

PAPUA.



No. VII. of 1919.

# AN ORDINANCE

*To Amend the Criminal Code.*

[RESERVED 11TH SEPTEMBER, 1918;

ASSENTED TO 2ND JULY, 1919.] <sup>(a)</sup>

**B**E 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 *Criminal Code Amendment Ordinance, 1918*, and shall be read as one with the Criminal Code. Citation.

**2.** Section eighteen of the Criminal Code is amended by inserting therein after the words "Imprisonment without hard labour" the words "Deportation within the Territory." Amendment of s. 18, Cf. N. Nigeria, 23 of 1904, Sch., s. 17.

**3.** Section nineteen of the Criminal Code is amended by adding at the end thereof, the following paragraphs:— Amendment of s. 19.

(a) Date assented to by the Governor-General. Assent notified in *Gazette* No. 15 of 6th August, 1919.

Sentence of  
deportation  
within the  
Territory of  
native  
convicts in  
certain cases.  
Cf. N. Nigeria,  
23 of 1904, Sch.  
s. 18 (9).

“(10) When any person who is a native is convicted on indictment of an indictable offence not punishable with death and—

(a) has been previously (whether before or since the commencement of this Ordinance) so convicted on indictment of any indictable offence (whether of the same description of offence or not); or

(b) it is shown by evidence to the satisfaction of the Court that such person is conducting himself so as to be dangerous to peace and good order in any part of the Territory

the Court may in addition to or instead of any other punishment to which he is liable sentence such person to be deported to such part of the Territory as the Lieutenant-Governor in Council may direct.

Deportation  
within  
Territory as  
condition of  
remission of  
death  
sentence.

“(11) When any person who is a native is convicted upon indictment of an offence punishable with death and is under sentence of death or has judgment of death recorded against him and the Lieutenant-Governor extends the Royal mercy to such person the Lieutenant-Governor may as a sole condition or one of the conditions for the extension of such mercy direct that such person shall be deported to such part of the Territory as the Lieutenant-Governor in Council shall order. Such direction shall have the effect of a valid sentence or order passed or made by the Court before which such person was convicted.

Provisions as  
to sentence or  
direction for  
deportation  
within  
Territory.  
Ib. s. 18 (10).

“(12)—

(a) If a person so ordered or directed to be deported is sentenced to any term of imprisonment or has the Royal mercy extended to him on condition of his serving any term of imprisonment such sentence or condition of imprisonment shall be

served or complied with before the order or direction for deportation is carried into effect ;

- (b) an order or direction for deportation may be expressed to be in force for a time to be limited therein or for an unlimited time and may require the deported person to report himself to the nearest magistrate or European police officer at intervals to be stated therein ;
- (c) if a native leaves or attempts to leave the district or place to which he has been deported while the order for deportation is still in force without the consent of the Lieutenant-Governor—which consent may be given subject to any terms as to security for good behaviour or otherwise as to the Lieutenant-Governor may seem good—or wilfully neglects or refuses to report himself as ordered such native is liable to imprisonment for six months and to be again deported on a fresh warrant under the original order or direction or under a new order or direction.”

Passed in Council this eleventh day of September, in the year of Our Lord One thousand nine hundred and eighteen.

*Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the Second day of July, One thousand nine hundred and nineteen.*