

PAPUAN ANTIQUITIES ORDINANCE, 1913-1940.⁽¹⁾

An Ordinance relating to Papuan Antiquities.

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 *Papuan Antiquities Ordinance*, 1913-1940.⁽¹⁾

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

2. In this Ordinance unless the context otherwise indicates or requires—

Interpretation.
N.Z. No. 110
of 1908, s. 2.

“Commissioner” means the Commissioner for Native Affairs and Control;

“Geological Antiquities” means any mineral specimen and includes any fossil or mammal remains of the Territory of scientific or historic interest not falling within any other definition in this Ordinance;

Inserted by
No. 5 of 1940,
s. 2.

“Objects of antiquity” mean any archaeological treasures of the Territory not being Papuan Antiquities;

Inserted by
No. 5 of 1939,
s. 2.

“Papuan Antiquities” includes—

(a) Papuan relics;⁽²⁾ and

(b) such articles manufactured with Papuan tools and according to Papuan methods and such other articles or things of historical or scientific value or interest and relating to Papua as

(1) The *Papuan Antiquities Ordinance*, 1913-1940, comprises the *Papuan Antiquities Ordinance*, 1913, 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 assent by Lieut.-Gov.	Date notified in Papua <i>Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Papuan Antiquities Ordinance</i> , 1913 (No. 14 of 1913)	14. 8. 1913	4. 3. 1914	14. 8. 1913 (<i>Statute Law of Papua</i> , 1888 to 1916, Vol. III, p. 740)
<i>Papuan Antiquities Ordinance</i> , 1939 (No. 5 of 1939)	11. 8. 1939	6. 12. 1939	11. 8. 1939 (<i>Ordinances etc. of Papua</i> , 1939, p. 9)
<i>Papuan Antiquities Ordinance</i> , 1940 (No. 5 of 1940)	12. 8. 1940	6. 11. 1940	12. 8. 1940 (<i>Ordinances etc. of Papua</i> , 1940, p. 11)

(2) The word “relics” appeared in the original Ordinance. It has now been omitted and the word “relics” inserted in its stead by the Second Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

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may be prescribed by regulation but does not include any botanical or mineral collection or specimens.

Acquirement and custody of antiquities.
N.Z. No. 110 of 1908, s. 3.

3. The Lieutenant-Governor⁽³⁾ may acquire on behalf of the Territory such Papuan antiquities as he deems expedient and may provide for the safe custody of the same.

Antiquities to be offered to Government prior to export.
N.Z. *ib.* s. 4.

4. It shall not be lawful to remove from the Territory any Papuan antiquities without first offering the same for sale at a reasonable price to some person authorized⁽⁴⁾ in that behalf by the Lieutenant-Governor⁽³⁾ for the benefit of the Territory.

Preservation of objects of antiquity.
Inserted by No. 5 of 1939, s. 3.

4A. The Lieutenant-Governor in Council⁽³⁾ may make regulations⁽⁵⁾ for the preservation and acquisition of objects of antiquity.

Regulations inserted by No. 5 of 1940, s. 3.

4B. The Lieutenant-Governor in Council⁽³⁾ may make regulations⁽⁶⁾ for the preservation and acquisition of geological antiquities.

Antiquities being wrongfully removed to be seized.
N.Z. *ib.* s. 5.

5. It shall be the duty of all European constables and officers of the Customs to seize and detain any Papuan antiquities attempted to be removed from the Territory contrary to this Ordinance.

Penalty for exporting &c. without permission.
N.Z. *ib.* s. 6.

6.—(1.) Every person who without the express permission⁽⁷⁾ in writing of the Commissioner exports or ships for export from the Territory any Papuan antiquities is liable to a fine not exceeding One hundred pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding six months.

Notice of exporting to be given.

(2.) Notice of the intention to export or ship for export any Papuan antiquities shall be given by the exporter or shipper to the collector or other proper officer of Customs at least twenty-four hours before shipment.

Forbidden exports to be forfeited.

(3.) Any Papuan antiquities entered or shipped for export contrary to this Ordinance shall be forfeited and shall vest in His

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

(4) Pursuant to Section 4 the Lieutenant-Governor by notice dated 26.9.1913 and published in *Papua Govt. Gaz.* of 1.10.1913 appointed "the following officers to be persons authorised to purchase Papuan antiquities under Section 4. of the *Papuan Antiquities Ordinance*, 1913. The Hon. the Commissioner for Native Affairs; the Resident Magistrate, Central Division; the Resident Magistrate, Eastern Division; the Resident Magistrate, Western Division." No other appointments by office have been published in *Papua Govt. Gaz.*

(5) No regulations "for the preservation and acquisition of objects of antiquity" have been made.

(6) No regulations "for the preservation and acquisition of geological antiquities" have been made.

(7) By notice dated 25.10.1916 and published in *Papua Govt. Gaz.* of 1.11.1916 the Commissioner "notified for general information that after this date permission will not be given to export or ship for export any Papuan Antiquities except to the accredited representative of an officially recognised scientific institution".

Papuan Antiquities Ordinance, 1913-1940.

Majesty for the use of the people of the Territory: Provided that the Commissioner may after inquiry cancel the forfeiture if he thinks fit.

7. Nothing in this Ordinance shall be deemed to prevent any person who has offered any Papuan antiquities for sale as provided for by Section 4 hereof removing such Papuan antiquities from the Territory provided he has obtained in writing the permission of the Commissioner.

Antiquities previously offered under Sec. 4 may be removed if permitted.
N.Z. No. 110 of 1908, s. 7.

8.—(1.) On any application for permission to export any Papuan antiquities the Commissioner may if he thinks fit make it a condition to the granting of the application that the owner thereof allows them to be copied by photography cast or otherwise in such manner and by such person as the Commissioner directs.

Photographs casts &c. may be taken for the Crown.
N.Z. *Ib.* s. 8.

(2.) Every such copy shall be the property of His Majesty for the use of the people of the Territory.

9. In case any dispute arises as to whether any article or thing comes within the scope of this Ordinance such dispute shall be determined by the Commissioner.

Mode of settling disputes.
N.Z. *Ib.* s. 9.

10. The Lieutenant-Governor in Council⁽³⁾ may make regulations—⁽⁸⁾

Regulations.
N.Z. *Ib.* s. 10.

- (a) prescribing the duties and powers of constables and officers of Customs in enforcing the provisions of this Ordinance.
- (b) prescribing penalties for the breach of any such regulation.
- (c) prescribing articles or things to be deemed Papuan antiquities within the meaning of Section 2 (b).
- (d) prescribing anything required for the more effectual carrying out of the provisions of this Ordinance.

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

(8) See the *Papuan Antiquities Regulations, 1918*, printed on p. 3558.