

PAPUA.



No. 16 of 1925.

AN ORDINANCE

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

[RESERVED 4TH SEPTEMBER, 1925.
ASSENTED TO 18TH DECEMBER, 1925.]^(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. This Ordinance may be cited as the *Native Plantations Ordinance, 1925.* Short title.

2. (1) The *Native Plantations Ordinance, 1918-1922,* Repeal. is repealed.

(2) All Orders in Council and regulations made all Saving. *Gazette* notices published and native plantations established under the Ordinance hereby repealed and in force or established at the commencement of this Ordinance shall continue in force or established as if they had been made published or established under the provisions of this Ordinance.

^(a) Assent notified in *Gazette* No. 16 of 31st December, 1925.

Interpretation.

3. In this Ordinance unless the context otherwise requires—

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

“Native” means an aboriginal native of the Territory;

“Native plantation” means a native plantation established or deemed to have been established under this Ordinance;

“Cultivation” means the clearing fencing planting and cultivating with prescribed plants of native plantations and keeping the same so cleared fenced planted and cultivated and the harvesting gathering and delivery of the produce thereof;

“Villagers” means in connection with a native plantation the native inhabitants of a village situate within five miles or such other distance as may be prescribed from such native plantation;

“Statutory worker” means in connection with a native plantation every able-bodied male villager between the ages of sixteen and thirty-six years but does not include—

(a) a native employee of the Government;

(b) a native under contract of service under any Ordinance relating to native labour;

(c) a native who has at any time within the preceding three months completed such a contract of service; or

(d) a native employed as a Mission teacher or who is working for and receiving regular religious instruction from one of the Christian Missions;

“Voluntary worker” means in connection with a native plantation any villager (other than a statutory worker) who voluntarily works on such native plantation.

4. (1) The Lieutenant-Governor may by notice in the *Gazette* direct that any land acquired or resumed under the provisions of the *Land Ordinance, 1911-1924*, for the purpose of a native reserve shall be a native plantation and thereupon the land described in any such notice shall be deemed to be established as a native plantation.

Establishment of native plantations.

(2) The Lieutenant-Governor with the consent of the native owners thereof may by notice in the *Gazette* direct that any land shall be a native plantation and thereupon such land shall be deemed to be established as a native plantation and shall remain so until the Lieutenant-Governor otherwise orders but the land shall remain the property of the native owners.

5. (1) Statutory workers shall work for such number of days each year as may be prescribed in the cultivation of the native plantation.

Cultivation by statutory workers.

(2) For cultivation work done by statutory workers the Lieutenant-Governor may by Order remit the whole or such part of the tax payable by them under the *Native Taxes Ordinance, 1917-1924*, as to him seems just.

Remission of native tax.

6. Voluntary workers may work and shall be encouraged to work in the cultivation of native plantations.

Cultivation by voluntary workers.

7. The establishment and cultivation of native plantations and the dealing with the produce thereof authorized by this Ordinance have for their purposes the technical education of natives in agriculture and the direct benefit of natives and shall be deemed to be included in the purposes and objects referred to in Subsection (2) of Section 15 of the *Native Taxes Ordinance, 1917-1924*, for which moneys under that subsection may be expended.

Application of s. 15 (2) of the *Native Taxes Ordinance, 1917-1924*.

8. (1) Of the total annual produce of each native plantation one half or such other proportion as the Lieutenant-Governor may order either generally or in any particular case shall be the property of the villagers either generally or of some villagers to the exclusion of others and in such proportions as may be respectively ordered by the Lieutenant-Governor and—

Application of portion of annual produce.

- (a) may be distributed in kind by the Government among the villagers entitled thereto; or
- (b) may be sold by the Government on account of the villagers entitled thereto; or

(c) may be purchased by the Government from the villagers entitled thereto.

(2) In estimating the proportion of the total annual produce of a native plantation which is to be the property of the villagers account shall be taken of the fact (if such it be) that the land has not been acquired or resumed and is not the property of the Crown.

Application of
balance of
annual
produce.

9. The remainder of the annual produce of each native plantation together with all such produce as may be purchased by the Government from villagers under the provisions of Paragraph (c) of the last preceding section shall be the property of the Crown and shall be made marketable and marketed out of moneys prescribed by regulations under the *Native Taxes Ordinance, 1917-1924*, to be expended for that purpose out of the Native Education Fund and the gross sum arising from such realization shall be paid into the said Native Education Fund or into such account in connection therewith as may be prescribed by regulation under the last-mentioned Ordinance.

Regulations.

10. 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 for all or any of the following matters:—

- (a) The mode of supply of seeds or plants;
- (b) The supervision and regulating of native plantations and the cultivation thereof;
- (c) The method of division and distribution of the annual produce or the proceeds thereof of native plantations among villagers entitled thereto;
- (d) The method time and place for delivery to the Government of such produce as is the property of the Government or as may be sold by the Government on account of villagers.

Proof of age.

11. In any proceeding for any offence under this Ordinance it shall not be necessary to produce strict proof of 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.

12. If any statutory worker refuses or neglects to ^{Offences.} 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 any period not exceeding three months or to imprisonment in the first instance for any period not exceeding three months with hard labour.

13. Proceedings for any offence under this Ordinance or for any breach of the regulations shall be taken ^{Procedure.} heard and determined in Courts for Native Matters established under *The Native Regulation Ordinance of 1908.*

Passed in Council this fourth day of September, in the year of Our Lord One thousand nine hundred and twenty-five.

Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the eighteenth day of December, One thousand nine hundred and twenty-five.