

# NATIVE EMIGRATION RESTRICTION ORDINANCE, 1935.<sup>(1)</sup>

**No. 6 of 1935.**

## **An Ordinance to Restrict the Emigration of Aboriginal Natives.**

**B**E it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. This Ordinance may be cited as the *Native Emigration Restriction Ordinance, 1935.*<sup>(1)</sup> Short title.

2. In this Ordinance unless a contrary intention appears:— Interpretation.  
“Native” means an aboriginal native of the Territory.

3. No native shall leave the Territory or except as provided in the *Native Labour Ordinance, 1911-1933,*<sup>(2)</sup> be removed from the Territory without the permission in writing of the Lieutenant-Governor in Council.<sup>(3)</sup> Such permission may be given subject to such conditions as the Lieutenant-Governor in Council<sup>(3)</sup> may impose. Restriction of emigration of natives.

4. Any native who leaves the Territory contrary to the provisions of this Ordinance and any person who removes or assists in removing any native from the Territory contrary to such provisions shall be guilty of an offence and liable upon summary conviction to a fine not exceeding Fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months. Offences.

5. In any proceedings for an offence against the provisions of this Ordinance the negative averments of the prosecution shall be deemed to be proved in the absence of proof of the contrary. Evidence.

6. Upon conviction of a person for removing or assisting in removing a native from the Territory contrary to the provisions of this Ordinance the Court may order that the person convicted pay to the Treasurer the actual cost to the Government of the Territory of repatriating the native removed. Repatriation of native.

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

Date of assent by Lieut.-Gov.	Date notified in <i>Papua Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
18.7.1935	5.2.1936	18.7.1935 ( <i>Ordinances etc. of Papua, 1935, p. 15</i> )

(2) Repealed and replaced by the *Native Labour Ordinance, 1941.*

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

NATIVES—