

PAPUA.



No. 14 of 1925.

## AN ORDINANCE

To Amend "*The Immigration Restriction Ordinance of 1907.*"

[RESERVED 31ST AUGUST, 1925;

ASSENTED TO 18TH DECEMBER, 1925.]<sup>(a)</sup>

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows :—

1. (1) This Ordinance may be cited as the *Immigration Restriction Ordinance, 1925.* Short title and citation.

(2) *The Immigration Restriction Ordinance of 1907* is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Immigration Restriction Ordinance, 1907-1925.*

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

2. After Section Ten of the Principal Ordinance the following new sections are inserted :—

Power to order  
certain  
persons to  
leave  
Territory.  
Cf. 5 Edw. 7,  
Ch. 13, s. 3.  
Cf. Cwith.  
*Immigration  
Act, 1901-1924,*  
s. 8A.

“10A. (1) Where the Lieutenant-Governor is satisfied that within five years of the arrival in the Territory of a person who was not born in the Territory that person—

- (a) has been convicted in the Territory of a criminal offence punishable by imprisonment for one year or longer ;
- (b) is a danger to the peace order or good government of the Territory ; or
- (c) repeatedly acts in a manner which is inimical to the best interests of natives ;

he may in the case of a person to whom he is satisfied that the provisions of Paragraph (a) apply make an order requiring him to leave the Territory within a time fixed by the order and thereafter to remain out of the Territory and in the case of a person to whom he is satisfied that the provisions of Paragraphs (b) or (c) apply he may by notice in writing summon the person to appear before a Resident Magistrate named in the summons at the time and place specified therein and in the manner prescribed to show cause why an order should not be made requiring such person to leave the Territory and thereafter to remain out of the Territory.

(2) The Resident Magistrate named in the summons shall be furnished with a copy thereof and shall attend for the purpose of hearing the same at the time and place mentioned therein.

(3)—

- (a) If the person fails to appear at the time specified in the summons to show cause ; or
- (b) the Resident Magistrate recommends that an order be made requiring such person to leave the Territory and thereafter to remain out of the Territory

the Lieutenant-Governor may with the concurrence of the Minister for the time being administering the Commonwealth Act entitled the *Papua Act, 1905-1924*, make an order requiring such person to leave

the Territory within a time fixed by the order and thereafter to remain out of the Territory.

(4) If any person in whose case the Lieutenant-Governor has made an order under any of the provisions of this section is at any time found within the Territory in contravention of the order he shall be guilty of an offence and shall be liable on conviction in a summary way to be imprisoned with or without hard labour for any period not exceeding one year.

(5) No conviction and imprisonment of any person under the provisions of Subsection (4) of this section shall operate as a discharge from compliance with the order and if at any time after any such conviction and imprisonment such person be found within the Territory in contravention of the order he shall be guilty of an offence and shall be liable on conviction in a summary way to be imprisoned with or without hard labour for any period not exceeding one year.

10B. (1) Where an order has been made in pursuance of any of the provisions of the last preceding section the Lieutenant-Governor may if he thinks fit cause to be paid the whole or any part of the expenses of or incidental to the departure from the Territory and maintenance until departure of the person named in the order and his dependents (if any).

Expenses of  
departure  
under order.  
Cf. 5 Edw. 7,  
Ch: 13, s. 4 (1).

(2) The master owners agents and charterers of any vessel when required so to do by the Lieutenant-Governor or any person thereto authorized in writing by the Lieutenant-Governor shall provide at the usual rates a passage to any port to which the vessel is bound and any accommodation as the Lieutenant-Governor or any person authorized in writing by the Lieutenant-Governor thinks fit for any person in whose case an order has been made under any of the provisions of the last preceding section.

(3) If the master owners agents or charterers fails or fail without reasonable excuse the proof of which shall be upon him or them to comply with the

provisions of the last preceding subsection he or they shall be liable on summary conviction to a penalty not exceeding One hundred pounds.”

Passed in Council this thirty-first day of August, 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.*