

# PAPUA AND NEW GUINEA.

No. 15 of 1957.

An Act to amend the *Papua and New Guinea Act* 1949-1954.

[Assented to 25th May, 1957.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title  
and citation.

1.—(1.) This Act may be cited as the *Papua and New Guinea Act* 1957.

(2.) The *Papua and New Guinea Act* 1949-1954\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Papua and New Guinea Act* 1949-1957.

Commence-  
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

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\* Act No. 9, 1949, as amended by No. 80, 1950; and No. 41, 1954.

3. Section thirty-seven of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) of sub-section (1.) the word “ or ”;
- (b) by omitting from paragraph (b) of sub-section (1.) the word “ or ” (last occurring);
- (c) by omitting paragraph (c) of sub-section (1.); and
- (d) by adding at the end thereof the following sub-sections:—

Disqualification for membership of, or voting in, the Council.

“ (3.) A member of the Legislative Council who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Commonwealth under which goods or services are to be supplied to the Commonwealth or the Administration shall not take part in a discussion of a matter, or vote on a question, in the Council where the matter or question relates directly or indirectly to that contract.

“ (4.) All questions concerning the application of the last preceding sub-section shall be decided by the Legislative Council, and a contravention of that sub-section does not affect the validity of anything done by the Council.”

4. After section thirty-eight of the Principal Act the following section is inserted:—

“ 38A.—(1.) A question respecting the qualification of a member of the Legislative Council or respecting a vacancy in the Council, not being a question of a disputed election, or of a disputed return in connexion with an election, to the Council, may be determined by the Council or may be referred by resolution of the Council to the Supreme Court, which shall thereupon hear and determine the question.

Determination of questions respecting qualifications or vacancies.

“ (2.) When a question is referred to the Supreme Court under the last preceding sub-section, the Administrator, or, if the Administrator is not present at the meeting of the Council at which the reference is made, the member presiding at the meeting in his absence, shall transmit to the Supreme Court a statement of the question upon which the determination of the Court is desired together with any proceedings, papers, reports or documents relating to the question in the possession of the Council.”

5. After section forty-seven of the Principal Act the following section is inserted:—

“ 47A. Where a person who has (whether before or after the commencement of this section) purported to sit or vote as a member of the Legislative Council at a meeting of the Council or of a Committee of the Council—

Validation of acts of Council.

- (a) was not duly qualified to be elected or appointed or to continue as a member of the Council; or
- (b) had vacated his seat as a member of the Council,

all things done or purporting to have been done by the Council or that Committee shall be deemed to have been as validly done as if that person had, when so sitting or voting, been duly qualified to be elected or appointed or to continue as a member of the Council, or had not vacated his seat, as the case may be.”.

Grant of  
pardon,  
remission, &c.

6. Section seventy-three of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(3.) Where an offence has been committed in the Territory, or where an offence has been committed outside the Territory for which the offender may be tried in the Territory, the Administrator may, by warrant under his hand, grant a pardon to any accomplice who gives evidence that leads to the conviction of the principal offender or any of the principal offenders.”.

Determination  
of qualifications  
of present  
members of  
the Council.

7. A question respecting the qualification of a member of the Legislative Council for the Territory of Papua and New Guinea who was elected or appointed as a member before the commencement of this Act shall be determined as if the amendments of the Principal Act made by paragraphs (a), (b) and (c) of section three of this Act had taken effect before the election or appointment of the member.

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