

ANIMALS PROHIBITION AND RESTRICTION ORDINANCE, 1911.⁽¹⁾

No. 17 of 1911.

An Ordinance to amend and consolidate the enactments relating to the Prohibition and Prevention of the Introduction of Certain Animals into the Territory and the Checking of Diseases in Animals.

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 *Animals Prohibition and Restriction Ordinance, 1911.*⁽¹⁾ Short title.

It shall come into operation on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette.*⁽¹⁾

2.—(1.) The following enactments are repealed:— Repeal.
Diseased Animals Act, 30-Vic. No. 19 (Queensland adopted).
The Rabbit Act of 1885, 49 Vic. No. 4 (Queensland adopted).
The Animals Restriction Ordinance of 1907 (No. 15 of 1907).

(2.) All Proclamations⁽²⁾ and Regulations⁽³⁾ only made under the enactments hereby repealed shall notwithstanding such repeal continue in force as if they were made under this Ordinance and until they are revoked or cancelled hereunder. Saving.

PROHIBITED ANIMALS.

3. The introduction or importation into the Territory of Rabbits Foxes Hares and Monkeys hereinafter called "Prohibited Animals" is prohibited. Rabbits and other animals prohibited.

Penalty: Five hundred pounds.

Pap. No. 15 of 1907, s. 2.

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

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
16.5.1911	6.12.1911	8.9.1911 (Papua Govt. Gaz. of 4.10.1911)

(2) See footnote (5) printed on p. 86, and the Table printed on p. 89.

(3) See footnote (7) printed on p. 88.

ANIMALS AND BIRDS—

Prohibited animals not to be kept.

Q. 49 Vic. No. 4, s. 2.

4. No person shall have in his possession or knowingly keep or permit to be kept on his premises any prohibited animal.

Penalty: One hundred pounds.

Prohibited animals may be destroyed.

Q. *Ib.* s. 3.

5. It shall be lawful for any person to destroy any prohibited animal found at any place within the Territory and the owner thereof shall not be entitled to recover any compensation for any loss or damage that he sustains by the destruction thereof.

Not to be turned loose.

Q. *Ib.* s. 4.

6. No person shall turn loose any prohibited animal or negligently suffer a prohibited animal to run loose.

Penalty: One hundred pounds.

Authorized persons may enter on land and destroy prohibited animals.

Q. *Ib.* s. 5.

7.—(1.) The Lieutenant-Governor⁽⁴⁾ may authorise any person to enter upon any land in the occupation of any other person and to destroy any prohibited animals found thereon. And any person so authorised may enter upon any land and take such means as appear to him expedient and approved by the Commissioner for Lands for the destruction of all prohibited animals found thereon.

(2.) No person shall obstruct resist or hinder any person so authorised in the prosecution of his work under such authority.

Penalty: One hundred pounds.

RESTRICTED ANIMALS.

Consent of Lieutenant-Governor necessary to introduction of certain animals.

Pap. No. 15 of 1907.

Q. 49 Vic. No. 4, s. 3.

Introduction and removal of animals may be prohibited or restricted by proclamation.

Q. 30 Vic. No. 19, s. 1.

8. No animal except domestic animals shall be introduced into the Territory without the consent in writing of the Lieutenant-Governor⁽⁴⁾ first obtained.

Penalty: Fifty pounds.

9. The Lieutenant-Governor⁽⁴⁾ may from time to time with the advice of the Executive Council by Proclamation⁽⁵⁾ in the *Gazette*—

(1) Prohibit or put restrictions on the introduction or importation of any animals or of any one or more kind of animals into the Territory or into any district thereof from such places and during such time as may appear necessary and any such Proclamation to alter or revoke by a similar Proclamation.⁽⁶⁾

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(5) A Table containing particulars of proclamations prohibiting or restricting the introduction or removal of specified animals, made either pursuant to the present Section 9, or under the repealed *Diseased Animals Act*, (Queensland, adopted) or the repealed *Animals Restriction Ordinance of 1907*, and continued in force by the present Section 2(2), is printed on p. 89, and the proclamations still in force are printed immediately after the Table.

(6) This paragraph is printed as it appeared in the original Ordinance. *Semble*, the concluding words should read "... and alter or revoke any such Proclamation by a similar Proclamation."

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- (2) Prohibit or put restrictions on the removal of any animals or of any one or more kind of animals from any one portion of the Territory to any other portion of the Territory.

10. Every such Proclamation shall be published in the *Gazette* and on the day after such publication shall have the full force of law. And every such Proclamation shall forthwith be laid before the Legislative Council if then sitting and if not then within seven days after the commencement of the next session.

Proclamation to have force of law on publication in *Gazette*.
Q. 30 Vic. No. 19, s. 2. altered.

11. The Lieutenant-Governor⁽⁴⁾ with the advice of the Executive Council may from time to time appoint one or more officers for the purposes of this Ordinance to be called Stock Inspectors and nominate and appoint all such other Officers as to the Lieutenant-Governor⁽⁴⁾ and Executive Council shall seem necessary for the more effectually carrying out the purposes of this Ordinance.

Appointment of Inspectors.
Q. *Ib.* s. 3.

12. The Inspectors appointed under this Ordinance may and they are hereby empowered subject to the provisions of any regulations to destroy any animals that may be affected by malignant disease (and they alone shall decide upon the presence or absence of such disease) or to submit any animals to a system of quarantine or to destroy any hay straw fodder or other article whereby there may be danger of any infection or contagion being introduced to or propagated in the Territory.

Inspectors may destroy diseased animals.
Q. *Ib.* s. 4.

13. All animals imported or introduced into the Territory or any district thereof or removed from one portion of the Territory to another contrary to any Proclamation or Regulation may be seized by or at the order of the Commissioner for Lands or of any Inspector appointed under this Ordinance and shall upon such seizure be forfeited and may be sold and the proceeds paid into the Public Revenue of the Territory.

Forfeiture of animals imported against prohibition.
Q. *Ib.* s. 5.

14. Every person concerned in importing or introducing or attempting to import or introduce or removing or attempting to remove any animals in violation of any such Proclamation or Regulation shall for every such offence upon summary conviction be liable to a fine not exceeding one hundred pounds.

Penalty for importing.
Q. *Ib.* s. 5.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

ANIMALS AND BIRDS—

Lieutenant-Governor in Council may make Regulations.
Q. 30 Vic.
No. 19, s. 7.

15. It shall be lawful for the Lieutenant-Governor⁽⁴⁾ with the advice of the Executive Council to make such Regulations⁽⁷⁾ as may from time to time be deemed necessary for carrying into effect the provisions of this Ordinance.

(4) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(7) Regulations made under the *Diseased Animals Act* (Queensland, adopted) on 3.6.1892 and published in *British N.G. Govt. Gaz.* of 4.6.1892 were continued in force by virtue of the present Section 2(2). They were repealed by Regulations (S.R. 1922, No. 5) made under the *Animals Prohibition and Restriction Ordinance*, 1911, dated 23.5.1922 and published in *Papua Govt. Gaz.* of 7.6.1922. These latter Regulations were purely repealing and are not printed herein.