

**ORDINANCES INTERPRETATION ORDINANCE
1951.**⁽¹⁾⁽²⁾

No. 75 of 1951.

An Ordinance to amend the Ordinances Interpretation Ordinance 1949-1950.

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:—

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Ordinances Interpretation Ordinance 1951.*⁽¹⁾⁽²⁾

(2.) The *Ordinances Interpretation Ordinance 1949-1950* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Ordinances Interpretation Ordinance 1949-1951.*

Commencement.

2. Notwithstanding anything contained in any other law, this Ordinance shall come into force immediately before the expiration of the twenty-fifth day of November, One thousand nine hundred and fifty-one.

Interpretation of terms.

3. Section six of the Principal Ordinance is amended—

(a) by inserting after the definition of “Acting Administrator” the following definition:—

“ ‘Administration Printer’ includes a person printing or purporting to print for, or by the authority of, the Administration; ”;

(b) by omitting the definition of “District” and inserting in its stead the following definition:—

“ ‘District’ means a District declared and defined by the Administrator in pursuance of the *Administrative Districts Ordinance 1951*⁽³⁾; ”;

(c) by omitting the definition of “estate” and inserting in its stead the following definition:—

“ ‘estate’ includes any estate or interest, charge, right, title, claim, demand, lien or incumbrance in or in respect of land, at law or in equity; ”;

(1) For particulars of the *Ordinances Interpretation Ordinance 1951* see footnote (1) printed in this Volume on p. 660.

(2) Amendments made by the *Ordinances Interpretation Ordinance 1951* to the *Ordinances Interpretation Ordinance 1949-1950* (printed in this Volume on pp. 660-683) have been indicated by footnotes to the latter Ordinance.

(3) Printed in this Volume on p. 484.

- (d) by inserting after the definition of “indictment” the following definition:—
“‘interest in land’ means a proprietary right, title or estate in or in respect of land, not being native land, whether corporeal or incorporeal, and whether legal or equitable, and includes a right appurtenant or appendant to any such right, title or estate;”;
- (e) by inserting after the definition of “native” the following definition:—
“‘native land’ means land which is owned or possessed by a native or native community by virtue of rights of a proprietary or possessory kind which belong to that native or native community and arise from and are regulated by native custom;”;
- (f) by omitting the definition of “the Administration Printer”;
- (g) by inserting after the definition of “the *Gazette*” the following definition:—
“‘the Legislative Council’ means the Legislative Council for the Territory;”;
- (h) by inserting after the definition of “the Minister” the following definition:—
“‘the Police Force’ means, in relation to the Territory of Papua, the Royal Papuan Constabulary, and, in relation to the Territory of New Guinea, the New Guinea Police Force;”;
and
- (i) by inserting after the definition of “the Territory” the following definition:—
“‘town’ means a place declared by the Administrator to be a town in pursuance of the *Town Boundaries Ordinance 1951*⁽⁴⁾;”.

4. Section twenty-five of the Principal Ordinance is amended by omitting the words “and shall be judicially noticed as such”. Ordinances to be public Ordinances.

5. After section twenty-nine of the Principal Ordinance the following section is inserted:—

“29A.—(1.) Subject to the next succeeding sub-section, an Ordinance made by the Legislative Council shall, unless the contrary intention appears, come into operation— Commencement of Ordinances of Legislative Council.

- (a) in the case of an Ordinance assented to by the Administrator, on the date on which he assents to it; and

(4) Printed in this Volume on p. 1218.

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(b) in the case of an Ordinance reserved for the Governor-General's pleasure, on the date on which a notification that the Ordinance has received the Governor-General's assent is published in the *Gazette*.

“(2.) An Ordinance shall not come into operation before the date referred to in paragraph (a) or paragraph (b) of the last preceding sub-section, as the case may be.”.

Time when Ordinance or instrument comes into operation.

6. Section thirty of the Principal Ordinance is amended by inserting at the commencement thereof the words “Subject to the last preceding section,”.

Proclamations, &c., judicially noticed.

7. Section thirty-eight of the Principal Ordinance is repealed.

Numbering of Ordinances.

8. Section forty of the Principal Ordinance is repealed and the following section inserted in its stead:—

“40.—(1.) The Ordinances of the Territory passed in each secular year shall be numbered in regular arithmetical series beginning with the number one—

(a) in the case of Ordinances made by the Governor-General in Council, in the order in which they are notified in the *Commonwealth of Australia Gazette*; and

(b) subject to this section, in the case of Ordinances made by the Legislative Council, in the order—

(i) in which the Administrator assents thereto; or

(ii) in which notification that they have received the Governor-General's assent is published in the *Gazette*.

“(2.) Where on the same date—

(a) notification that Ordinances made by the Legislative Council have received the Governor-General's assent is published in the *Gazette*; and

(b) the Administrator assents to Ordinances made by the Legislative Council,

the Ordinances referred to in paragraph (a) of this sub-section shall be numbered before the Ordinances referred to in paragraph (b) of this sub-section.

“(3.) The first Ordinance made by the Legislative Council to be numbered shall be given the number immediately following the last number given to an Ordinance made by the Governor-General in Council.”.

Interpretation of terms.

9. Section forty-nine of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.) before the words—

“‘Judge’ Judge of the Supreme Court of the Territory of Papua and New Guinea;”

the words—

“ ‘Government Printer’ Administration Printer as defined in section six of this Ordinance; ”;

(b) by omitting from that sub-section the words—

“ ‘Magistrate’ or ‘Resident Magistrate’ District Officer appointed under the *Papua and New Guinea Act 1949*⁽⁵⁾; ”

and inserting in their stead the words—

“ ‘Magistrate’ or ‘Resident Magistrate’ District Commissioner as defined in section six of this Ordinance; ”;

(c) by inserting in that sub-section after the words—

“ ‘the Administrator in Council’ the Administrator in Council of the Territory of Papua and New Guinea; ”

the words—

“ ‘the Crown’ .. the Administration of the Territory of Papua and New Guinea; ”;

(d) by omitting from that sub-section the words—

“ ‘the Government Printer’ the Administration Printer of the Territory of Papua and New Guinea; ”; and

(e) by omitting from that sub-section the words—

“ ‘the Legislative Council’ the Governor-General of the Commonwealth, or the person for the time being administering the Government of the Commonwealth, acting with the advice of the Federal Executive Council; ”

and inserting in their stead the words—

“ ‘the Legislative Council’ the Legislative Council for the Territory of Papua and New Guinea; ”

(5) Now the *Papua and New Guinea Act 1949-1950*, printed in this Volume on pp. 52-76.

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

Interpretation
of terms.

10. Section fifty-five of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.) before the words—

“ ‘Judge’ Judge of the Supreme
Court of the Territory
of Papua and New
Guinea; ”

the words—

“ ‘Administration
Printer’ Administration Printer
as defined in section
six of this Ordinance; ”;

(b) by omitting from that sub-section the words—

“ ‘the Administration the Administration
Printer’ Printer of the Terri-
tory of Papua and
New Guinea; ”; and

(c) by omitting from that sub-section the words—

“ ‘the Legislative Coun- The Governor-General of
cil’ the Commonwealth, or
the person for the time
being administering
the Government of the
Commonwealth, acting
with the advice of the
Federal Executive
Council; ”

and inserting in their stead the words—

“ ‘the Legislative Coun- the Legislative Council
cil’ for the Territory of
Papua and New
Guinea; ”.

Proclamations
&c., judicially
noticed.

11. Section sixty of the Principal Ordinance is repealed.