

# PAPUA AND NEW GUINEA.

No. 41 of 1954.

An Act to amend the *Papua and New Guinea Act 1949-1950*.

[Assented to 29th October, 1954.]

**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 :—

1.—(1.) This Act may be cited as the *Papua and New Guinea Act 1954*.

Short title  
and citation.

(2.) The *Papua and New Guinea Act 1949-1950\** 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 1949-1954*.

- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Parts.** 3. Section four of the Principal Act is amended—
- (a) by omitting the words “Native Village Councils” and inserting in their stead the words “Native Local Government Councils”; and
- (b) by omitting the words—
- “Division 3.—Interim Legislative Powers of the Governor-General (Sections 54-57).”
- Definitions.** 4. Section five of the Principal Act is amended by omitting from the definition of “judge” the words “Chief Judge” and inserting in their stead the words “Chief Justice”.
- Division heading.** 5. The heading to Division 3 of Part IV. of the Principal Act is amended by omitting the words “*Native Village Councils*” and inserting in their stead the words “*Native Local Government Councils*”.
- Establishment of Councils.** 6.—(1.) Section twenty-five of the Principal Act is amended by omitting the words “Native Village Councils” and inserting in their stead the words “Native Local Government Councils”.
- (2.) Any Ordinance relating to Native Village Councils in force immediately before the commencement of this Act shall continue in force until the commencement of an Ordinance providing for the establishment of Native Local Government Councils.
- Functions of Advisory Councils.** 7. Section twenty-six of the Principal Act is amended by omitting from sub-sections (2.) and (3.) the words “Native Village Council” and inserting in their stead the words “Native Local Government Council”.
- Membership.** 8. Section twenty-seven of the Principal Act is amended by omitting from sub-section (4.) the words “Native Village Councils” and inserting in their stead the words “Native Local Government Councils”.
- Functions of Native Local Government Councils.** 9. Section twenty-nine of the Principal Act is amended by omitting the words “Native Village Council” and inserting in their stead the words “Native Local Government Council”.
- Vacancies.** 10. Section thirty-eight of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections :—
- “(2.) A member other than the Administrator who desires to resign his seat shall deliver a written resignation to the Administrator for transmission to the Governor-General.

\* Act No. 9, 1949, as amended by No. 80, 1950.

“(2A.) The resignation of a non-official member becomes effective when it is received by the Administrator but the resignation of an official member is not effective unless and until it has been accepted by the Governor-General.”.

**11.—(1.)** Section fifty-one of the Principal Act is repealed and the following section inserted in its stead:—

“51.—(1.) Where an Ordinance is reserved for the Governor-General’s pleasure, the Governor-General shall, within one year after the day on which the Ordinance was presented to the Administrator for assent, declare—

Signification  
of pleasure  
on Ordinance  
reserved.

- (a) that he assents to the Ordinance ;
- (b) that he withholds assent ; or
- (c) that he assents to part of the Ordinance and withholds assent to the remainder of the Ordinance.

“(2.) The Administrator shall, as soon as practicable after the Governor-General has made a declaration in respect of an Ordinance in accordance with the last preceding sub-section, publish in the *Government Gazette* a notification of the declaration.

“(3.) The assent of the Governor-General to an Ordinance, or to a part of an Ordinance, is of no effect until notification of the Governor-General’s declaration in respect of the Ordinance is published by the Administrator in the *Government Gazette*.”.

(2.) Notwithstanding the repeal effected by the last preceding sub-section, the provisions of section fifty-one of the Principal Act continue to apply to Ordinances reserved for the Governor-General’s pleasure before the commencement of this Act.

**12.—(1.)** Division 3 of Part V. of the Principal Act is repealed.

Repeal of  
Division 3  
of Part V.

(2.) Notwithstanding the repeal effected by the last preceding sub-section, all Ordinances in force immediately before the commencement of this Act by virtue of section fifty-six of the Principal Act—

- (a) shall continue in force after the commencement of this Act, but may be amended or repealed by Ordinances made under the Principal Act as amended by this Act ; and
- (b) shall, for the purposes of the definition of “ Ordinance ” in section five of the Principal Act as amended by this Act, be deemed to be Ordinances continued in force by the Principal Act as so amended.

**13.—(1.)** Section fifty-eight of the Principal Act is amended by omitting from sub-sections (2.), (5.) and (6.) the words “ Chief Judge ” (wherever occurring) and inserting in their stead the words “ Chief Justice ”.

Constitution  
of Supreme  
Court.

(2.) The person holding office as Chief Judge of the Supreme Court of the Territory immediately before the commencement of this Act shall, as soon as practicable after the commencement of this Act,

be appointed under section fifty-nine of the Principal Act as amended by this Act as Chief Justice of that Court and, until he is so appointed, shall be deemed to be the Chief Justice and may perform all the functions and exercise all the powers of Chief Justice accordingly.

(3.) The continuity of the tenure of office as a judge of the Supreme Court of the Territory of the person holding office as Chief Judge of that Court immediately before the commencement of this Act shall not be deemed to be affected by anything contained in the last preceding sub-section or by his appointment as Chief Justice of that Court in pursuance of that sub-section.

Appointment  
and tenure of  
Chief Justice  
and Judges.

**14.** Section fifty-nine of the Principal Act is amended by omitting from sub-section (1.) the words "Chief Judge" and inserting in their stead the words "Chief Justice".

Grant of  
pardon or  
remission or  
respite of  
sentence to  
offenders.

**15.** Section seventy-three of the Principal Act is amended—

- (a) by inserting after the word "Territory" the words "(not being an offender sentenced to death)"; and  
(b) by adding at the end thereof the following sub-section :—

"(2.) The Governor-General may, by warrant under his hand, grant to an offender sentenced to death by a Court exercising criminal jurisdiction in the Territory a pardon, either free or conditional, or a remission or commutation of sentence, or a respite, for such period as he thinks fit, of the execution of sentence."

Seventh  
Schedule.

**16.** The Seventh Schedule to the Principal Act is amended by omitting the words "Chief Judge" (wherever occurring) and inserting in their stead the words "Chief Justice".