

LAWS OF THE TERRITORY (PROOF AND PRINTING) ORDINANCE 1951.⁽¹⁾

No. 73 of 1951.

An Ordinance to provide for the Judicial Recognition, Proof and Printing of Laws of the Territory.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Laws of the Territory* Short title.
(*Proof and Printing*) Ordinance 1951.⁽¹⁾

2. This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-3).

Part II.—Judicial Notice (Sections 4-5).

Part III.—Authorized Copies and Periodical Annotated Reprints (Sections 6-11).

3. In this Ordinance, unless the contrary intention appears— Definitions.

“Act” means an Act of the Parliament of the Commonwealth or of the Parliament of the State of Queensland;

“Administration Printer” means a person printing for, or by authority of, the Administration or Government of a Territory;

“authorized copy” means a copy of an Ordinance or any subordinate legislation of a Territory purporting to have been printed by an Administration Printer;

“court” includes all courts, all Judges and Justices, all arbitrators, and all persons authorized by law or by consent of parties to hear, receive and examine evidence;

“Gazette” means—

(a) in relation to the Territory, the *Government Gazette* of the Territory;

(b) in relation to the Territory of Papua-New Guinea, the *Government Gazette* of that Territory;

(1) Particulars of this Ordinance are as follows:—

Date on which made by Cwlth. Administrator in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
16.11.1951	22.11.1951	22.11.1951 (<i>Cwlth. Gaz.</i> of 22.11.1951)

PART A : LAWS (INTERPRETATION, REPRINTING AND REVISION)—

- (c) in relation to the Territory of New Guinea, the *New Guinea Gazette*;
 - (d) in relation to the Territory of Papua, the *Government Gazette* of that Territory; and
 - (e) in relation to the Possession of British New Guinea, the *Government Gazette* of that Possession;
- “Ordinance” includes an Act (not being an Act applying of its own force to a Territory) or Ordinance adopted as a law of, or applied to, or continued in force in, a Territory;
- “Periodical Annotated Reprint” means a volume directed to be printed and published in pursuance of section seven of this Ordinance;
- “subordinate legislation” includes regulations, rules of court, standing orders, by-laws, orders in council, proclamations, orders and notices of a Territory, whether any such instrument is of a legislative character or not, and includes any such instrument (not being an instrument made under an Act of the Parliament of the Commonwealth which extends of its own force to a Territory) adopted as a law of, or applied to, or continued in force in, a Territory;
- “Territory” means either the Territory, the Territory of Papua-New Guinea, the Territory of New Guinea, the Territory of Papua, or the Possession of British New Guinea;
- “the Annotated Reprints” means the Annotated Reprints directed to be printed and published in pursuance of section five of the *Ordinances Reprint and Revision Ordinance 1947-1950*⁽²⁾ of the Territory of Papua-New Guinea [*to be printed and published.*⁽³⁾]

PART II.—JUDICIAL NOTICE.

Ordinances to be judicially noticed.

4. All courts and all persons acting judicially shall take judicial notice of an Ordinance of a Territory passed either before or after the commencement of this Ordinance.

Regulations, &c., to be judicially noticed.

5. All courts and all persons acting judicially shall take judicial notice of—

- (a) a regulation, rule of court, by-law, proclamation or order by the Lieutenant-Governor or Administrator of a Territory or by that Lieutenant-Governor or Administrator in Council, made or purporting to be made in pursuance of an Ordinance; and

(2) The *Ordinances Reprint and Revision Ordinance 1947* is printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 172-190; as to subsequent amendments see the Supplementary Table printed in Part D of Volume II.

(3) The words “to be printed and published”, second occurring have been omitted by Section 5 and the Third Schedule of the *Ordinances Revision Ordinance (No. 2) 1951 (No. 20 of 1952)*.

- (b) an act, matter or thing of which publication in a *Gazette* is or was at any time directed by or under an Ordinance, when so published.

PART III.—AUTHORIZED COPIES AND PERIODICAL ANNOTATED REPRINTS.

6. The Minister or the Administrator may authorize an Administration Printer to print authorized copies of Ordinances and subordinate legislation. Authorized copies.

7.—(1.) A Periodical Annotated Reprint of the Ordinances and subordinate legislation made under the *Papua-New Guinea Provisional Administration Act 1945-1946*⁽⁴⁾ may be printed and published, by direction of the Minister, by an Administration Printer, under the title of “The Laws of the Territory of Papua-New Guinea, 1945-1949 (Annotated)”. Periodical annotated reprints may be prepared and published.

(2.) Periodical Annotated Reprints of the Ordinances and subordinate legislation of the Territory of Papua and New Guinea may by direction of the Minister be printed and published by an Administration Printer, under such titles, in such form and containing the Ordinances and subordinate legislation (and such abstracts or particulars concerning the subordinate legislation) enacted at any time during such period or periods, as the Minister may direct.

8. The mere production of—

- (a) a copy of an Ordinance or subordinate legislation purporting to be an authorized copy; or
(b) a volume purporting to be a Periodical Annotated Reprint,

Evidence of authorized copies and periodical annotated reprints.

shall in all courts and before all persons acting judicially be evidence that the copy is an authorized copy or that the volume is a Periodical Annotated Reprint, as the case may be.

9.—(1.) Unless the contrary is shown, it shall be presumed that the text of an Ordinance or of subordinate legislation printed in an authorized copy or reprinted in a Periodical Annotated Reprint correctly sets forth the text of that Ordinance or that subordinate legislation. Authorized copies and periodical annotated reprints to be *prima facie* evidence.

(2.) Unless the contrary is shown, it shall be presumed that abstracts or particulars concerning subordinate legislation, printed in an authorized copy or reprinted in a Periodical Annotated Reprint, correctly set forth the effect of that subordinate legislation.

⁽⁴⁾ Printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 26-32.

PART A : LAWS (INTERPRETATION, REPRINTING AND REVISION)—

(3.) In an authorized copy or a Periodical Annotated Reprint, a date appearing in a footnote to an Ordinance and purporting to be the date on which—

(a) that Ordinance or an Ordinance amending or repealing that Ordinance—

- (i) was made by the Governor-General in Council, or by the Legislative Council for a Territory;
- (ii) was made, assented to or reserved by the Administrator or Lieutenant-Governor of a Territory;
- (iii) took effect or came into operation;
- (iv) was notified in the *Commonwealth of Australia Gazette*; or
- (v) was repealed, superseded or suspended, or expired;

(b) notice of disallowance of that Ordinance or an Ordinance amending or repealing that Ordinance by the Governor-General was published in a *Gazette* or was published within a Territory;

(c) the assent of the Governor-General to that Ordinance or an Ordinance amending or repealing that Ordinance was notified in a *Gazette* or was published within a Territory;

(d) notice of the making of that Ordinance or an Ordinance amending or repealing that Ordinance by the Governor-General was published in a *Gazette*; or

(e) a resolution was passed by a House of the Parliament of the Commonwealth disallowing that Ordinance or an Ordinance amending or repealing that Ordinance,

is *prima facie* evidence that the date so appearing is that date.

(4.) In an authorized copy or a Periodical Annotated Reprint, a date appearing in a footnote to any subordinate legislation or in an abstract or particulars of any subordinate legislation, and purporting to be the date on which—

(a) that subordinate legislation or any subordinate legislation amending, varying, rescinding, repealing, revoking or superseding that subordinate legislation—

- (i) was made;
- (ii) was published or notified in a *Gazette*;
- (iii) took effect or came into operation;
- (iv) took effect and came into operation; or
- (v) was amended, varied, rescinded, repealed, revoked or superseded, or expired;

(b) notification of the disallowance by the Minister or by the Governor-General of that subordinate legislation or any subordinate legislation amending, varying, rescinding, repealing, revoking or superseding that subordinate legislation was published in a *Gazette*; or

- (c) a resolution was passed by the Legislative Council for a Territory disallowing that subordinate legislation or any subordinate legislation amending, varying, rescinding, repealing, revoking or superseding that subordinate legislation,

is *prima facie* evidence that the date so appearing is that date.

10. Subject to the last preceding section, an annotation to an Ordinance or to subordinate legislation, a cross-reference, and explanatory matter preceding an Ordinance or subordinate legislation printed in an authorized copy or reprinted in a Periodical Annotated Reprint shall not be deemed part of that Ordinance or subordinate legislation.

Certain matter not deemed part of Ordinance, &c.

11. In the Ordinances and subordinate legislation reprinted in a Periodical Annotated Reprint—

Correction of minor errors in periodical annotated reprints.

- (a) if a section, or a sub-section or paragraph of a section, of an Ordinance, or a regulation, sub-regulation, rule, sub-rule or paragraph of any subordinate legislation, is incorrectly numbered or lettered, or has no number or reference letter, the number or reference letter may be corrected or deleted, or a number or reference letter may be added, as the case requires;
- (b) an error in spelling in an Ordinance or subordinate legislation may be corrected, and capital letters may be changed to small letters or small letters may be changed to capital letters, as the case requires, for the purpose of ensuring uniformity;
- (c) an error in punctuation in an Ordinance or subordinate legislation may be corrected, and an alteration in punctuation necessitated by reason of an amendment having been made to an Ordinance or subordinate legislation may be made;
- (d) if an Ordinance or a section of an Ordinance, or any regulations or a regulation of any regulations, or any rules of court or a rule of any rules of court, is or are numbered with Roman numerals, those Roman numerals may be changed to the corresponding Arabic numbers; and if in an Ordinance or subordinate legislation there is a reference to the Roman numerals of an Ordinance or section of an Ordinance, or of any regulations or regulation of any regulations, or of any rules of court or rule of any rules of court, the Roman numerals appearing in the Ordinance or subordinate legislation may be changed to the corresponding Arabic numbers; and
- (e) a marginal note to an Ordinance or subordinate legislation may be altered or deleted.