

No. 5 of 1989.

***Emergency (Bougainville) (General Powers) Act 1989.***

Certified on: 18/7/1989.



INDEPENDENT STATE OF PAPUA NEW GUINEA.



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**ARRANGEMENT OF SECTIONS.**

1. Interpretation .
  - “Controller”
  - “emergency area”
  - “Emergency Order”
  - “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 controller, etc.
9. Provisions for penalties under expired emergency regulations.



INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

***Emergency (Bougainville) (General Powers) Act 1989,***

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 26 June 1989,

MADE by the National Parliament to come into operation on 18 July 1989.

**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 Bougainville Province;

“**Emergency Order**” means an Emergency Order made under Section 6(1);

“**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 26 June 1989.

**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 National Executive Council may, by notice in the National Gazette, appoint a person as 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, waterways and sea; and
- (f) enter land, buildings and structures, if necessary by force and with assistants; and
- (g) erect buildings and structures, make excavations or do any other 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 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) delegate to a person or persons all or any of his powers; and
- (m) authorize a person or persons to assist him in the performance of his duties.

**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 or 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) refuse 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 K1, 000.00 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 under the purposes of this Act or any other Emergency Act relating to the national emergency.

## **9. PROVISIONS FOR PENALTIES UNDER EXPIRED EMERGENCY REGULATIONS.**

Where –

(a) a person found guilty of an offence against Emergency (Bougainville) (General Powers) Regulations 1989 has been sentenced to pay a fine or serve a term of imprisonment; and

(b) the Emergency (Bougainville) (General Powers) Regulations 1989 under which he was sentenced has expired before the fine has been fully paid or the sentence of imprisonment has been fully served,

that person shall, unless otherwise relieved by law, pay the fine in full or serve the term of imprisonment in full.

s. 9.

*Emergency (Bougainville) (General Powers) 1989*

Office of Legislative Counsel, PNG