

## PAPUA.



### PAPUA ACT, 1905-1924.

*An Act to provide for the acceptance of British New Guinea as a Territory under the authority of the Commonwealth and for the Government thereof.*

[ASSENTED TO 16TH NOVEMBER, 1905.]

**W**HEREAS by Letters Patent of Her late Majesty Queen Victoria bearing date the eighth day of June, One thousand eight hundred and eighty-eight, the Territories and Islands therein and herein described were, as and when the same should become part of Her Majesty's Dominions, constituted and erected into a separate Possession and Government by the name of British New Guinea; that is to say, the Southern and South-Eastern shores of New Guinea from the one hundred and forty-first meridian of East longitude Eastward as far as East Cape, and thence North-Westward as far as the eighth parallel of South latitude in the neighbourhood of Mitre Rock, together with the territory lying South of a line from Mitre Rock, proceeding along the said eighth parallel to the one hundred and forty-seventh degree of East longitude, then in a straight line in a North-Westerly direction to the point of intersection of the sixth parallel of South latitude and of the one hundred and forty-fourth degree of East longitude, and continuing in a West-North-Westerly direction to the point of intersection of the fifth parallel of South latitude and of the one hundred and forty-first degree of East longitude, together with the Trobriand, Woodlark, D'Entrecasteaux, and Louisiade Groups of Islands and all other Islands lying between the eighth and the twelfth parallels of South latitude and between the one hundred and forty-first and the one hundred and fifty-fifth degrees of East longitude and not forming part of the Colony of Queensland, and furthermore including all Islands and Reefs lying in the Gulf of Papua to the Northward of the eighth parallel of South latitude:

Letters Patent,  
8th June, 1888.

And whereas on or about the fourth day of September, One thousand eight hundred and eighty-eight, the said Territory and Islands became part of Her Majesty Dominions:

Annexation of  
British New  
Guinea, 4th  
September,  
1888.

And whereas by an Order of Her late Majesty Queen Victoria in Council, bearing date the seventeenth day of May, One thousand eight hundred and eighty-eight, made under the provisions of the *British Settlements Act 1887* it was provided that an appeal should lie from any Court of the Possession of British New Guinea to the Supreme Court of Queensland at Brisbane in the matters and in the manner therein set out:

Order in  
Council, 17th  
May, 1888.

Order in  
Council, 24th  
November,  
1891.

And whereas by a further Order of Her late Majesty in Council bearing date the twenty-fourth day of November, One thousand eight hundred and ninety-one, made under the provisions of the *British Settlements Act 1887* it was provided that in all Admiralty matters an appeal should lie from the Colonial Court of Admiralty of the Possession of British New Guinea to the Supreme Court of Queensland at Brisbane:

Order in  
Council, 8th  
February, 1896.

And whereas by a further Order of Her late Majesty in Council, bearing date the eighth day of February, One thousand eight hundred and ninety-six, made under the *British Settlements Act 1887* in pursuance of a convention made between Her Majesty and Her Majesty the Queen of the Netherlands and signed at the Hague on the sixteenth day of May, One thousand eight hundred and ninety-five, it was provided that the Western boundary of the Possession of British New Guinea should be a line starting from the Southern coast of the Island of New Guinea at the middle of the mouth of the Bensbach River, situated at about one hundred and forty-one degrees one minute forty-seven and nine-tenths seconds of East longitude, thence proceeding to the North, following the meridian which passes through the said mouth up to the point where that meridian meets the Fly River, thence along the waterway ("Thalweg") of the Fly River up to the one hundred and forty-first degree of East longitude, thence along the one hundred and forty-first degree of East longitude up to the point of intersection of the boundaries of the British, Netherland, and German Possessions, and that the laws of the Possession of British New Guinea should extend to and be in force up to that boundary:

Constitution  
s. 122.

And whereas by the Constitution it is provided that the Parliament may makes laws for the government of any territory placed by the King under the authority of and accepted by the Commonwealth:

Resolutions of  
Senate and  
House of  
Representa-  
tives,  
19th and 20th  
November,  
1901.

And whereas the Senate and the House of Representatives have respectively passed resolutions affirming that they are prepared to join in measures for the acceptance of British New Guinea as a territory of the Commonwealth if His Majesty is pleased to place it under Federal control:

Letters Patent,  
18th March,  
1902.

And whereas by Letters Patent of His Majesty the King bearing date the eighteenth day of March, One thousand nine hundred and two, the Possession of British New Guinea was placed under the authority of the Commonwealth, and it was thereby provided that the Governor-General should, so soon as the Parliament had made laws for the government of the Possession, issue a Proclamation signifying and declaring that the Parliament has made laws for the government of the Possession and that from and after the date of such Proclamation (thereinafter referred to as the appointed day) the said Letters Patent of the eighth day of June, One thousand eight hundred and eighty-eight, and any instructions which might from time to time have been given to any officer administering the Government of British New Guinea with respect to the execution of any things that belong to the said office of Administrator should cease to have effect and should be revoked without prejudice to anything lawfully done thereunder; and it was thereby further provided that the powers and authorities conferred by the said

Letters Patent of the eighth day of June, One thousand eight hundred and eighty-eight, and any instructions as aforesaid should, until the appointed day, be read and construed as though any powers authorities and duties thereby conferred or imposed upon the Governor of Queensland were conferred and imposed upon the Governor-General and that the said Letters Patent and Instructions should be construed and take effect with the substitution of the Governor-General for the Governor of Queensland; and it was thereby further provided that the now recited Letters Patent should come into force forthwith:

And whereas by an Order of His Majesty in Council bearing date the sixth day of March, One thousand nine hundred and two, it was provided that the Governor-General, so soon as the Parliament had made laws providing for the hearing of appeals from the Courts of the Possession of British New Guinea, should issue a Proclamation signifying and declaring that the Parliament has made such laws accordingly, and that thereupon the aforesaid Orders in Council of the seventeenth day of May, One thousand eight hundred and eighty-eight, and the twenty-fourth day of November, One thousand eight hundred and ninety-one, should be revoked and should cease to have effect without prejudice to anything lawfully done thereunder, provided that any appeals from any Court of the said Possession to the Supreme Court of Queensland at Brisbane under the provisions of the said Orders in Council which should be pending at the date of such Proclamation should be heard and determined by the Supreme Court of Queensland at Brisbane in the same manner and in all respects as though the said Orders in Council had not been revoked:

Order in  
Council, 6th  
March, 1902.

Be it therefore enacted by the King's Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows:—

## PART I.—INTRODUCTORY.

1. This Act may be cited as the *Papua Act, 1905-1924.*

Short title and  
citation.

2. This Act except Section Thirteen thereof, shall commence on the day on which a Proclamation is issued by the Governor-General in pursuance of the hereinbefore recited Letters Patent of the eighteenth day of March, One thousand nine hundred and two, but Section Thirteen shall take effect on and from the passing of this Act.

Commence-  
ment.

3. This Act is divided into parts as follows:—

Parts of Act.

PART I.—Introductory.

PART II.—Acceptance of the Territory.

PART III.—The Government of the Territory.

Division 1.—The Executive Government.

Division 2.—The Legislative Council.

Division 3.—The Judiciary.

Division 4.—Finance.

4. In this Act unless the contrary intention appears—

“The Territory” means the Territory of Papua.

Definitions.  
Amended by  
25 of 1924, s. 2.



"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.

## PART II.—ACCEPTANCE OF THE TERRITORY.

Acceptance of  
the Territory.

5. The Possession of British New Guinea is hereby declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth by the name of the Territory of Papua.

Continuance  
of laws.  
N.Z. 1901, No.  
44, s. 2.

6. (1) Subject to this Act the laws in force in the Possession of British New Guinea at the commencement of this Act shall continue in force in the Territory until other provision is made.

(2) Every Ordinance of the said Possession, or Act or Statute of the State of Queensland adopted as an Ordinance of the Possession relating to any of the matters enumerated in Section Forty-one of this Act, shall be forthwith submitted to the Governor-General, who may disallow any such Ordinance within three months from such submission, and such disallowance on being made known by the Lieutenant-Governor by Proclamation or by notification in the *Gazette* of the Territory shall annul the Ordinance from the day when the disallowance is so made known.

Common-  
wealth laws  
not to be in  
force.

7. Except as provided in this or any Act the Acts of the Parliament of the Commonwealth shall not be in force in the Territory unless expressed to extend thereto.

Continuance  
of Courts.  
Cf. N.Z. 1901,  
No. 44, s. 4.

8. Subject to this Act the Courts of Justice in existence in the Possession of British New Guinea at the commencement of this Act and the jurisdiction, practice, and procedure thereof, shall continue in the Territory until other provision is made.

Continuance  
of Officers.  
Cf. N.Z. 1901,  
No. 44, s. 5 (6).

9. All judges, magistrates, and other officers in the public service of the Possession of British New Guinea at the commencement of this Act shall continue in office as if appointed under this Act.

## PART III.—THE GOVERNMENT OF THE TERRITORY.

### DIVISION 1.—THE EXECUTIVE GOVERNMENT.

#### *The Lieutenant-Governor.*

Office of  
Lieutenant-  
Governor.

10. There shall be a Lieutenant-Governor of the Territory, who shall be charged with the duty of administering the Government thereof on behalf of the Commonwealth.

Appointment  
of Lieutenant-  
Governor.

11. The Lieutenant-Governor shall be appointed by the Governor-General by Commission under the Seal of the Commonwealth, and shall hold office during the pleasure of the Governor-General.

**12.** The Lieutenant-Governor shall exercise and perform all powers and functions that belong to his office according to the tenor of his Commission and according to such instructions as are given to him by the Governor-General.

Powers and functions of Lieutenant-Governor.

**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 immediately prior to the commencement of this section.

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

Substituted by 25 of 1924, s. 3.

(2) Upon the person referred to in the last preceding subsection ceasing to hold the office of Administrator, or in the event of the absence of that person or his inability through illness to perform the duties of Administrator, the senior official 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.

**14.** (1) The Governor-General may authorize the Lieutenant-Governor to appoint any person or any persons jointly or severally, to be the deputy or deputies of the Lieutenant-Governor within any part of the Territory, and in that capacity to exercise during the pleasure of the Lieutenant-Governor such powers and functions of the Lieutenant-Governor as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Governor-General.

Power to authorize Lieutenant-Governor to appoint deputies.

(2) The appointment of a deputy shall not affect the exercise or performance by the Lieutenant-Governor himself of any power or function.

**15.** The Lieutenant-Governor shall, before entering on the duties of his office, take an oath or affirmation of allegiance in the form in the Schedule to the Constitution, and also an oath or affirmation for the due execution of his office and for the due and impartial administration of justice in the form in the Schedule to this Act.

Oaths to be taken by Lieutenant-Governor.

**16.** (1) There shall be a Public Seal of the Territory which shall be kept and used by the Lieutenant-Governor for sealing all things that pass the Public Seal.

Public Seal.

(2) Until a Public Seal of the Territory is provided, the Public Seal of the Possession of British New Guinea in use before the commencement of this Act shall be used as the Public Seal of the Territory.

**17.** (1) The Lieutenant-Governor may in the name of the Governor-General appoint all necessary judges, magistrates, and other officers of the Territory, who shall unless otherwise provided by law, hold their offices during the pleasure of the Governor-General.

Appointment of officers.

(2) Every such appointment shall be temporary until approved by the Governor-General.

**18.** (1) The Lieutenant-Governor may upon sufficient cause to him appearing, suspend from office any officer of the Territory.

Suspension of officers.

(2) The Lieutenant-Governor shall forthwith report every such suspension to the Governor-General, and the suspension shall continue only until the Governor-General's pleasure therein is signified to the Lieutenant-Governor.

Transfer of  
officers to  
Public Service  
of the  
Common-  
wealth.

19. Notwithstanding anything contained in the *Commonwealth Public Service Act* 1902, the Governor-General may, on the recommendation of the Public Service Commissioner, and on his certificate that it is desirable in the interests of the Commonwealth that the appointment be made, appoint any officer of the Territory (other than an officer whose appointment is temporary) to any office in the Clerical Division of the Public Service of the Commonwealth, and may on the like recommendation require the officer to effect and continue such an assurance on his life as the Governor-General thinks fit.

Power to grant  
land.

20. 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 the name of the King, but so that—

Amended by  
32 of 1920, s. 2.

- (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.

Native lands.  
Inserted by  
25 of 1924, s. 4.

(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.
- (3) The Lieutenant-Governor may, by order published in the *Gazette* of the Territory, cancel any lease or purchase of land from natives (where the lessee or purchaser has not transferred the land to any other person) and, upon the publication of the order, the land referred to therein shall revert in the persons entitled to the land immediately prior to the lease or purchase for such estate as they then had in the land.

Regulation of  
sale of  
intoxicating  
liquor in the  
Territory.

21. (1) After the commencement of this Act, licences shall not be granted in the Territory in excess of the number of licences in existence at the commencement of this Act.

(2) The number of licences in the Territory may be reduced or licences may be abolished in the Territory in accordance with this section, but so that no compensation shall be payable in respect of the loss or abolition of any licence hereunder.



(3) A poll may be taken in the whole Territory or in any Division thereof, once in each year, for the purpose of obtaining the vote of the people on the question whether the number of licences for the sale of intoxicating liquors shall be reduced by any and what number.

(4) Subject to Subsection (3), a poll under this section shall be taken in the Territory or a Division thereof when requested by petition to the Lieutenant-Governor, signed by one-fourth of the people in the Territory or Division. Provided that the first poll under this section shall be taken at a period not later than nine months from the proclamation of this Act.

(5) The adult white people shall for the purposes of this section be deemed to be the people of the Territory or Division as the case requires.

(6) The times and manner of taking a poll and the manner of giving effect to the decision arrived at by the poll taken shall be as directed by Ordinance.

(7) No person shall supply to any native by sale gift or in any other way either directly or indirectly any intoxicating liquor and any person offending against the provisions of this subsection shall be liable on conviction in a summary manner to a fine of not less than Twenty pounds and not exceeding Two hundred pounds and to imprisonment for any term not less than one month and not exceeding two years.

Prohibition  
against supply  
of intoxicating  
liquor to  
natives.

Provided that it shall not be an offence under this sub-section for any person, for any urgent cause or necessity (the burden of proof whereof shall rest upon him) to administer intoxicating liquor to a native for purely medical purposes and without recompense or remuneration.

(8) It shall not be lawful for any native to have in his possession any intoxicating liquor in any Division in which licences have been abolished or (except for the sole purpose of carriage the burden of proof whereof for the purpose only of confiscation shall rest upon the owner of the liquor) in any Division in which a licence exists. If this subsection is contravened the liquor may be seized by any officer exercising judicial functions, who shall in a summary manner direct that it be confiscated, and that it be disposed of according to his discretion, and the native shall be liable on conviction in a summary manner to imprisonment for any term not exceeding three months.

Intoxicating  
liquor in  
possession of  
natives.

(9) In this section—

- (a) "licence" means a licence for the sale of intoxicating liquor;
- (b) "intoxicating liquor" means any spirituous or fermented liquor of an intoxicating nature used or intended to be used as a beverage;
- (c) "native" means any person in the Territory not of European descent.

*The Executive Council.*

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

Executive  
Council.

(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.

Substituted by  
25 of 1924, s. 5.

(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.

Seniority of  
members of  
Executive  
Council.

**23.** The members of the Executive 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.

Meetings of  
Executive  
Council.

Amended by  
25 of 1924, s. 6.

**24.** (1) The Executive Council shall not proceed to the despatch of business unless summoned by authority of the Lieutenant-Governor.

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

President at  
meetings.

Amended by  
25 of 1924, s. 7.

**25.** (1) The Lieutenant-Governor shall preside at all meetings of the Executive Council at which he is present.

(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.

Minutes of  
Executive  
Council  
Meetings.

**26.** Minutes of the proceedings of all meetings of the Executive Council shall be kept, and copies of the Minutes shall be transmitted quarterly by the Lieutenant-Governor to the Minister.

Submission of  
questions to  
Council.

**27.** The Lieutenant-Governor only shall be entitled to submit questions to the Executive Council for advice or decision; but if the Lieutenant-Governor 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 Lieutenant-Governor thereto be recorded on the Minutes.

Lieutenant-  
Governor may  
act in  
opposition to  
advice.

**28.** (1) The Lieutenant-Governor 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.

(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.



DIVISION 2.—THE LEGISLATIVE COUNCIL.

**29.** (1) There shall be a Legislative Council for the Territory.

(2) The Legislative Council shall consist of—

(a) the Lieutenant-Governor ;

(b) the official members of the Executive Council ; and

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

Legislative Council.  
Substituted by  
25 of 1924, s. 8.

(3) One of the non-official members of the Legislative Council shall be nominated by the Lieutenant-Governor as representing the interests of the Christian missions in the Territory.

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

**30.** The presence of at least one-third of the members of the Legislative Council (including the Lieutenant-Governor or the member presiding) shall be necessary to constitute a meeting of the Council for the exercise of its powers. Quorum.

**31.** The 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. Seniority of members of Legislative Council.

**32.** (1) The Lieutenant-Governor shall preside at all meetings of the Legislative Council at which he is present. Presidency of Legislative Council.

(2) In his absence the senior official member of the Legislative Council who is present shall preside. Amended by  
25 of 1924, s. 9.

**33.** (1) Questions arising in the Legislative Council shall be determined by a majority of votes. Voting in Legislative Council.

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

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

(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. Inserted by  
25 of 1924, s. 10.

**34.** The Legislative Council may make standing rules and orders with respect to the order and conduct of its business and proceedings. Standing rules and orders.

Provided that such rules and orders are not repugnant to any instructions from the Governor-General.

**35.** 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 Lieutenant-Governor, unless its proposal has been expressly allowed or directed by him. Proposal of money votes.

Legislative  
power.

**36.** Subject to this Act the Legislative Council shall have power to make Ordinances for the peace, order, and good government of the Territory.

Prohibition of  
import duties  
discriminating  
against the  
Common-  
wealth.

**37.** 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.

Assent to  
Ordinances.

**38.** (1) An Ordinance passed by the Legislative Council shall not have any force until it has been assented to as hereinafter provided.

(2) Every Ordinance passed by the Legislative Council shall be presented to the Lieutenant-Governor for assent.

(3) The Lieutenant-Governor 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.

Disallowance  
of Ordinances  
assented to.

**39.** Within six months from the Lieutenant-Governor's assent to any Ordinance the Governor-General may disallow the Ordinance, and the disallowance on being published by the Lieutenant-Governor within the Territory shall annul the Ordinance from the date of such publication.

Signification  
of pleasure on  
Ordinance  
reserved.

**40.** 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 Lieutenant-Governor for the Governor-General's assent, the Lieutenant-Governor publishes within the Territory a notification that it has received the Governor-General's assent.

Assent to  
certain  
Ordinances.

**41.** The Lieutenant-Governor 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 :—

- (1) Any Ordinance for divorce.
- (2) Any Ordinance dealing with the granting or disposal of Crown lands.
- (3) Any Ordinance whereby any lease or grant of land or money or any donation or gratuity is made to himself.
- (4) Any Ordinance which appears inconsistent with the treaty obligations of the United Kingdom or of the Commonwealth.
- (5) Any Ordinance interfering with the discipline or control of the naval or military forces of the King.
- (6) 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.
- (7) Any Ordinance relating to the sale or disposition of or dealing with lands by aboriginal natives of the Territory.
- (8) 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.

- (9) Any Ordinance relating to the supply of arms, ammunition, explosives, intoxicants, or opium to natives.
- (10) Any Ordinance relating to the introduction or immigration of aboriginal natives of Australia, Asia, Africa, or any island of the Pacific.
- (11) 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.

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

Ordinances to be laid before Parliament.

### DIVISION 3.—THE JUDICIARY.

43. (1) The High Court shall have jurisdiction, with such exceptions and subject to such regulations as are prescribed by Ordinance, to hear and determine appeals from all judgments, decrees, orders, and sentences of the Central Court of the Territory, and the judgment of the High Court shall be final and conclusive.

Appeal to High Court.

(2) Regulations under this section may provide, *inter alia*, that appeals to the High Court may be by case stated, with the legal argument, if any, attached thereto in writing, and that it shall not be necessary in any such case for the parties to appear either personally or by counsel.

N.Z. 1901, No. 44, s. 4.

44. When any offence has been committed within the Territory, or for which the offender may be tried therein, the Lieutenant-Governor may, in the name of the King, grant a pardon to any accomplice who gives information which leads to the conviction of the principal offender or any of the principal offenders.

Grant of pardon to accomplice.

45. The Lieutenant-Governor may, in the name of the King, grant to any offender convicted in any Court or before any Judge or Magistrate in the Territory, a pardon, either free or conditional, or any remission of sentence, or any respite, for such period as he thinks fit, of the execution of sentence, and may remit any fines, penalties, and forfeitures, due or accrued to the Crown within the Territory.

Grant of pardon or remission or respite of sentence to offenders.

Provided that the Lieutenant-Governor shall not, except in the case of a political offence unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from, or shall absent himself or be removed from, the Territory.

### DIVISION 4.—FINANCE.

46. The revenues of the Territory shall be available for defraying the expenditure thereof, and the Governor-General may make such regulations as he deems necessary for the receipt, expenditure, control, and audit of revenues and moneys of the Territory.

Public revenues and moneys.  
Cf. N.Z. 1901, No. 44, s. 14.

47. No revenues or moneys of the Territory shall be issued or expended except under appropriation made by law, and except by warrant under the hand of the Lieutenant-Governor.

Issue and expenditure of public moneys



Appropriation  
for infirm or  
destitute  
aboriginal  
natives.

**48.** (1) A sum equal to ten per centum of the territorial revenue arising out of the lease of Crown lands shall in each year be appropriated for the maintenance and welfare of infirm or destitute aboriginal natives (including half-castes) of the Territory.

(2) The sum so obtained shall be vested in three trustees appointed by the Governor-General, who shall hold office during His Excellency's pleasure and furnish a report of their proceedings annually for presentation to Parliament.

(3) If in any year the whole of the sum so obtained is not expended, the unexpended balance thereof shall be retained by the trustees and expended for the purpose aforesaid in any subsequent year.

Civil list.  
Amended by  
25 of 1924, s. 11.

**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 eight hundred pounds for the salary of the Lieutenant-Governor, and the sum of One thousand two hundred pounds for the salary of each Judge of the Territory :

Provided that, when the offices of Lieutenant-Governor and Judge are held by the same person, that person shall be entitled to receive only the salary of the Lieutenant-Governor.

Grant from the  
Consolidated  
Revenue Fund.

**50.** There shall be paid out of the Consolidated Revenue Fund of the Commonwealth towards the revenues of the Territory the sum of Twenty thousand pounds in each financial year up to and including the financial year ending the thirtieth day of June, One thousand nine hundred and six, and thereafter such sums, if any, as the Parliament appropriates for that purpose.

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#### THE SCHEDULE.

##### FORM OF OATH OR AFFIRMATION.

I, *A.B.*, do swear that I will well and truly serve our Sovereign Lord the King in the office of Lieutenant-Governor of the Territory of Papua, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will : So help me God.

*Or*

I, *A.B.*, do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lord the King in the office of Lieutenant-Governor of the Territory of Papua, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will.