

No. 5 of 1987.

Curfew Act 1987.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Curfew Act 1987,

Being an Act to make provision for the imposition of curfew, and for related purposes.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C of the Constitution, namely—

- (a) freedom from arbitrary search and entry conferred by Section 44 of the Constitution; and
- (b) freedom of assembly and association conferred by Section 47 of the Constitution; and
- (c) right to privacy conferred by Section 49 of the Constitution; and
- (d) right to freedom of movement conferred by Section 52 of the Constitution,

is a law that is made for the purpose of giving effect to the public interest in public safety and public order and public welfare.

2. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**curfew area**” means the area specified in a proclamation under Section 3(1);

“**curfew hours**” means the time within the hours specified in a proclamation under Section 3(1);

“**exemption permit**” means an exemption permit issued under Section 5(2).

3. CURFEW ORDER.

(1) The Head of State, acting on advice, may by proclamation require—

- (a) every person; or
- (b) every person within a specified age group,

within a specified area, to remain within doors between such hours as are specified in the proclamation for such period, not exceeding two months, as is specified in the proclamation.

(2) A proclamation under Subsection (1) shall be—

- (a) published in the National Gazette; and
- (b) published in a newspaper circulating throughout the curfew area; and
- (c) broadcast on the National Broadcasting Corporation Service; and
- (d) further proclaimed by notices posted in prominent places in the curfew area to which it relates.

(3) On the expiry of a proclamation made under Subsection (1), the Head of State, acting on advice may make a further proclamation or series of proclamations relating to the same area and the provisions of Subsection (2) shall apply to such further proclamation or proclamations.

4. PERSONS EXEMPTED FROM ORDER.

A proclamation under Section 3 shall not apply to—

- (a) the Head of State; or
- (b) a member of the Police Force while on duty or going to or returning from duty; or
- (c) a uniformed officer or uniformed member of the Defence Force while on duty or going to or returning from duty; or
- (d) a uniformed officer or uniformed member of the Fire Service while on duty or going to or returning from duty; or
- (e) a uniformed officer or uniformed member of the Correctional Service while on duty or going to or returning from duty; or
- (f) a medical practitioner, nurse, ambulance driver or attendant or other person dealing with or assisting in dealing with an urgent medical case; or
- (g) a person who is obtaining urgent medical assistance for himself or for another person; or
- (h) a person who is travelling to or from an airport prior to or after a flight (on which he was or is to be a passenger) that requires his being out of doors during the curfew hours; or
- (i) a person who is in possession of an exemption permit issued under Section 5 authorizing him to be out of doors during the curfew hours and who is in compliance with any conditions specified in the permit; or

- (j) a person whose presence out of doors during the curfew hours is required by reason of such urgency that it would not reasonably be expected that he wait until after the curfew hours or obtain a permit; or
- (k) a Member of the National Parliament; or
- (l) a Judge of the National Court.

5. EXEMPTION PERMITS.

- (1) A person—
 - (a) exempted under Section 4; or
 - (b) who considers that he has a valid reason for being granted an exemption from a proclamation under Section 3,

may apply in the prescribed manner to the Commissioner for Police for an exemption permit.

(2) On receipt of an application under Subsection (1), the Commissioner for Police shall consider the application and—

- (a) in the case of a person entitled to an exemption under Section 4, shall; and
- (b) in any other case, may,

issue an exemption permit in the prescribed form to the applicant.

(3) An exemption permit issued under this section may contain restrictions as to times, areas and periods within which it is valid.

6. OFFENCES.

A person who, not being a person exempted under Section 4, is out of doors within the curfew area during curfew hours is guilty of an offence.

Penalty: A fine not exceeding K1,000.00 or imprisonment for a period not exceeding one year.

7. POWERS OF POLICE DURING CURFEW HOURS.

A member of the Police Force may, within the curfew area, during curfew hours—

- (a) stop any person out of doors and require that person to produce an exemption permit or identify himself as a person exempted under Section 4; and
- (b) using such force as is reasonably necessary, enter and search premises without a warrant to arrest any person suspected of an offence against Section 6.

8. OBSTRUCTING, ETC., POLICE.

A person who hinders or obstructs a member of the Police Force in the exercise of his powers under this Act is guilty of an offence.

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

9. REPORTS.

The Prime Minister shall—

- (a) at the first meeting of the Parliament after a curfew has been proclaimed under this Act—report to the Parliament on the reasons for and operation of the curfew; and
- (b) at each subsequent meeting of the Parliament while a curfew under this Act is in force—report to the Parliament on the operation of the curfew.

10. REGULATIONS.

The Head of State, acting on advice, may make Regulations prescribing all matters that are required by this Act to be prescribed or that are necessary or convenient to be prescribed to give effect to this Act.

Office of Legislative Counsel, PNG