

ARMS, LIQUOR AND OPIUM PROHIBITION ORDINANCE, 1911-1935. ⁽¹⁾

An Ordinance to amend and consolidate the Law Prohibiting the Supplying to Natives of Firearms Ammunition Explosives Intoxicating Liquor or Opium.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Arms, Liquor and Opium Prohibition Ordinance, 1911-1935.*⁽¹⁾

Short title.
Amended by
No. 2 of 1930,
s. 2.

2. *The Arms Liquor and Opium Prohibition Ordinance of 1888* (No. 1. of 1888), *The Arms Liquor and Opium Prohibition Ordinance of 1899* (No. 3 of 1900) and *The Arms Restriction Ordinance of 1908* (No. 11 of 1908) are hereby repealed except as to any act done right acquired liability incurred or offence committed thereunder before this Ordinance came into force.

Repeal.

3. In this Ordinance unless the context otherwise indicates—

“Native” means every person in the Territory not wholly of European descent;

“Firearm” means every kind and variety of gun or pistol used or intended for the discharge of projectiles of any kind and also any part of any such gun or pistol;

Definition of words.
Pap. No. 1 of
1888, s. 1.

(1) *The Arms, Liquor and Opium Prohibition Ordinance, 1911-1935*, comprises the *Arms Liquor and Opium Prohibition Ordinance, 1911*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua Govt. Gaz.	Date on which came into operation.
<i>Arms, Liquor and Opium Prohibition Ordinance, 1911</i> (No. 27 of 1911)	19.5.1911	6.3.1912	6.3.1912 (Papua Govt. Gaz. of 6.3.1912)
<i>Arms, Liquor and Opium Prohibition Ordinance, 1916</i> (No. 3 of 1917)	21.8.1916	2.5.1917	2.5.1917 (Papua Govt. Gaz. of 2.5.1917)
<i>Arms, Liquor and Opium Prohibition Ordinance, 1932</i> (No. 6 of 1932)	14.7.1932	2.11.1932	2.11.1932 (Papua Govt. Gaz. of 2.11.1932)
<i>Arms, Liquor and Opium Prohibition Ordinance, 1935</i> (No. 15 of 1935)	18.7.1935	4.12.1935	4.12.1935 (Papua Govt. Gaz. of 4.12.1935)

NATIVES—

“Ammunition” includes all varieties of gunpowder and any other explosive agent used or that could be used with firearms and all shot or other projectile and any other articles ordinarily used with firearms as well as all materials that could be used in the preparation of ammunition;

“Explosive” shall include all varieties of gunpowder blasting powder nitro-glycerine dynamite and all compounds and modifications of these as also any other article that can be exploded with such violence as to cause danger to human life and also all materials that could be used in preparing such an explosive;

“Intoxicating Liquor” shall include all spirituous compounds and all fermented liquors and any mixture part whereof is spirituous or which contains fermented liquors and any mixture or preparation containing any drug capable of producing intoxication;

“Opium” shall include every preparation of opium and every article containing any of the active ingredients of opium.

4. No person shall except as hereinafter permitted supply to any native by sale gift or in any other way either directly or indirectly or furnish or entrust any native with any firearm ammunition explosive intoxicating liquor or opium; and any person offending against any provision of this section shall on conviction in a summary manner be liable to a fine of not less than Twenty pounds and not exceeding Two hundred pounds and in default of payment thereof or in addition to such fine to imprisonment for any term not less than one month and not exceeding two years.

5. No action for the recovery of any debt or for the enforcement of any agreement or obligation contracted or entered into in respect of any firearm ammunition explosive intoxicating liquor or opium supplied to any native shall be maintained in any court.

6. It shall not be lawful save as hereinafter provided for any native to have in his possession any firearm ammunition explosive intoxicating liquor or opium; and any such article found in the possession of any native contrary to the provisions of this Ordinance may be seized by any officer in the service of the Government or by any native placed in authority by the Government and be brought before any officer exercising judicial functions who shall in a summary way direct that any such article be confiscated and that it be destroyed or otherwise disposed of according to his discretion.

Firearms
ammunition
explosives
intoxicating
liquor and
opium not to
be supplied to
natives.
Pap. No. 1 of
1888, s. 2.
Penalty.

Suit cannot be
maintained.
Pap. *Ib.* s. 3.

Native not to
have firearms
or intoxicants
in his possession.
Pap. *Ib.* s. 4.

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7. If any native who is not expressly permitted under this Ordinance to do so shall drink or have in his possession any intoxicating liquor or unless expressly permitted so to do as aforesaid shall use or have in his possession any opium firearm ammunition or explosive he shall be liable on conviction to a penalty not exceeding Thirty pounds and in default of payment to be imprisoned with or without hard labour for any period not exceeding three months.

Penalty on native for using liquor &c.
Pap. No. 3 of 1900, s. 2.

8. Nothing in this Ordinance shall be held to prevent the Lieutenant-Governor⁽²⁾ from supplying any native with any firearm and ammunition should the Lieutenant-Governor⁽²⁾ be of opinion that such a course can be adopted with safety to the King's loyal subjects and that any native as aforesaid has urgent need for firearms and ammunition for the purposes of self-defence; and any firearm or ammunition given to any native as herein permitted may be retained by such native until withdrawn by the order of the Lieutenant-Governor.⁽²⁾

Lieutenant-Governor may supply arms to a native in certain cases.
Pap. No. 1 of 1888, s. 5.

9. It shall not be an offence under this Ordinance for any person to give to any native for any urgent cause or necessity and without recompense or remuneration any intoxicating liquor when such intoxicating liquor is given solely and purely for medical purposes but it will rest with the person giving such intoxicating liquor to prove to the satisfaction of the court the existence of such urgent necessity and failing such proof in a clear and conclusive manner such person shall be liable to the penalty provided in Section 4 hereof.

Intoxicating liquor may be given to a native in urgent necessity.
Pap. 1b. s. 7.

10. No person shall be liable to any penalty under this Ordinance for giving any opium to any native when the same is given for medical purposes in the medicinal form and in quantities not excessive.

Opium may be given to a native for medical purposes.
Pap. 1b. s. 8.

11. It shall not be an offence under this Ordinance for any person who is not a native to entrust to any native, or for any native to have in his possession, any firearm, ammunition, explosive, or intoxicating liquor so entrusted to him, for the purpose of immediate transport only.

Firearms etc. may be entrusted to natives for the purpose of transport.
Substituted by No. 3 of 1917, s. 2.

12. A special arms permit may be issued to any native empowering him to have in his possession and to use the firearms therein specified for such period not being longer than one year as may be therein prescribed. Every such permit may be in the Form A of the Schedule hereto or to the like effect. A fee of two shillings and six pence shall be payable in respect thereof.

Permit to native to have firearms.
Pap. No. 3 of 1900, s. 3.
Pap. No. 11 of 1908, s. 2.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

NATIVES—

Employer's Arms Permit.
Section 13 amended by No. 6 of 1932, s. 2; substituted by No. 15 of 1935, s. 2.

- 13.—(1.) An Employer's Arms Permit may be issued to:—
- (a) Any person who is not a native within the meaning of the *Ordinance Interpretation Ordinance*, 1911-1933;⁽³⁾
 - (b) Any body corporate;
 - (c) The Government of the Territory;
 - (d) Any Christian Mission Society or body;
 - (e) Any other person or body approved by the Lieutenant-Governor.⁽²⁾

(2.) An Employer's Arms Permit shall authorize the holder to entrust firearms to the native named in the Permit for the purpose of shooting for such holder.

(3.) An Employer's Arms Permit shall not remain in force longer than one year and may be in the Form B of the Schedule to this Ordinance or to the like effect.

(4.) A fee of Two shillings and sixpence shall be payable upon the issue of each Employer's Arms Permit and every such Permit shall be in respect of one native only.

(5.) Every native whilst carrying firearms pursuant to an Employer's Arms Permit shall carry a duplicate of the said Permit.

Explosives permit.
Section 13A inserted by No. 3 of 1917, s. 3.

13A.—(1.) An explosives permit may be issued to any person of European descent authorizing the use of explosives during such period not being longer than one year and by such natives and for such purposes as may be respectively specified therein.

(2.) Such natives must be in the service of the person to whom such permit is issued and whilst using an explosive must be under the direct control and immediate personal supervision of some specified person who is of European descent.

(3.) Every such permit may be in the Form BB in the Schedule hereto or to the like effect.

(4.) A fee of five shillings shall be payable in respect of each native authorized by such permit to use explosives.

Permit to use firearm includes ammunition.
Pap. No. 3 of 1900, s. 5.

14. Every permit to possess or to use firearms shall include permission to possess or use the ammunition necessary for such firearms.

Permit to use liquor.

15. A permit to be known as a liquor permit may be issued to any person who is not a native within the meaning of the *Interpretation Ordinance*, 1891,⁽⁴⁾ authorizing the drinking by such per-

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) Now the *Ordinance Interpretation Ordinance*, 1911-1940.

(4) Repealed and replaced by the *Ordinance Interpretation Ordinance*, 1911-1940: For the definition of "native," see Section 22 of that Ordinance.

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son of intoxicating liquor. Every such permit may be in the Form C of the Schedule hereto or to the like effect and shall be in force for one year.

A fee of two shillings and six pence shall be payable therefor.

16. Permits under this Ordinance may be issued by any person empowered⁽⁵⁾ by the Lieutenant-Governor⁽²⁾ to do so. The issue of any permit shall be a purely discretionary matter.

Issuing of permits.
Pap. No. 3 of 1900, s. 7.

Any permit issued under this Ordinance may at any time be revoked by the Lieutenant-Governor⁽²⁾ or by any person empowered by him to revoke permits issued under this Ordinance.

SCHEDULE.

Form A.

Section 12.

Arms Liquor and Opium Prohibition Ordinance, 1911.

SPECIAL ARMS PERMIT.

A.B. of _____ is permitted to have in his possession and to use (*description of firearm*) from the _____ day of _____, 19____, to the _____ day of _____, 19____, inclusive.
Issued this _____ day of _____, 19____.

Form B.

Arms, Liquor and Opium Prohibition Ordinance, 1911-1935.

EMPLOYER'S ARMS PERMIT.

_____ of _____ is hereby authorized to entrust firearms to the native named in this Permit for the purpose of shooting for the Permit holder.

This Permit shall remain in force for Twelve months from the date of issue hereof.

Issued this _____ day of _____, 193____.
Name of native. _____

Note:—This Permit can be issued in respect of one native only and a duplicate of this Permit must be carried by the native named at all times when carrying firearms pursuant to this Permit.

Amended by No. 6 of 1932, s. 3; substituted by No. 15 of 1935, s. 3.

Form BB.

Arms, Liquor and Opium Prohibition Ordinance, 1911-1916.

EXPLOSIVES PERMIT.

Every native specified in the Schedule hereto is permitted whilst he is in the service of _____, of _____, from the _____ day of _____, 19____, to the _____ day of _____, 19____, inclusive, to use explosives for the purpose of _____. But no such native is permitted to use explosives unless he is under the direct control and immediate personal supervision of the person whose name is endorsed on this permit.

Inserted by No. 3 of 1917, s. 4.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(5) By notice dated 22.6.1912 and published in *Papua Govt. Gaz.* of 3.7.1912 the Administrator "appointed the Government Secretary as the only officer empowered to issue and revoke Liquor Permits under the *Arms, Liquor and Opium Prohibition Ordinance, 1911 (No. 27 of 1911)*". From time to time by notices published in *Papua Govt. Gaz.* appointments have also been made of individuals, by name, authorized to issue or revoke other permits under this Ordinance.

