

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 9.

National Identity.

GENERAL ANNOTATION.

ADMINISTRATION.

While the administration of this Chapter was not vested specifically in any Minister, it appears from the determination of the functions of Departments that it came within the responsibility of the Department of the Prime Minister at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution. References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary to the Prime Minister;

“the Department”—should be read as references to the Department of the Prime Minister.

TABLE OF CONTENTS.

	<i>Page.</i>
<i>National Identity Act</i>	3
<i>National Identity Regulation</i>	11
<i>Rules Respecting the Use of the National Flag and the National Emblem</i>	15
Subsidiary Legislation ¹	—
Appendixes—	
1. Source of Act.	
2. Source of Regulation.	
3. Source of Rules.	

¹Subsidiary legislation has not been up-dated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 9.

National Identity Act.

ARRANGEMENT OF SECTIONS.

PART I.—NATIONAL FLAG.

1. Papua New Guinea National Flag.
2. Other flags.
3. Authority to use flags.
4. Rules as to use of flags.
5. Official use of National Flag.
6. Improper use of National Flag, etc.

PART II.—NATIONAL EMBLEM.

7. Papua New Guinea National Emblem.
8. Rules as to use of National Emblem.
9. Official use of National Emblem.
10. Improper use of National Emblem.

PART III.—MISCELLANEOUS.

11. Regulations.

SCHEDULES.

SCHEDULE 1.—Description of the National Flag.

SCHEDULE 2.—Reproduction of the National Flag.

SCHEDULE 3.—Description of the National Emblem.

SCHEDULE 4.—Reproduction of the National Emblem.

)

)

)

INDEPENDENT STATE OF PAPUA NEW GUINEA

CHAPTER NO. 9.

National Identity Act.

Being an Act to foster and encourage the growth of a feeling of national identity and unity in Papua New Guinea by providing for a national flag and a national emblem.

PART I.—NATIONAL FLAG.

1. Papua New Guinea National Flag.

The flag described in Schedule 1, being the flag a reproduction of which is set out in Schedule 2, is the National Flag of Papua New Guinea.

2. Other flags.

The Head of State, acting on advice, may, by proclamation, appoint such other flags and ensigns of Papua New Guinea as he thinks fit.

3. Authority to use flags.

The Secretary may, by instrument, authorize a person to use—

- (a) the National Flag; or
- (b) a flag or ensign appointed under Section 2; or
- (c) a replica or representation of the National Flag, or of a flag or ensign appointed under Section 2,

in the manner and form specified in the instrument, and either—

- (d) without defacement; or
- (e) defaced in the manner specified in the instrument.

(Replaced by No. 61 of 1976, s. 1.)

4. Rules as to use of flags.

(1) The Head of State, acting on advice, may make and cause to be published, rules in connexion with the flying or use of the National Flag or a flag or ensign appointed under Section 2.

(2) The *Interpretation Act* does not apply to or in relation to rules made under Subsection (1).

5. Official use of National Flag.

The National Flag shall be flown or used for all official purposes of the Government and on all occasions on which, and for all purposes for which, it is customary to fly or use a national flag or ensign.

6. Improper use of National Flag, etc.

(1) A person who, not being authorized under Section 3 to use the National Flag, or a flag or ensign appointed under Section 2, or a replica or representation of any of them, uses—

- (a) the National Flag or a replica or representation of it; or

(b) a flag or ensign appointed under Section 2 or a replica or representation of it, capable of being readily mistaken for the National Flag, or a flag or ensign appointed under Section 2, in such a manner or in such circumstances as to be likely to lead other persons to believe he is so authorized, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(1A) A person who, without lawful excuse, defaces or destroys—

(a) the National Flag; or

(b) a flag or ensign appointed under Section 2; or

(c) a replica or representation authorized by Section 3 of the National Flag, or of a flag or ensign appointed under Section 2,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) Proceedings for an offence against this section shall not be instituted except by or with the consent of the Principal Legal Adviser.

(Amended by No. 61 of 1976, s. 2.)

PART II.—NATIONAL EMBLEM.

7. Papua New Guinea National Emblem.

The emblem described in Schedule 3, being the emblem a reproduction of which is set out in Schedule 4, is declared to be the National Emblem of Papua New Guinea.

8. Rules as to use of National Emblem.

(1) The Head of State, acting on advice, may make and cause to be published rules in connexion with the use of the National Emblem and of stylized or other versions of it for special uses.

(2) The *Interpretation Act* does not apply to or in relation to rules made under Subsection (1).

9. Official use of National Emblem.

The National Emblem shall be used for all official purposes of the Government and on all occasions on which, and for all purposes for which, it is customary to use a national emblem or national arms.

10. Improper use of National Emblem.

(1) A person who, not being authorized by the Head of State, acting on advice, or otherwise by law, directly or indirectly—

(a) prints or publishes, or causes to be printed or published; or

(b) sends or delivers to or serves on, or causes to be sent or delivered to or served on, any person,

any written or printed matter in or on which there appears the National Emblem, or any token or symbol so nearly resembling the National Emblem as to be capable of being readily mistaken for it, in such a manner or in such circumstances as to be likely to lead other persons to believe that he is so authorized, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) A person who, not being authorized by the Head of State, acting on advice, or otherwise by law, directly or indirectly uses the National Emblem, or any token or symbol so nearly resembling the National Emblem as to be capable of being readily mistaken for it, in connexion with any business, trade, calling or profession in such a manner or in such circumstances as to be likely to lead other persons to believe that he is so authorized, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

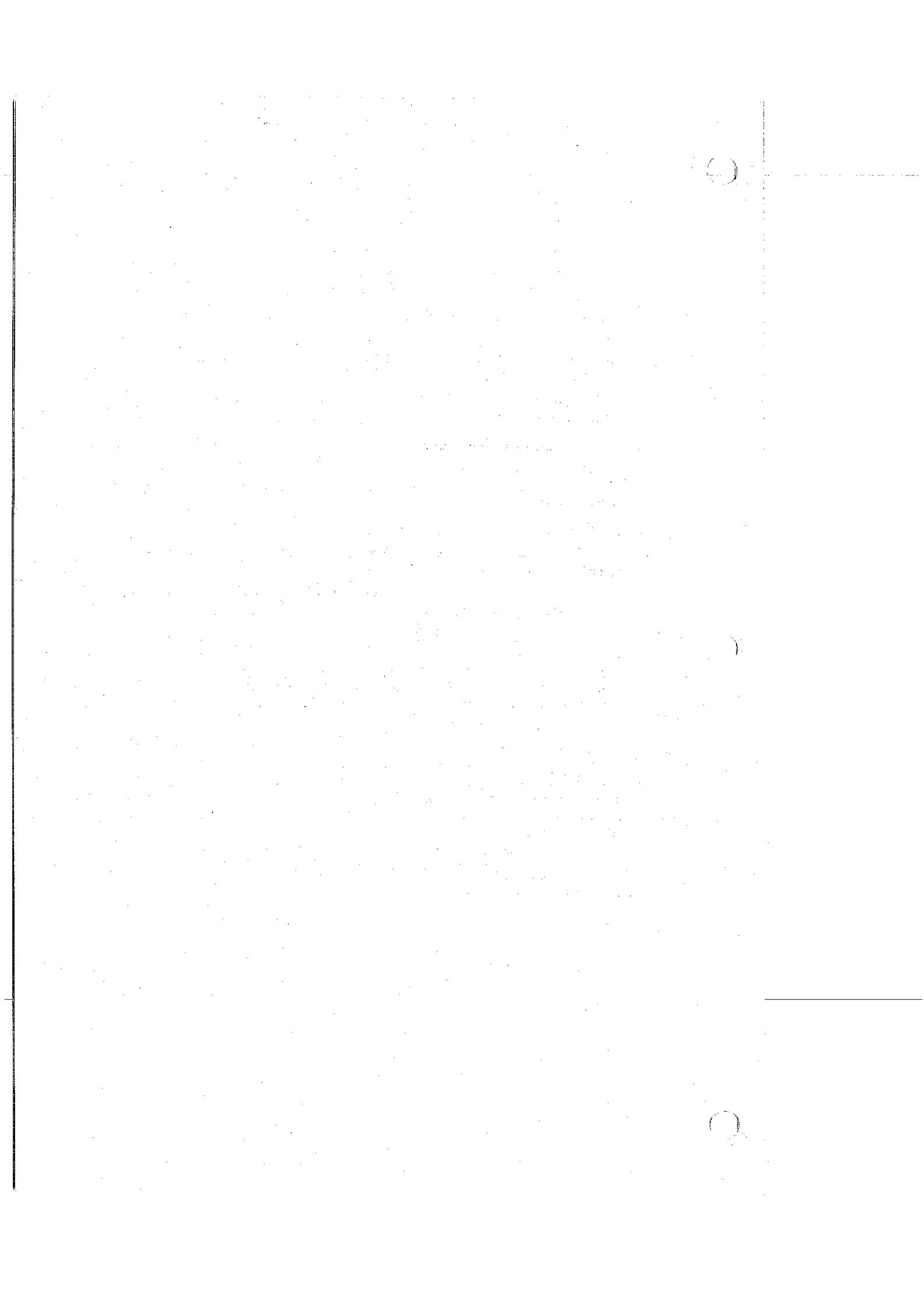
(3) Proceedings for an offence against this section shall not be instituted except by or with the consent of the Principal Legal Adviser.

PART III.—MISCELLANEOUS.

11. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for providing for—

(a) the procedure to be followed in the making of an application for the issue of a Warrant under Section 3; and



- (b) rules in connexion with the flying or use of the National Flag or a flag or ensign appointed under Section 2; and
- (c) rules in connexion with the use of the National Emblem and of stylized or other versions of it for special uses; and
- (d) penalties of fines not exceeding K100.00 or imprisonment for terms not exceeding one month, or both, for offences against the regulations.

SCHEDULES.

SCHEDULE 1.

Sec. 1.

DESCRIPTION OF THE NATIONAL FLAG.

The Papua New Guinea National Flag is a rectangular flag, proportions four to three, divided diagonally from the top of the hoist to the bottom of the fly, the upper segment scarlet (Collies No. 305) overprinted on mid-yellow (Collies No. 537) charged with a mid-yellow (Collies No. 537) representation of a soaring Bird of Paradise, and the lower segment black (Collies No. 309) charged with five white five-pointed stars representing the Southern Cross. The descriptions and positions of the Bird of Paradise and the stars are as follows:—

Table 1.—BIRD OF PARADISE.

Stylized, in silhouette, viewed from underneath with wings elevated and display plumes trailing, extending from the middle line parallel to the hoist.

The Bird of Paradise shall be positioned so that, when a circle is positioned having a diameter of 34.5/100 of the length of the flag with its centre distant 67/100 of the length of the flag measured along the fly and 24/100 of the length down the hoist the parts of the Bird described in the table are in the positions shown and are on the perimeter of that circle.

Part of Bird.	Position measured from upper hoist corner, distances being fractions of length of flag.
Extremity of right wing	50/100 along the fly and 27/100 down the hoist.
Extremity of left wing	71/100 along the fly and 7/100 down the hoist.
Extremity of left display plumes	84/100 along the fly and 27/100 down the hoist.
Cross-over point of elongated tail feathers	83/100 along the fly and 33/100 down the hoist.
Extremities of elongated tail feathers	74/100 along the fly and 40/100 down the hoist, and 76/100 along the fly and 45/100 down the hoist, respectively.

Table 2.—STARS OF THE SOUTHERN CROSS.

The Stars of Alpha, Beta, Gamma and Delta Crucis have an outer diameter of 10/100 of the length of the flag and an inner diameter of 4/100 of the length of the flag, and the star Epsilon Crucis has diameters one-half of those above described.

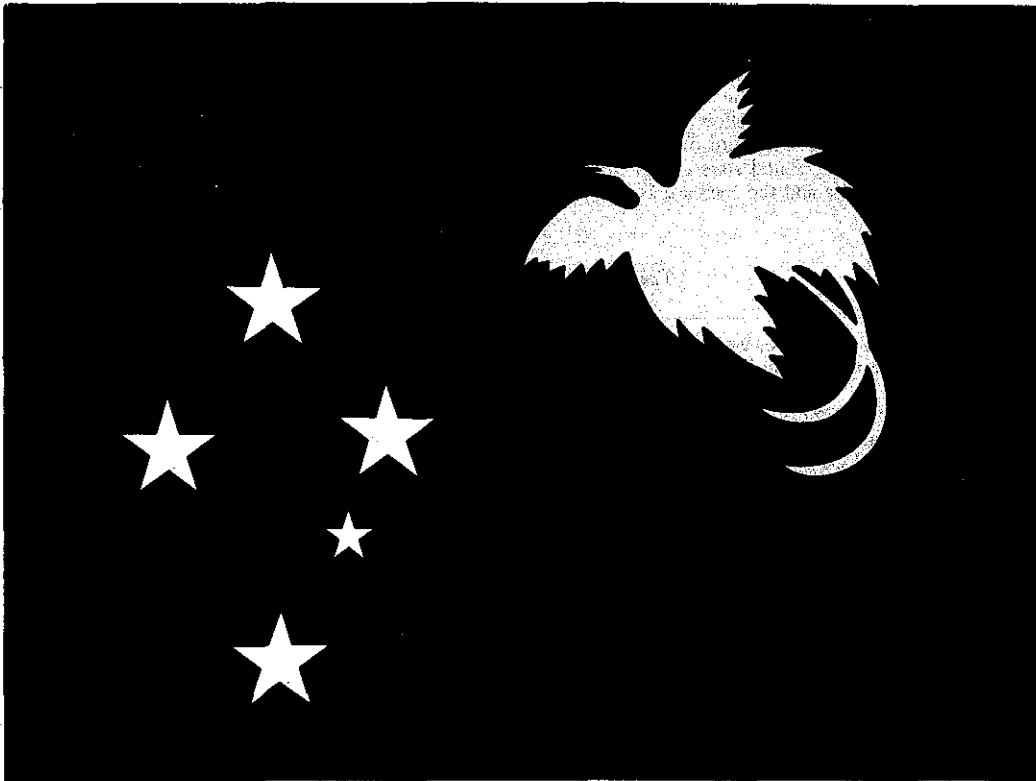
The centre of the stars shall be positioned in accordance with the following table :—

Name of Star.	Position of centre measured from the upper hoist corner, distances being fractions of length of flag.
Alpha Crucis	25/100 along the fly and 63/100 down the hoist.
Beta Crucis	14/100 along the fly and 43/100 down the hoist.
Gamma Crucis	25/100 along the fly and 28/100 down the hoist.
Delta Crucis	35/100 along the fly and 42/100 down the hoist.
Epsilon Crucis	30/100 along the fly and 52/100 down the hoist.

SCHEDULE 2.

Sec. 2.

REPRODUCTION OF THE NATIONAL FLAG.



SCHEDULE 3.

Sec. 7.

DESCRIPTION OF THE NATIONAL EMBLEM.

The Papua New Guinea National Emblem is a partially-stylized representation of the widespread Bird of Paradise *Genus paradisaea* in display, head turned to its left, seated on the upturned grip of a horizontal *Kundu* drum with the drum-head to the right side of the bird, from behind which a horizontal ceremonial spear projects with the head to the left of the bird.

If coloured proper, the following colours should be used—

BIRD OF PARADISE.

- Head Yellow
- Bill Grey-blue.
- Neck Black.
- Breast Green with yellow band.
- Abdomen Light brown, darkening to vent.
- Wings and long tail feathers Brown (reddish).
- Display plumes Deep red (slightly brownish).

SPEAR.

Black, with white highlights.

KUNDU DRUM.

- Drum-head White.
- Body Black, with white ornamentations.
- Grip Black, with white highlights.

SCHEDULE 4.

Sec. 7.

REPRODUCTION OF THE NATIONAL EMBLEM.





INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 9.

National Identity Regulation.

ARRANGEMENT OF SECTIONS.

1. Application.
2. Restriction on use of National Flag or National Emblem.
3. Warrant to use flags.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 9.

National Identity Regulation.

MADE under the *National Identity Act.*

1. Application.

This Regulation is in addition to and not in derogation of the provisions of any rules made under Section 4 or 8 of the Act.

2. Restriction on use of National Flag or National Emblem¹.

(1) A person who, without the written consent of the Head of State, acting on advice, and in accordance with any conditions to which the approval is subject, flies or uses—

- (a) the National Flag or a flag or ensign appointed under Section 2 of the Act; or
- (b) the National Emblem; or
- (c) a stylized version of any such flag, ensign or the National Emblem; or
- (d) any flag, ensign or emblem so nearly resembling any such flag, ensign or the National Emblem,²

for any commercial purpose, and whether with or without defacement, is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding one month, or both.

(2) A consent under Subsection (1) relates only to use for a purpose specified in the consent.

(3) An application for a consent under Subsection (1) shall be made in writing.

(4) A consent shall not be granted under Subsection (1)—

- (a) unless the Head of State, acting on advice, is satisfied that the proposed use will not demean the National Flag, the other flag or ensign, or the National Emblem, as the case may be; or
- (b) in any case where the Head of State, acting on advice, has directed that consent for a particular use be not granted.

3. Warrant to use flags.

An application for a Warrant under Section 3 of the Act shall be made in writing, addressed to the Departmental Head.

¹ See Sections 6 and 10 of the Act.

² *Stc.*

(7)

(8)

(9)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 9.

Rules Respecting the Use of the National Flag and the National Emblem.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Application.

PART II.—RULES RESPECTING THE USE OF THE NATIONAL FLAG.

2. Application of Part II.
3. Official use.
4. Dignity of the flag.

Display of the Flag.

5. Position of the charges.
6. Position of honour.

General.

7. National Flag flown with flags of other countries.
8. Right to fly National Flag.
9. Raising and lowering.
10. Hours of display.
11. Display at elections.
12. Half-masting.
13. Unveiling ceremony.
14. Distress signal.
15. Conduct on ceremonial occasions, during religious services, etc., when the flag is hoisted, lowered, etc.
16. Use for advertising purposes.
17. Disposal of National Flag.
18. United Nations Flag.
19. Sizes of flag.

PART III.—RULES RESPECTING THE USE OF THE NATIONAL EMBLEM.

20. General rules as to use.
21. Stylized versions, etc.
22. Identification of emblem.

PART IV.—GENERAL.

23. Descriptions of flag and emblem.
24. Situations not referred to in these Rules.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 9.

Rules Respecting the Use of the National Flag and the National Emblem.

MADE under the *National Identity Act*.

PART I.—PRELIMINARY.

1. **Application.**

Nothing in these Rules affects the operation of the *National Identity Regulation*.

PART II.—RULES RESPECTING THE USE OF THE NATIONAL FLAG.

2. **Application of Part II.**

The Rules in this Part apply to the flying of the National Flag by all private citizens and corporations on land. They do not apply to the flying of flags on aircraft, ships or other sea-going craft.

3. **Official use.**

The National Flag shall be flown or used, subject to these Rules, for all official purposes of the Government and on all occasions on which, and for all purposes for which, it is customary to fly or use a national flag or ensign. All residents of Papua New Guinea may fly the National Flag with due dignity at all times.

4. **Dignity of the flag.**

The National Flag should be displayed only in a manner befitting a national symbol; it should not be subjected to indignity, nor displayed in a position inferior to any other flag or ensign. It should always be flown aloft and free.

Display of the Flag.

5. **Position of the charges.**

The National Flag should be displayed as follows :—

- (a) On a staff—the Southern Cross to be in the position nearest the staff and furthest from the peak. When carried the flag should be aloft and free.
- (b) On a halyard—the Bird of Paradise to be uppermost, and the flag hoisted as closely as possible to the block with the halyard taut.
- (c) Flat against a wall—the Bird of Paradise to be in the upper right-hand corner as viewed by a person looking towards the wall.
- (d) Suspended vertically in the middle of a street—the Bird of Paradise should be towards the south in an east-west street, and towards the west in a north-south street, thus being on the left of a person facing east or south respectively.
- (e) When used to cover a casket at funerals a new flag should be used (if possible), the Southern Cross being over the right breast of the deceased. The flag should be removed before the casket is lowered into the ground.

6. Position of honour.

When displayed alone or with other flags the National Flag should take the following positions :—

- (a) When displayed alone—
 - (i) on a speaker's platform—
 - (A) flat against the wall—above and behind the speaker;
 - (B) on a staff—on the speaker's right as he faces the audience;
 - (ii) at a meeting when displayed from a staff which is not on the speaker's platform—at the right of the audience as they face the platform.
- (b) When displayed with the flags of one or more other countries or States—
 - (i) with the flag of another country or State on separate staffs—the National Flag should be flown on the right (*i.e.*, on the left of a person facing the flag) and at the same height;
 - (ii) with another flag against a wall from cross-staffs—the National Flag should be on the right (*i.e.*, on the left of a person facing the flag) and its staff should be in front of the staff of the other flag;
 - (iii) with the flags of cities, towns or other areas or pennants of societies on the same halyard—the National Flag should always be at the peak;
 - (iv) in a semi-circle of flags—the National Flag should be in the centre;
 - (v) in a line of flags—the National Flag should be in the centre when one flag only is available. Where two flags are available the National Flag should be flown at either end of the line.

*General.***7. National flag flown with flags of other countries.**

When the National Flag is flown with the flags of other countries all flags should be flown on separate staffs and in equal position, no flag being flown higher than any other and all being the same size if possible. International usage forbids the display of the flag of one nation above that of another nation in time of peace. The National Flag should, however, be hoisted first and lowered last, unless the number of flags permits of their being hoisted and lowered simultaneously.

8. Right to fly National Flag.

All citizens may fly the National Flag at all times subject to these Rules, and it should also be displayed on public buildings in Papua New Guinea in accordance with directions issued from time to time by the Governor-General, acting with, and in accordance with, the advice of the National Executive Council. There is a standing recommendation for the National Flag to be flown from public buildings on National Day.

9. Raising and lowering.

The National Flag should be hoisted briskly and lowered ceremoniously.

10. Hours of display.

The National Flag should be displayed from 8 a.m. to sunset. It may be displayed at night on special occasions but only where it is properly illuminated.

11. Display at elections.

The National Flag should be displayed where possible in or near every polling place on days when a vote is being taken in an election to the National Parliament or a Local Government Council.

12. Half-masting.

(1) The National Flag is flown at the half-mast position as a sign of mourning.

(2) The flag is brought to the half-mast position by first hoisting it to the peak for an instant and then lowering it slowly to the half-mast position. The flag should again be hoisted to the peak before being hauled down for the day.

(3) The position of the flag when flying at half-mast will depend on the size of the flag and the length of the flag-staff. It is essential that it be lowered at least to a position recognizably "half-mast", so as to avoid any appearance of a flag which has accidentally fallen away from the track owing to loose halyard. A satisfactory position for half-mast would normally be when the top of the flag is one-third of the way down from the peak.

(4) Flags should be flown at half-mast when specially demanded by Her Majesty or the Governor-General.

(5) Where it is desired by local authorities in towns or villages in Papua New Guinea to fly the flag at half-mast as a sign of mourning following the death of a local notable it would be appropriate to do so on the day of the funeral. The flag should be hoisted to the peak after interment has taken place.

(6) Generally speaking, on days to which Section 8 applies it would be undesirable to fly flags at half-mast. If on these days it is intended to honour some distinguished person who is deceased, it would be appropriate for the flag to be flown at half-mast on the building in which the deceased is lying, and at the peak on other buildings. The flag on that building should be hoisted to the peak after the body has been removed.

13. Unveiling ceremony.

The National Flag should form a distinctive feature of the ceremony of unveiling a statue or monument. It should be used as the covering of the statue or monument and during the unveiling ceremony it should not be permitted to touch the ground or floor.

14. Distress signal.

To fly a flag upside down is a signal of distress. The National Flag should not therefore be displayed with the Bird of Paradise down on any occasion except as a signal of distress.

15. Conduct on ceremonial occasions, during religious services, etc., when the flag is hoisted, lowered, etc.

When the National Flag is hoisted or lowered or when it is carried in a parade or review, all persons present should face the flag, men should remove their hats and all should remain silent; persons in uniform should salute.

16. Use for advertising purposes.

The National Flag should not be used for advertising purposes.

17. Disposal of National Flag.

When the National Flag becomes dilapidated and is no longer in a suitable condition for use, it should be destroyed in a dignified way by burning privately.

18. United Nations Flag.

Special rules have been promulgated covering the flying of the United Nations Flag. All members of the United Nations have agreed that on United Nations Day, 24 October, if one position only is available the United Nations Flag should be flown.

19. Sizes of flag¹.

(1) The National Flag must always be in the proportion 4 in the fly to 3 in the hoist. The standard sizes at the hoist are 22-, 20-, 18-, 16-, 14-, 12-, 10-, 8-, 6-, 5-, 4-, and 3-breadths (a breadth being a breadth of bunting—i.e., 9 inches). However, any size is permissible when special uses or special circumstances make it necessary or desirable.

(2) For the purposes of the Government, 4-breadth (4 feet × 3 feet), 5-breadth (5 feet × 3 feet 9 inches) and 10-breadth (10 feet × 7 feet 6 inches) flags are the most usual sizes.

(3) When the National Flag is used as a pennant, as on a motor vehicle, the usual size is 10 inches × 7½ inches.

PART III.—RULES RESPECTING THE USE OF THE NATIONAL EMBLEM.**20. General rules as to use.**

(1) The National Emblem should not normally be used except for official purposes. Applications for other uses should be made to the Department of the Prime Minister.

(2) The National Emblem is to be used for all official purposes of the Government and on all occasions on which, and for all purposes for which, it is customary to use a national emblem or national arms.

21. Stylized versions, etc.

As necessary for typographical or reproduction purposes, simplified or stylized forms of the National Emblem may be used. The following is a stylized form which is approved for use :—

**22. Identification of emblem.**

Where it is necessary, to identify the National Emblem the words "Papua New Guinea" may be printed (preferably in Gothic sans serif or similar lettering) in a shallow arc immediately below the Emblem as in the above stylized version.

¹This section has not been metricated by amendment. In view of its nature no attempt has been made to metricate it editorially.

PART IV.—GENERAL.

23. Descriptions of flag and emblem.

Detailed descriptions of the National Flag and the National Emblem are contained in the Schedules to the *National Identity Act* and were published in *Papua New Guinea Government Gazette* No. 1 of 1 July 1971. These should be followed when the National Flag or the National Emblem is being reproduced.

24. Situations not referred to in these Rules.

In any case or circumstances not covered by these Rules, the National Flag and the National Emblem should be used in accordance with any directions or approvals given by the Governor-General, pending the formal making of further rules by the Head of State, acting on advice. Applications for any such direction or approval should be made to the Department of the Prime Minister.

()

()

()

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 9.

National Identity.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE NATIONAL IDENTITY ACT.

Part A.—Previous Legislation.

National Identity Act 1971 (No. 41 of 1971)

as amended by—

National Identity (Amendment) Act 1972 (No. 66 of 1972)

National Identity (Use of National Flag and Emblem) Act 1973 (No. 38 of 1973)

National Identity (National Day) Act 1975 (No. 34 of 1975)

National Identity (Use of National Flag) Act 1976 (No. 61 of 1976).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	7
2	8
3	9
4	10
5	11
6	12
7	13
8	14
9	15
10	16
11	20
Schedules—	
Schedule 1	First Schedule
Schedule 2	Second Schedule
Schedule 3	Third Schedule
Schedule 4	Fourth Schedule

¹Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE NATIONAL IDENTITY REGULATION.

Part A.—Previous Legislation.

National Identity Regulations 1973 (Statutory Instrument No. 51 of 1973).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	3
2	4
3	5

APPENDIX 3.

SOURCE OF THE RULES RESPECTING THE USE OF THE NATIONAL FLAG AND THE NATIONAL EMBLEM.

Part A.—Previous Legislation.

Rules Respecting the Use of the National Flag and the National Emblem (Statutory Instrument No. 59 of 1973).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ² .	Section, etc., in Revised Edition.	Previous Reference ² .
1	1A	13	17
2	3	14	18
3	1	15	19
4	2	16	20
5	4	17	21
6	5	18	22
7	6	19	23
8	7	20	24
9	8	21	25
10	9	22	26
11	10	23	28
12	11-16	24	29

¹Unless otherwise indicated, references are to the regulations set out in Part A.²Unless otherwise indicated, references are to the rules set out in Part A.