

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 33A.

Emergency Committees.

GENERAL ANNOTATION.

ADMINISTRATION.

At the date of its preparation for inclusion there was no gazetted indication where the administration of this Chapter was vested. It seems likely, therefore, that under the Constitution, Section 148(2), the Prime Minister was politically responsible.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

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Emergency Committees Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "Chairman"
 - "Deputy Chairman"
 - "Emergency Committee"
 - "emergency law"
 - "national emergency"
 - "this Act".
2. Emergency Committees.
3. Chairman and Deputy Chairman.
4. Member of Parliament in custody under emergency law or internment not eligible.
5. Functions of an Emergency Committee.
6. Powers of an Emergency Committee.
7. Procedures at a meeting of an Emergency Committee.
8. Advisers.
9. Temporary Emergency Committee.
10. Regulations.

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Emergency Committees Act.

Being an Act to implement Section 240 (*Emergency Committees*) and Section 241 (*Temporary Emergency Committees*) of the Constitution.

1. Interpretation.

In this Act, unless the contrary intention appears—

"Chairman" means a Chairman of an Emergency Committee appointed under Section 3(1);

"Deputy Chairman" means a Deputy Chairman of an Emergency Committee appointed under Section 3(1);

"Emergency Committee" means an Emergency Committee appointed under Section 2(1) and includes a Temporary Emergency Committee appointed under Section 9(1);

"emergency law" means—

(a) an Emergency Act made in accordance with Section 230 (*Emergency Acts*) of the Constitution; or

(b) an Emergency Regulation made in accordance with Section 231 (*Emergency Regulations*) of the Constitution;

"national emergency" means a national emergency declared under Section 228(1) (*declaration of national emergency*) of the Constitution;

"this Act" includes the regulations.

2. Emergency Committees.

(1) Where—

(a) a national emergency has been declared; or

(b) the Prime Minister advises the Parliament that it is probable that a national emergency will be declared within 28 days,

the Parliament shall appoint an Emergency Committee for the purpose of that national emergency.

(2) An Emergency Committee shall—

(a) consist of not less than seven members; and

(b) consist only of members of the Parliament; and

(c) in principle be broadly representative of the various parts of the country and of the parties and groups in the Parliament; and

(d) not contain a Minister.

(3) Notification of the appointment of an Emergency Committee shall be given in the National Gazette.

3. Chairman and Deputy Chairman.

(1) There shall be a Chairman and a Deputy Chairman of each Emergency Committee, who shall be appointed by the members of the Emergency Committee from amongst their own number.

(2) In the event of the absence of the Chairman from a meeting of an Emergency Committee or his inability to act, or when the Chairman so directs, the Deputy Chairman has and may exercise and perform all his powers, functions, duties and responsibilities.

4. Member of Parliament in custody under emergency law or internment not eligible.

A member of the Parliament who is held in custody under an emergency law, or is an internee, is not capable of being or continuing to be a member of an Emergency Committee.

5. Functions of an Emergency Committee.

The functions of an Emergency Committee are as specified in Part X. (*Emergency Powers*) of the Constitution and in particular in Section 242 (*functions, etc., of Emergency Committees*) of the Constitution.

6. Powers of an Emergency Committee.

(1) For the purposes of the exercise of and performance of its functions an Emergency Committee may—

- (a) summon witnesses, by instrument under the hand of the Chairman or Deputy Chairman; and
- (b) take evidence on oath or affirmation and administer oaths and affirmations for the purpose; and
- (c) by instrument under the hand of the Chairman or Deputy Chairman, require a person to produce a document, book or paper in his possession or control.

(2) Subject to Subsection (3), a person who, when summoned or required under this section to give evidence or to produce a document, book or paper in his possession or control, fails without reasonable excuse (proof of which is on him)—

- (a) to attend before the Emergency Committee at the time and place appointed in the summons or requirement; or
- (b) to be sworn or make an affirmation; or
- (c) to answer any question put to him by a member of the Committee; or
- (d) to produce the document, book or paper,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(3) It is a defence to a charge of an offence against Subsection (2) for failing without reasonable excuse to answer a question, or to produce a book or paper, if the defendant proves that the question, document, book or paper was not relevant to the matter in connexion with which the question was asked or the production of the document, book or paper was required, as the case may be.

7. Procedures at a meeting of an Emergency Committee.

- (1) Subject to the Constitution and to this Act, the procedures of an Emergency Committee are as determined by it.
- (2) Any five members of an Emergency Committee are a quorum.

8. Advisers.

An Emergency Committee may invite any person having specialised knowledge on a subject to advise the Committee on that subject.

9. Temporary Emergency Committee.

(1) The Parliament shall, on the last day of each sitting of the Parliament, appoint a Temporary Emergency Committee which shall be in composition the same as an Emergency Committee as provided by Section 2(2).

(2) Subject to Subsection (3), a Temporary Emergency Committee shall commence to hold office on the date of the declaration of a national emergency where—

- (a) the Parliament is not in session; and
- (b) no Emergency Committee has been appointed in respect of that national emergency.

(3) For the purposes of consultation prior to the declaration of a national emergency as provided by Section 228(2) (*declaration of national emergency*) of the Constitution, a Temporary Emergency Committee appointed under Subsection (1) shall be deemed to be holding office.

(4) A Temporary Emergency Committee ceases to hold office—

- (a) on the establishment of an Emergency Committee in respect of a period of declared national emergency; or
- (b) on the last day of the next sitting of the Parliament,

whichever first occurs, and has the powers and functions given to it in Part X. (*Emergency Powers*) of the Constitution.

10. 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.

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APPENDIX

SOURCE OF THE EMERGENCY COMMITTEES ACT.

Part A.—Previous Legislation.

Emergency Committees Act 1979, (No. 7 of 1979).

Part B.—Cross References.

Section, etc. in Revised Edition.	Previous Reference ¹
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

¹Unless otherwise indicated, the references are to the Act set out in Part A.

