

No. 2 of 2018.

*Emergency (General Powers) Act 2018.*

Certified on: 21 MAY 2018



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**ARRANGEMENT OF SECTIONS.**

1. Interpretation -
  - “aircraft”
  - “Assistant Controller”
  - “buildings”
  - “Controller”
  - “Deputy Controller”
  - “emergency area”
  - “Emergency Law”
  - “the national emergency”
  - “vehicle”.
2. Application.
3. Controller, Deputy Controller and Assistant Controllers.
4. Duties of Controller.
5. Powers of Controller.
6. Emergency orders.
7. Offences.
8. Protection of Controller.
9. Reports.



No.            of 2018.

AN ACT

entitled

***Emergency (General Powers) Act 2018,***

Being an emergency Act as authorised by Part X of the *Constitution* for the purpose of dealing with the national emergency declared in relation to Western, Enga, Southern Highlands and Hela Provinces on 25 February 2018, as extended by the National Parliament,

MADE by the National Parliament to be deemed to have come into operation on 1 March 2018.

**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, airports and other land structures;

“Controller” means the Controller appointed under Section 3;

“Deputy Controller” means the Deputy Controller appointed under Section 3;

“emergency areas” means Western, Enga, Southern Highlands and Hela Provinces being the area to which the national emergency applies;

“Emergency Law” means an Emergency Act or an Emergency Regulation;

“the national emergency” means the national emergency declared in relation to the earthquake in the Western, Enga, Southern Highlands and Hela Provinces on 1 March 2018;

“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 areas.

(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.

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(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 be brought to public notice in such ways as are considered appropriate.

### **4. DUTIES OF CONTROLLER.**

- (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 directions under Paragraph (a), do such things as he considers necessary and within his powers to alleviate suffering and minimise damage arising from the circumstances giving rise to the national emergency.
  
- (2) A 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 minimise 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 minimise damage arising from the circumstances giving rise to the national emergency.

### **5. POWERS OF CONTROLLER.**

The Controller, the Deputy Controller or an Assistant Controller has powers 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) manage the requisition of animals, aircraft, vehicles, machinery, installations, buildings, land, accommodation (including accommodation on aircraft and vehicles), 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 assistance; and
- (g) erect buildings or structures, make excavations or do any other matter or thing on land; and
- (h) authorise 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) authorise persons to exercise, on his behalf, the powers contained in this Act; and
- (k) prohibit or restrict -
  - (i) the importation of alcoholic liquor into the emergency area; and

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- (ii) the manufacture, sale or consumption of alcoholic liquor in the emergency area; and
- (l) authorise a person or persons to assist him in his duties.

### **6. EMERGENCY ORDERS.**

- (1) The Controller, the Deputy Controller or an Assistant Controller 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, the Deputy Controller or an Assistant Controller (or by a person authorised by the Controller, the Deputy Controller or 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.**

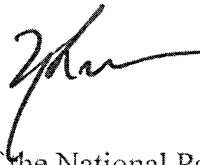
The Controller, the Deputy Controller or an Assistant Controller (or any person authorised by the Controller, the Deputy Controller or an Assistant Controller to assist him in carrying out his duties or exercising his powers under this Act or any other Emergency Laws passed in relation to the national emergency), is not liable for anything 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 Laws relating to the national emergency.

### **9. REPORTS.**

The Controller shall furnish to the Minister such reports as are required by the Minister.

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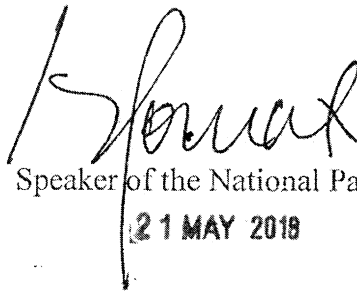
I hereby certify that the above is a fair print of the *Emergency (General Powers) Act 2018* which has been made by the National Parliament.



Clerk of the National Parliament.

21 MAY 2018

I hereby certify that the *Emergency (General Powers) Act 2018* was made by the National Parliament on 27 March, 2018.



Speaker of the National Parliament.

21 MAY 2018