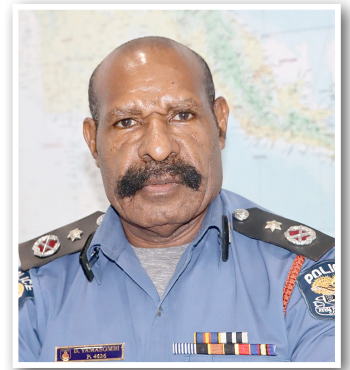




INDEPENDENT STATE OF PAPUA NEW GUINEA NATIONAL STATE OF EMERGENCY 2024 (NATIONAL CAPITAL DISTRICT)



AMENDMENT MADE TO THE ISSUANCE OF THE SECURITY MEASURES ISSUED ON 13 JANUARY 2024.

I, Acting Commissioner, Donald Yamasombi, Controller, by virtue of the powers conferred on by Section 228 of the Constitution of PNG and all powers hereby issue the following amendment made to the first copy of the issuance of the security measure issued on 13 January 2024 and states:

'I, Acting Commissioner, Donald Yamasombi, Controller, by virtue of the powers conferred on by Section 228 of the Constitution....'

The correct constitutional provision should read as:

'I, Acting Commissioner, Donald Yamasombi, Controller, by virtue of the powers conferred on by Section 228 of the Constitution'

I hereby, declare that, the second copy of the security measure issued on 13 January 2024 and stating the constitutional provision of Section 228 is the correct provision and I, hereby revoke the first copy of the security measure which states the constitutional provision of Section 228 and I authorise and validate the second copy of the security measure as the accurate and intended constitutional provision.

This amendment and second copy (**attached**) of the security measure is made in 'good faith' and now in force.

I, Acting Commissioner, Donald Yamasombi, DPS, QPM Controller, by virtue of the powers conferred on by Section 228 of the Constitution of PNG and all powers enabling hereby issue the following security measures for immediate implementation.

NO. 1 PUBLIC GATHERING

I, Acting Commissioner, Donald Yamasombi QPM, DPS, Controller, by virtue of the powers conferred on by Section 228 of the Constitution of PNG and all powers enabling issue the following security measures for immediate implementation.

1. Definition of 'Public Gathering' - A public gathering is when a group of people gathered in a public place for a common purpose. For the purpose of this security measure, only haus kraai and church related gathering are authorize.
2. For clarity purposes, a public gathering also includes street vendors.
3. A member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable are vested with powers to disperse group of people gathering in paragraph 2 of this measure.
4. A member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable are vested with powers to disperse a group of people gathering at the vicinity of a shop or a ware house with the intention of stealing or breaking into the shops or ware house and or government installation.
5. A member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable are vested with powers to stop and search vehicles transporting group of people for public gathering.
6. A person or a group of people that does not comply with the direction of a member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable in the preceding paragraphs shall be deemed to have committed an offence under Criminal Code Act and NCDC Municipal Act.
7. These measures come into effect on 12th January through to 26th January 2024 until such time as the National Executive Council (NEC) so decides.

NO. 2 STOP, SEARCH & SEIZURE

I, Acting Commissioner, Donald Yamasombi DPS, QPM, Controller, by virtue of the powers conferred on by Section 228 of the Constitution of PNG and all powers enabling hereby issue the following security measures:

1. In addition to the powers under the Search Act 1977, a member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable have the power to command a person to momentarily stop, so that a member can conduct search of persons, routine searches and rub-down searches for offensive weapons, if any.
2. A member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable have the power to conduct the following:
 - (a) routine searches at roadblocks and on a vessel at sea; or
 - (b) a rub down search of persons; or
 - (c) a search of a person upon reasonable suspicion of the persons intent to carry out an offence under this security measure of any other Act.

3. A member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable have the power to conduct routine searches on a person and the circumstances in which this will be conducted are following:
 - (a) Requiring articles in the person's belongings to be searched, including the 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 and jewellery to be searched; or
 - (d) Requiring the person or his or her 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 and handheld detectors.
4. In conducting a routine search a member of the Constabulary, a Police Officer and or the member of the PNGDF shall take the reasonable and necessary measure required in conducting such a search taking to account the purpose of the search and having proper regard for the rights and dignity of mankind.
5. In preparation for a member of the Constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable to conduct searches on vessels out at sea, persons to be searched must comply with all directives issued by a member conducting the search. In addition, a member of the constabulary or a Police Officer and or a member of the PNGDF executing Police duties as a Special Constable must also take the reasonable and necessary measure required in conducting such a search taking to account the purpose of the search and having proper regard for the rights and dignity of mankind.
6. A member of the Constabulary, a Police Officer or a member of the PNGDF executing police powers as a Special Constable may conduct Rub-down searches on a person and the circumstances in which this will be conducted are the following:
 - (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 be conveniently and voluntarily removed by the person, including headwear, gloves, footwear or accessories; and
 - (c) A search of anything carried by the person.
7. In conducting a rub-down search a member of the constabulary, Police Officer and a member of the PNGDF shall take the reasonable and necessary measure required in conducting such a search taking to account the purpose of the search and having proper regard for the rights and dignity of mankind.
8. A rub-down search shall be carried out by a member of the Constabulary, a Police Officer or a member of the PNGDF of the same gender being searched.
9. A search on a reasonable suspicion by a member of the Constabulary, a Police Officer or a member of the PNGDF executing police powers as a Special Constable may be conducted on a person's intent to carry out an offence under any Act.
10. Routine searches may be conducted on motor vehicles and PMV buses and other automobiles on the road and entering roadblocks.
11. A search and inspection of premises by a member of the Constabulary, a Police Officer or a member of the PNGDF executing police powers as a Special Constable may be conducted in circumstances where in the opinion of the Controller forms the view that for the purposes of the State of Emergency (SOE) a member of the Constabulary, a Police Officer or a member of the PNGDF executing police powers as a Special Constable must immediately enter and search a premises to clear, interdict or neutralise a threat, the Controller may authorise such immediate entry and search in that premises without the need of a search warrant.
12. 'Offensive Weapons' means any object that is made, adapted, or intended to be used to cause physical injury to a person.
13. 'Offensive Weapons' may include items that are reasonably suspected or having the potential of being dangerous or pose a threat shall be sized but not limited the following:
 - (i) Machetes (Bush Knives)
 - (ii) Wire Catapult (Wire Katapel)
 - (iii) Knives
 - (iv) Screwdrivers Swords
14. In addition to paragraph one (1) and three (3) of this security measure, if offensive weapons are found on a person, then upon the finding of the offensive weapons

on that person, a member of the Constabulary, a Police Officer or a member of the PNGDF executing police powers as a Special Constable may have the right to seize the offensive instruments.

15. With regard to paragraph thirteen (13) of this security measure and in addition to 'house breaking implements' is defined as any object or tool use to pry open a lock, door, fence for the sole purpose of breaking and entering into a property, room, dwelling house, office, shops, warehouse and or government installations.
16. 'house breaking implements' may include the following items but not limited to:
 - (a) Crowbar (pinchbar)
 - (b) Hoxie
 - (c) Bolt cutter aluminium cutter (fence cutter)
 - (d) Pliers
 - (f) Screwdrivers
17. In carrying out a search under paragraphs four (4) five (5) and eleven (11) of this security measure respectively, items that are deemed not to be dangerous and pose a threat must be returned immediately to the person in which it was taken from within a reasonable period of time.
18. Where an item is 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 the direction of the controller, destruction or by other lawful means.
19. Powers of arrest and detention are in addition to and not in derogation of the powers of arrest and detention under the Arrest Act 1977 or any other Act.

NOTE

Searches without warrant: Suspected premises, vessels, vehicles etc. will be searched upon reasonable suspicions without search warrants, coordinated through with the authorization of the Controller.

NO. 3 SALE AND CONSUMPTION OF ALCOHOL

I, Acting Commissioner, Donald Yamasombi, DPS, QPM Controller, by virtue of the powers conferred on by Section 228 of the Constitution of PNG and all powers enabling hereby issue the following security measures:

1. Alcohol must be consumed in a pub, nightclub, hotel, motels or similar establishments which are licensed between the hours of 10:00 a.m. through to 10:00 p.m. only.
2. The sale of any form of alcohol at unlicensed liquor outlets is prohibited. If, through a routine search that a member of the Constabulary, a Police Officer or a member of the PNGDF executing police powers as a Special Constable seize liquor then the process specified under measure No. 2, paragraph 18, will take effect.
3. Any person found to be consuming any form of alcohol in a moving vehicle or in a public place or an unlicensed alcohol outlet would be searched upon reasonable suspicion.

NO. 4 PRICES OF GOODS & SERVICES

I, Acting Commissioner, Donald Yamasombi DPS, QPM Controller, by virtue of the powers conferred on by Section 228 of the Constitution of PNG and all powers enabling hereby issue the following security measures:

1. Service providers providing for the all goods and services will endeavour to maintain a fair price for all its services and products.
2. The Independent Consumer and Competition Commission (ICCC) shall ensure that service providers maintain a fair price for all their services and continue its vigilant watch.

NO. 5 CURFEW

I, Acting Commissioner, Donald Yamasombi DPS, QPM Controller, by virtue of the powers conferred on by Section 228 of the Constitution of PNG and all powers enabling hereby issue the following security measures:

1. In relation to curfews, the Curfew Act 1987 does not apply to this National State of Emergency.
2. To be clear, there is no curfew imposed on this State of Emergency period.

Signed:

Date: 16/01/24

DONALD YAMASOMBI, DPS, QPM
CONTROLLER

