

# UNCONTROLLED AREAS ORDINANCE 1925-1938. <sup>(1)</sup>

## An Ordinance to control Admission into Uncontrolled Areas.

**B**E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act* 1920, as follows:—

1. This Ordinance may be cited as the *Uncontrolled Areas Ordinance* 1925-1938. <sup>(1)</sup> Short title.  
Amended by  
No. 3 of 1934,  
s. 50.
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*. <sup>(1)</sup> Commencement.
3. In this Ordinance, unless the contrary intention appears— Definition.  
“Uncontrolled area” means any area declared by the

(1) The *Uncontrolled Areas Ordinance* 1925-1938 comprises the *Uncontrolled Areas Ordinance* 1925, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
<i>Uncontrolled Areas Ordinance</i> 1925 (No. 45 of 1925)	25.11.1925	26.11.1925	18.1.1926 ( <i>N.G. Gaz.</i> of 31.12.1925)
<i>Uncontrolled Areas Ordinance</i> 1926 (No. 24 of 1926)	26.10.1926	28.10.1926	28.10.1926 ( <i>Cwth. Gaz.</i> of 28.10.1926)
<i>Uncontrolled Areas Ordinance</i> 1931 (No. 26 of 1931)	23.9.1931	24.9.1931	24.9.1931 ( <i>Cwth. Gaz.</i> of 24.9.1931)

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of reservation by Administrator.	Date on which assent of Gov.-Gen. in Council published in <i>N.G. Gaz.</i>	Date on which came into operation.
<i>Uncontrolled Areas Ordinance</i> 1935 (No. 41 of 1935)	27.12.1935	15.2.1936	15.2.1936 ( <i>N.G. Gaz.</i> of 15.2.1936)
<i>Uncontrolled Areas Ordinance</i> 1938 (No. 51 of 1938)	24.8.1938	15.11.1938	15.11.1938 ( <i>N.G. Gaz.</i> of 15.11.1938)

## UNCONTROLLED AREAS—

Administrator, by Proclamation<sup>(2)</sup> in the *New Guinea Gazette*, to be, for the purposes of this Ordinance, an uncontrolled area.

Delegation by Administrator.  
Section 3A inserted by No. 26 of 1931, s. 2.

3A.—(1.) The Administrator may, by writing under his hand, delegate<sup>(3)</sup> to any person all or any of his powers under sections six, seven and ten of this Ordinance so that the delegated powers and functions may be exercised by the delegate with regard to the matters or class of matters specified in the instrument of delegation.

(2.) Every delegation under this section shall be notified in the *New Guinea Gazette*.

(3.) Every such delegation shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Administrator.

Power to declare uncontrolled areas.  
Amended by No. 24 of 1926, s. 2.

4. The Administrator may, by Proclamation<sup>(4)</sup> in the *New Guinea Gazette*, declare any area which is not fully, or has not yet come, under the control of the Administration, to be, for the purposes of this Ordinance, an uncontrolled area.

Entering uncontrolled areas prohibited.

5. No person except—

- (a) natives;
- (b) officers of the Administration; or
- (c) persons holding a permit,

shall enter an uncontrolled area.

Permits to enter uncontrolled areas.

6.—(1.) The Administrator may grant to any person, upon such conditions as he thinks fit to impose, a permit to enter an uncontrolled area.

(2.) The conditions shall be indorsed upon the permit.

(3.) The Administrator may, as a condition precedent to the grant of a permit, require the applicant to furnish security either in cash or by bond, in such sum as the Administrator deems fit, that the applicant will observe the conditions to be indorsed upon the permit and the provisions of this Ordinance.

---

(2) See the Table of Proclamations made pursuant to Section 4, printed on p. 4567.

(3) From time to time prior to 26.6.1935 delegations were made to individuals by name in respect of various areas in the Districts of New Britain, Morobe, Madang, Kieta and Aitape. By notice dated 26.6.1935 and published in *N.G. Gaz.* of 29.6.1935, the Administrator revoked all existing delegations, and by four separate notices each dated 26.6.1935 and published in *N.G. Gaz.* of 29.6.1935, delegated all his powers under sections 6, 7, and 10 of the Ordinance to the persons for the time being holding the offices of District Officer administering the Districts of Morobe, Madang, Kieta and Sepik respectively, with regard to any uncontrolled area in their respective Districts.

(4) A Table containing particulars of proclamations made pursuant to Section 4 is printed on p. 4567, and the proclamations still in force are printed immediately after the Table.

*Uncontrolled Areas Ordinance 1925-1938.*

(4.) An application for a permit shall be made in writing in accordance with Form A in the Schedule to this Ordinance.

Sub-section (4) amended by No. 26 of 1931, s. 3.

(5.) A permit may be in accordance with Form B in the Schedule to this Ordinance and shall remain in force for such time as is specified therein.

6A. Notwithstanding the provisions of section six of this Ordinance, a permit to enter an uncontrolled area shall not be granted unless the applicant for a permit gives, to the satisfaction of the Administrator or a person to whom the Administrator has, under section three A of this Ordinance, delegated his power to grant a permit to enter an uncontrolled area, security in the sum of Two hundred pounds for the payment of any compensation which may become payable by the applicant under section nine A of this Ordinance:

Security for payment of compensation to certain natives. Inserted by No. 41 of 1935, s. 2.

Provided that the Administrator may exempt any applicant for a permit from the provisions of this section.

7. The Administrator may at any time by notice in writing cancel a permit.

Power to cancel permit.

8. Any person, other than a native or an officer of the Administration, who—

Entering or remaining in uncontrolled area, without a permit, an offence.

- (a) enters any uncontrolled area without a permit; or
- (b) without reasonable excuse, proof whereof shall lie upon him, remains in any uncontrolled area after cancellation of his permit; or
- (c) without reasonable excuse, proof whereof shall lie upon him, remains in any uncontrolled area after the expiration of the term specified in his permit,

Section 8 amended by No. 41 of 1935, s. 3.

shall be guilty of an indictable offence.

Penalty: Imprisonment for twelve months.

9.—(1.) Any person, being the holder of a permit, who commits a breach of the conditions indorsed upon the permit, or does any act calculated to disturb the peace of an uncontrolled area or to cause the natives of an uncontrolled area to be disaffected towards the Administration, shall be guilty of an offence.

Breaking conditions indorsed on permit, an offence.

Penalty: One hundred pounds or imprisonment for six months.

(2.) In addition to the penalty provided by the last preceding sub-section, a person convicted of an offence against this section shall be liable to forfeit any security furnished by him under section six of this Ordinance.

## UNCONTROLLED AREAS—

Compensation to native employees in certain cases.  
Section 9A inserted by No. 41 of 1935, s. 4.

9A.—(1.) If any native, being in an uncontrolled area in company with, or by direction of, his employer or some person authorized by his employer to give directions to the native, is killed, wounded, or injured by a native in the uncontrolled area, the employer shall, as soon as practicable, give notice thereof to a District Officer:

Penalty: One hundred pounds.

(2.) A District Officer, on receiving notice under the last preceding sub-section or on becoming aware that a native referred to in the last preceding sub-section has been killed, wounded, or injured by a native in an uncontrolled area and that compensation has not been paid under this section, shall refer the matter to a District Court for determination of the amount of compensation (if any) to be paid and summon the employer to appear before the District Court.

(3.) After hearing evidence in regard to the matter, the District Court may order the employer to pay compensation in accordance with the prescribed scale.

(4.) Compensation ordered to be paid under this section shall be paid to the prescribed officer, who shall distribute it to such persons, in such proportions, and in such manner, as the Court directs.

(5.) An order under this section may be enforced by the prescribed officer in the same manner as any other order of a District Court, and, in addition, may be enforced against any security lodged by the employer under section six A of this Ordinance.

(6.) Compensation shall not be ordered by a District Court under this section if the employer of a native proves that the death, wounding, or injury of the native was caused by a native employed under a contract of service under any Ordinance relating to native labour or by a member of the Native Constabulary.

(7.) This section shall not apply to any member of the Native Constabulary Branch of the New Guinea Police Force or to any native employed by the Administration or by an officer or employee of the Administration when the officer or employee is in an uncontrolled area in the execution of his duty.

(8.) For the purposes of this section, "employer" includes the legal personal representative of a deceased employer.

10.—(1.) The Administrator may recover from any person any expenditure incurred by the Administration in escorting, protecting or assisting him while in an uncontrolled area, in rescuing him or enabling him to escape therefrom, or in quelling any disturbance of which he has been the sole or part cause.

Recovery of cost of rescuing person from uncontrolled area.

*Uncontrolled Areas Ordinance 1925-1938.*

(2.) If any person, being the holder of a permit, who is liable for any such expenditure, has furnished security under section six of this Ordinance, he shall forfeit to the Administrator the security or so much thereof as is sufficient to reimburse the Administration for the expenditure incurred.

11. Where, in the opinion of the Administrator, disorder exists or is likely to occur in any uncontrolled area, the Administrator may, by writing under his hand, invest any District Officer with such powers as the Administrator deems necessary to enable the District Officer to restore order or prevent the occurrence of disorder.

Special powers of District Officers where tribal fighting occurs.

12.—(1.) The Administrator in Council may make regulations,<sup>(5)</sup> 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 carrying out or giving effect to this Ordinance and, in particular, for prescribing amendments to any of the forms in the Schedule to this Ordinance.

Regulations. Sub-section (1) amended by No. 51 of 1938, s. 2.

\* \* \* \* \*

Sub-sections (2) and (3) omitted by No. 51 of 1938, s. 2.

---

SCHEDULE.

Form A.

TERRITORY OF NEW GUINEA.

*Uncontrolled Areas Ordinance 1925.*

APPLICATION FOR PERMIT.

Amended by No. 26 of 1931, s. 4.

To  
I desire to make application for a Permit under the *Uncontrolled Areas Ordinance 1925* and submit the following particulars:—

Name of applicant (in full)

Address

Occupation

Nationality

Purposes for which Permit desired

Dated this                      day of                      , 19  
(Signature of Applicant.)

---

(5) See the *Uncontrolled Areas Regulations*, printed on p. 4565.

UNCONTROLLED AREAS—

Amended by  
No. 26 of 1931,  
s. 4.

Form B.

TERRITORY OF NEW GUINEA.

*Uncontrolled Areas Ordinance 1925.*

PERMIT.

M

of \_\_\_\_\_ is hereby permitted  
to enter the uncontrolled area [*description of area*]

and to remain therein until the \_\_\_\_\_ day of \_\_\_\_\_, 19  
for the purpose of \_\_\_\_\_

Conditions on which this permit is granted  
Security \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Administrator [*or Delegate of the  
Administrator, as the case may be.*]