

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 33B.

Emergency (Custody of Members of Parliament).

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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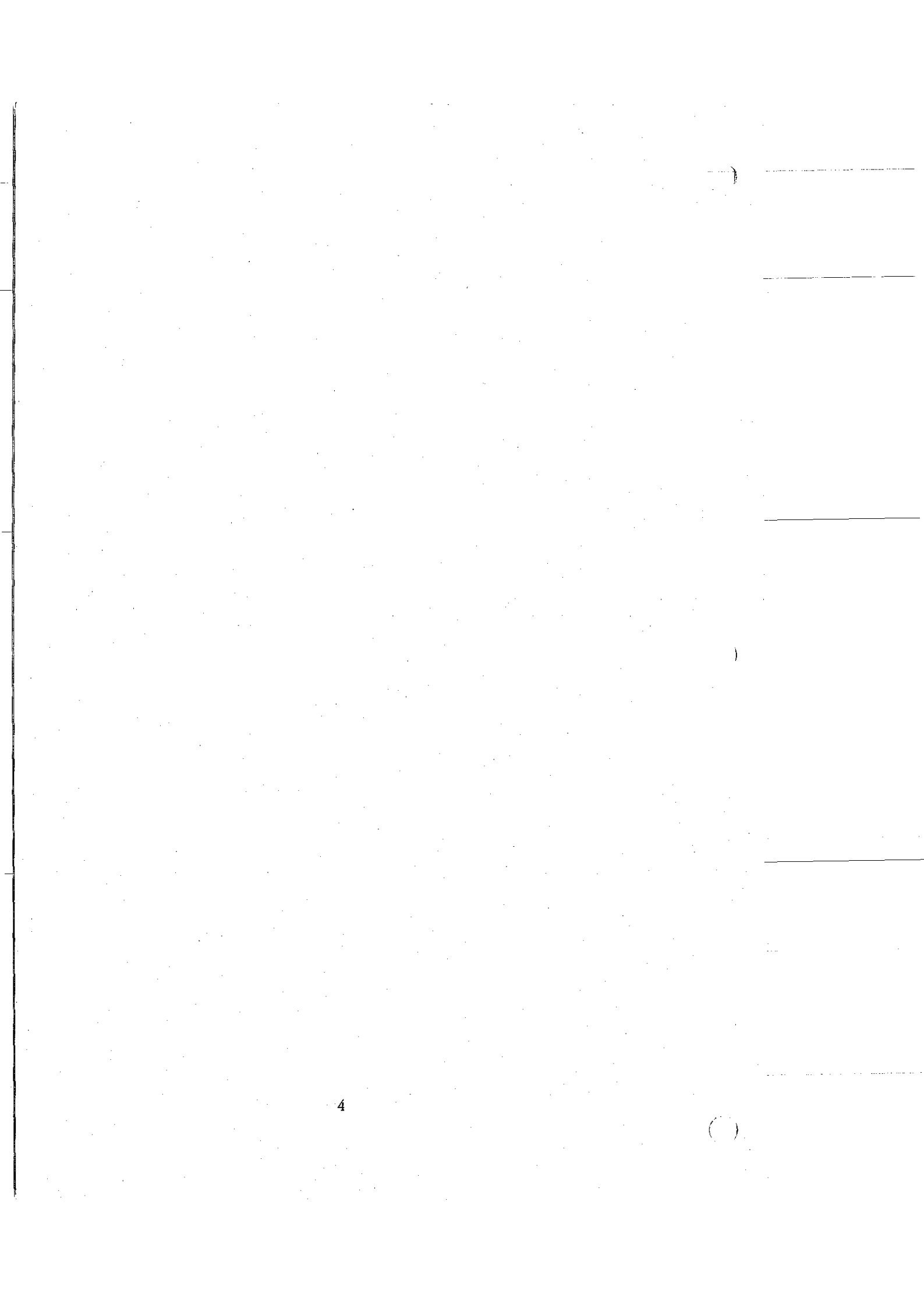
INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 33B.

Emergency (Custody of Members of Parliament) Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "controller"
 - "Emergency Act"
 - "Emergency Regulations"
 - "internment"
 - "Internment Acts"
 - "period of declared national emergency"
 - "this Act".
2. Notification of detention or internment of member of Parliament to be given to the Speaker.
3. Speaker to notify controller of any sittings, etc., of Parliament.
4. Circumstances in which member of Parliament may be released.
5. Continuance of sitting or meeting beyond one day.
6. Consequences of breach of undertaking, etc.
7. Regulations.



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Emergency (Custody of Members of Parliament) Act.

Being an Act to implement Section 235 (*custody of members of Parliament under Emergency Regulations or in internment*) of the Constitution by providing for the release, in certain circumstances and on certain conditions, of members of Parliament held in custody under Emergency Regulations or in internment.

1. Interpretation.

In this Act, unless the contrary intention appears—

“controller” means a person appointed as a controller under Emergency Regulations or an Emergency Act;

“Emergency Act” means an Act of the Parliament made in accordance with Section 230 (*Emergency Acts*) of the Constitution;

“Emergency Regulations” means Regulations made under Section 231 (*Emergency Regulations*) of the Constitution;

“internment” means detention that is authorized under the Internment Act;

“Internment Act” means an Act made in accordance with Section 244 (*laws providing for internment*) of the Constitution;

“period of declared national emergency” means any period during which—

(a) Papua New Guinea is at war with another country by virtue of a declaration under Section 227 (*declaration of war*) of the Constitution;
or

(b) a declaration of a national emergency is in force under Section 228 (*declaration of national emergency*) of the Constitution;

“this Act” includes the regulations.

2. Notification of detention or internment of member of Parliament to be given to the Speaker.

(1) Where, during—

(a) a period of declared national emergency; and

(b) in the case of internment, any continuance of internment after the end of the period of declared national emergency as permitted by Section 244(6) (*laws providing for internment*) of the Constitution.

a member of the Parliament is—

(c) held in custody under an Emergency Regulation; or

(d) interned under an Internment Act,

a controller shall as soon as is practicable, in writing, notify the Speaker.

(2) A notification under Subsection (1) shall specify—

(a) the name of the member of the Parliament; and

(b) the place of his detention or internment; and

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(c) the Emergency Regulation under which he is detained, or the Internment Act under which he is interned.

(3) A controller shall, in writing, notify the Speaker of any change of the place of detention or internment of a member of the Parliament.

3. Speaker to notify controller of any sittings, etc., of Parliament.

(1) Where the Speaker has received a notification under Section 2, he shall, in respect of the member of the Parliament named in the notification, give written notice to the controller from whom he received the notification of the place and date and time of—

(a) any sitting of the Parliament; or

(b) any meeting of a committee of the Parliament of which the member of the Parliament to which the notification referred is a member.

(2) A notice under Subsection (1) shall name the member of the Parliament to whom it refers.

4. Circumstances in which member of Parliament may be released.

Where—

(a) a controller has received a notice under Section 3(1); and

(b) the member of the Parliament named in the notice—

(i) is not also held in custody under any law other than that specified in the notification under Section 2(2)(c); and

(ii) is willing,

the controller shall ensure that the member of the Parliament is brought to the Parliament or to the place of meeting of the committee of the Parliament on the date and time specified in the notice and is released from custody for the purpose of attending the sitting of the Parliament or meeting of the committee.

5. Continuance of sitting or meeting beyond one day.

Where—

(a) a sitting of the Parliament; or

(b) a meeting of a committee of the Parliament,

in respect of which a member of the Parliament has been released from custody under this Act extends beyond one day, the member of the Parliament concerned shall, at the close of each day's business, report to a person appointed by the controller for the purpose, who shall keep the member of the Parliament in custody until the time appointed for continuation of the sitting or meeting.

6. Consequences of breach of undertaking, etc.

A member of the Parliament to whom this Act applies who fails, at the close of the day's business of the sitting of the Parliament or meeting of the committee of the Parliament, to report to the person appointed by the controller for the purpose, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months or both.

7. 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 (CUSTODY OF MEMBERS OF PARLIAMENT)
ACT.

Part A.—Previous Legislation.

Emergency (Custody of Members of Parliament) Act 1979 (No. 19 of 1979).

Part B.—Cross References.

Section, etc. of Revised Edition.	Previous Reference. ¹
1	1
2	2
3	3
4	4
5	5
6	6
7	7

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

