

AMENDMENT OF THE NATIVE ADMINISTRATION REGULATIONS 1924.⁽¹⁾

Regulations.

No. 11 of 1950.

1. Regulation 79A of the *Native Administration Regulations 1924*⁽²⁾ is hereby repealed and the following new Regulation inserted in its stead:—

“79A. (1) The Administrator may by notice⁽³⁾ in the *Gazette* declare any part of the Territory to be an area liable to famine or a deficiency of food supplies.

(2) In any area declared by the Administrator under the provisions of sub-regulation (1) a District Officer may order the Native residents in the area to plant food plants and crops and may fix the number of plants or crops or the area of land as the case may be that the Native residents of each village shall plant and may fix the number of plants or crops or the area of land as the case may be that each able-bodied male Native shall plant and cultivate.

(3) Any able-bodied male Native who has been ordered to plant and cultivate a certain number of plants or crops or a certain area of land by a District Officer and fails or neglects to do so shall be liable on conviction to a fine not exceeding Three pounds.

(4.) Any Native who wilfully destroys or injures a plant or crop planted in accordance with the provisions of these Regulations shall be liable on conviction to a fine not exceeding Three pounds.

(5) Any plants or crops planted under the provisions of this regulation and the produce of such plants or crops shall be the property of the community or Native planting same.”.

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	Date on which made by Administrator in Council.	Date on which published in Papua and N.G. Govt. Gaz.	Date on which took effect and came into operation.
<i>Native Administration Ordinance 1921-1938</i>	25.9.1950	28.9.1950	“forthwith”(a)

(a) These Regulations stated in their introductory part that they were to come into operation forthwith. At the relevant dates in 1950 the *Native Administration Ordinance 1921-1938* (under which these Regulations were made) made no provision as to the date of commencement of regulations made thereunder but Section 37 (1) of the *Ordinances Interpretation Ordinance 1949* of the Territory of Papua and New Guinea provided that “Regulations . . . made . . . under an Ordinance, unless the contrary intention appears in the Ordinance—

(a) shall be published in the *Gazette*; and

(b) shall . . . take effect from the date of publication, or where another date is specified in the regulations, from the date specified”.

At the relevant dates in 1950, there was no Ordinance or regulations of general application providing for the meaning of “forthwith”.

(2) Printed in *The Laws of the Territory of New Guinea. 1921-1945 (Annotated)*, Vol. IV., on pp. 3259-3794.

(3) No notice has been published in Papua and N.G. Govt. Gaz. before 1.1.1952.