

PAPUA.



SAGO ORDINANCE, 1908-1917.^(a)

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

[L.S.]

J. H. P. MURRAY.

[RESERVED 9TH DECEMBER, 1908;
ASSENTED TO 1ST APRIL, 1909.]^(b)

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

Crown land
may be
declared sago
reserve.

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

No sago shall be cut upon a sago reserve except by a licensee under this Ordinance.

Licence to cut
sago in sago
reserve.

2. The Lieutenant-Governor 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.

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.

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.

(a) The *Sago Ordinance, 1908-1917*, comprises *The Sago Ordinance of 1908* (6 of 1909), as amended by the *Sago Ordinance, 1917* (2 of 1918), and as so amended may be cited as the *Sago Ordinance, 1908-1917*. See Ordinance No. 2 of 1918, s. 1 (3).

(b) This is the date of assent to *The Sago Ordinance of 1908*. The assent was notified in *Gazette* No. 32 of 7th July, 1909. *The Sago Ordinance, 1917*, was assented to on 6th December, 1917, and the assent was notified in *Gazette* No. 2 of 6th February, 1918.

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

4. Rent shall be paid for a sago licence and may be fixed by the Lieutenant-Governor in Council or tenders may be called for in any case. Rent. Amended by 2 of 1918, s. 2.

The limits of amount within which rent may be fixed by the Lieutenant-Governor in Council 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.

5. It shall be lawful for any person to cut sago on native land by agreement with the native owners approved by a resident or assistant resident magistrate or an officer of the Department of Native Affairs and Control. Contract to cut sago on native lands.

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 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. Land in respect of which such rights as aforesaid have been acquired shall for the purposes of this Ordinance be deemed to be Crown lands. Purchase of sago, etc., from the natives.

7. The Lieutenant-Governor in Council may from time to time by notice in the *Gazette* extend the provisions of this Ordinance to any other indigenous tree or plant and the Ordinance shall thereupon be construed accordingly. Extension of Ordinance to other products.

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

Regulations.
Substituted by
2 of 1918, s. 3.

8. (1) The Lieutenant-Governor in Council may make regulations prescribing—

- (a) the rent and area of licences;
- (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.

10. This Ordinance may be cited as *The Sago Ordinance of 1908.*^(a)

(a) This is the short title of Ordinance No. 6 of 1909. As amended by Ordinance No. 2 of 1918 it may be cited as the *Sago Ordinance, 1908-1917.* See Ordinance No. 2 of 1918, s 1 (3).