

PAPUA AND NEW GUINEA (NO. 2).

No. 47 of 1960.

An Act relating to the Government of the
Territories of Papua and New Guinea.

[Assented to 17th October, 1960.]

BE 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 (No. 2) 1960*.

(2.) The *Papua and New Guinea Act 1949–1957*,* as amended by the *Papua and New Guinea Act 1960*,† is in this Act referred to as the Principal Act.

(3.) Section one of the *Papua and New Guinea Act 1960* is amended by omitting sub-section (2.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Papua and New Guinea Act 1949–1960*.

Commence-
ment.

2.—(1.) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sections eight, ten, eleven, twelve and fifteen of this Act shall come into operation on a date to be fixed by Proclamation.

(3.) Sections four, five, six and fourteen of this Act shall come into operation on a date to be fixed by Proclamation, not being earlier than the date fixed under the last preceding sub-section.

Repeal.

3. Section three of the Principal Act is repealed.

Parts.

4. Section four of the Principal Act is amended by omitting the words—

“ Division 2.—The Executive Council (Sections 19–24).”

and inserting in their stead the words—

“ Division 2.—The Administrator's Council (Sections 19–22).”

Definitions.

5. Section five of the Principal Act is amended by omitting the definition of “ the Executive Council ”.

* Act No. 9, 1949, as amended by No. 80, 1950; No. 41, 1954; and No. 15, 1957.

† Act No. 4, 1960.

6. Division 2 of Part IV. of the Principal Act is repealed and the following Division inserted in its stead:—

“ *Division 2.—The Administrator’s Council.*

“ 19.—(1.) There shall be a Council to advise the Administrator, which shall be known as the Administrator’s Council for the Territory of Papua and New Guinea. The
Administrator’s
Council.

“ (2.) The Administrator’s Council shall consist of—

- (a) the Administrator;
- (b) three persons who are official members of the Legislative Council; and
- (c) three other members of the Legislative Council, none of whom shall be official members and of whom at least two shall be elected members.

“ (3.) Each member of the Administrator’s Council (other than the Administrator) shall be appointed by the Minister on the nomination of the Administrator and shall, subject to this section, hold office during the pleasure of the Minister.

“ (4.) A member of the Administrator’s Council (other than the Administrator) shall not hold office for a longer period than three months after the date on which he ceases to be a member of the Legislative Council unless, within that period, he again becomes a member of the Legislative Council.

“ (5.) A member of the Administrator’s Council (other than the Administrator) who desires to resign shall deliver a written resignation to the Administrator for transmission to the Minister.

“ (6.) The resignation of a member of the Administrator’s Council who is an official member of the Legislative Council does not become effective unless and until it has been accepted by the Minister.

“ (7.) The resignation of any other member of the Administrator’s Council becomes effective when it is received by the Administrator.

“ (8.) The exercise of the functions of the Administrator’s Council is not affected by reason of a vacancy in the membership of the Council.

“ (9.) Subject to this Act, the procedure of the Administrator’s Council shall be as prescribed, or, in the absence of regulations, as the Council determines.

“ 20. The functions of the Administrator’s Council are to advise the Administrator— Functions of
Administrator’s
Council.

- (a) on any matter referred to the Council by the Administrator; and
- (b) in accordance with an Ordinance, on any other matter.

Oath of
members of
Administrator's
Council.

“ 21.—(1.) A member of the Administrator's Council (other than the Administrator) shall, before entering on the duties of his office, make and subscribe an oath or affirmation in accordance with the form in the Eighth Schedule to this Act.

“ (2.) An oath or affirmation under the last preceding sub-section shall be made before the Administrator or a person authorized by the Administrator to administer the oath or affirmation.

Fees,
allowances and
travelling
expenses.

“ 22. The members of the Administrator's Council (other than the Administrator and members who are employed in the Public Service) shall receive in respect of their services as members such fees, allowances and travelling expenses as are prescribed.”.

Legislative
Council.

7. Section thirty-five of the Principal Act is amended by omitting sub-sections (2.) and (3.).

Composition of
Legislative
Council.

8. Section thirty-six of the Principal Act is amended by omitting sub-sections (1.) to (4.) (inclusive) and inserting in their stead the following sub-sections:—

“ (1.) The Legislative Council shall consist of thirty-seven members, namely:—

- (a) the Administrator;
- (b) fourteen officers of the Territory, to be known as official members, appointed by the Governor-General on the nomination of the Administrator;
- (c) twelve persons elected by electors of the Territory; and
- (d) ten persons, to be known as appointed members, appointed by the Governor-General on the nomination of the Administrator.

“ (2.) The Administrator shall so exercise his powers of nomination under paragraph (d) of the last preceding sub-section as to ensure that the appointed members include not less than five members resident in the Territory of New Guinea and not less than five native members.

“ (3.) Until a date to be fixed by or under an Ordinance as the date on and after which natives are eligible to be enrolled as electors subject to the same conditions as apply to other persons, the Legislative Council shall include, instead of the members referred to in paragraph (c) of sub-section (1.) of this section—

- (a) six persons elected by electors of the Territory; and
- (b) six persons elected by natives.

“ (4.) The elected members of the Legislative Council shall be elected as provided by Ordinance, and a candidate for election shall possess such qualifications, and be subject to such dis-qualifications, as are provided by Ordinance.

“(4A.) An Ordinance relating to the election of members of the Legislative Council by natives may provide for a system of election under which the natives who vote at the election are themselves elected or chosen by natives.”

9. Section thirty-seven of the Principal Act is amended by inserting in paragraph (a) of sub-section (2.), before the word “he”, the words “except in the case of the Administrator,”.

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

10. Section thirty-eight of the Principal Act is amended—

Vacancies.

(a) by omitting from sub-section (1.) all the words before paragraph (a) and inserting in their stead the words “An appointed member—”;

(b) by omitting from sub-section (2A.) the words “a non-official member” and inserting in their stead the words “an elected member or an appointed member”; and

(c) by omitting paragraph (b) of sub-section (3.) and inserting in its stead the following paragraph:—

“(b) in any other case—the Governor-General may appoint a person (being a person qualified to be a member elected by electors or a member elected by natives, as the case requires) to hold the vacant office and the person so appointed shall, for the purposes of this Act, be deemed to be a member elected by electors or a member elected by natives, as the case may be.”

11. Section thirty-nine of the Principal Act is amended by omitting the word “three” (first occurring).

Elections.

12. Section forty-one of the Principal Act is amended by omitting from sub-section (1.) the word “ten” and inserting in its stead the word “thirteen”.

Quorum.

13. The First Schedule to the Principal Act is repealed.

Repeal of
First
Schedule.

14. The Principal Act is amended by adding at the end thereof the following Schedule:—

Eighth
Schedule.

EIGHTH SCHEDULE.

Section 21.

OATH.

I, A.B., do swear that, except as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Administrator's Council for the Territory of Papua and New Guinea: So help me God!

AFFIRMATION.

I, A.B., do solemnly and sincerely promise and declare that, except as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Administrator's Council for the Territory of Papua and New Guinea.

Existing members of Legislative Council to cease to hold office.

15. Upon the commencement of this section—

- (a) the term of office of every elected member of the Legislative Council for the Territory of Papua and New Guinea shall be deemed to expire; and
- (b) all other members of that Council, except the Administrator of the Territory shall, by force of this section, cease to hold office.

Elected members of Legislative Council to cease to hold office upon establishment of common roll.

16. Upon the date fixed in pursuance of sub-section (3.) of section thirty-six of the Principal Act, as amended by this Act, the term of office of every elected member of the Legislative Council for the Territory of Papua and New Guinea holding office on that date shall be deemed to expire.

Ordinances relating to reconstituted Legislative Council and the Administrator's Council.

17. At any time after the date on which this Act receives the Royal Assent, Ordinances may be made for the purposes of the Principal Act as amended by any of the provisions of this Act that are not to come into operation on that date.
