

ARMS, LIQUOR AND OPIUM PROHIBITION ORDINANCE 1921-1938. ⁽¹⁾

An Ordinance to Prohibit the Supplying to Natives of Firearms, Ammunition, Intoxicating Liquor or Opium.

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 *Arms, Liquor and Opium Prohibition Ordinance 1921-1938*.⁽¹⁾

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

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

Definitions.

“Ammunition” means and includes all varieties of gun-powder and any other explosive agent used or that can be used with firearms and all shot or other projectile and any other articles ordinarily used with firearms as well as all materials that can be used in the preparation of ammunition;

(1) The *Arms, Liquor and Opium Prohibition Ordinance 1921-1938* comprises the *Arms, Liquor and Opium Prohibition Ordinance 1921*, 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>Cwlth. Gaz.</i>	Date on which took effect.
<i>Arms, Liquor and Opium Prohibition Ordinance 1921</i> (No. 4 of 1921)	6.5.1921	6.5.1921	9.5.1921 (<i>Cwlth. Gaz.</i> of 6.5.1921)
<i>Arms, Liquor and Opium Prohibition Ordinance 1924</i> (No. 40 of 1924)	17.12.1924	18.12.1924	18.12.1924 (<i>Cwlth. Gaz.</i> of 18.12.1924)

PART II.—ORDINANCE 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>Arms, Liquor and Opium Prohibition Ordinance 1938</i> (No. 9 of 1938)	10.2.1938	30.4.1938	1.9.1938 (<i>N.G. Gaz.</i> of 30.7.1938)

NATIVES—

“Firearms” means every kind and variety of gun or pistol used or intended for the discharge of projectiles of any kind and also any part of any such gun or pistol;

“Intoxicating liquor” means and includes all spirituous compounds and beverages and all fermented liquors and any mixture part whereof is spirituous or which contains fermented liquors and any mixture or preparation containing any drug capable of producing intoxication;

“Opium” shall include every preparation of opium and every article containing any of the active ingredients of opium.

Firearms, ammunition, intoxicating liquor and opium not to be supplied to natives.

Amended by No. 9 of 1938, s. 3.

3. No person shall, except as hereinafter permitted, supply to any native by sale, gift or in any other way either directly or indirectly, or furnish or entrust any native with, any firearm, ammunition, intoxicating liquor or opium; and any person contravening any provision of this section shall be guilty of an offence.

Penalty: Two hundred pounds or imprisonment for one year or both.

Suit cannot be maintained.

4. No action for the recovery of any debt or for the enforcement of any agreement or obligation contracted or entered into in respect of any firearm, ammunition, intoxicating liquor or opium supplied to any native shall be maintained in any Court.

Native not to have firearms or intoxicants in his possession.

5. It shall not be lawful, save as hereinafter provided, for any native to have in his possession any firearm, ammunition, intoxicating liquor or opium, and any such article found in the possession of any native contrary to the provisions of this Ordinance may be seized by any officer in the service of the Government or by any native placed in authority by the Government and be brought before any officer exercising judicial functions, who shall in a summary way direct that any such article be confiscated and that it be destroyed or otherwise disposed of according to his discretion.

Penalty on native for using liquor, opium, firearm or ammunition.

6. If any native who is not expressly permitted under this Ordinance so to do shall drink or have in his possession any intoxicating liquor, or, unless expressly permitted as aforesaid, shall use or have in his possession any opium, firearm or ammunition he shall be guilty of an offence.

Penalty: Imprisonment with or without hard labour for three months.

6A. The application of the provisions of this Ordinance relating to the supply of intoxicating liquor to, or the drinking or possession of intoxicating liquor by, natives, shall extend to aboriginal natives of the Caroline Islands and Marshall Islands and to the offspring of parents one of whom is a native:

Liquor prohibition extended to Caroline Islanders, &c.
Section 6A inserted by No. 40 of 1924, s. 2; amended by No. 9 of 1938, s. 4.
Proviso inserted by No. 9 of 1938, s. 4.

Provided that—

- (a) a permit in the prescribed form, to be known as a liquor permit, may be issued to any such person exempting him, for the period specified in the permit, from the operation of this section wholly or in part and subject to any conditions or limitations indorsed on the permit by the person issuing the permit;
- (b) the holder of a liquor permit shall be exempted from the operation of this section in accordance with, and to the extent specified in, the permit; and
- (c) notwithstanding anything contained in this Ordinance, it shall not be an offence against this Ordinance to supply to the holder of a liquor permit intoxicating liquor in accordance with the permit and subject to the conditions and limitations, if any, indorsed on the permit.

7. Nothing in this Ordinance shall be held to prevent the Administrator from supplying any native with any firearm and ammunition should the Administrator be of opinion that such a course can be adopted with safety in the interests of good order and government and that any native as aforesaid has urgent need of firearms and ammunition for the purposes of self-defence, and any firearm or ammunition given to any native as herein permitted may be retained by such native until withdrawn by the order of the Administrator.

Administrator may supply arms to a native in certain cases.

8. It shall not be an offence under this Ordinance for a person to give intoxicating liquor to a native for any urgent cause or necessity and without recompense and remuneration, when such intoxicating liquor is given solely and purely for medicinal purposes, but the onus of proof of the existence of urgent necessity shall lie upon the person so giving the intoxicating liquor, and in the absence of proof of the existence of urgent necessity the said person shall be guilty of an offence against section three of this Ordinance.

Intoxicating liquor may be given to a native in urgent necessity.

9. No person shall be guilty of an offence against this Ordinance for giving opium to a native when the same is given for medicinal purposes in the usual medicinal form and in the quantities ordinarily prescribed for medical treatment.

Opium may be given to a native for medicinal purposes.

NATIVES—

Liquor may be entrusted to natives for immediate transport.

10.—(1.) It shall not be an offence under this Ordinance for any person who is not a native and who has obtained the written consent of a District Officer or other officer duly authorized in that behalf to entrust to any native or natives named therein or for any native to have in his possession any firearm, ammunition or intoxicating liquor so entrusted to him for the purpose of immediate transport only:

Provided that such consent if given shall not extend to or be deemed to authorize the transport or possession of intoxicating liquor in any District or Division of the Territory in which licences for the sale of intoxicating liquor have been or may at any time hereafter be abolished:

Provided further that the firearm, ammunition or intoxicating liquor shall when so entrusted be packed and contained in a secure covering and kept in the same during the transport thereof:

Provided also that such further conditions as the District Officer or other officer in any case may think fit to make (and which he is hereby authorized to make) are fully complied with.

(2.) A written consent under this section may be expressly made by the District Officer or other officer to extend over a period of not longer than six months from the date thereof but may in his discretion be revoked at any time.

(3.) If any question at any time arises as to whether such firearm, ammunition or intoxicating liquor was or was not packed and contained in a secure covering at the time the same was entrusted to a native, the fact that such firearm, ammunition or intoxicating liquor was not so packed and contained at any period whilst in his possession shall in the absence of conclusive proof to the contrary be sufficient evidence that the same was not at any time so packed and contained:

Provided that the Administrator may by Proclamation⁽²⁾ to be published in the *New Guinea Gazette* suspend for any period and with respect to any place or person the operation of this section wholly or in part, and may by subsequent Proclamation to be published as aforesaid revoke any such Proclamation.

Employer's arms permit.

Section 11 substituted by No. 9 of 1938, s. 5.

11.—(1.) A permit in the prescribed form, to be known as an employer's arms permit, may, on payment of the prescribed fee, be issued to any employer under the *Native Labour Ordinance 1935-1937*⁽³⁾ other than a native, authorizing the employer to entrust firearms and necessary ammunition to a native employed by him, and named in the permit, for the purpose of shooting for the employer under the employer's directions:

(2) No proclamation has been published in *N.G. Gaz.*

(3) Now the *Native Labour Ordinance 1935-1939.*

Arms, Liquor and Opium Prohibition Ordinance 1921-1938.

Provided that a native named in an employer's arms permit shall not be required to obtain a firearm permit under the *Firearms Regulations 1923*:

Provided further that an employer's arms permit shall not be deemed to authorize the use of a firearm not registered under the *Firearms Regulations 1923*.

(2.) An employer's arms permit shall be in duplicate and shall remain in force for twelve months from the date of its issue unless revoked under this Ordinance.

(3.) An employer's arms permit shall be in respect of one native only, but more than one permit may be issued to the same employer.

(4.) A native whilst carrying firearms or ammunition under an employer's arms permit shall carry a duplicate or office copy of the permit.

Penalty: Five pounds or imprisonment for three months.

(5.) A person empowered under this Ordinance to issue an employer's arms permit may, on payment of the prescribed fee and on proof to his satisfaction that any employer's arms permit has been lost or destroyed, issue an office copy of the permit.

12.—(1.) Permits under this Ordinance may be issued by any person empowered by the Administrator in that behalf, but the issue of any permit shall be a purely discretionary matter.

Issue of permits.

(2.) Any permit issued under this Ordinance may at any time be revoked by the Administrator or by any person empowered by him to revoke permits issued under this Ordinance.

13.—(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 prescribing matters providing for and in relation to—

Power to make regulations.
Section 13 inserted by No. 9 of 1938, s. 6.

- (a) the form of, and conditions, if any, to be contained in, any permit or other document granted, issued, or used under or for the purposes of this Ordinance;
- (b) the fees, if any, which shall be payable with respect to any matter;
- (c) the manner of doing or performing anything by this Ordinance required to be done or performed; and
- (d) the imposition of penalties not exceeding Fifty pounds or imprisonment for six months for any offence against the Regulations.

(4) See the *Arms, Liquor and Opium Prohibition Regulations*, printed on p. 3925.

NATIVES—

(2.) Regulations made under this Ordinance may be of general application or may be limited to a particular area or restricted in their operation to any specified class of natives or persons other than natives or to any specified class of firearms.

SCHEDULE

Schedule
repealed by
No. 9 of 1938,
s. 7.

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