

No. 18 of 2007.

Emergency (Oro Province) (General Powers) Act 2007.

Certified on: 7/12/2007.



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AN ACT

entitled

Emergency (Oro Province) (General Powers) Act 2007,

Being an Emergency Act as authorized by Part X of the Constitution for the purpose of dealing with the National emergency declared in relation to the flood disaster in Oro Province on 19 November, 2007,

MADE by the National Parliament to come into operation on 19 November 2007.

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 Oro Province being the area to which the national emergency applies;

“**Emergency Laws**” 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 flood in the Oro Province on 19 November, 2007;

“**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 direction 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) The Deputy 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 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 of the emergency area or to a place outside the emergency area; and
- (c) requisition animals, aircraft, vehicles, ships, machinery, installation, 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, water ways 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 person 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 this 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 K2,000.00 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.

Office of Legislative Counsel, PNG