

1923
(SECOND SESSION)

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 28th June, 1923.

(Brought in by the Honorary Minister, the Honorable L. Atkinson.)

A BILL

FOR

AN ACT

To amend the *Papua Act* 1905-1920.

BE it enacted by the King'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 Act* 1923.

Short title
and citation.

5 (2.) The *Papua Act* 1905-1920 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 Act* 1905-1923.

10 2. Section four of the Principal Act is amended by omitting from the definition of "The Minister" the words "for External Affairs" and inserting in their stead the words "of State for the time being administering this Act".

Definition of
Minister.

3. Section thirteen of the Principal Act is repealed and the following section inserted in its stead:—

15 "13.—(1.) The person holding the office of Administrator at the commencement of this section shall, so long as he remains an officer of the Public Service of the Territory, continue to hold that office and to have all the powers and functions possessed and exercisable by him at the commencement of this section.

Continuance
of office of
Administrator
and provision
for Acting
Lieutenant-
Governor.

[C.18]—775/28.6.1923.—F.6129.—M.

"(2.) Upon

"(2.) Upon the person referred to in the last preceding sub-section ceasing to hold the office of Administrator the senior member of the Executive Council present in the Territory at any time when the office of Lieutenant-Governor is vacant or when the Lieutenant-Governor is absent from the Territory or unable through illness to perform his duties, shall be Acting Lieutenant-Governor, and in that capacity shall have and may exercise, all the powers and functions of the Lieutenant-Governor." 5

Native lands. 4. Section twenty of the Principal Act is amended by adding at the end thereof the following sub-section :— 10

"(2.) Notwithstanding anything contained in this section the Lieutenant-Governor may—

- (a) transfer Crown land to natives ; and
- (b) accept transfers from natives of land in exchange for any land transferred to them under the last preceding paragraph." 15

Executive Council. 5. Section twenty-two of the Principal Act is amended by omitting from sub-section (2.) thereof the word " exceed " and inserting in its stead the words " be less than ".

Seniority of members of Legislative Council. 6. Section thirty-one of the Principal Act is amended by inserting therein before the word " members " the word " official " 20

Presidency of Legislative Council. 7. Section thirty-two of the Principal Act is amended by inserting in sub-section (2.) thereof after the word " senior " the word " official ".

8. After section thirty-three of the Principal Act the following section is inserted :— 25

Minutes of meetings. " 33A.—(1.) The Legislative Council shall cause minutes of its meetings to be kept.

(2.) At the end of each quarter the Lieutenant-Governor shall forward to the Minister a copy of the minutes of the meetings of the Legislative Council held during that quarter." 30

Civil list. 9. Section forty-nine of the Principal Act is amended—

- (a) by omitting the words " One thousand two hundred and fifty " and inserting in their stead the words " One thousand eight hundred " ;
- (b) by omitting the words " One thousand " and inserting in their stead the words " One thousand two hundred " ; and
- (c) by omitting the words " Chief Judicial Officer " and inserting in their stead the word " Judge ".

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PAPUA BILL 1923.

MEMORANDUM SHOWING THE ALTERATIONS PROPOSED TO
BE MADE IN THE PRINCIPAL ACT.

*(Circulated by the Hon. L. Atkinson, Vice-President of the
Executive Council.)*

The words printed in erased type are words proposed to be omitted from the Principal Act.

The words printed in black type are words proposed to be added to the Principal Act.

DEFINITION OF MINISTER.

Section 4 of the Principal Act, as proposed to be amended by clause 2 of the Bill, will read as follows :—

4. In this Act, unless the contrary intention appears—

“The Territory” means the Territory of Papua.

“The Lieutenant-Governor” means the Lieutenant-Governor of the Territory, and includes any person for the time being administering the government of the Territory.

“The Executive Council” means the Executive Council for the Territory.

“The Legislative Council” means the Legislative Council for the Territory.

“Ordinance” means an Ordinance of the Legislative Council.

“The Minister” means the Minister for ~~External Affairs.~~ of State for the time being administering this Act.

ADMINISTRATOR.

Section 13 of the Principal Act, proposed to be omitted by clause 3 of the Bill, is as follows :—

13.—(1.) ~~The Governor-General may, by Commission under the Seal of the Commonwealth, appoint an Administrator, who during any vacancy in the office of Lieutenant-Governor, or when the Lieutenant-Governor is absent from the~~

Territory or unable by reason of illness to perform his duties, shall administer the Government of the Territory, and while so administering shall have and may exercise and perform all the powers and functions of the Lieutenant-Governor.

(2.) In default of such appointment, or in the event of the absence or inability of the person so appointed, the senior member of the Executive Council present in the Territory shall have and may exercise and perform during such first-mentioned vacancy, absence, or inability, all the powers and functions of the Lieutenant-Governor.

The section proposed to be inserted in the Principal Act by clause 3 of the Bill, instead of section 13, is as follows:—

13.—(1.) The person holding the office of Administrator at the commencement of this section shall, so long as he remains an officer of the Public Service of the Territory, continue to hold that office and to have all the powers and functions possessed and exercisable by him at the commencement of this section.

(2.) Upon the person referred to in the last preceding sub-section ceasing to hold the office of Administrator the senior member of the Executive Council present in the Territory at any time when the office of Lieutenant-Governor is vacant or when the Lieutenant-Governor is absent from the Territory or unable through illness to perform his duties, shall be acting Lieutenant-Governor, and in that capacity shall have and may exercise all the powers and functions of the Lieutenant-Governor.

POWER TO GRANT LAND.

Section 20 of the Principal Act, as proposed to be amended by clause 4 of the Bill, will read as follows:—

20.—(1.) The Lieutenant-Governor may make and execute under the Public Seal of the Territory, in the name and on behalf of the King, grants and dispositions of any land within the Territory which may be lawfully granted or disposed of in name of the King, but so that—

- (a) no freehold estate in any such land shall be granted or disposed of except in pursuance of rights of purchase acquired under the law of British New Guinea before the commencement of this Act; and
- (b) the rental of all such land granted or disposed of by way of lease shall be assessed on the unimproved value of the land, and shall be subject to re-assessment at such periods and in such modes as are fixed by Ordinance. The periods and modes may be different for different classes of land and for different classes of lease.

(2.) Notwithstanding anything contained in this section the Lieutenant-Governor may—

- (a) transfer Crown land to natives; and
- (b) accept transfers from natives of land in exchange for any land transferred to them under the last preceding paragraph.

EXECUTIVE COUNCIL.

Section 22 of the Principal Act, as proposed to be amended by clause 5 of the Bill, will read as follows:—

22.—(1.) There shall be an Executive Council for the Territory, to advise and assist the Lieutenant-Governor.

(2.) The members of the Executive Council shall be officers of the Territory, and shall not ~~exceed~~ be less than six in number. They shall be appointed by the Governor-General, and shall hold their places in the Executive Council during his pleasure.

SENIORITY OF MEMBERS OF LEGISLATIVE COUNCIL.

Section 31 of the Principal Act, as proposed to be amended by clause 6 of the Bill, will read as follows :—

31.—The **official** members of the Legislative Council shall have seniority as the Governor-General specially assigns, and in default of assignment 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.

Section 32 of the Principal Act, as proposed to be amended by clause 7 of the Bill, will read as follows :—

32.—(1.) The Lieutenant-Governor 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.

MINUTES OF MEETINGS.

Clause 33A, proposed to be inserted in the Principal Act by clause 8 of the Bill is as follows :—

33A.—(1.) **The Legislative Council shall cause minutes of its meetings to be kept.**

(2.) **At the end of each quarter the Lieutenant-Governor shall forward to the Minister a copy of the minutes of the meetings of the Legislative Council held during that quarter.**

CIVIL LIST.

Section 49 of the Principal Act, as proposed to be amended by clause 9 of the Bill, will read as follows :—

49.—There shall be payable in every year out of the revenues of the Territory, which to that extent are hereby appropriated accordingly, the sum of ~~One thousand two hundred and fifty~~ **One thousand eight hundred** pounds for the salary of the Lieutenant-Governor, and the sum of ~~One thousand~~ **One thousand two hundred** pounds for the salary of the ~~Chief Judicial Officer~~ **Judge** of the Territory.

