DECREE FOR THE REGULATION OF THE ADMINISTRATION OF NETHERLANDS NEW GUINEA

1960

Typescript translation of Dutch original by Dept. of Territories, Canberra.

[Soestdyk, 1961. 40p.]
Terminology.

General regulation of administration = Royal Decree.


Council of State = Executive Council.
Gazette for the Kingdom of the Netherlands

582. Decision of 29 December, 1960, announcing the text of the revised Decree for the Regulation of the Administration of Netherlands New Guinea.

We Juliana, Dei Gratia, Queen of the Netherlands, Princess of Orange Nassau, etc., etc., etc.

On the submission of the Minister for Internal Affairs, Division of Administrative and Juridical Affairs Netherlands New Guinea, No. 437596/5521;

Following article III of the law of 10 November, 1960, (Gaz. 454) regarding partial revision of the Decree for the Regulation of the Administration of Netherlands New Guinea;

Have approved:

the text of the revised Decree as follows this decision to be published in the Gazette of the Kingdom of the Netherlands and the Government Gazette of Netherlands New Guinea. Our Minister for Internal Affairs is charged with the execution of this decision.

Soestdyk, 29 December, 1960.

JULIANA

The Minister for Internal Affairs,

TH. T. BOT.

Published the third of January, 1961.

The Minister for Justice

A.C.W. BEERMAN.
Decree for the Regulation of the Administration of

Netherlands New Guinea


First Chapter

Netherlands New Guinea and its Inhabitants

Article 1. Netherlands New Guinea includes the Territory of the former residency of New Guinea.

Article 2. Without prejudice to the articles of the Constitution, the following legal regulations apply to Netherlands New Guinea:

(i) treaties and other agreements with foreign powers and international organisations for as far as they apply to Netherlands New Guinea;

(ii) general regulations, i.e.:

(a) laws, including laws of the Kingdom which by virtue of the articles of the Constitution, are binding for Netherlands New Guinea;

(b) general regulations of administration, including those of the Kingdom being decisions of the King, in the form prescribed by the Constitution for general regulations of administration, for as far as they are binding for Netherlands New Guinea;

(c) ordinances, being regulations determined by the Governor in agreement with the New Guinea Council according to article 1111;

(d) decisions regarding general regulations promulgated by the Governor within the limits of his authority after he has consulted the Council of Permanent Heads;

(iii) local ordinances, by virtue of the articles of this approved law, made by

(a) territorial and other communities;

(b) Administrators mentioned in article 121.

Article 3. 1. Slavery is prohibited in Netherlands New Guinea.

2. Compulsory or obligatory labour, to which the Treaty regarding compulsory or obligatory labour applies (Geneve 1930) (Gaz. 1933 No. 236), shall not be demanded.
3. Except in the case of small village services, an ordinance shall provide for the nature and length of compulsory or obligatory labour to which the treaty mentioned in subsection 2 does not apply, taking in regard the existing customs, institutions and needs.

Article 4. All persons in the territory of Netherlands New Guinea have equal right to protection of person and goods.

Article 5. Extradition of foreigners shall only be agreed to where treaties exist, and then according to regulations which should be as similar as possible to existing laws in the Netherlands, and which shall be provided for by a general regulation of administration.

Article 6. 1. The regulations regarding admission to and settlement in Netherlands New Guinea shall be provided for, as far as possible, by a general regulation of administration, and the remaining regulations by ordinance.

2. Inhabitants of Netherlands New Guinea are those persons who are living in New Guinea, unless the regulations provide otherwise.

3. The right to remain in certain parts of Netherlands New Guinea cannot be denied to an inhabitant except in the case of and in the manner prescribed by article 37, section 2.

The inhabitant who leaves Netherlands New Guinea, and who does not return within eighteen months shall be deemed to have ceased living in Netherlands New Guinea and shall no longer be regarded as an inhabitant.

5. Minors and persons deprived of the management of their affairs, whose legal representatives are inhabitants of Netherlands New Guinea, shall be deemed to be inhabitants; the same applies to a wife whose husband is an inhabitant of Netherlands New Guinea, and who is not separated from bed and board (i.e. roughly equivalent to a decree of judicial separation in Australia).

6. Definitions of inhabitants as they appear in other general ordinances shall only be valid for the purpose of those specific ordinances.

Article 7. 1. Any Netherlands subject may be elected or appointed to any public office and may vote, in accordance to the regulations of the ordinance.

2. Foreigners may not vote or be elected or appointed. In certain cases ordinances may provide for exceptions to be made in regard to the right to vote in connection with the communities mentioned in chapter eight and for appointment to certain offices.

Article 8. 1. No one needs permission to express thoughts or feelings through the press.

2. An ordinance shall lay down the responsibility of
writers, editors, publishers and distributors and, in the interest of public order and decency, secure against the misuse of the freedom of the press.

Article 9. 1. Any one has the right to send petitions to the appropriate authority in the Netherlands or Netherlands New Guinea.

2. Petitions must be signed personally and must not be signed in another person's name, except in the case of legally constituted or acknowledged bodies in regard to subjects directly related to their work.

3. Illiterate persons may send petitions through the agency of officers who have received authority from the Governor to act as intermediaries.

Article 10. The right of association and of assembly may, in the interest of public order, decency or health, be subject to the regulations and restrictions of an ordinance.

Second Chapter
The Governor
First Division
His appointment and retirement

Article 11. The Governor shall be appointed and retired by the King.

Article 12. The Governor must have reached the age of thirty years.

Article 13. 1. The Governor may not have any direct or indirect interest in, or be guarantor for, any enterprise which is based on an agreement to make profit or gain advantages in Netherlands New Guinea or any part thereof.

2. He may not possess Netherlands New Guinea debentures, except government debentures.

3. He may not have any direct or indirect interest in any concession or enterprise of any kind which is established or operates in Netherlands New Guinea.

4. The first and third article applies to him until five years after his retirement.

Article 14. Consanguinity and affinity up to and including the third degree may not exist between the governor on the one hand and the vice-chairman or members and extraordinary members of the Council of Permanent Heads on the other.
2. He, who comes into the prohibited degree of affinity after his appointment shall remain in office only with permission of the King.

3. Affinity ceases with the dissolution of the marriage which created it.

Article 15. The Governor shall, before taking office, make and subscribe before the King or a person thereto authorised by the King, the following oath or affirmation:

"I swear that I, directly or indirectly, to obtain my appointment as Governor, have not, under whatever name or pretence, given or promised anything to any one, nor shall do so.

I swear that I, while in office, shall not accept directly or indirectly, any presents or promises for any action or omission.

I swear allegiance to the King and Constitution; that I shall foster the well-being of Netherlands New Guinea to the best of my ability; that I, at all times, shall keep the Decree for the Regulation of the Administration of Netherlands New Guinea, and shall have it kept, and that I, at all times, shall behave as a courageous and honest Governor becomes.

So help me God."

Article 16. 1. If the appointment of the Governor is contained in a secret and sealed document, this document shall also contain the appointment of the person in whose presence the prescribed oath must be taken.

2. Such a document shall be opened at a meeting of the Council of Department Heads.

3. After all the members present have examined the document it shall be placed in the archives of the Council.

Article 17. The Governor shall take office by submitting a copy of his letter of appointment and record of the oath taking ceremony to a formal meeting of the New Guinea Council, and he shall notify the inhabitants by proclamation of his taking up office.

Article 18. The Governor shall stay in office until he has handed over his office to his successor, unless the King orders or permits him to retire earlier.

Article 19. The Governor may not leave Netherlands New Guinea without the permission of the King.

Article 20. 1. When it is suspected that the Governor is insane, the vice chairman of the Council of Department Heads shall call, on his own accord or on request of five members, a meeting of the Council in order that the grounds for suspicion may be examined.
2. The Council having decided that grounds exist, shall order a medical examination by a commission consisting of three doctors.

3. The commission shall be authorised to consult the physician of the Governor and will report to the Council.

4. The discussions of the Council shall be recorded in duplicate and signed by the vice-chairman, members and secretary.

5. If the Council considers that the report of the Commission confirms the suspicion, one of the signed reports shall be sent to the King forthwith and a meeting of the New Guinea Council called.

6. The meeting shall be held with closed doors. The meeting shall declare after having heard persons who can give information under oath, with an absolute majority of members present, whether there are grounds to consider the Governor unfit to remain in office.

7. The declaration that grounds exist shall relieve, for as long as it is not withdrawn after another similar examination, the Governor of his office pending the decision of the King.

8. The discussions of the New Guinea Council shall be precisely recorded in duplicate and signed by all members and the clerk.

9. One record shall be sent immediately to the King.

10. If the Governor, by reason of a sudden illness, were unable to execute his duties and unable to appoint an Acting Governor according to article 28, the regulations in this article apply also, with the understanding that the Governor after he has sufficiently recovered, shall resume office.

Article 21. 1. The Governor shall, under regulations contained in the law of 22 April 1855 (Gaz. 33) regarding the responsibilities of heads of ministerial departments, liable to punishment if he wilfully:

(a) executes, or has someone execute, Royal decisions or Decrees, the execution of which he has not been charged with by the Minister in charge of matters affecting Netherlands New Guinea;

(b) executes, or has someone execute, Royal Decisions or Decrees not endorsed with the necessary signature of one of the heads of the ministerial departments;

(c) takes decisions or gives orders, or keeps existing decisions or orders violating this law or other laws of Netherlands New Guinea;

(d) neglects to execute or to have someone execute, the requirements of this law or any other law of Netherlands New Guinea, or of Royal decisions and decrees not being legal regulations, the execution of which he has been
charged with by the Minister in charge of matters affecting Netherlands New Guinea;

(e) if he, unintentionally, grossly neglects the action described in (d).

2. The actions mentioned in this article shall be considered offences.

3. The actions mentioned in (a), (b), (c) and (d) are punishable with the punishment laid down in article 355 and the action mentioned in (e) with the punishment laid down in article 356 of the Netherlands Criminal Code.

Article 22. 1. The Governor, during the term of his office, cannot be ordered before a criminal or civil court, nor can he be called, without his agreement, to appear as witness.

2. He cannot, after his retirement from office in Netherlands New Guinea, be prosecuted for actions which took place during his term of office.

Article 23. 1. Except for official offences the Governor shall stand trial in the Netherlands before a judge who would be qualified to hear the case if the offence had been committed in the municipality in which the seat of the Netherlands Government is established.

2. The penalty for the offence is the penalty prescribed by the law of the place where the offence has been committed.

Article 24. 1. The Governor shall stand trial, even after his retirement, for official offences before the High Court of the Netherlands if prosecuted by the King or by the House of Representatives.

2. If the Governor in the case provided for in section 1, or in the case of other punishable actions were prosecuted in the Netherlands he shall transfer his duties to the person who has been appointed by the King or by this law to act for him.

Article 25. 1. If the Governor were temporarily relieved from the execution of his duties according to article 20, or if he became unable to execute his duties and has not had the opportunity to hand over the daily administration of affairs in accordance with article 28 to the person mentioned therein, the Acting Governor shall be the person so appointed by the King, or if such an appointment has not been made or if and so long as this person is unable to take up office, the vice-chairman of the Council of Department Heads.

2. The same shall apply when the Governor dies, goes on leave or retires and his successor has not yet been appointed or cannot yet take up duty.

Article 26. All articles of this law which apply to the Governor apply to the Acting Governor, with the exception of articles 12, 14, 15, and 17 and that the prohibiting regulations
in article 15 do not apply to the interests the Acting Governor possessed in the mentioned enterprises before he accepted office and that the last subsection does not apply to him.

Article 27. The Acting Governor shall notify the inhabitants of his taking office by proclamation and shall as soon as possible make and subscribe, at a thereto called extraordinary meeting of the New Guinea Council, before the chairman of the Council the following oath:

"I swear that I, while in office, shall not accept, directly or indirectly, any presents or promises for any action or omission.

I swear allegiance to the King and the constitution, that I shall foster the well-being of Netherlands New Guinea to the best of my ability, that I, at all times, shall keep the Decree for the Regulation of the Administration of Netherlands New Guinea, and shall have it kept, and that I, at all times, shall behave as a courageous and honest Governor becomes.

So help me God".

Article 28. If, by reason of illness or a short absence of the Governor a provision were necessary, he shall hand over the daily administration of affairs to the person who, in accordance with article 25, in the cases mentioned in that article, shall act as Governor.

Second Division

The powers of the Governor and his responsibilities.

Article 29. 1. The Governor shall exercise and perform, in the name of and as representative of the King, and in accordance with the provisions of this law, the general administration of Netherlands New Guinea following the King's instructions.

2. In the execution of his office he shall be responsible to the King and shall furnish to the Minister in charge of matters affecting Netherlands New Guinea all requested information.

Article 30. 1. The Governor shall have the command over the military forces available to him.

2. He shall exercise this command in connection with the administrative relations between the forces and ministerial departments and according to special decrees of the King.

3. He shall command the forces in accordance with directions of the King in such a manner as he deems necessary in the interest of the Kingdom as a whole and Netherlands New Guinea in particular.

4. He shall have the right to suspend commanders and officers and shall notify the King forthwith of the suspension. The suspension shall be provisional until confirmed by the King.
Article 31. 1. To maintain external or internal security the
Governor may proclaim any part of Netherlands New Guinea to be in
a state of war or state of siege or establish a state of increased
civilian vigilance. In accordance with article 46 b and
ordinance shall provide for the cases and the manner in which such
states may be declared.

2. Regulations under this ordinance may provide
for those general regulations which, because of the proclamation
of a state of war or siege or increased civilian vigilance, totally
or partially, cease to operate.

* See
page 9a

Article 33. The Governor shall have the administration of
the moneys and public property of the Country.

Article 34. 1. The Governor shall determine the salaries of
public servants, unless the law provides otherwise.

2. An Ordinance shall provide for the rights to
recreation leave, salary while on leave, half pay and pensions.

Article 35. The Governor, after receiving advice from the
Court of Justice, may grant dispensation to a convicted person of
penalties imposed by a judge of a civil court of Netherlands New
Guinea if the convicted person resides there.

2. If such a sentence carries the death penalty,
the penalty shall not be carried out until the Governor has had the
opportunity to commute the sentence.

3. He may not, unless previously especially
authorised by the King, grant amnesty, remission or general pardon,
except in extremely urgent cases, after consultation of the Council
of Permanent Heads and with reservation for the King's assent.

Article 36. No dispensation can be granted by the Governor
except in the cases and in the manner provided for by the general
regulation dealing with dispensation.

Article 37. 1. The protection of the indigenous population,
especially against the arbitrary actions of anyone, shall be one
of the main obligations of the Governor.

2. To protect the indigenous population an
ordinance may provide for regulations whereby:

A the Governor is given the authority to make special
regulations regarding restrictions on travel to and from the in-
terior of Netherlands New Guinea; denial of the right to remain in
certain parts of Netherlands New Guinea; prohibition of import of
goods harmful to the population; temporary prohibition of re-

cruitment of labour by enterprises.

B temporarily certain areas in Netherlands New Guinea
are indicated in which non-indigenous agricultural and mining
enterprises are subject to certain special conditions, in the
interest of the population.
Article 32. 1. Without prejudice to article 88 the Governor may suspend and dismiss public service officers unless their appointment suspension and dismissal are reserved for the King.

2. The Governor may delegate the authority mentioned in section 1.

3. He may provide in the interest of the service, for persons to act in positions normally requiring appointment by the King.

4. An ordinance shall provide for the legal position of public servants.
Article 38. The Governor shall promote the economic development of New Guinea but at the same time consider the obligation placed on him by article 37.

Article 39. (Footnote: article II of the law of 30 June 1960, Gaz. No. 261, reads: The legal regulations and administrative provisions as stated in sections 3, 6 and 7 of article 39 of the Decree for the Regulation of the Administration of Netherlands New Guinea, which are operative at the time this law comes into operation shall remain in force until they are replaced in accordance with the provisions of this law).

1. The Governor shall see to it that the rights of the indigenous population to the soil shall be respected. These rights cannot be alienated unless for the common good, on the grounds of article 127, nor can they be restricted by the government unless on the ground of legal regulations.

2. The Governor may, for the common good, repossess lands on which there is a claim by the indigenous population, but which are not farmlands, gardens or permanent agricultural fields or other lands determined by ordinance; the claimants must be given reasons why they have to suffer the restrictions on their rights in accordance to regulations and guarantees to be provided by ordinance.

3. Lands on which there are claims by the indigenous population, as well as buildings, perennial plants and trees cannot be used by persons, personally or through an intermediary, who are not indigenes, in cases other than those provided for by ordinance.

4. Unowned land, on which there is no claim, shall be the property of the country.

5. The Governor may, according to regulations provided for by general regulation of administration grant land with the right of ownership.

6. According to regulations to be provided for by ordinance lands may be granted with other civil rights.

7. Land to be used for agricultural enterprises shall only be given in lease, the duration of which shall not exceed ninety nine years. This land shall not include farmlands, gardens or permanent agricultural fields of the indigenous population, nor as other land described by ordinance except in very few cases, provided for in the ordinance, on agreement with the indigenes concerned.

Article 40. The Governor shall report annually to the King on the administration and status of Netherlands New Guinea.

Article 41. The Governor is responsible for the proclamation and execution of laws and general regulations of administration sent to him by the King for that purpose.
Article 42. 1. The Governor may, for important reasons, delay the ordered proclamation or execution, except for laws regarding the approval of treaties and other agreements with foreign powers or international organizations, but shall inform the King forthwith of the delay.

2. When the proclamation or execution of a law has been delayed Parliament should be informed by the King as soon as possible.

3. If the King does not agree with the action of the Governor, he shall be immediately informed. The Governor shall then proceed forthwith with the proclamation or execution.

Article 43. 1. The laws and general regulations of administration shall be published in the Government Gazette, mentioning the date of issue.

2. The proclamation shall be formulated as follows:

"In the name of the King;
The Governor of Netherlands New Guinea,
having received from the King the order
to publish the following law (general regulation
of administration):

............ Text ............

"has ordered the publishing of it in the
Government Gazette.

"At , this day of 

Signed by the Governor & the Govt. Sec.

Article 44. If no specific date is mentioned, the proclaimed law or regulation shall come into operation on the thirtieth day after the issue of the Government Gazette containing the proclamation.

Article 45. 1. The Governor may assent or withhold his assent, considering article 93 and in agreement with the New Guinea Council, to:

(a) ordinances affecting the internal affairs of Netherlands New Guinea, unless otherwise provided for in the Constitution;

(b) ordinances containing the regulations necessary to execute a law or a general regulation of administration.

2. He is responsible for its immediate proclamation.

Article 46. Without prejudice to other provisions of this law general regulations of administration may provide for matters related to:

(a) treaties and other agreements with foreign powers and international organizations and rights and obligations regarding international law;
(b) the defence of the territory of New Guinea;
(c) copyright and industrial assets;
(d) weights and measures;
(e) certificates of maritime registration and ships' papers;
(f) aviation.

Article 47. Ordinances may not include provisions for matters which, according to the Constitution, are Kingdom Affairs or for matters mentioned in article 2 as far as they apply to Netherlands New Guinea.

Article 48. Regulations under ordinances regarding matters which shall be provided for by legal regulations as stated in article 2, sections (i) and (ii) (a) (b), shall cease to operate as soon as such legal regulations come into force in Netherlands New Guinea.

Article 49. 1. The Governor shall forward to the King all ordinances he has assented to.

2. Ordinances conflicting with existing laws, general regulations of administration, treaties or international agreements, and with the common good may be suspended by the King and annulled by law.

3. The suspension shall be ordered by the King, and the fact published, together with the reasons for suspension, in the Government Gazette.

4. The suspension shall cease the operation of the suspended provisions immediately.

5. If, within one year after suspension no law to annul the ordinance has been passed the suspension shall lapse. This shall be published in the Government Gazette.

6. If a Bill to annul an ordinance is defeated the suspension shall be deemed to have ceased. This shall be published in the Government Gazette.

7. Provisions which have been previously suspended cannot be suspended again.

8. The law shall regulate the consequences of the annulment.

9. In case of annulment the Governor shall, if necessary, make new regulations to replace the annulled provisions.

Article 50. Deleted.

Article 51. Deleted.
Article 52. Except in the case of suspension, the provisions of an ordinance shall apply until they are replaced by a more recent ordinance or are deleted by virtue of article 48 or until the law of annulment has become operative in Netherlands New Guinea.

Article 53. 1. The proclamation of an ordinance shall occur by its publication in the Government Gazette.

2. The proclamation shall be formulated as follows:

"In the name of the King!
"The Governor of Netherlands New Guinea,
"Having considered:

(Reasons for ordinance)

"Having heard the Council of Department Heads
"and in agreement with the New Guinea Council, has
"assented to the following ordinance!"

or, in cases provided for in article 111d, subsection 1 of this law:

"Having heard the Council of Permanent Heads and
in accordance to article 111d, subsection 1 of the
Decree for the Regulation of the Administration of
Netherlands New Guinea, has assented to the following
ordinance!"

(Text of ordinance)

"At this day of ."

Signed by the Governor and Government Secretary.

Article 54. If no specific date is mentioned the proclaimed ordinance shall come into operation on the thirtieth day after the issue of the Gazette containing the proclamation.

Article 55. 1. The Governor shall be authorised to promulgate decisions regarding general regulations of administration, and laws and general regulations of administration sent to him by the King for this purpose, and ordinances. Articles 47 and 48 apply to these decisions.

2. An ordinance shall provide for the penalties for breaking the provisions of decisions regarding general regulations of administration.

Article 56. 1. Such decisions shall be proclaimed by their publishing in the Government Gazette, mentioning the date of issue.

2. The proclamation shall be formulated as follows:

"In the name of the King!
"The Governor of Netherlands New Guinea,
"Considering that for the execution of (the relevant
law, general regulation of administration or
ordinance)
it is necessary to provide the following;

"Having heard the Council of Permanent Heads has decided:

(decision)

At this day of ____________

Signed by the Governor and Government Secretary.

Article 57. If no specific date is mentioned the decision shall come into operation on the thirtieth day after the issue of the Government Gazette containing the proclamation.

Article 58. 1. The Governor shall immediately inform the King of the decision.

2. Having heard the Council of State the King may decide to partially or totally annul the decision of the Governor, stating reasons.

3. The decision of the King shall provide for the consequences of the annulment.

Article 58a. While there is an Acting Governor the formulations of administration shall be altered accordingly.

Article 59. The Governor shall see to the obedience of laws, general regulations of administration, treaties and international agreements. He shall submit the necessary reports to the King.

Third Chapter

Departments of General Administration

Article 60. 1. The departments of general administration shall be controlled by department heads, whose duties and authorities shall be determined by the Governor with the approval of the King.

2. The department heads shall be appointed, suspended and dismissed by the King in consultation with the Governor. They shall not hold office for more than five years, but they may be reappointed immediately.

3. Their salaries shall be determined by the Governor with the approval of the King.

Article 61. Before taking up office the department heads shall make and subscribe before the Governor the following oaths:

(Similar to oaths in articles 15 and 27)
Fourth Chapter
Council of Department Heads
First Division
Composition

Article 62. 1. The Department Heads together shall constitute the Council of Department Heads.

2. The Attorney-General of the Court of Justice shall be an extraordinary member.

3. The King may, in consultation with the Governor, appoint, suspend or dismiss other extraordinary members. They shall not hold office for more than five years, but they may be reappointed immediately. Standing orders shall determine their activities.

4. The members and extraordinary members have equal voting rights.

5. One of the members or extraordinary members shall be appointed to vice chairman of the Council. He shall be appointed, suspended or dismissed by the King. He shall not hold office for more than five years, but he may be reappointed immediately.

6. The Governor may be chairman of the Council as often as he considers it necessary. He shall then have an advisory vote.

7. A member or extraordinary member of the Council shall not be at the same time a member of the New Guinea Council.

Article 63. The vice chairman and extraordinary members as mentioned in article 62 subsection 3 shall, before taking office, make and subscribe before the Governor the following oath:

(similar to oath in articles 15, 27 and 61).

Article 64. The Government Secretary shall perform the duties of the secretary of the Council.

Article 65. Standing orders for the Council shall be determined by the Governor. They shall be published in the Government Gazette.

Second Division
Procedure

Article 66. 1. The Council of Department Heads shall be heard by the Governor regarding:

(1) All Bills for an Ordinance which the Governor
wishes to lay before the New Guinea Council or which the New Guinea Council has submitted to the Governor for his assent;

(ii) all budget estimates and related documents and — after the time mentioned in article 119 — all draft estimates which the Governor wishes to lay before the New Guinea Council;

(iii) all Bills for an Act, general regulation of administration and treaties or other agreements with foreign powers or international organisations, in which the New Guinea Council has been consulted;

(iv) all Bills for a Decision regarding general regulations which the Governor wishes to promulgate;

(v) all affairs where this is prescribed by this law or other general regulation;

(vi) all special cases of importance;

(vii) all other matters in which the Governor wishes to consult the Council.

2. The Council is authorised to advise the Governor on its own accord in matters in which it considers this advisable in the interest of the Kingdom or of Netherlands New Guinea.

Article 67. The Council shall, if requested, submit its consideration to the Governor in writing.

Article 68. Officers of the forces and officers of the public service, not being members of the Council, shall on request by the Governor, attend meetings to supply information.

Article 69. The Council shall perform all duties placed on it by this law or other general regulation.

Fifth Chapter (Deleted)

Article 70. Deleted.

Article 71. Deleted.

Sixth Chapter

The New Guinea Council

Article 72. There shall be a New Guinea Council to represent the inhabitants of Netherlands New Guinea.

First Division

Composition

Article 73. The number of members shall not be less than twenty-four and shall not exceed forty-eight.
Article 74. Membership of the Council shall be restricted to those persons who:

(i) possess the Netherlands nationality;

(ii) have lived in Netherlands New Guinea for a minimum period to be laid down by ordinance;

(iii) have reached the age of 23 years;

(iv) have not been deprived of franchise by an irrevocable court decision;

(v) are not excluded from franchise by virtue of article 78, section 1, a, c, e and f.

Article 75. 1. A member of the Council shall not be at the same time Governor, vice-chairman, member or extraordinary member of the Council of Department Heads, president or member of, or Attorney-General of the Court of Justice, Government Secretary or head of an administrative district as mentioned in article 121, or consular representative of a foreign power.

2. The compatibility of membership of the Council and other government positions shall be provided for by the ordinance.

3. Officers of the military forces who accept membership of the Council shall be considered, for the duration of the membership, to be non-active service. At the termination of membership they shall return to active service.

Article 76. 1. The members shall be elected or shall be appointed by the Governor.

2. A general regulation of administration shall, before each session, determine the number of members to be elected and appointed.

Article 77. Electorates and election procedures shall be determined by ordinance. The ordinance shall not discriminate according to population groups.

Article 78. 1. The elections shall be on the district electoral system. As soon as circumstances allow a uniform system of direct proportional voting shall be adopted.

2. Elections shall be voluntary and secret.

3. Persons, who:

(i) possess the Netherlands nationality;

(ii) have lived in Netherlands New Guinea for a minimum period to be laid down by ordinance;

(iii) have reached the age to be laid down by ordinance, but which shall not be less than 21 years;
(iv) are not excluded from franchise; have the right to elect.

4. Excluded from franchise are those persons, who:

(a) have been deprived of franchise by an irrevocable court decision;

(b) have been legally deprived of their freedom;

(c) have been deprived of the management of their affairs by a court decision because of insanity or who have been deprived of their patental control of one or more of their children;

(d) have been sentenced by irrevocable court decision to more than one year imprisonment, for a period exceeding the prison term by three years and, if they are again sentenced to more than one year of imprisonment, for a period exceeding the prison term by eight years, the exclusion to begin on the day on which the court decision comes into operation;

(e) have been convicted of mendicancy or vagrancy, for a period exceeding the penalty by three years, and, if convicted again, for a period exceeding the penalty by eight years; the exclusion to begin on the day on which the court decision comes into operation;

(f) have been convicted more than two times for an offence, including public drunkenness, for a period of three years after the court decision has become irrevocable.

5. An irrevocable court decision shall be comparative to the loss of the right of reduction of penalty according to article 82, section 1 of the Criminal Code.

6. Further provisions regarding franchise shall be provided for by ordinance.

Article 79. 1. In appointing members the representative character of the Council shall be taken into consideration.

2. In appointing representations from districts where elections are not yet held, recommendations from those districts shall be taken into consideration.

3. An ordinance shall stipulate the districts from which recommendations shall be obtained and for the procedure regarding the obtaining of recommendations.
Second Division

Establishment

Article 80. 1. A member shall hold office for a period of four years commencing on the day of election.

2. He shall be eligible for re-election or reappointment.

3. A member who has filled a vacant office shall retire at the same time as other members.

Article 81. A member shall vote without consultation.

Article 82. 1. A member shall, before taking his seat, make and subscribe before the Governor or Chairman-in-Council thereunto authorised by the Governor the following oath or affirmation:

(similar to oaths in articles 15, 27, 61 and 63)

2. Members who do not speak the Netherlands language shall be authorised to make and subscribe an oath the translation of which shall be the same in form and meaning as the oath in subsection 1.

Article 83. 1. The Chairman shall be appointed by the King from three persons recommended by the Council and for a period ending at the retirement of the members. The salary and pension attached to the position shall be determined by the King.

2. If a person, who is not a member of the Council, is appointed as chairman, he shall obtain membership ex officio over and above the determined number of members. In this event article 72 subsection 2 shall not apply.

3. The Chairman may only be dismissed by the King. Dismissal shall result in the loss of membership if this has been obtained by virtue of subsection 2 of this article.

4. Until a chairman has been appointed by the King, the person who was chairman during the preceding sitting period shall be acting chairman, if he is a member of the new Council, or otherwise the first or second vice-chairman if he is a member of the new Council. Otherwise the person oldest in years from amongst the persons who have been members of the Council for the longest period shall be acting chairman. If such a person is not available, then the oldest member shall be acting chairman.

Article 84. 1. The members shall receive, in accordance with regulations to be provided for under ordinance, travel and living allowances as well as attendance money.

2. The chairman shall not receive attendance money.

Article 85. 1. The Council shall examine the credentials of new members and shall settle disputes regarding those credentials or the election of new members, in accordance with regulations to be provided under ordinance.
2. For the first Council the Governor shall decide these matters.

Article 86. 1. A person shall not be qualified to continue as a member of the Council if:

(a) he ceases to live in Netherlands New Guinea;

(b) he is absent from Netherlands New Guinea for a period of more than seven months, except in special cases to be decided by the Governor in consultation with the Council;

(c) he loses one of the prerequisites of membership;

(d) he accepts a position which is incompatible with membership.

2. He shall forthwith inform the Governor accordingly.

Article 87. 1. Members may resign at any time.

2. They shall inform the chairman, or in the case of appointed members, the Governor in writing. The resignation shall become effective on the date mentioned in the resignation. If no date is mentioned the resignation shall become effective on the day it is received by the chairman or the Governor.

Article 88. 1. The Council shall appoint and dismiss its Clerk.

2. He shall not be a member at the same time.

3. The legal position of the Clerk and of other persons appointed by the Council shall be provided for by ordinance.

Third Division

Task

Article 89. The New Guinea Council may advocate the interests of Netherlands New Guinea and its inhabitants.

Article 90. 1. The Council may invite the Governor to supply information regarding matters affecting the interests of Netherlands New Guinea.

2. The Government shall, in person or through a delegate, supply this information unless it conflicts with affairs entrusted to him only.

Article 91. 1. The New Guinea Council shall be given the opportunity to offer within a period to be determined by the Governor, advice regarding bills for a general regulation of administration, which apply to Netherlands New Guinea, before they shall be assented to, with the exception of bills for a general regulation of administration:
(a) which affect matters, which by virtue of the constitution, are Kingdom affairs;

(b) in cases as stated in article 111c, subsection 3 and article 111d, section 3;

(c) in cases of extreme urgency, at the discretion of the King.

2. Under the heading of the general regulations of administration, mentioned in subsection 1, it shall be stated that the New Guinea council was consulted, or otherwise it shall there be stated what urgent circumstances prevented the consultation of the Council.

Article 92. 1. The New Guinea Council shall be given the opportunity to offer, within a period to be determined by the Governor, advice regarding Bills for an Act which applies to Netherlands New Guinea, before they shall be introduced into Parliament with the exception of Bills for an Act:

(a) as mentioned in articles 115, 119a, 119b, section 2, and 119e, section 2;

(b) in case of extreme urgency, at the discretion of the King, or at the discretion of the Chairman of the House of Representatives where Bills for an Act are introduced according to article 126 of the Constitution.

2. The advice shall be submitted to the House of Representatives together with the Bill, or, in the case of a Bill introduced in accordance with article 126 of the Constitution, as soon as possible.

3. If the advice has not been given within the determined period the House of Representatives shall be so informed at the introduction of the Bill, or in the case of a Bill introduced in accordance with article 126 of the Constitution, as soon as possible.

Article 93. 1. Ordinances, as stated in article 45, shall be assented to in agreement with the Council, in accordance with the provisions of the sixth division of this chapter, except in cases mentioned in article 111d, section 1.

2. The Council has the right to amend Bills for an Ordinance.

Article 94. The Council has the right to propose ordinances to the Governor.

Article 95. The Council shall cooperate in the preparation of estimates of expenditure and revenue in accordance with the articles of the seventh chapter.
Fourth Division

Procedure

Article 96. The Council shall determine its procedures by Standing Orders. They shall be published in the Government Gazette.

Article 97. 1. The Council shall sit each year. The session shall begin on a day to be determined by the Governor, but not later than 1st July. The session shall be opened and closed by the Governor. The Governor may determine a maximum period for the session.

2. The Chairman shall call a meeting when at least one-third of the members requests it in writing, stating reasons, or when the Governor or Chairman deems it necessary.

Article 98. The Council shall, during the first session of the period mentioned in Article 80 and for the duration of that period, appoint a first and second vice-Chairman from amongst its members. If these positions become vacant before the next election, the successors shall be appointed for the remaining period.


2. The doors shall be closed when the Chairman considers this necessary, or when four of the members present demand it.

3. The Council shall decide whether it shall discuss with closed doors. Such discussion is not permitted for in regard of matters as stated in articles 95, 119a and 160, subsection 1.

4. Matters discussed with closed doors may be decided in the same manner.

Article 100. The Council can take no decisions if not more than half its members are present.

Article 101. 1. All decisions shall be taken with an absolute majority of votes.

2. If the voting is equal and there have been no abstentions, the motion shall be deemed to have been defeated.

3. If the voting is equal and there have been abstentions the motion shall be adjourned until the next meeting; if the voting is equal again, the motion shall be deemed to have been defeated.

4. If four members require it, the voting shall take place orally and by calling each member in turn.

Article 102. 1. Voting regarding appointments, nominations and recommendations shall be by secret ballot.
2. The absolute majority of votes shall decide. If voting is equal, a toss shall decide.

Article 103. Members of the Council shall not be liable to prosecution for statements made, orally or in writing, in Council, unless they so make public what has been stated or decided with closed doors or in secret.

Article 104. 1. The Governor may attend meetings of the Council at all times. He has then an advisory vote.

2. He may send a representative to the Council to supply information in his name. The representative may be assisted by officers of the service.

3. The representatives shall not be liable for statements made, orally or in writing, at the meeting of the Council, unless they so make public what has been stated or decided with closed doors or in secret.

4. The Governor and his representative may speak when and as often as they wish.

Fifth Division

The Board of Delegates

Article 105. 1. The New Guinea Council shall appoint, as soon as possible after commencement of the term, for the duration of the term, a Board of Delegates.

2. The Board shall consist of the Chairman as member and chairman, as well as a number of members as laid down by Article 106, subsection 1.

3. The Clerk of the Council shall be Secretary of the Board.

Article 106. 1. The election of members of the Board and the replacement of resigned members shall take place according to regulations to be provided by Ordinance, in such a manner that the concurring wishes of every four members of the Council leads to the corresponding occupation of one seat in the Board.

Article 106. 2. Members of the Board shall retire at the same time.

3. Members, who have filled a vacant seat shall retire at the same time as other members.

Article 107. The allowances attached to the membership of the Board shall be provided for by ordinance.


2. Members of the Board may resign at any time; they shall give notice in writing to this effect. The resignation shall become effective on the date mentioned in the
notice, or, if no date is mentioned, on the day when it is received by the Chairman.

Article 109. 1. The Board shall, at its first meeting, appoint one of its members to vice-chairman for the duration of the term mentioned in Article 80.

2. If this position becomes vacant, a successor shall be appointed for the remainder of the term.

Article 110. 1. The meetings of the Board shall be public, except when performing the duty mentioned in Article 110c, section 4.

2. The doors shall be closed if the Chairman deems it necessary or three members demand it.

3. The meeting shall decide whether they shall discuss with closed doors. Such discussion is not permitted in regard to amendments to the estimates and matters mentioned in Articles 119e and 160, section 1.

4. Matters discussed with closed doors may be decided with closed doors.

5. The Board shall not take decisions if not more than half its members are present.

6. Articles 101 and 103 apply to the Board also.

Article 110a. 1. The Governor may attend meetings of the Board. He has then an advisory vote.

2. The Governor may send a representative to the meetings of the Board to supply information on his behalf. A representative may be assisted by officers of the service.

3. Articles 104, sections 3 and 4 apply to such representatives.

Article 110b. Standing orders for the procedures of the Board shall be determined by the New Guinea Council. They shall be published in the Government Gazette.

Article 110c. 1. During the period the New Guinea Council is in recess, the Board shall perform the duties of the Council as stated in articles 89, 90, 91, 92, 93, 111d section 3, 11e section 3, and 118, as well as matters concerning amendments to the estimates as mentioned in articles 119 and 119c. The Council reserves the right of initiative, matters concerning bills for an act or ordinance as well as bills to amend the budget, in accordance to article 96.

2. If a bill, decree, ordinance or amendment to the budget is so urgent that it cannot await a meeting of the Council, such urgency to be judged by the Governor, the Board of Delegates shall deal with it.

3. On authorization of the Council the Board may
perform the duties mentioned in section 1 during the period the Council is in session, with the exception of duties mentioned in articles 89, 90, 111d section 3 and 111e section 3.

4. The Board shall perform the preliminary duties connected with bills which will be dealt with by the Council.

SIXTH DIVISION

Ordinances

Article 111. 1. The Governor shall submit Bills for an Ordinance to the Council for consideration.

2. The Governor may, at the time of or after the submission, determine a period in which the Council must inform him of its decision.

Article 111a. The Council shall inform the Governor whether it concurs with the submitted bill.

Article 111b. The Governor shall inform the Council whether he assents or withholds his assent to a Bill for an Ordinance with which the Council has concurred.

Article 111c. 1. If the New Guinea Council does not concur with a Bill for an Ordinance submitted by the Governor, or if the Governor withholds his assent to the Bill as amended by the Council, the Governor may within six months from the date of the notice mentioned in article 111a, resubmit the Bill for an Ordinance, possibly amended by him.

2. The same procedure applies to the second submission, but this submission must be dealt with by the Council.

3. If again no concurrence has been obtained, the regulations may be passed by general regulation of administration.

4. Such a regulation may at any time be amended or cancelled by ordinance.

Article 111d. 1. The Governor may assent to a Bill for an Ordinance which has been submitted to the Council, without the concurrence of the Council if:

(a) the Council failed to notify him of its decision within the determined period;

(b) the Council notifies him that it does not concur, but urgent circumstances necessitate provision;

2. The New Guinea Council shall be informed of the assent.

3. In the event mentioned in section 1 subsection b, the Council may request, within three months after the Ordinance came into operation, to have the Ordinance changed into a general regulation of administration. Article 111e, section 4 then applies.
Article 111e. 1. If the New Guinea Council wishes the Governor to assent to a Bill for an Ordinance, it will submit this Bill to the Governor.

2. The Governor shall notify the Council of his decision within six months after receipt of the Bill.

3. If the Governor has notified the Council that he withholds his assent to the Bill, or if the Governor fails to notify the Council of his decision within six months, the Council may, within three months after receipt of the Governor's decision or after the expiration of the six months' period, request the regulations to be passed by general regulation of administration. Article 111e, section 4 then applies.

Article 111f. As long as no decision has been taken by the Council or by the Governor on any Bill for an Ordinance, this Bill may be withdrawn by the Governor in the event mentioned in article 111, or by the Council in the event mentioned in article 111e.

Seventh Chapter

Budget

Article 112. The Netherlands shall be charged with:

(a) all expenditure connected with the tenure of office of Governor;

(b) all expenditure connected with the defence forces, which are there to protect Netherlands New Guinea, unless otherwise determined by Parliament.

Article 113. All expenses, other than mentioned in article 112 and the means to recover those, shall be stated in the budget for Netherlands New Guinea.

Article 114. 1. The Netherlands New Guinea budget shall be divided into two chapters, one for expenditure and one for revenue.

2. The chapter in expenditure shall be divided in divisions.

3. Those divisions concerning the operational services mentioned in article 60 shall each describe expenditure of only one of those services.

Article 115. Until the time mentioned in article 119 the budget shall be passed by Parliament.

Article 116. 1. The New Guinea Council shall consider in its session mentioned in article 97 section 1, the budget estimates submitted by the Governor.

2. The consideration mentioned in section 1 includes oral deliberations, which are prepared beforehand in writing. Representatives of the Governor shall take part in the deliberations.
3. The Council shall submit a report on the budget estimates to the Governor within six weeks after the submission mentioned in section 1.

Article 117. 1. The report of the Council shall be submitted to Parliament at the time the budget is introduced.

2. If the report has not been prepared within the determined period, Parliament shall be informed accordingly.

Article 118. The discussion of amendments to the budget estimates shall take place according to articles 116 and 117. The Governor may determine a time limit for the discussion.

Article 119. 1. Budget regulations shall be provided for by Ordinance at a time to be determined by Parliament, taking into consideration the regulations to be prepared.

2. Each ordinance shall deal with not more than one division.

Article 119a. If, regarding a Bill for an Ordinance as mentioned in article 119, the Governor and the Council do not concur, or if the Council fails to notify the Governor within the fixed period whether it concurs or not, this Bill, notwithstanding article 111e and 111d, shall be passed by Parliament.

Article 119b. 1. If the King objects to a division of the budget as mentioned in article 119 or to an amendment thereof, the Ordinance concerned may be suspended by him within sixty days after proclamation. The suspension shall be published in the Government Gazette.

2. Within sixty days after suspension the King shall introduce into Parliament a Bill for an Act to annul the Ordinance and to pass a division of the Budget or an amendment thereto. If this period expires before a Bill for an Act is introduced, the suspended Ordinance shall come into operation. The Governor shall publish this in the Government Gazette.

Article 119c. 1. Articles 119, 119a and 119b apply to amendments to budget estimates as mentioned in article 115.

2. If a division of the budget, or an amendment thereto, as mentioned in article 119a or 119b, has been passed by Parliament, it may be amended by ordinance.

Article 119d. 1. The Budget shall come into operation on 1 January of the year it applies to.

2. It shall be deemed to have come into operation on that day if the fact that it has been passed by Parliament or by ordinance has been published in the Government Gazette after that date.

3. Until this has been published or until sixty days after the passing of an Ordinance as mentioned in article 119 have expired, or if an already published Ordinance has been suspended, the Budget of the previous year shall serve as a basis for administration, subject to amendments authorised by the King.
Article 119b. 1. The responsibility for expenditure and revenue of Netherlands New Guinea for each separate financial year shall be determined by Parliament, until the time mentioned in article 119. After that time it shall be determined by Ordinance.

2. If, regarding a Bill for an Ordinance as mentioned in section 1, the Governor and the Council do not concur, or if the Council has failed to notify whether it concurs or not, the responsibility for expenditure and revenue during that financial year shall be determined by Parliament.

Eighth Chapter

Administration and Decentralisation

First Division

Administrative Districts

Article 120. The Governor shall divide the Territory into administrative districts.

Article 121. The Administrators, whose districts do not form part of a larger administrative district, shall be responsible to the Governor direct and shall administer in his name. Their duties shall be determined by the Governor.

Article 122. 1. The Administrators mentioned in article 121 are authorised, in accordance to regulations to be provided for by ordinance, to make regulations including penalties or other disciplinary action.

2. Section 1 does not apply if local Government bodies, mentioned in articles 123 and 124, are authorised to make by-laws.

Article 122a. The relationship between the administrators mentioned in article 121 and the public servants working in their districts shall, as far as necessary, be laid down by the Governor.

Article 122b. The Governor shall determine the title of the persons administering a district.

Article 122c. As soon as possible reliable persons shall be appointed, under regulations to be made by the Governor, in the districts nominated by him - after consultation with the inhabitants of those districts - who shall be consulted in the more important matters regarding the district concerned.

Second Division

Local Government Bodies

Article 123. 1. Communities may be created under Ordinance.

2. At creation the name of the community shall be determined.

3. The composition, establishment, powers and duties of the administration of the community shall be determined by Ordinance. At the same time instructions shall be given in
daily administration of affairs.

Article 123a. 1. A council shall be the head of the community.

2. The members of the Council shall be chosen for a number of years to be determined by Ordinance.

3. The Ordinance may provide that a certain number of members may be appointed by the Governor.

4. The procedure of selection of members shall be laid down by Ordinance. No discrimination shall be made between different population groups. The elections shall be secret and voluntary.

5. As soon as possible a uniform system of elections by direct vote shall be adopted for each kind local community.

Article 123b. Members of the Council of the community shall vote without consultation.

Article 123c. 1. The administration of the community shall co-operate in the execution of general regulations when needed. It is authorised to make regulations subject to the execution of them by the administration.

2. Co-operation in the execution of regulations of other local communities may be required by Ordinance.

3. The Ordinance shall determine the authority who may replace the administration of the local community in the event of it neglecting its duties, totally or partially, or performing its duties in a deliberately haphazard way.

Article 123d. The administration of the community may be given under ordinance, the administration of certain matters affecting the interest of the local community.

Article 123e. The administration of the community may be given under Ordinance, the administration of the economy of the community within certain limits to be determined by the Ordinance.

Article 123f. If the administration of the local Government body mentioned in article 123d and 123e neglects its duties, totally or partially, or performs its duties in a deliberately haphazard way, an ordinance may provide for administration in a different manner.

Article 123g. 1. The community shall be authorised to, in the interest of the community, impose rates and taxes or to demand assistance, under regulations to be laid down by Ordinance.

2. The Council shall not accept loans other than permitted by regulations under Ordinance.

Article 123h. If this is necessary for the execution of the duties of a local community the Governor or a person on his behalf
may make means available on terms to be determined by the Governor.

Article 1231. An ordinance shall provide for instructions to be given in the control of and accounting for the funds of the community.

Article 1232. The Council may be authorised by or under ordinance, within certain limits, to attach penalties or other disciplinary action to a breach of the regulations of the community.

Article 123k. An ordinance shall provide for the supervision of the decisions of the administration of the communities, regarding their coming into operation and commitments, and suspension and annulment on the grounds of conflict with general regulations of administration or the common good.

Article 1231. 1. With regard to village communities, further regulations may be made to the ordinance mentioned in article 123, section 3, to increase the authority of the village community, which lies within the district of the territorial community, in regard to duties stated in article 123d and 123e.

Article 123m. The ordinance shall provide for the relationship between the communities and for their co-operation.

**Third Division**

**Other Public Organisations**

Article 124. For certain public interests other organisations which are not necessarily related to a district, may be constituted with executive and regulating powers.

Article 124a. An ordinance shall provide for the composition, establishment, duties and powers of these organisations. The powers may include the making of regulations, with or without penalties or other disciplinary action attached.

Article 124b. An ordinance shall lay down to what extent these organisations are subject to approval, or may be suspended or annulled on the grounds of conflict with general regulations of administration or the common good.

**Ninth Chapter**

**Judicature**

**First Division**

**General Provisions**

Article 125. Wherever the native population does not enjoy its own judicial system, justice will be administered in the name of the King.

Article 126. 1. Civil and commercial law and procedures shall be laid down by or under ordinance as similar as possible to existing laws in the Netherlands.
2. No bills to amend the judicial system shall be submitted to the New Guinea Council, or, if this is a bill as mentioned in article 94, be dealt with by the Council before advice of the appropriate department of the Council of State has been obtained.

3. The existing laws for non-Europeans regarding civil and commercial law shall remain in force until they are replaced by ordinances according to section 1.

4. The ordinances mentioned in section 1 only apply to those parts of Netherlnds New Guinea where the population does not enjoy its own judicial system to the extent this is specifically mentioned therein.

Article 127. 1. Dispossession of any property or right, in the interest of the common good, may only take place after previous proclamation under an ordinance that the common interest demands this, and after compensation according the regulations under the ordinance has been made or guaranteed.

2. Section 1 does not apply if, in cases of war, imminent war, civil war, fire, floods, earthquakes, volcanic eruptions or other urgent circumstances immediate repossession is needed.

3. An ordinance may provide for other cases than those mentioned in section 2 where previous proclamation is not needed.

Article 128. Cases of civil disputes shall only be heard by a judge.

Article 129. Persons may only be prosecuted before a magistrate appointed under ordinance, and in the manner provided for by ordinance.

Article 130. Civil death or confiscation of all property of the convicted person may not be pronounced.

Article 131. Disputes regarding franchise and other civil rights shall be heard by a judge if no magistrate has been appointed under ordinance.

Article 132. 1. All sentences shall state the grounds and articles of the legal regulations on which they are based.

2. Sentences shall be pronounced in open court.

3. Hearings shall be public except in cases to be laid down by ordinance in the interest of public order or decency.

Article 133. 1. No one shall be denied access to his proper court.

2. The relative powers of the judiciary and other authorities shall be delimited by ordinance.

Article 134. 1. No one may be arrested or detained unless on authorisation of the approved authority and in the cases and manner
prescribed therein.

2. This order must be signed by the arrested person as soon as possible after his arrest.

3. The form of the order and the period within which the detained person must be tried shall be provided for by ordinance.

Article 135. Trespassing and entry into a dwelling against the will of the occupant shall only be permitted on authority issued under the ordinance and in the form prescribed by the ordinance.

Article 136. The secrecy of letters entrusted to the mail or other public institutions of transport is inviolable except on the order of the judge in cases provided for by ordinance.

Second Division

Composition

Article 137. The jurisdiction of the Supreme Court of the Netherlands in matters affecting Netherlands New Guinea shall be determined by general regulation of administration.

Article 138. 1. There is, under the name of Court of Justice, a supreme court for the whole of Netherlands New Guinea.

2. It may exercise a general supervision over all legal cases and prosecution of all offences.

3. The president and members of the Court of Justice shall be appointed by the King in consultation with the Governor, for life in accordance with article 143, section 1.

4. Their salaries shall be determined by the Governor subject to approval of the King.

Article 139. 1. The department attached to the Court of Justice shall be controlled by, or in the name of, the Attorney-General.

2. The Attorney-General shall be appointed and dismissed by the King, in consultation with the Governor.

3. His salary shall be determined by the Governor subject to approval of the King.

4. In case of absence of the Attorney-General for a long period, an Acting-Attorney-General shall be appointed by the King or on His behalf.

Article 140. 1. The Attorney-General is the head of the ministerial department and of the judiciary and administrative police in the whole of New Guinea.

2. The Attorney-General or a person appointed by him shall represent Netherlands New Guinea, and, if required, the Netherlands, Surinam or the Antilles, in law.
Article 141. 1. Except in the event of declared state of war or siege, no capital punishment shall be affected, unless on order of, or with the full knowledge of the Attorney-General and after authorisation by the Governor.

2. The Governor shall not issue the authorisation until he has consulted the highest civil judge in Netherlands New Guinea.

Article 142. The president and members of the Court of Justice and the Attorney-General must be thirty years of age at appointment and possess the degree of Doctor of Laws or Master of Laws obtained at a Netherlands or other recognised university provided that this degree has been obtained by passing examinations in civil, commercial, constitutional and criminal law.

Article 143. 1. The president and members of the Court of Justice may be discharged by the King:

(a) when they have become sixty-five years of age;

(b) on the grounds of incapacity in cases of chronic physical or mental illness or infirmity of old age;

(c) if they have been deprived of the management of their affairs.

2. In these cases they shall be honourably discharged.

3. In the case of (b) no further proof of incapacity shall be needed for entitlement to suspension.

Article 144. 1. When the Governor considers that there are grounds for dismissal under article 143 1. (b) he shall, in consultation with the Council of Department Heads, submit a detailed proposal for dismissal to the King.

2. He shall give the officer concerned the opportunity to include his protest.

3. He is authorised to suspend the officer pending the King's decision and to appoint an acting officer.

4. The suspended officer shall enjoy his full salary during the suspension.

5. He may, on his request, be awarded leave salary and free passage to state his case himself in the Netherlands.

6. The King shall decide the dismissal.

Article 145. 1. The president and members of the Court of Justice may be dismissed by the Supreme Court of the Netherlands.

(i) if they have been sentenced for an offence;

(ii) if they have been declared bankrupt;
on the grounds of serious misconduct or indecency
or continuous neglect of duties.

2. The Attorney-General shall forward the documents
of the case to the Supreme Court of the Netherlands.

3. He shall notify the officer concerned immediately
and shall give him the opportunity to submit a protest to the
Supreme Court.

4. When the Governor considers that there are
grounds for dismissal under section 1, he may, in consultation
with the Council of Department Heads, suspend the officer concerned
pending the decision of the Supreme Court, and appoint an acting
officer.

5. The officer shall enjoy his full salary during
the suspension.

6. In cases not provided for in this article the
sentence for an offence shall also pronounce his dismissal.

Article 146. 1. Every officer of the judiciary against whom a
ture bill has been found (equivalent to committed for trial,
translator), or who has been certified insane, or has been legally
detained, shall be suspended.

2. This suspension shall not bring about the
suspension of salary.

Article 147. Further regulations regarding the establishment
and composition of the judicial system shall be provided for under
ordinance.

Article 148. 1. Justice shall only be exercised by judges
(and magistrates) appointed under ordinance.

2. Any intervention in court cases is prohibited

Article 149. 1. Sentences pronounced by a judge in the Netherlands,
Surinam or the Netherlands Antilles and court orders and engrossed
copies of authentic legal documents shall be recognised and may be
executed in Netherlands New Guinea.

2. Sentences and orders pronounced by a judge in
Netherlands New Guinea and engrossed copies of authentic legal
documents shall be recognised and may be executed in the
Netherlands, Surinam or the Netherlands Antilles.

Tenth Chapter

Religion

Article 150. 1. The right of every individual to the freedom
of religion shall be recognised except to protect the community
and its members against a breach of the criminal code and shall be
free from legal and administrative regulations which, politically,
economically or socially, could impose restrictions on the profession
of a religion.
2. Freedom of religion shall include:

(a) freedom for anyone to practice religion according to his conscience and to bring up children in the religion of their parents;

(b) freedom for anyone to change religion;

(c) freedom to preach, teach, instruct and publish and to undertake social and charitable work and freedom to establish organizations and to obtain and have possessions for those purposes.

Article 151. Equal protection shall be afforded to all church associations and religious societies.

Article 152. The Governor shall see to it that all church associations and religious societies shall keep the legal regulations and obey the constituted authorities.

Article 153. The professors of the different religions shall all equally enjoy the same civil rights and shall all have equal rights to appointment to offices and positions.

Article 154. Public Worship and religious practices shall not be subject to restrictions other than those provided for by or under ordinance in the interest of public order, peace and decency.

Eleventh Chapter
Finances

Article 155. The Mint shall be provided for by law.

Article 156. 1. No institution shall operate as a bank, and no banknotes shall be issued or brought into circulation other than by virtue of the law, on conditions to be laid down by this law.

2. A bank is any institution which, exclusively or as part of its operations, issues or brings into circulation banknotes.

Article 157. Taxes shall be imposed by virtue of and according to regulations of an ordinance or ordinances as provided for in article 2 (iii).

Article 158. No privilege may be granted in the ordinance.

Article 159. 1. Taxes shall not inflict restrictions on the free trade with the Netherlands, Surinam or the Netherlands Antilles.

2. Beacon, pilot, harbour and other similar maritime charges, and maritime regulations shall be the same for all flags.

Article 160. 1. Loans in the name of and chargeable to Netherlands New Guinea shall only be contracted by virtue of the law.
2. We reserve the right to order the issue of Treasury Bills or Treasury Bonds according to general regulation of administration.

Article 161. Procedure of management and responsibility of the monetary means of Netherlands New Guinea shall be laid down by law.

Twelfth Chapter

Defence

Article 162. 1. Every subject-Netherlander and subject-not-Netherlander living in Netherlands New Guinea may be compelled by general regulation of administration to service in the military forces.

2. A general regulation of administration shall, in accordance with the law, provide conditions on which exemption may be granted on the grounds of serious conscientious objections.

3. The conscripts, serving in the army, shall not be transferred without their consent to other places unless by virtue of a general regulation of administration.

Article 163. The obligations on those persons, who are not compelled to serve in the forces shall be laid down by ordinance in accordance with the law.

Article 164. In the event of war, or imminent war, or any other extraordinary circumstances the King may determine that conscripts shall be kept or called in active service. In this case a Bill for an Act shall be introduced forthwith to provide for the remaining inactive-service of conscripts.

Article 165. 1. All persons serving in the military forces are in the service of the Kingdom.

2. Officers shall be appointed by the King. They shall be promoted, dismissed or pensioned by him according to regulations to be determined under law. Pensions shall be determined under the law.

Article 166. Netherlands New Guinea shall offer to the forces in its territory the assistance they need to execute their task.

Article 167. Military law and discipline and procedure in military cases shall be provided for by law.

Article 168. 1. In the event of war, imminent war or any other extraordinary circumstances the Governor may determine that conscripts shall be kept or called in active service. In this case the Governor shall introduce forthwith a Bill for an ordinance to provide for the remaining in active service of conscripts.

2. The King shall decide whether war is imminent for the purposes of ordinances and other legal regulations.
Thirteenth Chapter

Education, Public Health and Social Services

Article 169. The mental and physical development of the people shall be persistently encouraged by the Governor.

Article 170. 1. Education shall be a subject of the continuous attention of the Governor.

2. Teaching methods shall be free except for supervision by the appropriate authority according to the ordinance and investigation as to the ability and morality of the teacher to be provided for under ordinance.

3. Public education, respecting the religious beliefs of all individuals, shall be provided for by the ordinance.

4. For educational costs to be met partially or totally, by the Government, schools shall be subject to qualifications to be determined by ordinance with due consideration to the freedom of denomination of private schools.

5. The requirements shall guarantee that the standard of primary education which is totally paid by the Government shall be maintained at a high level. The regulation shall respect the freedom of private schools in regard to choice of equipment, methods and appointment of teachers.

6. Private primary schools and teachers colleges which qualify under the ordinance shall be granted money on the same basis as public schools. The ordinance shall stipulate the conditions on which private secondary schools shall be subsidised.


Article 171. Hygiene and health shall be subjects of the continuous attention of the Governor.

Article 172. The supervision of the authorities over public health and everything concerned with the execution of the medical profession shall be provided for by ordinance.

Article 173. 1. Supervision over poor-relief and the necessary regulations in regard to it shall be provided for by ordinance.

2. The principle that social care provided by private and religious organisations shall be left free and encouraged shall be taken into consideration at the making of the ordinance.

Fourteenth Chapter

Welfare, Commerce and Shipping

Article 174. 1. The advancement of the welfare of the people shall be a subject of the continuous attention of the Governor.

2. The Governor shall encourage all branches of
industry.

Article 175. 1. Tariffs on import, export and transit shall be determined by law.

2. In urgent circumstances these tariffs may be varied by ordinance, subject to confirmation by law.

3. Both Chambers of Parliament shall be informed forthwith of such variations.

Article 176. 1. Places indicated by ordinance as seaports of Netherlands New Guinea shall be open for international commerce and all ships of friendly nations shall have access, on condition of reciprocity and observance to general and local regulations.

2. The admission to Netherlands New Guinea of other ships for commerce shall be provided for by or under law.

Article 177. The establishment and procedures of chambers of commerce and manufacture, and agricultural boards shall be provided for by or under ordinance.

Article 178. 1. The Governor shall apply himself to the best of his ability to the advancement of the community.

2. An ordinance shall provide for the supervision by the authorities over the means of the community.

Article 179. The Governor may according to regulations to be provided under ordinance, grant permission for the construction of works and the establishment of enterprise for public benefit.

Special Provisions

Article 180. 1. Our Decision of 6 May 1942 regarding a temporary provision for the general administration of the Netherlands East Indies (Gaz. 39), the Temporary provision for General Administration of Netherlands East Indies (Gaz. 65), the Decision for the Administration of Indonesia during the Transition Period (Gaz. 1544) and the Decision for the Representation of the Crown in Indonesia (Gaz. 1462) are hereby repealed.

2. The Transfer Decision East Indian Regulation for Administration (Gaz. 66) is hereby repealed.

Article 181. This law shall come into operation on the day after publication in the Government Gazette of Netherlands New Guinea, with the exception of article 721) which shall come into operation at a time still to be determined by Us. (1) repealed by the law of 10 November 1960 (Gaz. 454).

Temporary Provisions

(Temporary Provisions of the law of 10 November 1960 (Gaz. 454) state:

1. Present Regulations, Ordinances, Decisions and Decrees shall remain in operation until replaced or cancelled.
2. Contrary to article 89, section 1, members of the New Guinea Council shall sit, for the first sitting, for a period of three years.

3. Article 83, section 1, shall not apply to the first session of the New Guinea Council for as far as it provides for the appointment of a chairman from a nomination of three persons.

4. Bills for an Ordinance which are pending at the time the New Guinea Council shall commence duties, shall be withdrawn and be introduced again in the New Guinea Council.

1. Regulations and administrative provisions in force at the time of transfer of sovereignty of Indonesia shall remain in force for as far as they still apply in the altered circumstances, and until they are repealed or amended.

2. The regulations and provisions as they apply to Netherlands East Indian agencies or boards shall be deemed to apply to the corresponding agencies and boards named in the Decree for the Regulations of Administration of Netherlands New Guinea, and if they do not yet exist, to authorities to be appointed by the Governor. In doubtful cases the Governor shall decide.

3. All regulations for bills regarding internal affairs of Netherlands New Guinea, including those appearing in laws and general regulations of administration, may be amended, repealed or replaced by ordinance, with the exception of those stated in:

(a) the East Indian Regulation of Administration;

(b) the Decree for the Regulation of Administration of Netherlands New Guinea;

(c) laws and general regulations of administration proclaimed after the Decree for the Regulation of Administration of Netherlands New Guinea has come into operation, unless the general regulation of administration enlarges on a legal regulation proclaimed before the Decree came into operation;

(d) laws and general regulations of administration regarding matters which should be provided for by law or general regulation of administration proclaimed after the Decree has come into operation;

(e) the East Indian Mining Act.

4. Until the New Guinea Council has commenced proceedings the authority to assent to ordinances shall remain with the Governor in consultation with the Council of Departmental Heads. Article 53 applies to these ordinances.

If no agreement as mentioned in section 1 has been obtained the Governor may, on submission of the articles concerned, request the King to provide for regulations under a general regulation of administration. The regulation so provided for may at any time be amended or repealed by ordinance. The remaining transactions of
the New Guinea Council, except those mentioned in article 91 and 92, shall, until the Council is established, be executed by the Council of Department Heads. Corresponding regulations shall be altered accordingly.

5. Until the New Guinea Council has commenced proceedings, the Governor shall take up office by proclamation to the inhabitants of Netherlands New Guinea.

Assenter to by Royal Decision of 29 December, 1960 (Gazette 582).

The Minister for Internal Affairs

TH. H. BOT

GAZETTE OF THE KINGDOM OF THE NETHERLANDS

583. Decision of 29 December 1960, in connection with article 76, section 2, of the Decree for the Regulation of the Administration of Netherlands New Guinea.

We Juliana, etc.

Formal proclamation to the effect that for the first term of the New Guinea Council sixteen members will be elected and twelve will be appointed, and that in case less than sixteen members are in fact elected, the remaining number will be appointed by the Governor.