

No. **1** of 2017.

Asia Pacific Economic Cooperation (APEC) Safety and Security Act 2017.

Certified on : 18 APR 2017



No. **1** of 2017.

Asia Pacific Economic Cooperation (APEC) Safety and Security Act 2017.

ARRANGEMENT OF SECTIONS.

PART I. - PRELIMINARY.

1. Compliance with constitutional requirements.
2. Interpretation -
 - “administrative cell”
 - “APEC”
 - “APEC 2018”
 - “authorised officer”
 - “authorised person”
 - “clear”
 - “command and control structure”
 - “Command Centre”
 - “Commander”
 - “Courts”
 - “declared area”
 - “Deputy Commander”
 - “foreign safety and security personnel”
 - “interdict”
 - “international arrangement”
 - “international security partners”
 - “Joint Task Force”
 - “mission”
 - “neutralise”
 - “operations order”
 - “premises”
 - “private security personnel”
 - “prohibited items”
 - “restricted area”
 - “safety and security operations”
 - “senior national officers”
 - “sector working groups”
 - “tactical actions”
 - “terrorism”
 - “the State”
 - “this Act”
 - “threat”.
3. Application.

PART II. - JOINT TASK FORCE.

4. Establishment of Joint Task Force.
5. Composition of Joint Task Force.
6. Functions of Joint Task Force.
7. Powers of Joint Task Force.
8. Functions of the Commander.
9. Functions of the Deputy Commanders.
10. Establishment of the Command Centre.
11. Regional Command Centres.
12. Administrative cells.
13. Sector Working Group.
14. Authorised persons.
15. Assistance to civil authorities.

PART III. - RESTRICTED AREAS.

16. Declaration of restricted areas.
17. Accreditation and approval.
18. Personal information.
19. Information on premises.
20. Power to give directions.
21. Reasonable use of force.
22. Unmanned aerial vehicles.

PART IV. - SEARCH AND SEIZURE.

23. Power of search and seizure.
24. Check points.
25. Search of persons.
26. Routine searches.
27. Rub-down searches.
28. Searches on reasonable suspicion.
29. Search and inspection of premises.
30. Seizure generally.
31. Seizer of prohibited items.

PART V. - ARREST AND DETENTION.

32. Powers of arrest and detention.
33. Arrest.
34. Detention of persons.

PART VI. - ASSEMBLY.

35. Peaceful assembly.
36. Unlawful assembly.

PART VII. - JURISDICTION.

37. Evidence.

38. Courts.
39. Criminal jurisdiction.

PART VIII. - BORDER CONTROL.

40. Border control.
41. Information relating to persons entering Papua New Guinea.

PART IX. - INTERNATIONAL CO-OPERATION.

42. Bilateral co-operation.
43. Foreign safety and security personnel.
44. Involvement of foreign safety and security personnel in safety and security operations.
45. Senior national officers.
46. Immunities and privileges of foreign safety and security personnel.

PART X. - OFFENCES.

47. Offences.

PART XI. - MISCELLANEOUS PROVISIONS.

48. Regulations.
49. Savings.
50. Sunset clause.



No. of 2017.

An Act

entitled

Asia Pacific Economic Cooperation (APEC) Safety and Security Act 2017.

Being an Act to -

- (a) provide for safety and security for the hosting of APEC 2018; and
- (b) establish the Papua New Guinea APEC 2018 Safety and Security Joint Task Force; and
- (c) provide adequate powers and functions for the Papua New Guinea APEC 2018 Safety and Security Joint Task Force for effective and efficient safety and security operations for the hosting of APEC in Papua New Guinea in 2018,

and for related purposes,

MADE by the National Parliament.

PART I - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts a right or freedom conferred by Subdivision III.3.C (*Qualified Rights*) of the *Constitution*, namely -

- (a) liberty of the person conferred by Section 42; and
- (b) freedom from arbitrary search and entry conferred by Section 44; and
- (c) freedom of expression conferred by Section 46; and
- (d) freedom of assembly and association conferred by Section 47; and
- (e) right to privacy conferred by Section 49; and
- (f) right to freedom of information conferred by Section 51; and
- (g) freedom of movement conferred by Section 52; and
- (h) protection from unjust deprivation of property conferred by Section 53,

is a law that is made pursuant to Section 38 of the *Constitution* that is necessary for the purpose of giving effect to the public interest in, defense, public safety, public welfare and public health and is reasonably justifiable in a democratic society having proper respect and regard for the rights and dignity of mankind, taking into account the National Goals and Directive Principles and Basic Social Obligations, for the purpose of ensuring safety and security during APEC 2018 and in particular, responding to terrorism.

(2) For the purpose of Section 199 of the *Constitution*, this Act provides for the authorisation of persons other than members of the Police Force for the administration and enforcement of this Act, and confers police powers on other persons to fulfil the purposes of this Act.

(3) For the purpose of Section 206 of the *Constitution*, this Act sets out the basic conditions on which Defence Forces of other States, together with other civilian support staff, may be in Papua New Guinea, and to provide for arrangements to be entered into by the State with other States in this regard.

(4) Insofar as the provisions of other Acts of Parliament are applicable for the purpose of safety and security for APEC 2018 or where reference has been made to other laws, this law shall apply where there are any inconsistencies.

2. INTERPRETATION.

(1) In this Act, unless the contrary intention appears in the context -

“administrative cell” means a component of the command centre that provides command, control, coordination and communication of a specific operational function;

“APEC” means the Asia Pacific Economic Cooperation;

“APEC 2018” means the series of meetings, workshops or any other related activities that comprise the hosting of APEC in Papua New Guinea;

“authorised officer” means an officer performing the functions and powers under this Act, or functions and powers of his agency under any law for the purposes of safety and security operations;

“authorised person” means a person authorised under Section 14;

“clear” means to remove a threat from a specific location, area or zone;

“command and control structure” refers to the approved command and control structure contained in the Operations Order;

“Command Centre” means a place established under Section 10;

“Commander” means the Commander of the PNG APEC 2018 Safety and Security Joint Task Force;

“Courts” means courts established under the National Judicial System of Papua New Guinea in Section 155 of the *Constitution*;

“declared area” means an area declared for the purposes of hosting APEC 2018;

“Deputy Commander” means either of the Deputy Commanders of the Joint Task Force under Section 5(b);

“foreign safety and security personnel” means a person or class of persons involved in safety and security operations under an international arrangement entered into pursuant to this Act;

“interdict” means to divert, prevent or destroy a threat in order to deny use of a route or area;

“international arrangement” means a binding or non-binding instrument with another State for the purposes of safety and security operations, and includes but is not limited to, a treaty or memorandum of understanding;

“international security partners” means the relevant government agencies of other States involved in safety and security operations;

“Joint Task Force” means the PNG APEC 2018 Safety and Security Joint Task Force established under Section 4;

“mission” means the mission of the Joint Task Force to provide a safe and secure environment in order to deliver a successful hosting of APEC 2018;

“neutralise” means to render ineffective a threat’s ability to interfere;

“operations order” means the PNG APEC 2018 Committee on Safety and Security Operations Order;

- “premises” means an area, property, building or facility and includes a vehicle, maritime vessel or aircraft;
- “private security personnel” means safety and security personnel of private safety and security organisations or contractors engaged for the purpose of safety and security operations;
- “prohibited items” means any item that is prohibited by the Joint Task Force because of the potential it has to cause harm;
- “restricted area” means an area declared under Section 16 and includes a declared area;
- “safety and security operations” means any actions or tasks carried out to fulfil the functions and mission of the Joint Task Force for APEC 2018;
- “senior national officers” means officers from other States assisting the Joint Task Force in Safety and Security Operations, consistent with the provisions of this Act and the command and control structure;
- “sector working groups” means groups or committees responsible to carry out specified functions in order to ensure implementation of the operational plans of the Joint Task Force;
- “tactical actions” mean any direct or indirect application or demonstration of force in order to clear, interdict or neutralise threat;
- “terrorism” has the same meaning as defined under the *Criminal Code Act*, Internal Security Act or any other law, and includes the use of violence for the purpose of advancing political, religious or ideological causes or any use of violence for the purpose of creating fear, or a serious risk to the health or safety of the public or any section of the public;
- “the State” means the Independent State of Papua New Guinea;
- “this Act” includes regulations made under this Act;
- “threat” means an item that is considered to be dangerous, or a direct or indirect act within or outside of Papua New Guinea that may be carried out by an individual or group of individuals that may cause harm to persons or the environment, or interfere with the mission of the Joint Task Force, and includes an act of terrorism;

3. APPLICATION OF ACT.

This Act binds the State.

PART II. - JOINT TASK FORCE.

Division 1. - Establishment of Joint Task Force.

4. ESTABLISHMENT OF JOINT TASK FORCE.

The Joint Task Force is hereby established.

5. COMPOSITION OF JOINT TASK FORCE.

The Joint Task Force shall comprise of -

- (a) the Commander, who shall be the Commissioner for the Royal Papua New Guinea Constabulary; and
- (b) two Deputy Commanders, of whom -
 - (i) one shall be a senior member of the Royal Papua New Guinea Constabulary nominated by the Police Commissioner; and
 - (ii) the other shall be a senior member of the Papua New Guinea Defence Force nominated by the Commander of the Papua New Guinea Defence Force; and

- (c) senior national officers; and
- (d) authorised officers; and
- (e) authorised persons.

6. FUNCTIONS OF JOINT TASK FORCE.

(1) The functions of the Joint Task Force are -

- (a) to assess, detect and respond to threats to the safety and security of APEC 2018, either on land, sea or air, including imminent threats; and
- (b) to plan, prepare and execute safety and security operations; and
- (c) to provide logistical and operational support for APEC 2018 safety and security operations; and
- (d) to implement the operations order; and
- (e) to plan, design, co-ordinate and implement authorised international partner support for APEC 2018 safety and security operations; and
- (f) to declare restricted areas; and
- (g) to establish and maintain a system of accreditation for safety and security purposes; and
- (h) to establish sector working groups; and
- (i) such other functions as are necessary or incidental to fulfilling its mission.

(2) The Joint Task Force shall carry out its functions subject to the directions of the Commander.

7. POWERS OF JOINT TASK FORCE.

The Joint Task Force has the power to do all things necessary to perform its functions and to fulfil its mission and the purposes of this Act.

8. FUNCTIONS OF THE COMMANDER.

The commander shall be responsible for -

- (a) the command of the Joint Task Force; and
- (b) ensuring that the functions of the Joint Task Force are effectively carried out; and
- (c) the co-ordination of activities of the Joint Task Force; and
- (d) consultation with relevant State agencies, international security partners and private organisations for purposes of safety and security operations; and
- (e) providing the appropriate reports on the exercise of functions of the Joint Task Force under this Act, and activities related to safety and security operations; and
- (f) such other functions that are relevant for the effective command of the Joint Task Force and fulfilling the purposes of this Act.

9. FUNCTIONS OF THE DEPUTY COMMANDERS.

(1) The Deputy Commanders shall be responsible for -

- (a) facilitating the operations of the Joint Task Force; and
- (b) chairing sector working group meetings in the absence of the Commander; and
- (c) facilitating the administrative and logistical operations of the Joint Task Force; and
- (d) performing any other functions of the Joint Task Force as the Commander may direct or delegate.

(2) Where the Commander is, for any reason, unable to carry out any of his functions under this Act, he shall delegate to the Deputy Commander nominated by him under Section 5(b)(i) to carry out his powers and functions in his absence, except this power of delegation.

Division 2. - Command Centre.

10. ESTABLISHMENT OF THE COMMAND CENTRE.

The headquarters for the Joint Task Force is hereby established and, shall be the command centre from which the command, control, coordination and communication of safety and security operations are issued.

11. REGIONAL COMMAND CENTRES.

The Commander may establish regional command centers in provinces other than the National Capital District for purposes of APEC 2018.

12. ADMINISTRATIVE CELLS.

(1) The Joint Task Force may declare administrative cells for the purpose of safety and security operations.

(2) An administrative cell may be located at designated areas for, but not limited to -

- (a) intelligence; and
- (b) planning; and
- (c) operations; and
- (d) personnel; and
- (e) cyber protection; and
- (f) information communication technology; and
- (g) logistics (as it relates to safety and security); and
- (h) training; and
- (i) legal; and
- (j) surveillance; and
- (k) public relations; and
- (l) international engagement; and
- (m) accreditation; and
- (n) finance.

13. SECTOR WORKING GROUP.

(1) The Commander may establish sector working groups.

(2) A sector working group may comprise of relevant State agencies, international security partners and private organisations.

(3) The function of sector working groups is to implement the sector plans subject to directions of the Commander as chairman of such groups.

(4) Sector working groups shall provide regular reports to the Joint Task Force on its activities, or as often as requested by the Commander.

14. AUTHORISED PERSONS.

The commander may, consistent with the command and control structure under this Act, authorise by instrument, a person or class of persons to exercise a power or discharge any duty or function for the purpose of safety and security operations, and may include Foreign Safety and Security Personnel and private security personnel.

Division 3. - Defence Assistance.

15. ASSISTANCE TO CIVILIAN AUTHORITIES.

(1) Defence assistance to safety and security operations shall be provided in accordance with the *Constitution* and the *Defence Act 1974* for specified periods as published in the National Gazette.

(2) A member of the Papua New Guinea Defence Force providing assistance under this section shall exercise powers subject to Subsection (1) and in accordance with the command and control structure.

PART III. - RESTRICTED AREAS.

Division 1. - Restricted Areas in General.

16. DECLARATION OF RESTRICTED AREAS.

(1) For the purposes of safety and security operations, the Commander may declare an area to be a restricted area.

(2) Subject to Subsection (3), a restricted area declared under Subsection (1) shall be published through multiple forms of media and circulated in the country.

(3) Where the Commander considers that publication of restricted areas would significantly compromise safety and security operations, the Commander shall take reasonable steps to notify the public by the erection of signs or barriers around the whole or part of the parameter of a restricted area.

17. ACCREDITATION AND APPROVAL.

(1) A person shall only be allowed access into a restricted area where the requisite accreditation or approval has been obtained.

(2) The Joint Task Force shall develop and maintain a system of accreditation for purposes of safety and security, and shall be developed jointly with any other meeting accreditation requirements.

(3) Information relating to persons entering Papua New Guinea for APEC 2018 shall, at the request of the Joint Task Force, be submitted for purposes of accreditation under this Act.

(4) The system of accreditation referred to in Subsection (2) shall be for all persons, including national and foreign safety and security personnel involved in safety and security operations.

(5) For the purposes of this section, approval refers to an authorisation given by a senior authorised officer in charge of a restricted area to enter a restricted area, or prior approval given by the Joint Task Force.

Division 2. - Special Powers in Restricted Areas.

18. PERSONAL INFORMATION.

(1) For the purposes of this Act, the Joint Task Force may require that certain personal information, including documents, be presented for inspection any time prior to entering Papua New Guinea, or immediately before entering a restricted area, and may include submission of personal documents (including copies of them) for purposes of accreditation.

(2) The requirement for the provision of personal information shall be as reasonable and necessary for carrying out safety and security operations, and shall be commensurate with the level of threat in any given circumstance.

(3) Personal information provided under this section and Section 41 shall only be used for ensuring safety and security under this Act, and shall not be disclosed or used for any other purposes.

19. INFORMATION ON PREMISES.

(1) For purposes of safety and security operations, the Joint Task Force may require an owner or operator of premises within a restricted area or within the proximity of a restricted area, to provide information relating to that premises, including building plans, fire plans, or other specifications relating to design or use of the premises.

(2) The requirement for information relating to premises may extend to premises which are not within a restricted area but are of safety and security concern for APEC 2018.

(3) Information on premises provided shall only be used for ensuring safety and security under this Act, and shall not be disclosed or used for any other purposes.

20. POWER TO GIVE DIRECTIONS.

(1) In carrying out safety and security operations, an authorised officer or an authorised person may issue directions to a person in, or within the vicinity of, a restricted area.

(2) The power to issue directions under this section is exercisable in addition to other powers under this Act.

(3) A person who fails to comply with directions under this section is guilty of an offence.

Penalty: A minimum fine of K1,000.00 or imprisonment for a term of not less than three months.

21. REASONABLE USE OF FORCE.

All persons authorised to carry out functions and exercise powers under this Act, particularly but not limited to the conduct of arrests, detention, searches, and seizures, shall use reasonable force as the circumstances warrant or take reasonable measures, taking into account the purpose of this Act and having proper regard for the rights and dignity of mankind.

22. UNMANNED AERIAL VEHICLES.

(1) For the purposes of this section, an unmanned aerial vehicle means an aircraft with no pilot on board and includes a drone.

(2) A person shall not operate an unmanned aerial vehicle within or over a restricted area, unless prior authorisation is given by the Joint Task Force.

(3) The Joint Task Force shall bring within its control or destroy an unauthorised unmanned aerial vehicle without the consent of the owner or operator, if the unmanned aerial vehicle is considered to be a threat.

(4) The unauthorised use or operation of an unmanned aerial vehicle in a restricted area is an offence under this Act, even if the person operating it is not physically within the restricted area.

Penalty: A minimum fine of K1,000.00 or imprisonment for a term of not less than three months.

PART IV. - SEARCH AND SEIZURE.

Division 1. - Search.

23. POWER OF SEARCH AND SEIZURE.

Powers of search and seizure under this Part are, in addition to and not in derogation of, the powers of search and seizure under the *Search Act 1977* or any other Act.

24. CHECK POINTS.

For the purposes of search under this Part, the Joint Task Force may designate one or more check points at a restricted area.

25. SEARCH OF PERSONS.

An authorised officer or an authorised person may conduct -

- (a) routine searches at check points or restricted areas; or
- (b) a rub-down search of persons entering a restricted area; or
- (c) a search of a person upon reasonable suspicion of the person's intent to carry out an offence under this Act or any other Act.

26. ROUTINE SEARCHES.

(1) An authorised officer or an authorised person may conduct a routine search on a person entering, within, or leaving a restricted area.

(2) A routine search may involve -

- (a) requiring articles in a person's belongings to be searched, including the search of a bag; or
- (b) requiring a person to remove outer clothing worn by the person and searching the clothing, including articles placed in the person's clothing; or
- (c) requiring accessories worn by a person including but not limited to spectacles, headwear, footwear, watches or jewellery to be searched; or
- (d) requiring the person or his belongings to be placed in an x-ray scanner for persons, or x-ray machine for property respectively; or
- (e) the use of walk-through detectors, handheld scanners or explosive detectors.

(3) In conducting a routine search, an authorised officer or authorised person shall take the reasonable and necessary measures required in conducting such a search, taking into account the purpose of this Act and having proper regard for the rights and dignity of mankind.

27. RUB-DOWN SEARCHES.

(1) An authorised officer or authorised person may conduct a rub-down search on a person entering, within or leaving a restricted area.

(2) A rub-down search shall include -

Asia Pacific Economic Cooperation (APEC) Safety and Security

- (a) a search of a person carried out by quickly running the hands over a person's outer clothing; and
- (b) a search of anything worn by the person that can conveniently and voluntarily be removed by the person, including headwear, gloves, footwear or accessories; and
- (c) a search of anything carried by the person.

(3) An authorised officer or authorised person conducting a rub-down search under this section, shall ensure that the search is conducted as expeditiously as possible, taking into account the purpose of this Act and having proper regard for the rights and dignity of mankind.

(4) A rub-down search shall be carried out by an authorised officer or authorised person of the same gender as the person being searched.

28. SEARCHES ON REASONABLE SUSPICION.

(1) An authorised officer or an authorised person may search a person upon reasonable suspicion of the person's intent to carry out an offence under this Act or any other Act.

(2) A search under this section may involve conducting a routine search or a rub-down search.

29. SEARCH AND INSPECTION OF PREMISES.

(1) Authorised officers or authorised persons may conduct a search and inspection of premises, taking into account the purpose of this Act and having proper regard for the rights and dignity of mankind.

(2) In circumstances where the Commander forms the view that, for the purposes of this Act, an authorised officer or authorised person must immediately enter and search a premises to clear, interdict or neutralise a threat, the commander may authorise such immediate entry and search within a restricted area.

Division 2. - Seizure.

30. SEIZURE GENERALLY.

(1) In carrying out a search under Division 1 or another any other law, items that are reasonably suspected or having the potential of being dangerous or pose a threat to safety and security shall be seized.

(2) An item seized under Subsection (1) shall be secured on official property.

(3) If an item seized under Subsection (1) is determined to not be dangerous or a threat, it shall be returned to the person it was seized from within a reasonable period.

- (4) Where an item seized -
- (a) cannot be returned; or
 - (b) possession would otherwise be unlawful; or
 - (c) is unclaimed after a reasonable period,

it shall become the property of the State and may be disposed of by means of auction, destruction or by other lawful means.

31. SEIZURE OF PROHIBITED ITEMS.

Prohibited items in the possession of a person shall be seized and disposed of in accordance with Section 30.

PART V. - ARREST AND DETENTION.

32. POWERS OF ARREST AND DETENTION.

Powers of arrest and detention under this Part are, in addition to and not in derogation of, the powers of arrest and detention under the *Arrest Act 1977* or any other Act.

33. ARREST.

(1) An arrest of a person, including arrest by an authorised officer or authorised person, shall be effected in accordance with the *Arrest Act 1977*.

(2) The State may enter into an international arrangement with another State involved in safety and security operations, relating to extra-territorial powers to effect arrest of a person in accordance with the *Mutual Assistance in Criminal Matters Act 2005* or international law practices.

34. DETENTION OF PERSONS.

(1) An authorised officer or an authorised person may detain a person for a reasonable period, if the authorised officer or authorised person has sufficient reason to believe that -

- (a) the person is a threat to safety and security for APEC 2018; or
- (b) the person has or is about to commit an act, or omits to do something, whereby such as act or omission may jeopardise safety and security operations.

PART VI. - ASSEMBLY.

35. PEACEFUL ASSEMBLY.

(1) For the purposes of this section, "assembly" means a gathering of more than one person for a common purpose during or related to APEC 2018, and may involve, but is not limited to, demonstrations, protests, riots or picketing.

(2) The *Peace and Good Order Act 1991* does not apply to assembly under this Act.

(3) The Commander shall designate an area or areas for the purpose of peaceful assembly.

(4) A person or group of persons shall give notice to the Commander of their intention to assemble, at least 72 hours before the assembly, and shall provide details of such assembly.

(5) The Joint Task Force may establish requirements for assembly within a designated area, including but not limited to, duration, prohibition on items or prohibition on activities.

36. UNLAWFUL ASSEMBLY.

(1) An assembly is unlawful if -

- (a) it is not carried out within a designated area; or
- (b) it does not comply with requirements established by the Joint Task Force; or
- (c) an offence or a series of offences under this Act or other laws are being committed by persons participating in the assembly.

Asia Pacific Economic Cooperation (APEC) Safety and Security

- (2) Unlawful assembly under this Part constitutes an offence.

Penalty: A minimum fine of K1,000.00 or imprisonment for a term of not less than three months.

- (3) The *Criminal Code Act 1974* applies to a criminal offence committed during an unlawful assembly under this Part.

PART VII. - JURISDICTION.

37. EVIDENCE.

Rules of evidence under the *Evidence Act 1975* or any other Act shall be applicable in the prosecution of offences committed under this Act.

38. COURTS.

All decisions of the Courts of the State shall be binding.

39. CRIMINAL JURISDICTION.

(1) A member of the foreign safety and security personnel who commits a criminal offence under any law shall be liable to prosecution in Papua New Guinea.

(2) The State may enter into an international arrangement with another State on matters concerning special instances where both States may agree to have a member under Subsection (1) prosecuted in the other State.

PART VIII. - BORDER CONTROL.

40. BORDER CONTROL.

(1) The Joint Task Force shall consult with the relevant State agencies in relation to safety and security operations at Papua New Guinea's borders.

(2) The Joint Task Force shall ensure coordination with other States providing safety and security assistance for proper conduct of patrols and surveillance at Papua New Guinea's international borders.

41. INFORMATION RELATING TO PERSONS ENTERING PAPUA NEW GUINEA.

(1) For the purposes of ensuring safety and security for APEC 2018, the Joint Task Force may liaise with the relevant State agencies to establish requirements for submission of information on persons prior to their arrival in the country.

(2) The requirements under Subsection (1) are in addition to any other requirements for information on persons prior to their arrival in the country under this law or any other Act.

PART IX. - INTERNATIONAL CO-OPERATION.

42. BILATERAL CO-OPERATION.

(1) The State may enter into specific international arrangements with other States for the provision of assistance in safety and security operations.

(2) The form and legal nature of the international arrangement shall be at the discretion of the State and the other states depending on the subject matter.

(3) The department responsible for foreign affairs shall oversee all international arrangements made under Subsection (1).

43. FOREIGN SAFETY AND SECURITY PERSONNEL.

(1) Foreign safety and security personnel may be involved in safety and security operations.

(2) The involvement of foreign safety and security personnel will be subject to the accreditation requirement under Section 17(3).

(3) The involvement of foreign safety and security personnel in safety and security operations may include the engagement and use of capabilities, and the capabilities may include, but are not limited to, weapons, vehicles, aircrafts and maritime vessels.

44. INVOLVEMENT OF FOREIGN SAFETY AND SECURITY PERSONNEL IN SAFETY AND SECURITY OPERATIONS.

(1) In the event that foreign safety and security personnel are required to be involved in safety and security operations, all foreign safety and security personnel shall be responsive to the Commander consistent with the approved command and control structure.

(2) The involvement of foreign safety and security personnel in safety and security operations shall be in accordance with the agreed rules of engagement.

(3) All co-ordination of safety and security operations involving foreign safety and security personnel will be through the Command Centre established under Section 10.

(4) Any information relating to safety and security operations exchanged with international security partners shall be privileged information and shall not be disclosed for reasons other than for achieving the purposes of this Act.

45. SENIOR NATIONAL OFFICERS.

(1) Senior national officers may be appointed by International Security Partners to coordinate and control responses by foreign safety and security personnel to directions from the Commander in relation to safety and security operations.

(2) The International Security Partners shall communicate to the Joint Task Force, the details of the senior national officers appointed and may provide other relevant information deemed necessary for the involvement and integration of foreign safety and security personnel in safety and security operations.

46. IMMUNITIES AND PRIVILEGES OF FOREIGN SAFETY AND SECURITY PERSONNEL.

(1) A member of the foreign safety and security personnel shall not be held civilly liable or criminally responsible for acts or omissions carried out in accordance with Section 43 and for the purposes of this Act.

Asia Pacific Economic Cooperation (APEC) Safety and Security

(2) An international arrangement may make specific provisions for the granting of immunities and privileges to foreign safety and security personnel, including amongst other things, matters relating to civil liability and criminal responsibility.

(3) Where Papua New Guinea exercises criminal jurisdiction over a member of foreign safety and security personnel, an international arrangement may specifically provide that the maximum penalty to be imposed shall not exceed life imprisonment for offences that would be punishable by death.

(4) For purposes of Subsection 2, this Act shall supersede any other law.

PART X. - OFFENCES.

47. OFFENCES.

(1) A person who -

- (a) causes a disturbance, or by any act, disrupts or threatens the general safety and security of APEC 2018; or
- (b) causes a disturbance, or by any act, disrupts or threatens a meeting, workshop or related activities within a restricted area; or
- (c) without authorisation, enters a restricted area; or
- (d) obstructs or interferes with an authorised officer or authorised person in the performance of their duties under this Act; or
- (e) intentionally fails to comply with directions issued under this Act; or
- (f) aids or abets a person to commit an offence under this Act; or
- (g) discloses or uses personal or privileged information or information on premises for purposes other than for safety and security reasons under this Act; or
- (h) without authority, use of an unmanned aerial vehicle in a restricted area; or
- (i) organises an unlawful assembly or participates in an unlawful assembly,

is guilty of an offence.

Penalty: A minimum fine of K1,000.00 or imprisonment for a term of not less than three months, or both.

(2) Notwithstanding Subsection (1), this Act does not limit the application of the *Criminal Code Act 1974*.

PART XI. - MISCELLANEOUS PROVISIONS.

48. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that, by this Act, are required or permitted to be prescribed or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

49. SAVINGS.

Any action taken under this Act is valid after the expiration of this Act.

Asia Pacific Economic Cooperation (APEC) Safety and Security

50. SUNSET CLAUSE.

This Act shall cease to operate on 31st December, 2019.

I hereby certify that the above is a fair print of the *Asia Pacific Economic Cooperation (APEC) Safety and Security Act 2017* which has been made by the National Parliament.


Acting Clerk of the National Parliament.

13 APR 2017

I hereby certify that the *Asia Pacific Economic Cooperation (APEC) Safety and Security Act 2017* was made by the National Parliament on 2 February 2017, by an absolute majority as required by the *Constitution*.


Speaker of the National Parliament.

13 APR 2017