

Page 4033—*Sago Ordinance, 1908-1936.*

In the second column of note (5) for
“29.9.1920” read “20.9.1920”.

SAGO ORDINANCE, 1908-1936. ⁽¹⁾

An Ordinance to provide for Licences to Cut Sago and other Native Products.

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

1. The Lieutenant-Governor⁽²⁾ may by Proclamation⁽³⁾ in the *Gazette* declare any Crown land to be a sago reserve.

Crown land may be declared sago reserve. Amended by No. 4 of 1921, s. 2, and by No. 8 of 1934, s. 2.

2. The Lieutenant-Governor⁽²⁾ may grant licences in respect of sago growing in a sago reserve giving the licensee the exclusive right to cut and remove sago. The licensee shall have such right of entry upon the land and of erecting buildings and machinery thereon as may be necessary to him in the exercise of his right of cutting and removing the sago.

Licence to cut sago in sago reserve.

Such licences are hereafter called sago licences. The area over which a sago licence extends may be surveyed by direction of the Commissioner for Lands at the expense of the licensee.

(1) The *Sago Ordinance, 1908-1936*, comprises *The Sago Ordinance of 1908*, 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>The Sago Ordinance of 1908</i> (No. 6 of 1909)	9.12.1908	7.7.1909	7.7.1909 (<i>Papua Govt. Gaz.</i> of 7.7.1909)
<i>Sago Ordinance, 1917</i> (No. 2 of 1918)	23.8.1917	6.2.1918	6.2.1918 (<i>Papua Govt. Gaz.</i> of 6.2.1918)
<i>Sago Ordinance, 1920</i> (No. 4 of 1921)	16.11.1920	6.7.1921	6.7.1921 (<i>Papua Govt. Gaz.</i> of 6.7.1921)
<i>Sago Ordinance, 1934</i> (No. 8 of 1934)	16.7.1934	1.9.1934	1.9.1934 (<i>Papua Govt. Gaz.</i> of 1.9.1934)
<i>Sago Ordinance, 1936</i> (No. 7 of 1936)	2.3.1936	1.7.1936	1.7.1936 (<i>Papua Govt. Gaz.</i> of 1.7.1936)

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

(3) Proclamations made pursuant to Section 1 declaring Crown lands to be sago reserves, and proclamations, made pursuant to both Sections 1 and 7, declaring Crown lands to be mangrove reserves, and grass reserves, have been published in *Papua Govt. Gaz.* A Table, containing particulars of these proclamations, is printed on p. 4045, and the proclamations still in force are printed immediately after the Table.

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Application for
licence.

3. Application for a sago licence shall be made to the Commissioner for Lands and shall be accompanied by a deposit of half a year's rent of the estimated area which shall be returned if the application is refused by the Lieutenant-Governor.⁽²⁾

The area shall pending survey be taken as estimated by the Commissioner for Lands.

Rent.
Amended by
No. 2 of 1918,
s. 2.

4. Rent shall be paid for a sago licence and may be fixed by the Lieutenant-Governor in Council⁽²⁾ or tenders may be called for in any case.

The limits of amount within which rent may be fixed by the Lieutenant-Governor in Council⁽²⁾ may be prescribed by regulation. Rent shall be paid in advance at such times and in respect of such periods as may be prescribed by regulations. Such regulations may alter the periods and times in respect of and at which rent is made payable under any Sago Licence granted under this Ordinance prior to the making of such regulation and thereafter rent in respect of such last mentioned licences shall be paid in accordance with such alteration.

Transfer of
licence.
Inserted by
No. 7 of 1936,
s. 2.

4A. A Sago Licence may with the assent of the Lieutenant-Governor⁽²⁾ be assigned upon payment of such fee and in such manner as may be prescribed.

Agreement to
cut sago on
native land.
Substituted by
No. 4 of 1921,
s. 3.

5. Any person may cut sago on native-owned land for the purpose of making sago only by agreement in writing made with the native owners for that purpose: Provided that the agreement shall have no effect unless—

- (a) it describes the area (not exceeding twenty acres) and situation of the land upon which they are growing.
- (b) it specifies the period (not exceeding one year) during which sago may be cut under the agreement; and
- (c) it is approved by a resident magistrate in writing.

Restriction on
cutting sago on
native land.
Inserted by
No. 4 of 1921,
s. 3.

5A. No person shall cut sago on native-owned land except by agreement with the native owners under and in compliance with the provisions of the last preceding section and for the sole purpose of making sago.

Licence, etc.,
to be for
making sago
only.
Inserted by
No. 4 of 1921,
s. 3.

5B. No sago licence shall be granted and no agreement with native owners to cut sago on native-owned land shall be made or approved except for the purposes permitted by this Ordinance.

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

Sago Ordinance, 1908-1936.

6. If the native owners are willing to dispose of the sago or of any other native product growing on any land it shall be lawful for the Lieutenant-Governor⁽²⁾ to acquire the right of felling cutting removing and disposing of the whole of the sago or other native product either absolutely or for a term of years upon such terms as may be agreed upon between him and the owners; and thereupon it shall not be lawful for any person by purchase or other dealing with the owners of the land to acquire any interest in the sago or other native product either while it is standing or after it has been felled but the exclusive right of felling cutting removing and disposing of the same shall vest in His Majesty and those claiming under him who for the purpose of felling cutting removing and disposing of it shall have the right of entering upon the land and of erecting such buildings and machinery as may be necessary. Licences to cut and remove the sago or native product may be granted in such manner and subject to such terms and conditions as may be prescribed by regulation.

Purchase of sago &c. from the natives.
Amended by No. 8 of 1934, s. 3.

6A. The Lieutenant-Governor⁽²⁾ may by Proclamation⁽⁴⁾ in the *Gazette* grant to any person the exclusive right to apply for a sago licence within such area and during such period as may be described in the Proclamation and no person shall during that period approve any agreement to cut sago within that area.

Exclusive right to cut sago may be granted by Proclamation.
Inserted by No. 8 of 1934, s. 4.

6B. A licensee may while engaged in cutting and removing sago cut and remove any indigenous tree or plant within the area included in his licence.

Licensee may cut and remove any indigenous tree or plant under certain circumstances.
Inserted by No. 8 of 1934, s. 4.

7. The Lieutenant-Governor in Council⁽²⁾ may from time to time by notice⁽⁵⁾ in the *Gazette* extend the provisions of this Ordinance or any of them to any other indigenous tree or plant and may by the same or any notice declare that any one or more of the provisions of this Ordinance shall not apply to the indigenous tree

Extension of Ordinance to other products.
Amended by No. 4 of 1921, s. 4.

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

(4) Pursuant to Section 6A, the Lieutenant-Governor, from time to time, by proclamation published in *Papua Govt. Gaz.*, granted to persons individually by name the exclusive right to apply for licences during a specified period, with respect to *Kuru-Kuru* grass and Nipa Palm, each within a specified area.

(5) Pursuant to Section 7, the Lieutenant-Governor in Council, by the Instruments particulars of which are set out in the following Table, extended the provisions of the *Sago Ordinance, 1908-1936* to Mangroves, Nipa Palm and *Kuru-Kuru* grass:

Nature of instrument.	Date on which made.	Date on which published in <i>Papua Govt. Gaz.</i>	Indigenous tree or plant to which Ordinance extended.
Proclamation	24.10.1910	30.11.1910	Mangroves
Proclamation	29.9.1920	6.10.1920	Nipa Palm
Order in Council	3.9.1934	5.9.1934	<i>Kuru-Kuru</i> grass

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or plant mentioned in the notice or in any notice and the Ordinance shall thereupon be construed accordingly.

The Lieutenant-Governor⁽²⁾ shall have power in the same way to revoke any such notice.

Regulations.
Section 8
substituted by
No. 2 of 1918,
s. 3.

8.—(1.) The Lieutenant-Governor in Council⁽²⁾ may make Regulations⁽⁶⁾ prescribing:—

Paragraph (aa)
inserted by
No. 4 of 1921,
s. 5.

(a) the rent and area of Licences;

(aa) the form and mode of application for a sago licence;

Paragraph (ab)
inserted by
No. 4 of 1921,
s. 5.

(ab) the period and conditions for and upon which a sago licence may be granted or renewed;

Paragraph (ac)
inserted by
No. 4 of 1921,
s. 5.

(ac) the value and nature of machinery and plant to be erected for the treatment of sago cut under a licence and the locality thereof;

Paragraph (ad)
inserted by
No. 4 of 1921,
s. 5.

(ad) the circumstances under which a sago licence shall be liable to forfeiture and may be forfeited;

Paragraph (ae)
inserted by
No. 4 of 1921,
s. 5.

(ae) limiting the number of sago palms that may be cut under any agreement to cut sago on native-owned land;

(b) the prevention of injury to or obstruction of any land river stream or creek tidal or otherwise comprised within or flowing through any Sago reserve;

(c) all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

(2.) The Regulations may provide penalties for breach not exceeding in any case Twenty pounds or imprisonment with or without hard labour for any period not exceeding six months.

Penalty where
none expressly
provided.

9. Any person who acts in contravention of any of the provisions of this Ordinance or of a regulation shall where no penalty is expressly provided be liable on conviction before a court of summary jurisdiction to a penalty of Fifty pounds or in the alternative six months' imprisonment with or without hard labour.

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

10. This Ordinance may be cited as the *Sago Ordinance, 1908-1936.*⁽¹⁾

(1) See footnote (1) printed on p. 4031.

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

(6) See the *Sago Regulations, 1925*, printed on p. 4035, the *Sago (Mangrove) Regulations, 1923*, printed on p. 4038, and the *Sago (Grass) Regulations, 1934*, printed on p. 4042.