALED EMERGENCY REGULATIONS.

Where –

- (a) a person found guilty of an offence against the Emergency (General Powers) Regulation 1994 has been sentenced to pay a fine or to serve a term of imprisonment; and
- (b) the Emergency (General Powers) Regulations 1994 under which he was sentenced has expired or has been repealed before the fine has been fully paid or the term of imprisonment has been fully served, that person shall, notwithstanding the expiration or repeal, unless otherwise relieved by law, pay the fine in full or serve the term of imprisonment in full.

13. EMERGENCY ORDERS UNDER REPEALED REGULATION.

An emergency order, made under the Emergency (General Powers) Regulation 1994 repealed by Section 10, is, to the extent that it was in force and not fully implemented immediately before the coming into operation of this Emergency Act, deemed to have been made under Section 6 and continues in force according to its terms.

Office of Legislative Counsel, PNG