

**EXPULSION OF UNDESIRABLES  
ORDINANCE 1950.<sup>(1)</sup>**

**No. 9 of 1950.**

**An Ordinance relating to the Expulsion of Undesirable Persons.**

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949*, as follows:—

- Short title.**       **1.** This Ordinance may be cited as the *Expulsion of Undesirables Ordinance 1950.*<sup>(1)</sup>
- Commencement.**   **2.** This Ordinance shall come into operation on a date to be fixed by the Administrator by notice<sup>(1)</sup> in the *Gazette*.
- Repeal.**           **3.—(1.)** The *Expulsion of Undesirables Ordinance 1935*<sup>(2)</sup> of the Territory of New Guinea is repealed.
- (2.)** Any order for deportation made under the Ordinance repealed by this section and in force at the commencement of this Ordinance shall continue in force as if made under this Ordinance.
- Deportation of certain persons.**   **4.—(1.)** Subject to this section, where the Administrator in Council is satisfied that any person who was not born in the Territory—
- (a)** has at any time been convicted under any law of the Territory, the Territory of Papua-New Guinea, the Territory of Papua or the Territory of New Guinea of a criminal offence punishable by imprisonment for one year or longer; or
- (b)** is a person whose presence in the Territory is prejudicial or likely to be prejudicial to the peace, order, or good government of the Territory or to the well-being of the natives of the Territory,

the Administrator in Council may make an order for the deportation of that person.

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

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
2.8.1950	10.8.1950	28.9.1950 (Papua and N.G. <i>Govt. Gaz.</i> of 28.9.1950)

(2) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. II., on pp. 2001-2002.

(2.) The provisions of paragraph (a) of sub-section (1.) of this section shall not apply to a conviction in the Territory of New Guinea before the ninth day of May, One thousand nine hundred and twenty-one.

(3.) In the case of any person to whom the Administrator in Council is satisfied that the provisions of paragraph (b) of sub-section (1.) of this section apply, an order for the deportation of the person shall not be made unless the consent in writing of the Minister has first been obtained.

5. Where the Administrator in Council has made an order under this Ordinance for the deportation of any person, that person shall be deported accordingly, and may—

Custody pending deportation.

(a) pending deportation and until he is placed on board a vessel for deportation from the Territory;

(b) at any port in the Territory at which the vessel calls after he has been placed on board; and

(c) on board the vessel until its departure from its last port of call in the Territory,

be kept in such custody as the Administrator directs.

6.—(1.) The master, owner, agent, or charterer of any vessel shall, when required so to do by notice in writing by the Administrator or by any officer authorized by him—

Shipowners to provide passages for deportees.

(a) provide a passage for any person ordered to be deported under this Ordinance, and shall receive that person on board for conveyance to a port to which the vessel is bound; and

(b) receive on board and provide with accommodation, for such time as is specified in the notice, any persons charged by the Administrator with the custody of the person ordered to be deported.

Penalty: One hundred pounds.

(2.) For the services specified in the last preceding sub-section the Administrator shall pay to the master, owner, agent or charterer such passage money as the Administrator thinks reasonable.

7. Any person who has been deported under this Ordinance or under the Ordinance repealed by this Ordinance and who, without the permission of the Administrator in Council, returns to the Territory, shall be guilty of an indictable offence.

Return of deportee.

Penalty: Imprisonment for one year and, in addition, deportation by order of the Administrator in Council as provided in this Ordinance.

PART A : DEPORTATION—

Evidence.

8. In any prosecution for an offence under this Ordinance, the production of an order for the deportation of any person made under this Ordinance or under the Ordinance repealed by this Ordinance signed by the Administrator shall be conclusive evidence that the order is valid and was lawfully made.

Indemnity.

9. No action shall be brought by any person against whom an order for deportation has been made under this Ordinance, with reference to anything done or omitted in the execution or purported execution of the order for his deportation or of the provisions of this Ordinance.