

# Papua and New Guinea (No. 2)

No. 157 of 1968

An Act relating to Employment in the Public Service of the Territories of Papua and New Guinea and for purposes connected therewith.

[Assented to 10 December 1968]

**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 (No. 2) 1968*.

(2.) The *Papua and New Guinea Act 1949–1966*,\* as amended by the *Papua and New Guinea Act 1968*,† is in this Act referred to as the Principal Act.

(3.) Section 1 of the *Papua and New Guinea Act 1968* is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Papua and New Guinea Act 1949–1968*.

Commencement.

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

Interpretation.

3. Section 5 of the Principal Act is amended by omitting from sub-section (1.) the definition of “ ‘officer’ or ‘officer of the Territory’ ” and inserting in its stead the following definition:—

“ ‘officer’ or ‘officer of the Territory’ means a person appointed to, or employed in, the Public Service under sub-section (2.) of section thirty of this Act and includes a person continued in the Public Service by paragraph (a) or paragraph (b) of sub-section (2.) of section four of the *Papua and New Guinea Act (No. 2) 1968*;”.

4.—(1.) Section 30 of the Principal Act is repealed and the following sections are inserted in its stead:—

The Public Service.

“ 30.—(1.) There shall be a Public Service of the Territory, consisting of officers appointed, and other persons employed, in pursuance of this section and persons employed in pursuance of Ordinances providing for employment in the Public Service.

\*Act No. 9, 1949, as amended by No. 80, 1950; No. 41, 1954; No. 15, 1957; Nos. 4 and 47, 1960; No. 27, 1963; No. 103, 1964; and No. 84, 1966.

† Act No. 25, 1968.

“(2.) For the purposes of this Act and the proper government of the Territory, the Minister may—

- (a) appoint persons to the Public Service as officers; and
- (b) make contracts with other persons for their employment in the Public Service.

“(3.) The Minister may, either generally or otherwise as provided in the instrument of delegation, by writing under his hand, delegate all or any of his powers under the last preceding sub-section.

“(4.) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.

“(5.) A delegation under sub-section (3.) of this section is revocable at will and does not prevent the exercise of a power by the Minister.

“(6.) Provision may be made by Ordinance for or in relation to the employment in the Public Service on a temporary basis of persons otherwise than in accordance with sub-section (2.) of this section.

“(7.) Subject to this Act and, in the case of a person who is employed in accordance with a contract for his employment, to the terms and conditions of that contract, the terms and conditions of appointment to, and of employment and service in, the Public Service shall be as provided by or under Ordinance.

“30A.—(1.) This section applies to—

- (a) the Ordinances that are specified in the Tenth Schedule to this Act; and
- (b) any Ordinance amending, or otherwise affecting the operation of, an Ordinance to which this section applies (including an Ordinance to which this section applies by virtue of this paragraph).

Guarantee by  
Commonwealth  
of payments  
under  
Ordinances.

“(2.) If an amount payable to a person under an Ordinance to which this section applies is not duly paid, an amount equal to that amount is payable to that person by the Commonwealth out of the Consolidated Revenue Fund, which is appropriated accordingly.

“(3.) In an Ordinance to which this section applies, a reference to an amount of money shall be read as a reference to that amount in the currency of Australia.

“(4.) An amount payable to a person under an Ordinance to which this section applies or under sub-section (2.) of this section shall be paid, at the option of the person, in the Territory or in Australia.”.

(2.) Notwithstanding the last preceding sub-section—

- (a) a person who, immediately before the commencement of this Act, was an officer in the Public Service of the Territory continues as such an officer as if he had been appointed under paragraph (a) of sub-section (2.) of section 30 of the Principal Act as amended by this Act;

- (b) a person who, immediately before the commencement of this Act, was employed in the Public Service of the Territory in accordance with a contract continues to be so employed as if he had been employed in accordance with that contract in pursuance of paragraph (b) of sub-section (2.) of section 30 of that Act as so amended; and
- (c) a person who, immediately before the commencement of this Act, was employed in the Public Service of the Territory on a temporary basis continues to be so employed.

(3.) Subject to any Ordinance made under the Principal Act as amended by this Act, any Ordinance relating to employment in the Public Service and in force immediately before the commencement of this Act—

- (a) continues in force, except to the extent (if any) to which it is inconsistent with the Principal Act as amended by this Act; and
- (b) as so continued in force continues to apply to persons referred to in the last preceding sub-section as it applied to those persons immediately before the commencement of this Act.

Tenth  
Schedule.

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

TENTH SCHEDULE

Section 30A.

*Public Officers (Employment Security) Ordinance 1967*  
*Public Officers (Employment Security) Ordinance (No. 2) 1967*  
*Retirement Benefits (Contract Officers) Ordinance 1966*  
*Retirement Benefits (Contract Officers) Ordinance 1967*  
*Superannuation (Papua and New Guinea) Ordinance 1951*  
*Superannuation (Papua and New Guinea) Ordinance (No. 2) 1951*  
*Superannuation (Papua and New Guinea) Ordinance 1952*  
*Superannuation (Papua and New Guinea) Ordinance 1955*  
*Superannuation (Papua and New Guinea) Ordinance 1956*  
*Superannuation (Papua and New Guinea) Ordinance 1957*  
*Superannuation (Papua and New Guinea) Ordinance (No. 2) 1957*  
*Superannuation (Papua and New Guinea) Ordinance Amendment Ordinance 1957*  
*Superannuation (Papua and New Guinea) Ordinance (No. 3) 1957*  
*Superannuation (Papua and New Guinea) Ordinance 1958*  
*Superannuation (Papua and New Guinea) Ordinance 1959*  
*Superannuation (Papua and New Guinea) Ordinance 1960*  
*Superannuation (Papua and New Guinea) Ordinance (No. 2) 1960*  
*Superannuation (Papua and New Guinea) Ordinance 1962*  
*Superannuation (Papua and New Guinea) Ordinance (No. 2) 1962*  
*Superannuation (Papua and New Guinea) Ordinance 1963*  
*Superannuation (Papua and New Guinea) Ordinance (No. 2) 1963*  
*Superannuation (Papua and New Guinea) Ordinance (No. 3) 1963*  
*Superannuation (Papua and New Guinea) Ordinance (No. 4) 1963*  
*Superannuation (Papua and New Guinea) Ordinance 1964*  
*Superannuation (Papua and New Guinea) Ordinance 1965*  
*Superannuation (Papua and New Guinea) Ordinance 1966*  
*Superannuation (Papua and New Guinea) Ordinance 1967*  
*Superannuation (Papua and New Guinea) Ordinance (No. 2) 1967*  
*Superannuation (Papua and New Guinea) Ordinance (No. 3) 1967*  
*Superannuation (Pensions Increases) Ordinance 1967*