

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 410.

*Emergency (National Capital District) (General Powers).*

GENERAL ANNOTATION.

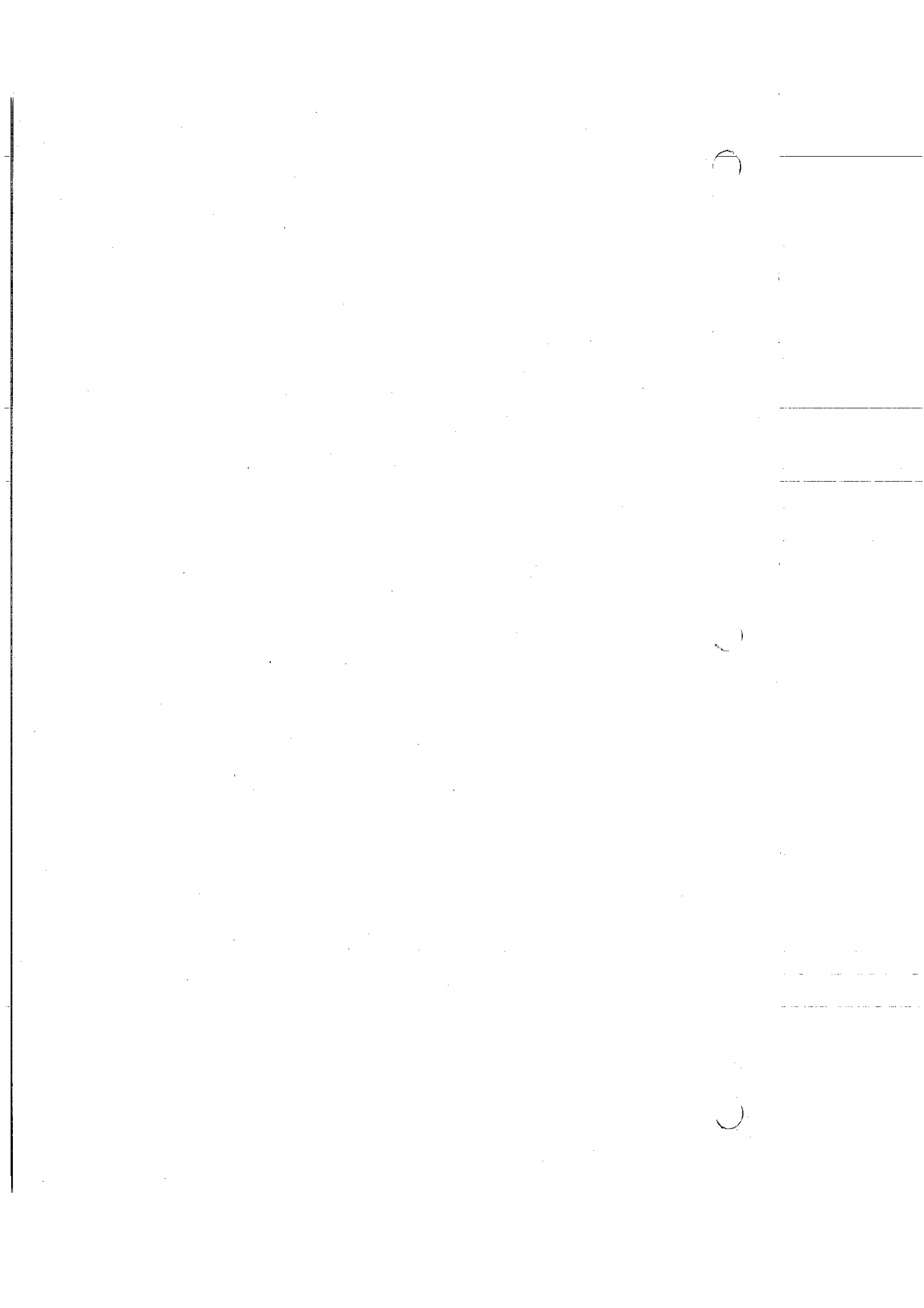
ADMINISTRATION.

The administration of this Chapter was not vested specifically in any Minister at the date of its preparation for inclusion. It seems that under Constitution Section 148(2), it came within the political responsibility of the Prime Minister.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

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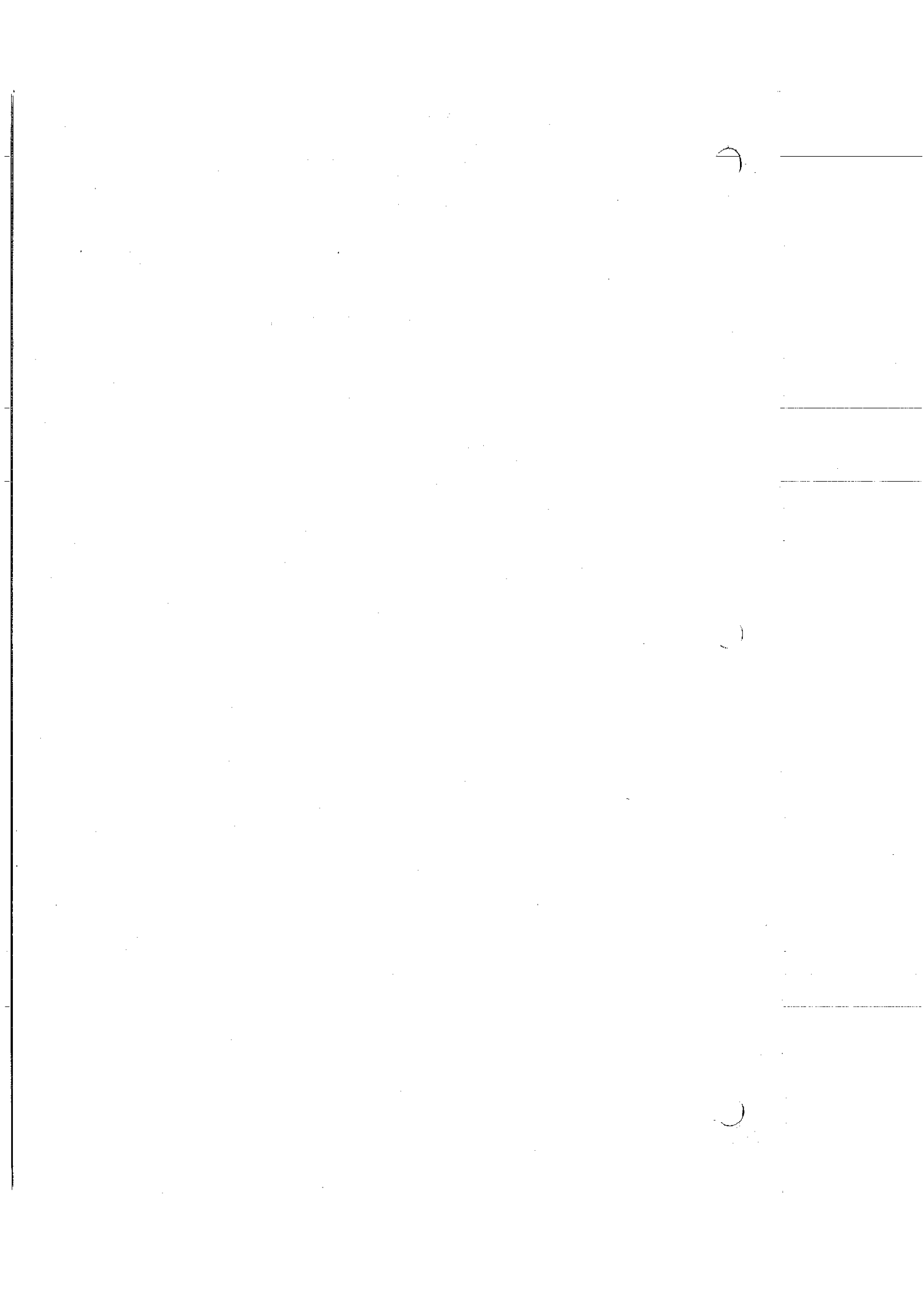
INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 410.

*Emergency (National Capital District) (General Powers) Act.*

ARRANGEMENT OF SECTIONS.

1. Interpretation—
  - "controller"
  - "emergency area"
  - "liquor"
  - "national emergency".
2. Application.
3. Controller.
4. Duties of the controller.
5. Powers of the controller.
6. Emergency Orders.
7. Offences.
8. Protection of the controller, etc.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 410.

***Emergency (National Capital District) (General Powers)  
Act.***

Being an Emergency Act as authorized by Part X. of the Constitution to make provisions for the control of the National Emergency declared with effect from 14 June 1985.

**1. Interpretation.**

In this Act, unless the contrary intention appears—

“controller” means the person appointed as the controller under Section 3;

“emergency area” means the National Capital District;

“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 with effect from 14 June 1985.

**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.

**4. Duties of the controller.**

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 rectify the situation giving rise to the national emergency.

**5. Powers of the controller.**

The 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

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- (b) 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 right to assemble except for the purposes of attendance at religious services, funerals or traditional gatherings of a peaceful nature; and
- (k) prohibit or restrict the sale and consumption of liquor; and
- (l) impose a curfew in accordance with an Emergency Act; and
- (m) delegate to a person or persons all or any of his powers.

**6. Emergency Orders.**

- (1) The controller may make Emergency Orders for the purposes of—
  - (a) exercising his powers and functions under this and any other Emergency Act relating to the national emergency; and
  - (b) dealing with any contractual, employment or other situations that may arise as a result of the national emergency of the exercise of his powers and functions under this 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 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 a person authorized by the 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 term not exceeding nine months.

**8. Protection of controller, etc.**

The controller or any person authorized by him 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 any thing done or omitted to be done in good faith for the purposes of this Act relating to the national emergency.

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APPENDIX.

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SOURCE OF THE EMERGENCY (NATIONAL CAPITAL DISTRICT)(GENERAL POWERS) ACT.

Part A.—Previous Legislation.

*Emergency (National Capital District)(General Powers) Act 1985 (No. 4 of 1985).*

Part B.—Cross References.

Section, etc. in Revised Edition.	Previous Reference <sup>1</sup> .
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8

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<sup>1</sup>Unless otherwise indicated, references are to the Act set out in Part A.

