

NEW GUINEA.

No. 51 of 1932.

An Act to amend the *New Guinea Act*
1920-1926.

[Assented to 28th November, 1932.]

BE it enacted by the King'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 *New Guinea Act* 1932.
- (2.) The *New Guinea Act* 1920-1926* is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *New Guinea Act* 1920-1932.

Commencement.

2. This Act shall commence on a date to be fixed by Proclamation.

Definitions.

3. Section three of the Principal Act is amended by inserting, before the definition of "The Territory", the following definitions :—
 - “ ‘ Ordinance ’ means an Ordinance made by the Legislative Council ;
 - ‘ The Executive Council ’ means the Executive Council for the Territory ;
 - ‘ The Legislative Council ’ means the Legislative Council for the Territory ; ”.

4. After section eleven of the Principal Act the following headings and sections are inserted :—

“ THE EXECUTIVE COUNCIL.

Executive
Council.

- “ 12.—(1.) There shall be an Executive Council for the Territory, to advise and assist the Administrator.

“ (2.) The Executive Council shall consist of nine members who shall be appointed by the Governor-General and shall hold their places in the Council during his pleasure.

“ (3.) Eight of the members of the Executive Council (in this Act referred to as ‘ official members ’) shall be officers of the Territory and one member shall be chosen by and from the non-official members of the Legislative Council.

“ (4.) In the event of the non-official members of the Legislative Council failing to choose one of their number for appointment as a member of the Executive Council, the Governor-General may appoint a non-official member of the Legislative Council, or any other person, not being an officer of the Territory, to be a member of the Executive Council.

“ (5.) If the non-official member of the Executive Council becomes an officer of the Territory he shall thereupon vacate his place as a member of the Executive Council.

* Act No. 25, 1920, as amended by No. 15, 1926.

“(6.) Where on account of illness or absence from the Territory any official member is unable to perform his duties as a member of the Executive Council, the Governor-General may appoint some other officer of the Territory to act as a member of the Executive Council in his stead, and the officer so appointed shall during such illness or absence from the Territory, exercise and perform all the powers and functions of a member of the Executive Council.

“13. The members of the Executive Council shall have seniority as the Governor-General specially assigns, and, in default of such assignment of seniority, according to the priority of their appointment, or, if appointed by the same instrument, according to the order in which they are named therein.

Seniority of members of Executive Council.

“14.—(1.) The Executive Council shall not proceed to the despatch of business unless summoned by authority of the Administrator.

Meetings of Executive Council.

“(2.) The presence of at least three members (exclusive of the Administrator or the member presiding) shall be necessary to constitute a meeting of the Executive Council for the despatch of business.

“15.—(1.) The Administrator shall preside at all meetings of the Executive Council at which he is present

President at meetings.

“(2.) In his absence, such member as he appoints, or, in default of such appointment or in the absence of that member, the senior official member of the Council who is present, shall preside.

“16. Minutes of the proceedings at all meetings of the Executive Council shall be kept, and copies of the minutes relating to each meeting shall be transmitted by the Administrator to the Minister as soon as practicable after the meeting is held.

Minutes of Executive Council meetings.

“17. The Administrator only shall be entitled to submit questions to the Executive Council for advice or decision; but if the Administrator declines to submit any question to the Council when requested in writing by any member so to do, that member may require that his written request, together with the answer of the Administrator thereto, be recorded on the minutes.

Submission of questions to Council.

“18.—(1.) The Administrator may in any case, if he thinks fit, act in opposition to the advice or decision of the Executive Council; but in that case he shall forthwith fully report the matter to the Minister with his reasons for his action.

Administrator may act in opposition to advice.

“(2.) In any case any member of the Executive Council may require that the grounds of advice or opinion which he gives upon any question be recorded at length.

“ THE LEGISLATIVE COUNCIL.

“19.—(1.) There shall be a Legislative Council for the Territory.

Legislative Council.

“(2.) The Legislative Council shall consist of—

(a) the Administrator;

(b) the official members of the Executive Council (including any officer appointed to act in place of an official member in pursuance of sub-section (6.) of section twelve of this Act; and

(c) seven non-official members who shall be nominated by the Administrator and appointed by the Governor-General.

“(3.) Every non-official member may be removed at any time by the Governor-General, and shall vacate his seat at the end of four years from the date of his appointment, but may be re-appointed.

“(4.) Whenever the Administrator wishes to obtain the views of any person within the Territory touching any matters about to be brought before the Council, he may by writing under his hand appoint that person to be an extraordinary member of the Council for the period or periods during which the Council is dealing with those matters.

“(5.) An extraordinary member shall not be entitled to vote at any meeting of the Council.

Quorum. —

“20. The presence of at least one-third of the members (other than extraordinary members) of the Legislative Council (including the Administrator or the member presiding) shall be necessary to constitute a meeting of the Council for the exercise of its powers.

Seniority of members of Legislative Council.

“21. The members of the Legislative Council shall have seniority as the Governor-General specially assigns, and, in default of such assignment of seniority, according to the priority of their appointment, or, if appointed by the same instrument, according to the order in which they are named therein.

Presidency of Legislative Council.

“22.—(1.) The Administrator shall preside at all meetings of the Legislative Council at which he is present.

“(2.) In his absence the senior official member of the Legislative Council who is present shall preside.

Voting in Legislative Council.

“23.—(1.) Questions arising in the Legislative Council shall be determined by a majority of votes.

“(2.) The Administrator or member presiding shall in all cases be entitled to vote, and shall also, if the numbers are equal, have a casting vote.

Minutes of meetings.

“24.—(1.) The Legislative Council shall cause minutes of its meetings to be kept.

“(2.) As soon as practicable after each meeting of the Legislative Council, the Administrator shall forward to the Minister a copy of the minutes relating to the meeting.

Standing rules and orders.

“25. The Legislative Council may make standing rules and orders with respect to the order and conduct of its business and proceedings: Provided that such rules and orders shall not be repugnant to any instructions from the Governor-General.

- " 26. An ordinance, vote, resolution, or question, the object or effect of which is to dispose of or charge any part of the revenue of the Territory, shall not be proposed in the Legislative Council except by the Administrator, unless this proposal has been expressly allowed or directed by him. Proposal of money votes.
- " 27. Subject to this Act, the Legislative Council shall have power to make Ordinances for the peace, order, and good government of the Territory. Legislative power.
- " 28. The Legislative Council shall not by any Ordinance impose higher duties upon the importation into the Territory of any goods produced or manufactured in or imported from Australia than are imposed on the importation into the Territory of the like goods produced or manufactured in or imported from other countries. Prohibition of import duties discriminating against the Commonwealth.
- " 29.—(1.) An Ordinance passed by the Legislative Council shall not have any force until it has been assented to as hereinafter provided. Assent to Ordinances.
- " (2.) Every Ordinance passed by the Legislative Council shall be presented to the Administrator for assent.
- " (3.) The Administrator shall thereupon declare, according to his discretion, but subject to this Act, and to the instructions of the Governor-General, that he assents thereto, or that he withholds assent, or that he reserves the Ordinance for the Governor-General's pleasure.
- " 30. Within six months from the Administrator's assent to any Ordinance the Governor-General may disallow the Ordinance, and the disallowance on being published by the Administrator within the Territory shall annul the Ordinance from the date of such publication. Disallowance of Ordinances assented to
- " 31. An Ordinance reserved for the Governor-General's pleasure shall not have any force unless and until within one year from the day on which it was presented to the Administrator for the Governor-General's assent the Administrator publishes within the Territory a notification that it has received the Governor-General's assent. Signification of pleasure on Ordinance reserved
- " 32. The Administrator shall not assent to any Ordinance of any of the following classes, unless the Ordinance contains a clause suspending its operation until the signification of the Governor-General's pleasure thereon :— Assent to certain Ordinances.
- (a) Any Ordinance for divorce ;
 - (b) Any Ordinance dealing with the granting or disposal of Crown Lands ;
 - (c) Any Ordinance whereby any lease or grant of land or money or any donation or gratuity is made to himself ;
 - (d) Any Ordinance which appears inconsistent with the treaty obligations of the United Kingdom or of the Commonwealth ;
 - (e) Any Ordinance interfering with the discipline or control of the naval, military or air forces of the King ;

- (f) Any Ordinance of an extraordinary nature or importance, whereby the King's prerogative, or the rights or property of subjects of the King not residing in the Territory, or the trade or shipping of any part of the King's Dominions, may be prejudiced ;
- (g) Any Ordinance relating to the sale or disposition of or dealing with lands by aboriginal natives of the Territory ;
- (h) Any Ordinance relating to native labour, or providing for the deportation of aboriginal natives from the Territory, or from one part of the Territory to another ;
- (i) Any Ordinance relating to the supply of arms, ammunition, explosives, intoxicants or opium to natives ;
- (j) Any Ordinance relating to the introduction or immigration of aboriginal natives of Australia, Asia, Africa or any island of the Pacific ;
- (k) Any Ordinance containing provisions from which the assent of the Sovereign or of the Governor-General has once been withheld, or which the Sovereign or the Governor-General has disallowed ; and
- (l) Any Ordinance relating to any matter specified in section thirty-six of this Act.

Ordinances to be laid before Parliament.

" 33. Every Ordinance assented to by the Administrator or by the Governor-General shall, as soon as may be after being assented to, be laid before both Houses of the Parliament."

Heading amended.

5. The Principal Act is amended by omitting the heading " Laws and Ordinances " appearing above section thirteen and inserting in its stead the heading " Application of Commonwealth Acts ".

Application of Commonwealth laws.

6. Section thirteen of the Principal Act is amended by omitting the words " by the Governor-General ".

Ordinances.

7. Section fourteen of the Principal Act is repealed, but all Ordinances made in pursuance of that section, which are in force at the commencement of this section, shall continue in force until altered or repealed by an Ordinance made by the Legislative Council in pursuance of the powers conferred by the Principal Act as amended by this Act.

Report to Council of League.

8. Section sixteen of the Principal Act is amended by omitting the word " Governor-General " and inserting in its stead the word " Minister ".

Certain sections of Principal Act re-numbered.

9. Sections twelve, thirteen, fifteen and sixteen of the Principal Act are respectively re-numbered thirty-four, thirty-five, thirty-six and thirty-seven.