

NEW GUINEA ANTIQUITIES ORDINANCE 1922-1936. ⁽¹⁾

An Ordinance Relating to New Guinea Antiquities, Relics, Curios, and Articles of Ethnological and Anthropological Interest or Scientific Value.

BE 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 *New Guinea Antiquities Ordinance 1922-1936*.⁽¹⁾

Short title.
Amended by
No. 3 of 1934,
s. 50.

2. In this Ordinance, unless the contrary intention otherwise appears—

Definition.
Amended by
No. 14 of 1923,
s. 2.

“New Guinea Antiquities” includes New Guinea relics and curios and articles of ethnological and anthropological interest or value, and articles manufactured by the natives with New Guinea made tools and according to New Guinea methods and carvings paintings or other representations on rocks or in

(1) The *New Guinea Antiquities Ordinance 1922-1936* comprises the *New Guinea Antiquities Ordinance 1922*, 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>Cwllth. Gaz.</i>	Date on which took effect.
<i>New Guinea Antiquities Ordinance 1922</i> (No. 10 of 1922)	22.3.1922	24.3.1922	24.3.1922 (<i>Cwllth. Gaz.</i> of 24.3.1922)
<i>New Guinea Antiquities Ordinance 1923</i> (No. 14 of 1923)	21.3.1923	29.3.1923	29.3.1923 (<i>Cwllth. Gaz.</i> of 29.3.1923)

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	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.
<i>New Guinea Antiquities Ordinance 1936</i> (No. 12 of 1936)	26.2.1936	15.6.1936	26.2.1936 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 395)

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caves of living beings or inanimate objects, and ancient pottery and historical remains of any description, and such other articles or things of historical or scientific value or interest and relating to New Guinea as may be prescribed.

Acquirement and custody of antiquities.

Amended by No. 12 of 1936, s. 2.

3. The Administrator may out of funds appropriated for the purpose acquire on behalf of the Administration such New Guinea antiquities as he deems expedient and provide for their safe custody.

Antiquities to be offered to Government prior to export.

Amended by No. 12 of 1936, s. 3.

4. No person shall remove from the Territory any New Guinea antiquities without first offering them for sale at a reasonable price to the Director of Agriculture.

Penalty for exporting, &c., without permission.

Sub-section (1) amended by No. 12 of 1936, s. 4.

5.—(1.) Any person who without the consent in writing of the Director of Agriculture given in accordance with the prescribed form exports or ships for export from the Territory any New Guinea antiquities is liable to a fine not exceeding One hundred pounds and, in default of payment, to imprisonment for any period not exceeding six months.

Notice of exporting to be given.

Sub-section (2) amended by No. 12 of 1936, s. 4.

(2.) Notice of the intention to export or ship for export any New Guinea antiquities shall be given by the exporter or shipper to the Director of Agriculture and the collector or other proper officer of the Customs at least twenty-four hours before shipment.

Forbidden exports to be forfeited.

Sub-section (3) amended by No. 12 of 1936, s. 4.

(3.) Any New Guinea antiquities entered or shipped for export contrary to this Ordinance shall be forfeited to the Administration.

(4.) The Administrator may after inquiry cancel the forfeiture if he thinks fit.

Antiquities being wrongfully removed to be seized.

6. It shall be the duty of all European officers of police and officers of the Customs to seize and detain any New Guinea antiquities attempted to be removed from the Territory contrary to this Ordinance.

Photographs, casts, &c., may be taken for the Administration.

Sub-section (1) amended by No. 12 of 1936, s. 5.

7.—(1.) The Director of Agriculture may if he thinks fit make it a condition to the granting of any application to export New Guinea antiquities that the owner thereof allows them to be copied by photography or otherwise or casts to be made of them in such manner and by such person as the Director of Agriculture directs.

Sub-section (2) amended by No. 12 of 1936, s. 5.

(2.) Every such copy or cast shall be the property of the Administration.

New Guinea Antiquities Ordinance 1922-1936.

7A. The Administrator by proclamation⁽²⁾ published in the *New Guinea Gazette* may forbid the acquisition by any person by purchase or otherwise of any New Guinea antiquity specified in the proclamation.

Power to prohibit acquisition of antiquities.
Inserted by No. 14 of 1923, s. 3.

7B.—(1.) Any person who discovers, or who has good reason to believe that there exists in any locality—

Certain discoveries of antiquities to be reported.

- (i) caves or other places in which ancient remains, human or other, are to be found; or
- (ii) carvings paintings or other representations on rocks or in caves of living beings or inanimate objects; or
- (iii) deposits of ancient pottery or historical remains of any description; or
- (iv) places used in former times as ceremonial or initiation grounds,

Section 7B inserted by No. 14 of 1923, s. 3.

shall immediately inform the nearest District Officer of the discovery or the reputed existence of such places or objects.

(2.) Such places or objects shall not be defaced, damaged, uncovered, exposed or excavated or otherwise interfered with without the written permission of the Administrator.

Penalty: Ten pounds (£10).

7c. The penalty for any offence against this Ordinance for which no penalty is otherwise provided shall be a fine not exceeding One hundred pounds, or, in default of payment, imprisonment with or without hard labour for a period not exceeding six months.

Penalties.
Inserted by No. 14 of 1923, s. 3.

8. In case any dispute arises as to whether any article or thing comes within the scope of this Ordinance or as to what is a reasonable price therefor such dispute shall be determined by a Board to be appointed by the Administrator.

Mode of settling disputes.

8A.—(1.) The Director of Agriculture may, by notice⁽³⁾ in the *New Guinea Gazette*, delegate to any District Officer administering a District all or any of his powers or functions under this Ordinance so that the delegated powers and functions may be exercised by the delegate with regard to the matters and in the District specified in the notice.

Delegation by Director of Agriculture.
Section 8A inserted by No. 12 of 1936, s. 6.

(2.) A delegation under this section shall not prevent the exercise of any power or function by the Director of Agriculture.

(2) A Table containing particulars of proclamations made pursuant to Section 7A is printed on p. 3934, and the proclamations are printed immediately after the Table.

(3) No notice has been published in *N.G. Gaz.*

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Regulations.
Sub-section (1)
amended by
No. 12 of 1936,
s. 7.

Paragraph (a)
amended by
No. 14 of 1923,
s. 4.

9.—(1.) The Administrator in Council may make regulations⁽⁴⁾ 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, and in particular for prescribing—

- (a) the duties and powers of European officers of police and officers of the Customs in enforcing the provisions of this Ordinance including the delegation to any officer of any powers conferred by this Ordinance upon the Administrator;
- (b) the constitution of the Board and the procedure thereof for settling disputes under this Ordinance relating to the acquisition of and payment for New Guinea antiquities; and
- (c) penalties not exceeding Ten pounds for the breach of any regulation.

Sub-sections
(2) and (3)
omitted by
No. 12 of 1936,
s. 7.

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(4) See the *New Guinea Antiquities Regulations*, printed on p. 3931.