

# RESTRICTED AREAS ORDINANCE 1950.<sup>(1)</sup>

No. 26 of 1950.

## An Ordinance to Control Admission into Certain Areas.

**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:—

1. This Ordinance may be cited as the *Restricted Areas Ordinance 1950*.<sup>(1)</sup> Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice<sup>(1)</sup> in the *Gazette*. Commencement.

3.—(1.) The Ordinances specified in the First Schedule to this Ordinance are repealed. Repeal.

(2.) All proclamations, delegations<sup>(2)</sup> and permits made, given or granted under the Ordinances of the Territory of New Guinea repealed by this Ordinance and in force immediately before the commencement of this Ordinance shall continue in force as if made, given or granted under this Ordinance.

(3.) Where an area is declared by a proclamation continued in force by this section to be an uncontrolled area, that area shall be deemed to be a restricted area for the purposes of this Ordinance.

(4.) A reference in a delegation or permit continued in force by this section to the expression “uncontrolled area” shall be read as a reference to the expression “restricted area”.

4. In this Ordinance, unless the contrary intention appears—  
“Court” means, in relation to the Territory of Papua, a Court of Petty Sessions established under the *Justices Ordinance, 1912-1940*<sup>(3)</sup> of that Territory, and, in relation to the Territory of New Guinea, a District Court established under the *District Courts Ordinance 1924-1938*<sup>(4)</sup> of that Territory; Definitions.

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

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwilt. Gaz.</i>	Date on which took effect.
26.10.1950	2.11.1950	26.7.1951 ( <i>Papua and N.G. Govt. Gaz.</i> of 26.7.1951)

(2) Particulars of Proclamations and delegations continued in force by Section 3 (2) are contained in the relevant footnotes and Tables to this Ordinance.

(3) Now the *Justices Ordinance, 1912-1950*. The *Justices Ordinance, 1912-1940* is printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. I, on pp. 885-955; as to subsequent amendments see the Supplementary Table printed in Part B in Volume II.

(4) Now the *District Courts Ordinance 1924-1947*. The *District Courts Ordinance 1924-1938* is printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. I, on pp. 1071-1149; as to subsequent amendments, see the footnotes to that Ordinance.

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“permit” means a permit granted under or continued in force by this Ordinance;

“restricted area” means an area declared by the Administrator by proclamation in the *Gazette* to be a restricted area for the purposes of this Ordinance or an area deemed by section three of this Ordinance to be a restricted area for the purposes of this Ordinance.

Delegation by Administrator.

5.—(1.) The Administrator may, by writing under his hand, delegate<sup>(5)</sup> to any person all or any of his powers under sections eight, ten and fourteen of this Ordinance so that the delegated powers and functions may be exercised by the delegate with regard to the matters or class of matters specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Administrator.

Power to declare restricted areas.

6. The Administrator may, by proclamation<sup>(6)</sup> in the *Gazette*, declare any area which is not fully, or has not yet come, under the control of the Administration, to be a restricted area for the purposes of this Ordinance.

Entering restricted areas prohibited.

7. No person except—

(a) natives;

(b) officers of the Administration; or

(c) a person holding a permit under this Ordinance,

shall enter a restricted area.

Permits to enter restricted areas.

8.—(1.) The Administrator may grant to any person, upon such conditions as he thinks fit to impose, a permit to enter a restricted area.

(2.) The conditions shall be indorsed upon the permit.

(3.) The Administrator may, as a condition precedent to the grant of a permit, require the applicant to furnish security either in cash or by bond, in such sum as the Administrator thinks fit, that the applicant will observe the conditions to be indorsed upon the permit and the provisions of this Ordinance.

(4.) An application for a permit shall be made in writing in accordance with Form A in the Second Schedule to this Ordinance.

(5.) A permit may be in accordance with Form B in the Second Schedule to this Ordinance and shall remain in force for such time as is specified therein.

(5) A Table containing particulars of notices delegating powers to persons holding a particular office (made under the repealed *Uncontrolled Areas Ordinance* 1925-1938 and continued in force by the present Section 3) is printed in this Volume on p. 1188.

(6) A Table containing particulars of Proclamations declaring areas to be restricted areas in pursuance of Section 6, including proclamations continued in force by Section 3, is printed in this Volume on p. 1189, and certain of the Proclamations are printed immediately after the Table.

9.—(1.) Notwithstanding the provisions of section eight of this Ordinance, a permit to enter a restricted area shall not be granted unless the applicant for the permit gives, to the satisfaction of the Administrator or a person to whom the Administrator has, under section five of this Ordinance, delegated his power to grant a permit to enter a restricted area, security in the sum of Two hundred pounds for the payment of any compensation which may become payable by the applicant under section thirteen of this Ordinance.

Security for payment of compensation to certain natives.

(2.) The Administrator may exempt any applicant for a permit from the provisions of the last preceding sub-section.

10. The Administrator may at any time by notice in writing cancel a permit.

Power to cancel permit.

11. A person, other than a native or an officer of the Administration, who—

Entering or remaining in restricted area without permit an offence.

- (a) enters a restricted area without a permit;
- (b) without reasonable excuse, proof whereof shall lie upon him, remains in a restricted area after cancellation of his permit; or
- (c) without reasonable excuse, proof whereof shall lie upon him, remains in a restricted area after the expiration of the term specified in his permit,

shall be guilty of an indictable offence.

Penalty: Imprisonment for twelve months.

12.—(1.) A person, being the holder of a permit, who—

Breaking conditions indorsed on permit an offence.

- (a) commits a breach of the conditions indorsed upon the permit; or
- (b) does any act calculated to disturb the peace of a restricted area or to cause the natives of a restricted area to be disaffected towards the Administration,

shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

(2.) In addition to the penalty provided by the last preceding sub-section, a person convicted of an offence against this section shall be liable to forfeit any security furnished by him under section eight of this Ordinance.

13.—(1.) If a native, being in a restricted area in company with, or by direction of, his employer or some person authorized by his employer to give directions to the native, is killed, wounded or injured by a native in the restricted area, the employer shall, as soon as practicable, give notice thereof to a District Officer.

Compensation to native employees in certain cases.

Penalty: One hundred pounds.

(2.) Where a District Officer receives notice under the last preceding sub-section or becomes aware that a native referred to in the last preceding sub-section has been killed, wounded or

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injured by a native in a restricted area and that compensation has not been paid under this section, he shall, as soon as practicable, refer the matter to a Court for determination of the amount of compensation (if any) to be paid and summon the employer to appear before the Court.

(3.) After hearing evidence in regard to the matter, the Court may order the employer to pay compensation in accordance with the prescribed scale.

(4.) Compensation ordered to be paid under this section shall be paid to the prescribed officer, who shall distribute it to such persons, in such proportions, and in such manner, as the Court directs.

(5.) An order under this section may be enforced by the prescribed officer in the same manner as any other order of a Court, and, in addition, may be enforced against any security lodged by the employer under section nine of this Ordinance.

(6.) Compensation shall not be ordered by a Court under this section if the employer of the native killed, wounded or injured, proves that his death, wounding or injury was caused by a native employed under a contract of service or an agreement under any Ordinance relating to native labour or by a native member of the Royal Papuan Constabulary or a member of the Native Constabulary Branch of the New Guinea Police Force.

(7.) This section shall not apply to a native member of the Royal Papuan Constabulary or to a member of the Native Constabulary Branch of the New Guinea Police Force or to a native employed by the Administration or by an officer or employee of the Administration when the officer or employee is in a restricted area in the execution of his duty.

(8.) For the purposes of this section, "employer" includes the legal personal representative of a deceased employer.

Recovery of  
cost of rescuing  
person from  
restricted area.

**14.—**(1.) The Administrator may recover from any person any expenditure incurred by the Administration in escorting, protecting or assisting him while in a restricted area, in rescuing him or enabling him to escape therefrom, or in quelling any disturbance of which he has been the sole or part cause.

(2.) If a person, being the holder of a permit, is liable for any such expenditure, and has furnished security under section eight of this Ordinance, he shall forfeit to the Administrator the security or so much thereof as is sufficient to reimburse the Administration for the expenditure incurred.

Special powers  
of District  
Officer where  
tribal fighting  
occurs.

**15.** Where, in the opinion of the Administrator, disorder exists or is likely to occur in a restricted area, the Administrator may, by writing under his hand, invest any District Officer with such powers as the Administrator deems necessary to enable the District Officer to restore order or prevent the occurrence of disorder.

16.—(1.) The Administrator may make regulations,<sup>(7)</sup> not Regulations. inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.

(2.) The regulations under this section may prescribe amendments to any of the forms in the Second Schedule to this Ordinance.

## SCHEDULES.

### THE FIRST SCHEDULE.

ORDINANCE OF THE TERRITORY OF PAPUA.

*Uncontrolled Area Ordinance (No. 3), 1936.*<sup>(8)</sup>

ORDINANCES OF THE TERRITORY OF NEW GUINEA.

*Uncontrolled Areas Ordinance 1925.*<sup>(9)</sup>

*Uncontrolled Areas Ordinance 1926.*<sup>(9)</sup>

*Uncontrolled Areas Ordinance 1931.*<sup>(9)</sup>

*Uncontrolled Areas Ordinance 1935.*<sup>(9)</sup>

*Uncontrolled Areas Ordinance 1938.*<sup>(9)</sup>

### THE SECOND SCHEDULE.

#### FORM A.

TERRITORY OF PAPUA AND NEW GUINEA.

*Restricted Areas Ordinance 1950.*

APPLICATION FOR PERMIT.

To  
I desire to make application for a Permit under the *Restricted Areas Ordinance 1950*, and submit the following particulars:—

Name of applicant (in full)

Address

Occupation

Nationality

Purposes for which Permit desired

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
(Signature of Applicant.)

#### FORM B.

TERRITORY OF PAPUA AND NEW GUINEA.

*Restricted Areas Ordinance 1950.*

PERMIT.

M  
area (description of area) is hereby permitted to enter the restricted  
the \_\_\_\_\_ day of \_\_\_\_\_ and to remain therein until  
of \_\_\_\_\_, 19 \_\_\_\_\_, for the purpose

Conditions on which this permit is granted

Security

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
Administrator (or Delegate of the  
Administrator, as the case may  
be).

(7) No Regulations have been made before 1.1.1952.

(8) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. IV., on pp. 4237-4238.

(9) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. IV., on pp. 4559-4564.