

No. 5 of 2006.

Emergency (Southern Highlands Province) (Curfew) Act 2006.

Certified on: 9/8/2006.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



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ARRANGEMENT OF SECTIONS.

1. Interpretation.
 - “Controller”
 - “curfew area”
 - “Curfew hours”
 - “emergency area”
 - “national emergency”
2. Application.
3. Curfew Order.
4. Persons exempted from order.
5. Exemption permits.
6. Offences.
7. Powers of police during curfew hours.
8. Obstructing, etc., police.
9. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Emergency (Southern Highlands Province) (Curfew) Act 2006,

Being an Emergency Act as authorized by Part X (emergency powers) of the *Constitution* to make provision for the imposition of curfew during 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 –

“**Controller**” means the person appointed as Controller under Section 3 of the *Emergency (Southern Highlands Province) (General Provisions) Act 2006* and includes the Deputy Controller and an Assistant Controller;

“**curfew area**” means an area specified in an area under Section 2;

“**Curfew hours**” means the time within the hours specified in an order under Section 3;

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

“**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.

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

3. CURFEW ORDER.

(1) The Controller may, by order, require –

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

within –

- (c) the emergency area; or
- (d) an area within the emergency area,

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

(2) An order under Subsection (1) shall be –

- (a) published in the National Gazette; and
- (b) published in a newspaper circulating within the emergency area; and
- (c) broadcasted on the National Broadcasting Commission Service; and
- (d) proclaimed by notice posted in prominent places in the curfew area to which it relates.

(3) On the expiry of an order made under Subsection (1), the Controller may make a further order relating to the same area and the provisions of Subsection (2) shall apply to such further order.

4. PERSONS EXEMPTED FROM ORDER.

An order under Subsection (2) shall not apply to –

- (a) the Head of State; or
- (b) member of the Police Force while on duty or going to or returning from duty; or
- (c) 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 door 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 to the Controller in a manner and in such form as determined by the Controller for an exemption permit.

(2) On receipt of an application under Subsection (1), the Controller 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.

(1) 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 K2,000.00 or imprisonment for a period not exceeding two years.

(2) It is a valid defence to a charge for an offence under Subsection (1) that a person has a lawful and reasonable excuse for being out of doors in the curfew area during curfew hours and the burden of proof of such defence shall be on the person relying on it.

7. POWERS OF POLICE DURING CURFEW HOURS.

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

- (a) stop, using such force as is reasonably necessary, any person suspected of breaking the curfew and require that person to state his name and address and give his reasons for being out of doors in the curfew area during curfew hours; and
- (b) arrest without a warrant any person suspected of breaking the curfew and detain him in custody until the expiry of the curfew hours or charge him with an offence; and
- (c) using such force as is reasonably necessary, enter and search premises without a warrant to arrest any person suspected of being or having been in breach of the curfew.

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 K1,000.00 or imprisonment for a period not exceeding twelve months.

9. 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