

FORESTRY—

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FORESTRY (PAPUA) ORDINANCE 1950.⁽¹⁾

No. 7 of 1950.

An Ordinance to apply the Provisions of the Forestry Ordinance 1936-1937 of the Territory of New Guinea to the Territory of Papua.

BE 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:—

1. This Ordinance may be cited as the *Forestry (Papua) Ordinance 1950*. Short title.

2. This Ordinance shall take effect from such date as is fixed by the Administrator by notice in the *Gazette*.⁽¹⁾ Commencement.

3. Sections two to five (inclusive), seven and eight, Part II., section twenty-nine and Schedule A of the *Timber Ordinance, 1909-1920*⁽²⁾ of the Territory of Papua are repealed. Repeal.

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

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwllh. Gaz.</i>	Date on which took effect.
2.8.1950	10.8.1950	7.9.1950 (Papua and N.G. <i>Govt. Gaz.</i> of 7.9.1950)

(2) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. II., on pp. 2007-2015.

PART B: FORESTRY—

Application of certain provisions of New Guinea Ordinance.

4.—(1.) The provisions of the *Forestry Ordinance 1936-1937* of the Territory of New Guinea⁽³⁾ as in force at the date of commencement of this Ordinance, and the provisions of the *Forestry Regulations*,⁽⁴⁾ made under that Ordinance, as in force at that date, shall be in force in the Territory of Papua as if contained in this Ordinance, but, for the purposes of this Ordinance, those provisions shall be read as if—

(a) sections one, two and three of the Ordinance and the Schedule to the Ordinance were omitted;

(b) in section four of the Ordinance—

(i) the definition of “Administration land” were omitted and the following definition were substituted:—

“ ‘Administration land’ includes—

(a) Crown land or land vested in His Majesty;

(b) all native-owned lands declared, as prescribed, to be ‘Administration land’ for the purposes of this Ordinance; and

(c) all native-owned lands in respect of which the Administrator had, immediately prior to the commencement of this Ordinance, the right to fell, cut, remove and dispose of the timber growing thereon,

but does not include any land which has been granted in fee simple or lawfully contracted to be so granted;”;

(ii) in the definition of “forest produce” there were inserted after the word “dead” (second occurring) the words “, but does not include sandalwood trees or any part or product thereof or indigenous rubber-producing trees or any part or product thereof”;

(3) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. II., on pp. 2167-2178.

(4) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. II., on pp. 2179-2194.

Forestry (Papua) Ordinance 1950—cont.

(iii) the definition of "Secretary" were omitted and the following definition were substituted:—

"'Secretary' means the Secretary of Forests appointed under this Ordinance;" and

(iv) after the definition of "Territory Forest" the following definition were inserted:—

"'the Territory' means the Territory of Papua;"

(e) section five of the Ordinance were omitted and the following section were inserted in its stead:—

"5. For the purposes of this Ordinance there shall be a Secretary of Forests, who shall be appointed by the Administrator.";

(d) sections seven and eight of the Ordinance were omitted and the following sections were inserted in their stead:—

"7. The Administrator may appoint as a Forest Officer an officer of the Public Service of the Territory of Papua and New Guinea who has obtained the degree or diploma of a forest school recognized by the Administrator.

"8. The Administrator may appoint as a Forest Inspector an officer of the Public Service of the Territory of Papua and New Guinea or a European member of the Royal Papuan Constabulary.";

(e) in sub-section (1.) of section twenty-four of the Ordinance the words "or under any Ordinance repealed by this Ordinance" were omitted; and

(f) each expression set out in the first column of the Schedule to this Ordinance were (wherever occurring) omitted and the expression set out in the second column of that Schedule opposite to that expression were substituted.

(2.) Regulations made under the provisions of section thirty-five of the *Forestry Ordinance 1936-1937*⁽³⁾ of the Territory of New Guinea as in force in the Territory of Papua by virtue of this Ordinance may modify or affect the application of any of the provisions of the *Forestry Regulations*⁽⁴⁾ of the Territory of New Guinea as in force in the Territory of Papua by virtue of this Ordinance.

(3) See footnote (3) printed on p. 1478.

(4) See footnote (4) printed on p. 1478.

(5) Pursuant to Sec. 8, the Administrator, by notice dated 23.9.1950 and published in Papua and N.G. *Govt. Gaz.* of 28.9.1950 appointed the District Officers of the Milne Bay, Northern, Central, Gulf, Delta, and Western Divisions to be Forest Inspectors.

PART B : FORESTRY—

Saving of
permits and
licences in
force.

5.—(1.) Notwithstanding any repeal effected by section three of this Ordinance, any permit or licence which was, immediately prior to the date of commencement of this Ordinance, in force under the *Timber Ordinance, 1909-1920*⁽²⁾ of the Territory of Papua shall continue in force for the residue of the term for which it was in force, as if the provisions repealed by section three of this Ordinance, and the provisions of the *Timber Regulations, 1918*⁽⁶⁾ of the Territory of Papua as in force immediately before that date, had continued in force, and those provisions shall, subject to this section, continue to apply to and in relation to any such permit or licence as if the repeals effected by section three of this Ordinance had not been effected.

(2.) Royalties at the rates prescribed in the Second Schedule to the *Forestry Regulations*⁽⁴⁾ of the Territory of New Guinea as in force from time to time in the Territory of Papua by virtue of this Ordinance shall be paid for all forest produce taken under any permit or licence continued in force by this section and, for the purposes of the assessment, payment and recovery of those royalties, the provisions relating to the assessment, payment and recovery of royalties in force by virtue of this Ordinance shall be applicable as if the permit or licence were a permit or licence granted by virtue of this Ordinance, but no additional royalty shall be payable upon the export of any timber comprised in or derived from any such forest produce.

(3.) The holder of a timber licence continued in force by this section shall not be required to pay to the Administration any rent in respect of the licence for any period after the date of commencement of this Ordinance.

(4.) No renewal of any permit or licence continued in force by this section shall be granted or made.

Existing
timber
reserves.

6.—(1.) Where, by any proclamation made under section nine of the *Timber Ordinance, 1909-1920*⁽²⁾ of the Territory of Papua and in force immediately prior to the date of commencement of this Ordinance, Crown land was declared to be a timber reserve, that land shall, for the purposes of this Ordinance, be deemed to have been declared, as prescribed, to be a timber reserve under the provisions in force by virtue of this Ordinance.

(2.) Timber as to which rights existed under section two of of the *Timber Ordinance, 1909-1920*⁽²⁾ of the Territory of Papua immediately prior to the date of commencement of this Ordinance shall, for the purposes of the provisions in force by virtue of this Ordinance, be deemed to be contained in a timber reserve.

(2) See footnote (2) printed on p. 1477.

(4) See footnote (4) printed on p. 1478.

(6) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. II., on p. 2016.

THE SCHEDULE.

Section 4.

First Column.	Second Column.
<p><i>New Guinea Gazette</i> Territory of New Guinea <i>Land Ordinance 1922-1935</i>⁽⁷⁾</p> <p><i>Lands Registration Ordinance 1924-1937</i>⁽⁹⁾</p> <p><i>Natives' Contracts Protection Ordinance 1921-1936</i>⁽¹¹⁾</p> <p><i>Forestry Ordinance 1936-1937</i>⁽³⁾</p> <p>Rabaul hectares</p>	<p><i>Gazette</i> Territory of Papua and New Guinea <i>Land Ordinance, 1911-1940</i>⁽⁸⁾ of the Territory of Papua <i>Real Property Ordinance, 1913-1939</i>⁽¹⁰⁾ of the Territory of Papua <i>Transactions with Natives Ordinance, 1893-1935</i>⁽¹²⁾ of the Territory of Papua <i>Forestry (Papua) Ordinance 1950</i> Port Moresby acres</p>

(3) See footnote (3) printed on p. 1478.

(7) Now the *Land Ordinance 1922-1950*. The *Land Ordinance 1922-1941* is printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. III., on pp. 2649-2716; as to subsequent amendments see the Supplementary Table printed in this Volume in Part C.

(8) Now the *Land Ordinance, 1911-1947*. The *Land Ordinance, 1911-1940* is printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., on pp. 2371-2403; as to subsequent amendments see the footnotes to that Ordinance.

(9) Now the *Lands Registration Ordinance 1924-1951*. The *Lands Registration Ordinance 1924-1939* is printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. III., on pp. 2891-2985; as to subsequent amendments see the Supplementary Table printed in this Volume in Part C.

(10) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., on pp. 2593-2660.

(11) Now the *Natives' Contracts Protection Ordinance 1921-1947*. The *Natives' Contracts Protection Ordinance 1921-1936* is printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. IV., on pp. 3913-3916; as to subsequent amendments see the footnotes to that Ordinance.

(12) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. IV., on pp. 3543-3547.