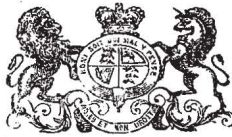


PAPUA.



No. I. of 1919.

AN ORDINANCE

To Provide for Native Plantations and to Further the Welfare of Natives of Papua.

[RESERVED 11TH SEPTEMBER, 1918.]

ASSENTED TO 27TH NOVEMBER, 1918.]^(a)

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. (1) This Ordinance may be cited as the *Native Plantations Ordinance, 1918.* Short title.

(2) It shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.* Commencement.

2. In this Ordinance unless the context otherwise requires:— Interpretation

“Lieutenant-Governor” means the Lieutenant-Governor in Council;

“Native” means every aboriginal native of the Territory;

“Native Plantation” means a native reserve for plantation purposes established under this Ordinance;

(a) Date assented to by the Governor-General. Assent notified in *Gazette* No. 3 of 14th January, 1919.

“Native villager” means in connection with a Native Plantation every able-bodied male native between the ages of sixteen and thirty-six years living within a distance of five miles or such other distance as may be prescribed from such Native Plantation but does not include—

- (a) native employees of the Government ;
- (b) natives under contract of service under any Ordinance relating to native labour ;
- (c) natives who have at any time within the preceding three months completed such a contract of service ;
- (d) natives employed as Mission Teachers or who are working for and receiving regular religious instruction from one of the Christian Missions.

Establishment of native plantation reserves.

3. The Lieutenant-Governor may by notice in the *Gazette* direct that any land acquired or resumed under the provisions of the *Land Ordinance, 1911-1916*, for the purpose of a native reserve shall be a native reserve for plantation purposes ; and thereupon the land described in any such notice shall be deemed to be established as a Native Plantation.

Certain area of such reserves to be cultivated &c.

4. (1) The native villagers shall clear fence plant and cultivate and keep fenced planted and cultivated such an area of the Native Plantation as is hereinafter mentioned with such plants as may be prescribed.

Maximum area

(2) The said area shall be as prescribed but shall not exceed for each village native one acre cleared and planted in any one year ; and the whole area to be kept fenced and cultivated shall not exceed such acreage as may be prescribed.

Work may be taken in payment of tax.

(3) For work done by native villagers under this section the Lieutenant-Governor may by Order remit the whole or such part of the tax payable by them under the *Native Taxes Ordinance, 1917*, as to him seems just.

Plants and seeds may be supplied.

5. The Lieutenant-Governor may direct that any plants and seeds necessary for planting a Native Plantation shall be supplied and paid for out of any sums appropriated for that purpose.

Harvesting of produce.

6. The native villagers shall in the proper seasons harvest and collect the produce of a Native Plantation.

7. One half or such other proportion as may be prescribed of the total produce of each Native Plantation shall be the property of the villagers and may be sold by the Government on their account. Application of one half of proceeds.

8. The remainder of the total produce of each Native Plantation shall be the property of the Government. The same may be sold and the sum realized after deducting all costs and expenses reasonably incurred in the realization shall be applied as provided in section 15 (2) of the *Native Taxes Ordinance, 1917*. Application of the remaining half.

9. The Lieutenant-Governor may make Regulations not inconsistent with this Ordinance prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Ordinance and in particular to all or any of the following matters:— Regulations.

- (a) The mode of supply of seeds and plants.
- (b) The time within which Native Plantations shall be fenced and planted after their establishment.
- (c) The mode of cultivation of such plantations.
- (d) The regulating and supervision of the cultivation and the harvesting and gathering of produce therefrom.
- (e) The method of division and distribution of the produce among the aboriginal native population entitled thereto.
- (f) The method of and places for delivering to the Government of such produce as is the property of the Government.
- (g) What (if any) specific portion of the area of a Native Plantation to be cultivated shall be allotted to each native villager and how such allotment shall be made.

10. In any proceeding under this Ordinance it shall not be necessary to produce strict proof of the age of any native but a Magistrate for Native Matters may decide the age of any native brought before him to be such as in his opinion is the probable age of such native. Proof of age.

Offences.

11. If any native villager refuses or neglects to comply with the provisions of this Ordinance or any of them or of any Regulation he shall on proof thereof to the satisfaction of a Magistrate for Native Matters be liable to a fine not exceeding Two pounds or in default to imprisonment with hard labour for three months or to imprisonment in the first instance for any period not exceeding three months with hard labour.

Procedure.

12. Proceedings for any offence under this Ordinance or for any breach of the Regulations shall be taken heard and determined in Courts for Native Matters established under *The Native Regulation Ordinance of 1908.*

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 Twenty-seventh day of November, One thousand nine hundred and eighteen.