

**AMENDMENT OF THE NATIVE REGULATIONS,
1939.⁽¹⁾**

Regulations.

No. 9 of 1950.

1. Regulation 73 of the *Native Regulations, 1939*,⁽²⁾ is hereby repealed and the following new regulation inserted in its stead:—

“73.—(1.) No Native shall be in any street or public place in any town notified by the Director of District Services and Native Affairs by

(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 Regulation Ordinance, 1908-1930</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 Regulation Ordinance, 1908-1930* (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 regulation of general application providing for the meaning of “forthwith”.

(2) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. IV., on pp. 3292-3344; as to subsequent amendments, see the Supplementary Table printed in this Volume on p. 1395.

notice⁽³⁾ in the *Gazette* between such hours as are fixed by the Director of District Services and Native Affairs with respect to that town.

Penalty: Two pounds or imprisonment for two months or both.

(2.) Notwithstanding the provisions of sub-regulation (1) hereof a Native resident in and employed in any town may be in any street or public place at any time with the written permission of his employer.

(3.) A Native who, when required by a Member of the Royal Papuan Constabulary during the hours fixed by the Director of District Services and Native Affairs under sub-regulation (1) hereof to produce written permission from an employer, fails to do so shall be deemed not to have written permission from an employer unless he satisfies the Court that he has had and has lost written permission covering the hour at which he was required to produce permission.

(4.) For the purpose of this regulation "town" means a town to which the provisions of Part III. of the *Police Offences Ordinance, 1912-1947*,⁽⁴⁾ applies."

2. The *Native Regulations, 1939*,⁽²⁾ are amended by inserting immediately after Regulation 74 thereof the following new regulation:—

"74A. The Administrator may by notice⁽⁵⁾ in the *Gazette* exclude any town or part of a town from the operation of Regulation 73 or 74."

(2) See footnote (2) printed in this Volume on p. 1564.

(3) Pursuant to Reg. 73 the Director of District Services and Native Affairs by notice dated 27.10.1950 and published in Papua and N.G. *Govt. Gaz.* of 27.10.1950 notified that "with respect to the Towns of Port Moresby Samarai Bwagaia and Daru, the hours fixed shall be between 9 p.m. and 6 a.m."

(4) The *Police Offences Ordinance 1912-1939* is printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. II., on pp. 1431-1463; as to subsequent amendments see the footnotes to that Ordinance.

(5) Pursuant to Reg. 74A, the Administrator, by notice dated 27.10.1950 and published in Papua and N.G. *Govt. Gaz.* of 27.10.1950, excluded "that portion of the Town of Port Moresby, known as Hanuabada Village, from the operation of Regulations 73 and 74".