



Statutory Rules

1975 No. 180

REGULATIONS UNDER THE PAPUA NEW GUINEA INDEPENDENCE ACT 1975.*

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Papua New Guinea Independence Act 1975*.

Dated this tenth day of September, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

E. G. WHITLAM
Prime Minister for and on behalf of the
Minister of State for Foreign Affairs.

PAPUA NEW GUINEA INDEPENDENCE (AUSTRALIAN CITIZENSHIP) REGULATIONS

- Citation. **1.** These Regulations may be cited as the Papua New Guinea Independence (Australian Citizenship) Regulations.
- Commencement. **2.** These Regulations shall come into operation on Independence Day.
- Definition. **3.** In these Regulations, "the Act" means the *Australian Citizenship Act 1948-1973*.
- Acquisition of Papua New Guinea citizenship. **4.** A person who—
 - (a) immediately before Independence Day, was an Australian citizen within the meaning of the Act; and
 - (b) on Independence Day becomes a citizen of the Independent State of Papua New Guinea by virtue of the provisions of the Constitution of the Independent State of Papua New Guinea,
 ceases on that day to be an Australian citizen.
- Modifications and adaptations of Australian Citizenship Act. **5.** The Act is modified and adapted in accordance with the modifications and adaptations specified in the Schedule.

* Notified in the *Australian Government Gazette* on 12 September 1975.

SCHEDULE
 MODIFICATIONS AND ADAPTATIONS OF PROVISIONS
 OF THE AUSTRALIAN CITIZENSHIP ACT 1948-1973

Regulation 5

Provision	Modifications and Adaptations
Section 5	Omit from paragraph (b) of the definition of "Australian consulate" in sub-section (1) "in New Guinea or". Omit the definition of "New Guinea" in sub-section (1), substitute the following definitions:— " 'New Guinea' has the same meaning as 'the Territory of New Guinea' had in the <i>Papua New Guinea Act 1949-1975</i> immediately before 16 September 1975; 'Papua' has the same meaning as 'the Territory of Papua' had in the <i>Papua New Guinea Act 1949-1975</i> immediately before 16 September 1975;"
Section 8	Omit sub-paragraph (1) (b) (iii), substitute the following sub-paragraph:— "(iii) that he had associations by way of descent, residence or otherwise with Australia, Papua or New Guinea before 16 September 1975 or subsequently has had such associations with Australia."
Section 11	Omit sub-paragraph 1 (b) (ii), substitute the following sub-paragraph:— "(ii) was, or had the status of, a British subject and was ordinarily resident— (A) if the person was born before 16 September 1975— in Australia, Papua or New Guinea; or (B) if the person was born on or after 16 September 1975—in Australia."
Section 14	Omit from paragraph (1) (c) "or New Guinea, or partly in Australia and partly in New Guinea,". Omit from paragraph (1) (d) "or New Guinea, or partly in Australia and partly in New Guinea,". Omit from paragraph (1) (h) "or New Guinea" (wherever occurring). Omit from sub-section (6) "or New Guinea, or partly in Australia and partly in New Guinea,". Add at the end the following sub-section:— "(10) For the purposes of this section, residence— (a) before 16 September 1975—in Papua or New Guinea; and (b) on or after 16 September 1975 and before 16 September 1978—in the Independent State of Papua New Guinea, shall, in relation to a person who— (c) has applied under section 13 for the grant of a certificate of Australian citizenship; (d) is resident in Australia; and (e) was, immediately before 16 September 1975, the holder of, or to be deemed to be included in, an entry permit (not being a temporary entry permit) issued under section 6 of the <i>Migration Act 1958-1973</i> , and has continued to be the holder of, or to be deemed to be included in, such an entry permit, be deemed to have been residence in Australia."
Section 17	Omit "and New Guinea".
Section 38	Omit "in Australia or New Guinea", substitute "on or after 16 September 1975 in Australia, or was so confined before 16 September 1975 in Australia, Papua or New Guinea,".
Section 39	Omit "or New Guinea", substitute " , Papua or New Guinea before 16 September 1975 or was so resident in Australia on or after 16 September 1975".
Section 42	Omit from paragraph (d) "or New Guinea", substitute " , Papua or New Guinea before 16 September 1975 or Australia on or after 16 September 1975".