

# Papua New Guinea Act 1973

No. 69 of 1973

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## AN ACT

To amend the *Papua New Guinea Act 1949-1972*.

[Assented to 18 June 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Papua New Guinea Act 1973*.

Short title  
and citation.

(2) The *Papua New Guinea Act 1949-1972\**, 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 New Guinea Act 1949-1973*.

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

Commence-  
ment.

(2) Sub-section 3 (1) and sections 5 and 8 shall come into operation on a date to be fixed by Proclamation.

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\* 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. 104, 1964; No. 84, 1966; Nos. 25 and 157, 1968; Nos. 58 and 123, 1971; and No. 74, 1972.

(3) Sub-section 3 (2) and sections 4, 6, 9 and 10 shall come into operation, or shall be deemed to have come into operation, as the case requires, on the date of commencement of the *Papua New Guinea (Staffing Assistance) Act 1973*.

## Parts.

3. (1) Section 4 of the Principal Act is amended by omitting the words—

“ Part I.—Preliminary (Sections 1–5).”

and substituting the words—

“ Part I.—Preliminary (Sections 1–5A).”.

(2) Section 4 of the Principal Act is amended by omitting the words—

“ Division 4.—The Public Service (Sections 30–31).”

and substituting the words—

“ Division 4.—The Public Service (Section 30).”.

## Inter-pretation.

4. Section 5 of the Principal Act is amended by omitting from the definition of “ officer ” or “ officer of Papua New Guinea ” in sub-section (1) all the words after the words “ Public Service ” (first occurring).

5. After section 5 of the Principal Act the following section is inserted in Part I:—

## Position of certain meridians.

“ 5A. (1) For the purposes of the description of the Territory of New Guinea in the Second Schedule to this Act and of the description of the Territory of Papua in the Third Schedule to this Act, the meridian of Longitude 141° East shall, in accordance with paragraph (a) of Article 1 of the Boundary Agreement, be deemed to lie along the geodesic lines successively linking the meridian markers situated at or about the following points, namely:—

- (a) the point of Latitude 2° 35' 39" South, Longitude 141° East;
- (b) the point of Latitude 2° 40' 42" South, Longitude 141° East;
- (c) the point of Latitude 3° 01' 27" South, Longitude 141° East;
- (d) the point of Latitude 3° 14' 02" South, Longitude 141° East;
- (e) the point of Latitude 3° 55' 22" South, Longitude 141° East;
- (f) the point of Latitude 4° 08' 41" South, Longitude 141° East;
- (g) the point of Latitude 4° 54' 54" South, Longitude 141° East;
- (h) the point of Latitude 5° 38' 33" South, Longitude 141° East;
- (i) the point of Latitude 5° 52' 39" South, Longitude 141° East;
- (j) the point of Latitude 6° 19' 32" South, Longitude 141° East.

“ (2) For the purposes of the description of the Territory of Papua in the Third Schedule to this Act, the meridian of Longitude 141° 01' 10" East shall, in accordance with paragraph (c) of Article 1 of the Boundary Agreement, be deemed to lie along the geodesic lines successively linking the meridian markers situated at or about the following points, namely:—

- (a) the point of Latitude 6° 53' 27" South, Longitude 141° 01' 10" East;

- (b) the point of Latitude 7° 49' 19" South, Longitude 141° 01' 10" East;
- (c) the point of Latitude 8° 25' 45" South, Longitude 141° 01' 10" East;
- (d) the point of Latitude 9° 07' 37" South, Longitude 141° 01' 10" East.

“(3) In this section—

‘Boundary Agreement’ means the Agreement between Australia and Indonesia concerning certain boundaries between Papua New Guinea and Indonesia signed at Jakarta on 12th February, 1973;

‘meridian marker’ means a marker established on the ground by the Australian and Indonesian Survey Authorities in the course of the survey of the border between Papua New Guinea and Indonesia carried out by those Authorities during the years 1966 and 1967.”.

6. Sections 30, 30A and 31 of the Principal Act are repealed and the following section is substituted:—

“30. (1) There shall be a Public Service of Papua New Guinea.

The Public Service.

“(2) Provision may be made by Ordinance for or in relation to—

- (a) the appointment of persons to the Public Service as officers;
- (b) the employment of other persons in the Public Service; and
- (c) the terms and conditions of appointment to, and employment in, the Public Service.”.

7. Section 76 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Audit.

“(2) Sub-section (1) does not apply in relation to accounts in respect of acts or transactions occurring after a date to be fixed by Proclamation.”.

8. The Principal Act is amended by omitting the Third Schedule and substituting the following Schedule:—

Third Schedule.

### THIRD SCHEDULE

Section 5

#### THE TERRITORY OF PAPUA

The south-eastern part of the island of New Guinea contained within an area bounded by a line that commences at the intersection of the rhumb line that commences at a point 9° 23' south latitude, 140° 52' east longitude and terminates at a point 9° 08' 08" south latitude, 141° 01' 10" east longitude by the coastline at mean low water (or, if at any time that rhumb line is not intersected by the coastline at mean low water, by a line that commences at the intersection of the meridian 141° 01' 10" east longitude by the coastline at mean low water) and runs thence eastward along the coastline at mean low water as far as East Cape, thence north-westward along the coastline at mean low water as far as the parallel 8° south latitude in the neighbourhood of Mitre Rock, thence west along that parallel to the meridian 147° east longitude, thence in a north-westerly direction to the point of intersection of the parallel 6° south latitude and of the meridian 144° east longitude, thence in a west-north-westerly direction to the point of intersection of the parallel 5° south latitude and of the meridian 141° east longitude, thence south along that meridian to the most northerly intersection of that meridian

with the Fly River, thence along the waterway of the Fly River to its most southerly intersection with the meridian 141° 01' 10" east longitude, thence south along that meridian to the point of commencement (or, if the point of commencement is not on that meridian, to a point 9° 08' 08" south latitude, 141° 01' 10" east longitude, thence south-westerly along the rhumb line previously mentioned to the point of commencement), together with the Trobriand, Woodlark, D'Entrecasteaux, and Louisiade Groups of Islands and all other Islands lying between the parallels 8° and 12° south latitude and between the meridians 141° and 155° east longitude and not forming part of the State of Queensland, and furthermore including all Islands and Reefs lying in the Gulf of Papua to the northward of the parallel 8° south latitude.

Repeal  
of Tenth  
Schedule.

9. The Tenth Schedule to the Principal Act is repealed.

Transitional  
provisions.

10. (1) Where, immediately before the commencement of this section, a person (other than a person who is employed under Part II of the *Papua New Guinea (Staffing Assistance) Act 1973*) was an officer of, or was employed in, the Public Service, his appointment or employment, as the case may be, continues in effect as if he had been appointed or employed under an Ordinance made for the purposes of section 30 of the Principal Act as amended by this Act.

(2) Except as otherwise provided in the *Papua New Guinea (Staffing Assistance) Act 1973*, an Ordinance that was in effect for the purposes of section 30 or 31 of the Principal Act immediately before the commencement of this section continues in effect as if it had been made for the purposes of section 30 of the Principal Act as amended by this Act.

(3) For the purposes of the application of paragraph 37 (1) (a) of the Principal Act as amended by this Act, a person employed under Part II of the *Papua New Guinea (Staffing Assistance) Act 1973* shall be deemed to be an officer of Papua New Guinea.

(4) Sub-section (3) shall cease to have effect on a date fixed by the Minister by notice published in the *Gazette*.