

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 17.

Passports.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Foreign Affairs and Trade 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.

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¹Subsidiary legislation has not been up-dated.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 17.

Passports Act.

ARRANGEMENT OF SECTIONS.

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 - "approved person"
 - "certificate of identity or other document of identity"
 - "the commencement date"
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15. Power to order passport to be delivered up.
16. False statements.
17. Lost or stolen passport.
18. Effect of valid passport in relation to Migration Act.
19. Regulations.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 17.

Passports Act.

(Replaced by No. 29 of 1982.)

Being an Act to make provision for Papua New Guinea passports.

1. Compliance with Constitutional Requirements.

This act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the Constitution namely—

- (a) the right to privacy conferred by Section 49 of the Constitution; and
- (b) the right to freedom of movement conferred by Section 52 of the Constitution,

is a law that is made for that purpose.

2. Interpretation.

In this Act, unless the contrary intention appears—

“applicant” means an applicant for a Papua New Guinea passport, certificate of identity or other document of identity;

“approved person” means—

- (a) a lawyer; or
- (b) a registered medical practitioner; or
- (c) a Magistrate Grade III, IV, or V; or
- (d) a Commissioner for Oaths; or
- (e) a community government or local government councillor; or
- (f) a member of the Police Force of or above the rank of Constable First Class; or
- (g) the head of a Department of a province;

“certificate of identity or other document of identity” means documents of identity issued under Sections 9 and 10;

“the commencement date” means 18 April 1985, being the date on which the *Passports Act* 1982 came into force;

“entry permit” has the same meaning as in the *Migration Act*;

“officer” means—

- (a) an officer of the Department; or
- (b) a member of the Police Force; or
- (c) any person authorized by the Minister to exercise the powers conferred under this Act;

“Papua New Guinea passport” means a document issued under Section 5;

“this Act” includes the regulations.

3. Passport to be in the name of the Government.

A Papua New Guinea passport shall be issued in the name of the Government of Papua New Guinea.

4. Application for passport.

(1) An application for, or for a renewal of, a Papua New Guinea passport, certificate of identity or other document of identity, shall—

- (a) be in such form as approved by the Minister; and
- (b) be accompanied by the prescribed fees; and
- (c) include any other matters or particulars as may be required by the Minister.

(2) Where an application is for a Papua New Guinea passport the application shall, in addition to the requirements under Subsection (1)—

- (a) be witnessed by an approved person; and
- (b) be accompanied by such matters as are prescribed.

5. Issue of passport.

(1) The Minister or an officer authorized by the Minister, may issue to a citizen, a Papua New Guinea passport.

(2) A Papua New Guinea passport—

- (a) shall be issued for such period; and
- (b) may, subject to Section 8, be renewed for such further periods,

as determined by the Minister or authorized officer.

(3) A Papua New Guinea passport shall be in such form as approved by the Minister.

6. Issue of passport to minors.

A person who is under the age of 17 years shall not be issued with a Papua New Guinea passport, unless the application for the passport is accompanied by evidence that the parents or legal guardian of the applicant have consented to the application.

7. Children may be included in passport.

(1) Subject to Subsection (2), children under the age of 17 years may be included in the passport of either parent if the other parent has consented to the inclusion.

(2) The inclusion of a child in the passport of a parent who is a citizen does not of itself confer any right to citizenship on the child.

8. Renewal of passport.

(1) Subject to Subsection (2), the Minister or an officer authorized by the Minister may, from time to time, renew a Papua New Guinea passport.

(2) A Papua New Guinea passport shall not be renewed if the space on it for entry permits is exhausted.

9. Issue of certificates of identity, etc., to citizens.

The Minister or an officer authorized by the Minister may issue to a citizen a certificate of identity or other document of identity for travel purposes in such form as the Minister approves.

10. Issue of certificates of identity, etc., to non-citizens.

- (1) The Minister or an officer authorized by the Minister may issue to a person—
- (a) who is a citizen of a country which is a member of the Commonwealth of Nations — a certificate of identity or other document of identity for travel purposes; or
 - (b) who is stateless or unable to obtain a passport from a consular representative of the country of which he claims to be a citizen — a certificate of identity.
- (2) A certificate of identity or other document of identity, as the case may be, issued under this section—
- (a) remains valid for such period, not exceeding six months from the date of issue; and
 - (b) may be renewed for such further periods, each not exceeding six months,
- as the Minister or the officer authorized by the Minister to whom the application is made, thinks fit.

11. Power to refuse issue and cancellation of certificate or other document of identity.

The Minister may—

- (a) refuse an application for, or for a renewal of, a certificate of identity or other document of identity; or
- (b) cancel a certificate of identity or other document of identity issued under this Act.

12. Power to refuse issue and cancellation of passport.

- (1) Subject to Subsection (2), the Minister may—
- (a) refuse an application for, or for a renewal of, a Papua New Guinea passport; or
 - (b) cancel a Papua New Guinea passport issued under this Act.
- (2) The powers conferred on the Minister under Subsection (1) shall not be exercised unless the Minister is satisfied that the person—
- (a) intends, contrary to law, to take a minor or a person under disability out of Papua New Guinea; or
 - (b) is the subject of a warrant of arrest or outstanding warrant of arrest issued under the *Arrest Act* or any other law; or
 - (c) has failed or refused to pay to the State, money owing to the State, in respect of expenses incurred by the State in, or in connexion with, effecting his return to Papua New Guinea from a country outside of Papua New Guinea; or
 - (d) is the subject of a court order prohibiting his departure from Papua New Guinea; or
 - (e) has engaged in activities that have caused or are likely to cause, serious damage to the security of Papua New Guinea; or
 - (f) has obtained or is reasonably suspected of having obtained a Papua New Guinea passport, by means of a false or misleading statement.
- (3) Where the Minister has—
- (a) refused an application for, or a renewal of, a Papua New Guinea passport; or

(b) cancelled a Papua New Guinea passport, he shall give written notice of, and the reasons for, his decision to the person concerned.

(4) Where the Minister cancels a Papua New Guinea passport under Subsection (1), the passport is immediately void.

(5) An officer authorized by the Minister may take possession of a cancelled Papua New Guinea passport.

(6) A person who has in his possession or under his control a Papua New Guinea passport referred to in Subsection (5) must, on demand by an officer authorized by the Minister, immediately deliver it up to the officer.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

13. Committee of Review.

(1) A person may, within 28 days after the receipt of the notice under Section 12(3), by written application to the Prime Minister request that the decision of the Minister be reviewed by a Committee of Review.

(2) The Prime Minister shall, on the receipt of an application under Subsection (1), as soon as practicable, appoint a Committee of Review, consisting of three Ministers one of whom shall be appointed to be the Chairman, to consider the application.

(3) On the appointment of the Committee of Review, the Minister shall submit to the Committee the reasons for his decision and all information relevant to the applicant.

(4) The Committee of Review may, if it considers necessary, request or permit the applicant to appear or to make written representations before it.

(5) After considering the application and information submitted to it in accordance with Subsections (3) and (4), and after making any inquiries or investigations it considers necessary, the Committee of Review shall either confirm or revoke the decision of the Minister.

(6) The Committee of Review shall report its decision to the Prime Minister who shall inform the applicant accordingly.

(7) Where by its decision, the Committee of Review has revoked the decision of the Minister, the Minister shall, as soon as practicable take all such actions as may be necessary to implement it.

14. Appeal against decision of Committee.

Subject to Section 155(5) (*the national judicial system*) of the Constitution, a decision of the Committee of Review under Section 13 is not open to review or challenge in any court on any grounds.

15. Power to order passport to be delivered up.

(1) A person who holds a Papua New Guinea passport that has been obtained, or is reasonably suspected by an officer of having been obtained, by means of any false or misleading statement must, on demand by an officer, deliver it up to the officer.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

(2) A person who holds a passport bearing an entry permit that has been obtained, or is reasonably suspected by an officer of having been obtained, by means of any false or misleading statement shall, on demand by an officer, deliver it to the officer.

(3) A person entering Papua New Guinea who is required by law to be in possession of a passport must, if required, deliver up his passport, to an officer before leaving the vessel or aircraft in which he entered Papua New Guinea.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

(4) If a person referred to in Subsection (2) is allowed to retain his passport, he must, if required by an officer at any time, deliver it up to the officer.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

(5) A passport delivered up to an officer in accordance with this section may, subject to any directions of the Minister, be retained by or on behalf of the Department or be returned to the person who delivered it up, as the officer thinks fit.

16. False statements.

A person who—

- (a) for the purpose of obtaining a Papua New Guinea passport, a certificate of identity or other document of identity; or
- (b) in support of an application for or for renewal of, a Papua New Guinea passport, a certificate of identity or other document of identity for any other person.

makes a false or misleading statement, whether orally or in writing, is guilty of an offence.

Penalty: A fine not exceeding K400.00 or imprisonment for a term not exceeding six months or both.

17. Lost or stolen passport.

(1) A person whose Papua New Guinea passport has been lost or stolen shall, as soon as he discovers its loss—

- (a) make every effort to recover it; and
- (b) report its loss to a member of the Police Force.

(2) An authorized officer shall not issue a replacement passport to a person whose Papua New Guinea passport has been lost or stolen unless he is satisfied that the person has made every effort to effect its recovery.

(3) An application for the replacement of a lost, stolen or damaged Papua New Guinea passport shall be made in the same manner as an application for the issue of a new passport.

18. Effect of valid passport in relation to the Migration Act.

Without in any way limiting the operation of a passport, a Papua New Guinea passport, certificate of identity or other document of identity that is in force operates, in accordance with its tenor, as an entry permit under the *Migration Act*,

19. 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—

- (a) for prescribing the matters or particulars to be accompanied with an application for a Papua New Guinea passport; and

- (b) for the granting of exemptions from payment of fees; and
- (c) for prescribing the fees to be charged in respect of the issue and renewal of a Papua New Guinea passport, certificate of identity or other document of identity; and
- (d) for prescribing penalties, not exceeding K400.00 or imprisonment for a term not exceeding six months for breaches of the regulations.

20. Transitional provisions.

(1) A Papua New Guinea passport, certificate of identity or other document of identity issued under the Act replaced by this Act and in force immediately before the commencement date shall continue in force for the period for which it was issued and shall have effect as if it were issued under this Act.

(2) A person held in detention by virtue of an order made under a provision of the Act replaced by this Act immediately before the commencement date shall be deemed to be held in detention by virtue of an analogous order or provision of this Act.

(3) An officer authorized or given powers, duties or functions under the Act replaced by this Act shall be deemed to have been authorized or given those powers, duties or functions under this Act with such variations as may be necessary to be applicable under this Act.

(4) Where immediately before the commencement date, the Minister has, in accordance with the provisions of the Act replaced by this Act—

- (a) refused an application for, or a renewal of, a Papua New Guinea passport; or
- (b) cancelled a Papua New Guinea passport,

the provisions of this Act relating to the review of the decision of the Minister do not apply unless the applicant has within 28 days after the commencement date, submitted a written application to the Prime Minister requesting a review.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 17.

Passports Regulation.

ARRANGEMENT OF SECTIONS.

1. Application for passport.
2. Fees.
3. Exemptions from payment of fees.

SCHEDULE 1.—

FORM 1.—Application for Passport.

SCHEDULE 2.—Fees.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 17.

Passports Regulation.

MADE under the *Passports Act.*

1. Application for passport.

An application for a Papua New Guinea passport shall—

- (a) be in Form 1; and be
- (b) be accompanied by two copies of a recent photograph of the applicant approximately 50mm by 63mm in size, showing a sufficient likeness of the applicant, one copy of which shall be certified by an approved person.

2. Fees.

Subject to Section 3, fees are payable in accordance with Schedule 2.

3. Exemptions from payment of fees.

The Minister may exempt from payment of fees—

- (a) Ministers and other government officials travelling outside the country on official business; and
- (b) the spouse and children of a Minister or other government official referred to in Paragraph (a) where the spouse or child is—
 - (i) accompanying; or
 - (ii) travelling in order to join,the Minister or official; and
- (c) any person who satisfies the Minister that he is travelling in a public capacity; and
- (d) any person in respect of whom the Minister is of the opinion that because special circumstances exist it is not desirable to charge fees.

SCHEDULE 1.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Passports Act.

Reg., Sec., 1.

Form 1.

APPLICATION FOR PASSPORT.

PART A:

1. Applicant's Family Name (<i>Mr, Mrs, Miss, etc</i>)		Full Name (<i>first name otherwise known as</i>)		
2. Name of Husband/Wife				
3. Address and Telephone				
Residential	Phone	Correspondence	Phone	
4. Birth Place and Date				
Village	Town	City	Country	Date of Birth / /
5. Marital Status (<i>tick whichever applies</i>):—		6. Personal Particulars:		
Single <input type="checkbox"/>	Married <input type="checkbox"/>	Height cms.		
Widowed <input type="checkbox"/>	Divorced <input type="checkbox"/>	Colour of hair		
		Colour of eyes		
		Visible distinguishing marks		
7. Occupation				
8. Children Under 17 Years of Age whose Names Applicant wishes to be included in the Passport.				
Family Name	First Names	Date of Birth	Sex	Village, Town, City and Country of Birth.
		/ /		
		/ /		
		/ /		

Consent.

I, (*name*) father/mother/legal guardian* hereby give my consent to the child/children* listed above being included in the applicant's passport.

(*STRIKE OUT WHICHEVER IS NOT APPLICABLE).

Signed	Date	Signature of Witness	Date
	/ /		/ /

9. Proposed Departure Details

Vessel or Airline	Port or Airport	Date / /
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10. Countries it is Proposed to Visit:

11. Details of Previous Passport (if no previous passport / Tick Here)

Passport No. Issued On
 is attached has been lost has been destroyed
 (Tick / whichever applicable)

12. To be Completed if Previous Travel Documents have been Lost, Destroyed or Mutilated.

Passport/Declaration as to Status	Number	Issued At:	On	Date / /
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Has the loss been reported to the Police? Yes <input type="checkbox"/> No <input type="checkbox"/>	If Yes, please state to which Police Officer or Police Station the report was made	Date of Report / /
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13. DECLARATION

I, (name of applicant) declare that I am a Papua New Guinean citizen and that the statements made in this application are true and correct in every particular.

Dated _____ 19____
 Signature or Mark _____

14. Applicants who Cannot Read or Write English.

The above declaration has been read/interpreted and explained by me in _____ language to the applicant in the presence of _____ and the applicant appeared to understand to approve of them.

Signature of Witness:	Signature:		
Full Name:	Full Name:		
Profession:	Profession:		
Address:	Address:		
Telephone No.	Date / /	Telephone No.	Date / /

CERTIFICATE REGARDING APPLICANT.

1, (Title or profession)
of (address)

hereby declare that I have known personally the applicant
for a period of _____ years and that the signature and photographs on or accompanying the
application are those of the applicant. To the best of my knowledge and belief the statements made by
the applicant in this form are true.

No fee has been charged for this certificate

Signature:	Date / /
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PART B:
CERTIFICATE OF CITIZENSHIP.

Family Name:		First Names:	
Address:	Date of Birth / /	Place of Birth	
Full Name of Mother	Place of Birth:	Full Name of Father:	Place of Birth
Full Name of Mother's Parents:		Full name of Father's Parents:	
Place of Birth of Mother's Parents:		Place of Birth of Father's Parents:	
Have you lived all your life in Papua New Guinea? <input type="checkbox"/> Yes <input type="checkbox"/> No	If not, where:		
Are you a naturalised citizen of a foreign country? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you have the right of permanent residence in Australia? <input type="checkbox"/> Yes <input type="checkbox"/> No	(Applicant's Signature)	

SUPPLEMENTARY INFORMATION

.....
.....
.....
.....
.....

*(Specimen signature of applicant
for inclusion in passport.)*

[Empty rectangular box for specimen signature]

SCHEDULE 2.

Act, Sec., 4(1) (b)
Reg., Sec., 2.

FEES.

	K
For issue of a passport	20.00
For renewal of a passport	10.00
For issue of a certificate of identity	20.00
For renewal of a certificate of identity	10.00
For issue of a document of identity	10.00
For renewal of a document of identity	10.00



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 17.

Passports.

APPENDIX 1.

SOURCE OF THE PASSPORTS ACT.

Part A.—Previous Legislation.

Passports Act 1982 (No. 29 of 1982).

Part B.—Cross References.

Sections, etc., in Revised Edition	Previous References ¹ .	Section, etc., in Revised Edition.	Previous References ¹ .
1	1	11	11
2	2	12	12
3	3	13	13
4	4	14	14
5	5	15	15
6	6	16	16
7	7	17	17
8	8	18	18
9	9	19	19
10	10	20	21

APPENDIX 2.

SOURCE OF THE PASSPORTS REGULATION.

Part A.—Previous Legislation.

Passports Regulation 1983 (Statutory Instrument No. 11 of 1983).

Part B.—Cross References.

Section, etc., Revised Edition.	Previous References ² .	Section, etc., in Revised Edition.	Previous References ² .
1	1		
2	2		
3	3		
Schedule 1	Schedule 1.		
Schedule 2	Schedule 2.		

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

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

