

# NEW GUINEA.

No. 25 of 1920.

An Act to make provision for the Acceptance of a Mandate for the Government of certain Territories and Islands in the Pacific Ocean, and to make immediate provision for the Civil Government of the said Territories and Islands, and for other purposes.

[Assented to 30th September, 1920.]

**W**HEREAS on the seventeenth day of September, 1914, the Territories and Islands hereinafter mentioned (then being possessions of the German Empire) were conquered by and surrendered to the Naval and Military Forces of the Commonwealth : Preamble.

And whereas by the Treaty of Peace with Germany signed at Versailles on the twenty-eighth day of June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights and titles over the said Territories and Islands :

And whereas the said Territories and Islands are now occupied by the Commonwealth :

And whereas it has been agreed by the representatives of the Principal Allied and Associated Powers that a Mandate for the Government of the said Territories and Islands should be conferred on the Commonwealth of Australia :

And whereas under the Covenant of the League of Nations contained in the said Treaty a Mandate is to be issued to the Commonwealth of Australia for the Government of the Territories

and Islands formerly constituting German New Guinea (in which expression are included Kaiser Wilhelm's Land, the Bismarck Archipelago, the German Solomon Islands, the Admiralty Group, and all other German Pacific Possessions south of the Equator other than the German Samoan Islands and the Island of Nauru), with full power to administer the same, subject to the terms of the Mandate, as an integral part of the Territory of the Commonwealth :

And whereas it is expedient to make provision for the acceptance of the Mandate so to be issued :

And whereas it is also expedient to make immediate provision for the Civil Government of the said Territories and Islands :

Be it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

#### PRELIMINARY.

- Short title.** 1. This Act may be cited as the *New Guinea Act 1920*.
- Commencement.** 2. This Act shall commence on a date to be fixed by Proclamation.
- Definitions.** 3. In this Act, unless the contrary intention appears—  
 “The Territory” means the Territory of New Guinea ;  
 “The Administrator” means the Administrator of the Territory ; and  
 “The Minister” means the Minister administering this Act.

#### THE TERRITORY.

- The Territory of New Guinea.** 4. The Territories and Islands formerly constituting German New Guinea, as specified in the Preamble to this Act, are hereby declared to be a Territory under the authority of the Commonwealth, by the name of the Territory of New Guinea.
- Authority to accept mandate.** 5. The Governor-General is hereby authorized to accept the Mandate for the Government of the Territory when issued to the Commonwealth under the Covenant of the League of Nations.

#### THE ADMINISTRATOR.

- Office of Administrator.** 6. There shall be an Administrator of the Territory, who shall be charged with the duty of administering the Government thereof on behalf of the Commonwealth.
- Appointment of Administrator.** 7. The Administrator shall be appointed by the Governor-General under the seal of the Commonwealth, and shall until the Parliament otherwise provides hold office during the pleasure of the Governor-General.
- Functions of Administrator.** 8. The Administrator shall exercise and perform all powers and functions that belong to his office according to the tenor of his Commission and according to such instructions as are given to him by the Governor-General.

9.—(1.) The Governor-General may, by Commission under the seal of the Commonwealth, appoint a person to act in the office of Administrator, and to administer the Government of the Territory, during any vacancy in the office of Administrator, or when the Administrator is absent from the Territory or unable by reasons of illness or incapacity to perform his duties; and such person who so administers shall have and may exercise and perform all the powers and functions of the Administrator.

Acting  
Administrator.

(2.) In default of such appointment, or in the event of the absence or inability of the person so appointed the senior officer of the Territory present in the Territory shall have and may exercise and perform all the powers and functions of the Administrator.

10.—(1.) The Governor-General may authorize the Administrator to appoint any person, or any persons jointly or severally, to be the deputy or deputies of the Administrator within any part of the Territory, and in that capacity to exercise during the pleasure of the Administrator such powers and functions of the Administrator as he thinks fit to assign to such deputy or deputies subject to any limitations expressed or directions given by the Governor-General.

Deputies of  
Administrator.

(2.) The appointment of a deputy shall not affect the exercise or performance by the Administrator himself of any power or function.

11. The Administrator shall, before entering on the duties of his office, take an oath or affirmation of allegiance in the form in the Schedule to the Constitution, and also an oath or affirmation in the form in the Schedule to this Act.

Oaths to be  
taken by  
Administrator.

#### OFFICERS.

12. The Governor-General may appoint, or may delegate to the Minister or to the Administrator power to appoint such officers as are necessary for the administration of this Act or for the proper government of the Territory.

Appointment of  
officers.

#### LAWS AND ORDINANCES.

13. Except as provided in this or any Act, the Acts of the Parliament of the Commonwealth shall not be in force in the Territory unless expressed to extend thereto, or unless applied to the Territory by Ordinance made by the Governor-General under this Act.

Application of  
Commonwealth  
laws.

14.—(1.) Until the Parliament makes other provision for the Government of the Territory, the Governor-General may make Ordinances having the force of law in the Territory.

Ordinances.

(2.) Every such Ordinance shall—

- (a) be notified in the *Gazette* ;
- (b) take effect from the date of notification, or from a later date to be specified in the Ordinance ; and
- (c) be laid before both Houses of the Parliament within fourteen days of the making thereof, or, if the Parliament is not then sitting, within fourteen days after the next meeting of the Parliament.

(3.) If either House of the Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after any such Ordinance has been laid before the House, disallowing the Ordinance, the Ordinance shall thereupon cease to have effect.

#### GUARANTEES.

Guarantees.

15.—(1.) The slave trade is prohibited in the Territory.

(2.) No forced labour shall be permitted in the Territory.

(3.) The traffic in arms and ammunition shall be controlled in the Territory in accordance with the principles contained in the Convention signed at Brussels on the second day of July, 1890, and known as the General Act of the Brussels Conference, or any Convention amending the same.

(4.) The supply of intoxicating spirits and beverages to the natives of the Territory is prohibited.

(5.) The military training of the natives of the Territory, otherwise than for purposes of internal police and the local defence of the Territory, is prohibited.

(6.) No military or naval base shall be established or fortifications erected in the Territory.

(7.) Freedom of conscience, and subject to the provisions of any Ordinance for the maintenance of public order and morals, the free exercise of all forms of worship, shall be allowed in the Territory.

#### REPORT TO LEAGUE OF NATIONS.

Report to  
Council of  
League.

16. The Governor-General shall make an annual report to the Council of the League of Nations containing full information as to the measures taken to carry out the requirements of the last preceding section, and as to the well-being and progress of the native inhabitants of the Territory.

#### THE SCHEDULE.

##### FORM OF OATH OR AFFIRMATION.

I, *A.B.*, do swear that I will well and truly serve our Sovereign Lord the King in the office of Administrator of the Territory of New Guinea, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will: So help me God.

*Or,*

I, *A.B.*, do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lord the King in the office of Administrator of the Territory of New Guinea, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will.