

INDEMNITY ORDINANCE 1937. ⁽¹⁾

No. 24 of 1937.

An Ordinance Relating to Indemnification for Acts done in respect of the Emergency arising out of the Volcanic Disturbance at or near Rabaul, and for other purposes.

WHEREAS during the period which commenced on the twenty-ninth day of May, One thousand nine hundred and thirty-seven and ended on the twenty-eighth day of June, One thousand nine hundred and thirty-seven (in this Ordinance referred to as "the period of emergency") an emergency existed by reason of the volcanic disturbance at or near Rabaul: Preamble.

And whereas it is desirable to restrict the taking of legal proceedings in respect of certain acts, matters, and things done during the period of emergency:

Be it therefore ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1935*, as follows:—

1. This Ordinance may be cited as the *Indemnity Ordinance 1937.* ⁽¹⁾ Short title.

2.—(1.) No legal proceeding, civil or criminal, shall be instituted in any court of law for or on account of or in respect of any act, matter, or thing done in good faith for the public safety or in the public interest or for the protection or preservation of life or property during the period of emergency by any person holding any public office or employed in any capacity in the Administration of the Territory or by any person acting under or in pursuance of the instructions of any person so holding office or so employed. Restriction on the taking of legal proceedings.

(2.) If any such proceeding has been instituted (whether before or after the commencement of this Ordinance), it shall be discharged and made void.

(3.) For the purposes of this section, a certificate under the hand of the Administrator that any act, matter, or thing done

(1) Particulars of this Ordinance are as follows:—

Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
28. 6. 1937	30. 9. 1937	28. 6. 1937 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 88)

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during the period of emergency was done for the public safety or in the public interest or for the protection or preservation of life or property and was done by a person holding a public office or employed in the Administration or by a person acting under or in pursuance of the instructions of a person so holding office or so employed shall be conclusive evidence of that act, matter, or thing having been so done, and, in the absence of proof to the contrary, the act, matter, or thing shall be deemed to have been done in good faith.

Claims for
compensation.

3.—(1.) Any person who, but for the provisions of the last preceding section, would be entitled to institute legal proceedings in respect of the taking, consumption, or use of, or damage to, any of his goods or chattels by any person specified in sub-section (1.) of that section shall, subject to the next succeeding sub-section, be entitled to payment or compensation in respect of such taking, use, consumption, or damage, provided a claim for such payment or compensation is, within sixty days from the commencement of this Ordinance, lodged with the Administrator.

(2.) Claims for payment or compensation may be made only in respect of the matters, and subject to the limitations, specified hereunder:—

- (a) In respect of goods or chattels taken and consumed—to an amount equal to the cost price of such goods or chattels delivered into the store from which they were taken;
- (b) In respect of goods or chattels taken, used, and damaged—to an amount equal to the depreciation (if any) in the value of the goods or chattels due to such use and damage; and
- (c) In respect of goods or chattels taken and used—to an amount which would be a reasonable charge for their hire for the period of their use.

(3.) Every claim for payment or compensation shall be verified by a statutory declaration containing full particulars relating to the claim.

Disputed
claims to
compensation.

4.—(1.) The Administrator shall, within two months after his receipt of the claim, determine the amount of payment or compensation and notify the claimant, in writing, of the amount offered in satisfaction of his claim for payment or compensation.

(2.) Any dispute which arises between the Administrator and a claimant with respect to the amount payable under this section shall be determined by arbitration in accordance with the *Arbitration Ordinance* 1924.

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5. The Treasurer may make available from the public revenue such moneys as may be required for any payments under this Ordinance. Appropriation.

6.—(1.) The Administrator in Council may make regulations, (2) not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. Power to make regulations.

(2.) Regulations made under this Ordinance may be of general application or may be limited to a particular area.

(2) No regulations have been made.