

30 March 2020

**CIRCULAR NO.16/2020**

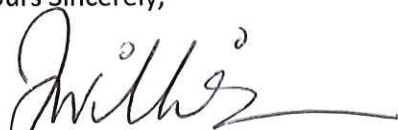
TO : ALL MEMBERS

**FORWARDING PEAK BUSINESS BODIES CIRCULAR #005.**

For your continued update and information on the COVID-19 State of Emergency, we forward the attached Circular #005 by Peak Business Bodies Group.

The Federation will continue to keep the membership informed of essential information as it becomes available.

Yours Sincerely,



**Florence Willie**  
Executive Director

## PNG PEAK BODIES COVID-19 CIRCULAR

<b>CIRCULAR#</b>	<b>005</b>	<b>DATE:</b>	<b>27 March 2020</b>
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### DAY 4 SOE MEETING WITH POLICE MINISTER AND HEALTH MINISTER

#### Background

Business representatives met with Police Minister. Since the issuance of our Circular 004, queries have been on 2 issues. Restrictions of goods and issuance of Orange Passes. Nonetheless, our staff will respond to all queries via email.

#### Queries to, and Responses from Minister of Police

<b>MOVEMENT OF PERSONS FROM INTERNATIONAL FLIGHTS AND PROVINCES</b>		
<b>Query</b>	<b>Response</b>	<b>Action Item</b>
Orange Passes for staff and vehicles.	An online solution is been developed by government officials and will be "live" once the SOE Controller has approved it.	As soon as State Controller has approved online application platform, Businesses Reps will issue a circular on this link. All businesses must apply for passes for essential staff and essential vehicles.
<b>RESTRICTIONS IMPOSED BY OFFICIALS AND MPS ON THE MOVEMENT OF CARGO DOMESTICALLY AND INTERNATIONALLY</b>		
<b>Query</b>	<b>Response</b>	<b>Action Item</b>
Legal system on SOE Rules and Provincial Rules and Restrictions.	NEC has approved Gazette NoG200, Emergency (General Provisions) (COVID 19) Regulations 2020 that now makes the State Controller possess controlling powers under the SOE. See Attachment.	Business to only comply with the rules of the SOE Controller.
<b>OTHER QUERIES</b>		
<b>Query</b>	<b>Response</b>	<b>Action Item</b>
Foreign workers work permits, and visas are expiring soon and require advise on next steps.	Regulatory bodies responsible for approving work permits and visas will be in NOC 19 and all approvals will be screened there.	Business Reps will identify relevant regulators in NOC 19 so that operators may liaise directly with them.  <b>In the meantime, please supply all information to business reps so we may relay to them.</b>



## PNG PEAK BODIES COVID-19 CIRCULAR

**Chey Scovell**  
CEO

**Douveri Henao**  
Executive Director

**Materua Tamarua**  
CEO

**Stacey O'Nea**  
CEO POMCCI



# National Gazette

PUBLISHED BY AUTHORITY

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No. G200] PORT MORESBY, THURSDAY, 26th MARCH [2020

## CONSTITUTION

*Defence Act* (Chapter 74)

### DECLARATION OF STATE OF EMERGENCY AND CALL-OUT TO THE PAPUA NEW GUINEA DEFENCE FORCE

I, GRAND CHIEF SIR BOB DADAE, GCL., G.C.M.G., K. St. J., Governor-General, by virtue of the powers conferred by Sections 202(c)(ii), 204 and 228 of the Constitution and Section 20 of the *Defence Act* (Chapter 74), and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby —

- (a) revoke the notice of Declaration of State of Emergency and call-out to the Papua New Guinea Defence Force in response to COVID-19 (Coronavirus) as published in *National Gazette* No. G185 dated Monday, 23rd March, 2020; and
- (b) declare the existence of a State of Emergency and call-out to the Papua New Guinea Defence Force to assist civilian Authorities, in particular the Police Commissioner as the Emergency Controller of the State of Emergency, to restore public order and security, in Papua New Guinea, for a period of 14 days.

with effect on and from 23rd March, 2020.

Dated this Thursday, 26th day of March, 2020.

Sir BOB DADAE,  
Governor-General.

## *Emergency (General Powers) Regulation 2020*

### APPOINTMENT OF STATE OF EMERGENCY CONTROLLER

I, GRAND CHIEF SIR BOB DADAE, GCL., G.C.M.G., K. St. J., Governor-General, by virtue of the powers conferred by Section 4 of the *Emergency (General Powers)(COVID 19) Regulation 2020* and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby appoint the Commissioner of the Royal Papua New Guinea Constabulary to be the Emergency Controller for purposes of the *Emergency (General Powers)(COVID 19) Regulation 2020*, commencing on and from 23rd March, 2020.

Dated this Thursday, 26th day of March, 2020.

Sir BOB DADAE,  
Governor-General.



## CONSTITUTION

*Organic Law on the Calling of Meetings of the Parliament*

## RECALLING OF MEETING OF THE PARLIAMENT

I, GRAND CHIEF SIR BOB DADAE, GCL., G.C.M.G., K. St. J., Governor-General, by virtue of the powers conferred by Section 124 of the Constitution and Section 2(1)(a)(ii) of the *Organic Law on the Calling of Meetings of the Parliament*, and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, being of the opinion that exceptional circumstances justify the urgent recalling of Parliament to sit on the 2nd of April, 2020 commencing at 2:00 pm to consider the Emergency Laws in relation to the existence of the National Emergency in relation to the COVID-19 Corona virus pandemic in Papua New Guinea.

Dated this Thursday, 26th day of March, 2020.

Sir BOB DADAE,  
Governor-General.

## NOTICE OF THE MAKING REGULATION

The Regulation set out in the table below have been made under the Constitution.

Statutory Instrument No.	Citation of Nature
No. 1 of 2020	Emergency (General Powers)(COVID-19) Regulation 2020.

The above Regulation shall come into operation on the 23rd of March, 2020.

Copies of the Regulation may be obtained from the Office of Legislative Counsel at the following address:—

Office of Legislative Counsel, Department of the Prime Minister and NEC, 6th Floor, Sir Manasupe Haus, Sir John Guise Drive, P.O. Box 639, WAIGANI, National Capital District, Telephone: (675) 301 9277/ 301 9278/ 301 9284, Email: [olc.drafting@pnglaw.gov.pg](mailto:olc.drafting@pnglaw.gov.pg).

Dated this 26th day of March, 2020.

G. SO-ON,  
Secretary—National Executive Council.



**STATUTORY INSTRUMENT.**

No. **01** of 2020.

*Emergency (General Provisions)(COVID 19) Regulation 2020.*

**ARRANGEMENT OF SECTIONS.**

1. Compliance with constitutional requirements.
2. Interpretation.
3. Application.
4. Emergency Controller.
5. Functions of the Emergency Controller.
6. Authorised Officers.
7. Powers of the Emergency Controller
8. Emergency orders.
9. Procurement of goods, works and services.
10. Delegation.
11. Offences.
12. Protection of Emergency Controller.
13. Reports.



## STATUTORY INSTRUMENT

No. **01** of 2020.

### ***Emergency (General Provisions)(COVID 19) Regulation 2020,***

Being an emergency regulation as authorised by Part X of the *Constitution* for the purpose of:

- (a) dealing with the national emergency declared on 23 March 2020 for the whole area of Papua New Guinea, and as extended by Parliament, for the purpose of preventing, detecting, containing and mitigating the effects of the global COVID-19 pandemic in Papua New Guinea; and
- (b) enabling the implementation of all measures necessary and practical to manage the spread of COVID-19, and its eradication in Papua New Guinea.

Made by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under Part X of the *Constitution*, to be deemed to have come into operation on 23 March, 2020.

#### **1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENT.**

This regulation, being an emergency regulation, is a regulation to regulate or restrict certain rights and freedoms referred to in Subdivision III.3.C (*Qualified Rights*) of the *Constitution*, namely –

- (a) liberty of persons conferred by Section 42; and
  - (b) the freedom of arbitrary search and entry conferred by Section 44; and
  - (c) the right to freedom of movement conferred by Section 52; and
  - (d) the protection from unjust deprivation of property conferred by Section 53,
- of the *Constitution*, is a regulation that is made for the purpose of giving effect to the public interest in public safety, public order, and public welfare.

#### **2. INTERPRETATION.**

- (1) In this Regulation, unless the contrary intention appears -
  - “aircraft” has the same meaning under the *Civil Aviation Act 2000*;
  - “Authorised Officer” means an officer appointed in accordance with Section 6;
  - “Emergency Controller” means the Emergency Controller appointed under Section 4;

## *Emergency (General Provisions) (COVID 19)*

“COVID-19” means a novel corona virus declared to be a public health emergency of international concern by the World Health Organization, and declared in Papua New Guinea as an infectious disease under the *Public Health Act 1973* and as a quarantinable disease under the *Quarantine Act 1953*;

“National Emergency” means the National Emergency declared by the Head of State, acting on advice, on 23 March 2020 pursuant to Section 228 of the *Constitution*, in response to the COVID-19 pandemic;

“vehicle” has the same meaning under the *Road Traffic Authority Act 2014*;

“vessel” has the same meaning under the *Fisheries Management Act 1998*.

(2) Unless the contrary intention appears, the provisions of the *Interpretation Act* (Chapter 2) apply to this Regulation.

### **3. APPLICATION.**

(1) This Regulation applies to the area of Papua New Guinea.

(2) This Regulation applies notwithstanding the provisions of any other law to the contrary.

### **4. EMERGENCY CONTROLLER.**

(1) The Head of State, acting on advice, must appoint an Emergency Controller at any time during the declared national emergency.

(2) As soon as is practicable after it has been made, an appointment under Subsection (1) must be published in the National Gazette and must be notified to the public.

### **5. FUNCTIONS OF THE EMERGENCY CONTROLLER.**

(1) The Emergency Controller must -

(a) carry out any direction(s) 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 the directions under Paragraph (a), do such things as he considers necessary and within his powers, including among others, actions to -

(i) prevent the spreading of COVID-19; and

(ii) enable testing, diagnosis, and treatment of COVID-19; and

(iii) control the outbreak of COVID-19; and

(iv) eradicate the danger of the outbreak of COVID-19; and

(v) mitigate the impacts of the outbreak of COVID-19; and

(vi) any other functions necessary to achieve the objectives of this Regulation.



*Emergency (General Provisions) (COVID 19)*

(2) In consultation with the Prime Minister, the Emergency Controller must be responsible for the dissemination of information relating to the national emergency to the public.

(3) In performing his functions and exercising his powers under this Regulation, the Emergency Controller -

- (a) must seek the relevant medical and health advice from the appropriate experts within the National Department of Health; and
- (b) may seek other technical or expert advice from relevant State agencies.

**6. AUTHORISED OFFICERS.**

(1) The Emergency Controller may, by notice in the National Gazette, appoint individuals to be Authorised Officers under this Regulation.

(2) A notice under Subsection (1) must include, among other things -

- (a) the title of office and officers upon which the status of Authorised Officer is conferred; and
- (b) the name of the law under which the office is established, if applicable; and
- (c) consistent with this Regulation, the powers conferred on the Authorised Officers; and
- (d) the date of commencement of the notice; and
- (e) the term of appointment of all Authorised Officers; and
- (f) the conditions of appointment.

**7. POWERS OF THE EMERGENCY CONTROLLER.**

(1) Subject to Subsection (3), the Emergency Controller has the powers necessary to do any one or all of the following:

- (a) issue emergency orders; and
- (b) restrict or issue direction for the movement of persons; and
- (c) regulate business activities; and
- (d) give direction with respect to the occupation and operation of premises, including the disinfecting and cleaning of such premises; and
- (e) enter and search any premises, and seize items; and
- (f) require a person to provide information or answer questions; and
- (g) require the destruction or disposal of items; and
- (h) direct any person to be quarantined or remain quarantined for necessary periods; and
- (i) direct any person to undergo medical observation, medical examination, medical treatment, or to be vaccinated; and
- (j) direct the evacuation of any premises or area; and
- (k) regulate all modes of transportation; and
- (l) issue relevant notices; and

***Emergency (General Provisions) (COVID 19)***

- (m) give any other directions reasonably necessary to achieve the purposes of this Regulation.

(2) Notwithstanding the *Search Act 1977*, the power under subsection (1) to enter any premises may be exercised without a warrant or the consent of the owner or occupier of a premises, aircraft, vehicle or vessel.

(3) In exercising the powers under this At, the Emergency Controller, an Authorised Officer, and other persons authorised by the Emergency Controller, must take all reasonable and practicable steps to ensure that any directions made, actions taken, and measures imposed under this Regulation -

- (a) are necessary for achieving the objectives of this Regulation; and
- (b) are the least restrictive as possible; and
- (c) are the least intrusive and invasive as possible; and
- (d) take into full account the human rights of the persons affected by such direction, actions, or measures.

**8. EMERGENCY ORDERS.**

(1) The Emergency Controller may make emergency orders for the purpose of his functions under this Regulation.

(2) Without limiting Subsection (1), the Emergency Controller may issue emergency orders on the following:

- (a) movement of persons; and
- (b) social interaction and etiquette; and
- (c) matters relating to health and quarantine; and
- (d) business activities, including the informal sector; and
- (e) price regulation for certain goods and services, in consultation with the Independent Consumer and Competition Commission; and
- (f) employment, including matters relating to superannuation; and
- (g) the national public service; and
- (h) transportation; and
- (j) education; and
- (k) establishment of provincial control points; and
- (l) and other operational matters.

(3) An emergency order under Subsection (1) shall, where practicable -

- (a) be in writing; and
- (b) be made public in such a manner as the Emergency Controller thinks fits.

**9. PROCUREMENT OF GOODS, WORKS, AND SERVICES.**

(1) The *National Procurement Act 2018* and the *Public Finance (Management) Act 1995* must not apply to all procurement for the purpose of the national emergency.



*Emergency (General Provisions) (COVID 19)*

(2) The procurement of goods, works and services for the purposes of the national emergency must be done in consultation with the Emergency Controller.

(3) The Emergency Controller must submit to the National Executive Council, no later than three months after the end of the national emergency, a report on all procurement undertaken during the national emergency.

**10. DELEGATION.**

The Emergency Controller may delegate his functions or powers under this Regulation or any other emergency laws to an Authorised Officer, or any other persons authorised by the Emergency Controller, except this power of delegation.

**11. OFFENCES.**

(1) A person who -

- (a) refuses or fails to comply with an emergency order or any other direction or instruction given by the Emergency Controller, an Authorised Officer, or any person authorised by the Emergency Controller in the exercise of his powers under this Regulation; or
- (b) obstructs or hinders an Authorised Officer, or any other person authorised by the Emergency Controller who is performing a function under this Regulation; or
- (c) refuses to provide the Emergency Controller, an Authorised Officer, or other persons authorised by the Emergency Controller, with such information as that person is required to provide under this Regulation; or
- (d) knowingly gives false or misleading information to the Emergency Controller, an Authorised Officer, or other persons authorised by the Emergency Controller; or
- (e) impersonates the Emergency Controller or an Authorised Officer; or
- (f) fails to comply with a notice issued by the Emergency Controller or an Authorised Officer under this Regulation,

commits an offences and is liable upon conviction -

- (g) in the case of a body corporate, to a fine not exceeding K500,000.00; or
- (h) in the case of natural persons, to a fine not exceeding K50,000.00.

(2) A person who returns a positive test for COVID-19, who knowingly and intentionally disobeys directions or orders made under this Act, commits an offence and is liable upon conviction, to a fine not exceeding K100,000.00 or a term of imprisonment not exceeding 10 years.

(3) Where a person commits an offence under subsection (2) which results in the infection or death of another person, that person commits a criminal offence, and is liable to term of imprisonment not exceeding life imprisonment.

*Emergency (General Provisions) (COVID 19)*


**12. PROTECTION OF EMERGENCY CONTROLLER.**

The Emergency Controller, Authorised Officers, or any other person authorised by the Emergency Controller in carrying out his duties or exercising his powers under this Regulation or any other emergency laws made in relation to the national emergency, is not civilly liable or criminally responsible for anything done or omitted to be done, in good faith relating to the national emergency.

**13. REPORTS**

The Emergency Controller must furnish to the responsible Minister and the Prime Minister such reports as and when required.

MADE this *Thursday, 26th* day of *March*, 2020.

  
GOVERNOR-GENERAL