

UNCONTROLLED AREA ORDINANCE (NO. 3), 1936. ⁽¹⁾⁽²⁾

No. 15 of 1936.

An Ordinance to Control Admission into an Uncontrolled Area.

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. This Ordinance may be cited as the *Uncontrolled Area Ordinance (No. 3), 1936.*⁽²⁾ Short title and citation.
2. The *Uncontrolled Area Ordinance, 1936*, and the *Uncontrolled Area Ordinance (No. 2), 1936*, are hereby repealed. Repeal.
3. In this Ordinance "the uncontrolled area" means the area described in the Schedule to this Ordinance. Interpretation.
4. Except as provided in this Ordinance no person shall enter the uncontrolled area except:—
 - (a) Natives;
 - (b) Officers of the Public Service of the Territory in the course of their official duties.Prohibition of entry upon uncontrolled area.
5. The Lieutenant-Governor⁽³⁾ by Proclamation⁽⁴⁾ published in the *Gazette* may suspend the operation of this Ordinance either wholly or in respect to any portion of the uncontrolled area specified in the Proclamation and any such suspension may be subject to conditions or restrictions specified in such Proclamation. Suspension of Ordinance.

(1) The operation of this Ordinance was wholly suspended as from 1.7.1939 by Proclamation dated 12.5.1939 and published in *Papua Govt. Gaz.* of 15.5.1939.

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

Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in <i>Papua Govt. Gaz.</i>	Date on which came into operation.
25.9.1936	7.10.1936	7.10.1936 (<i>Papua Govt. Gaz.</i> of 7.10.1936)

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

(4) Pursuant to Section 5, the Lieutenant-Governor, by Proclamation dated 23.12.1937 and published in *Papua Govt. Gaz.* of 5.1.1938, suspended the Ordinance "in respect to persons entering the uncontrolled area in aircraft provided that neither the aircraft nor the persons therein alight within such area." By further Proclamation dated 12.5.1939 and published in *Papua Govt. Gaz.* of 15.5.1939, the Lieutenant-Governor proclaimed and declared "that the operation of the *Uncontrolled Area Ordinance (No. 3), 1936*, shall be suspended from and after the first day of July, One thousand nine hundred and thirty-nine."

UNCONTROLLED AREA—

Offences.

6. Any person who without reasonable excuse proof whereof shall be upon him commits a breach of this Ordinance or is found in the uncontrolled area shall be guilty of an offence and be liable upon summary conviction to a fine of not less than Twenty pounds and not exceeding Two hundred pounds and in default of payment or in addition to such fine to imprisonment with hard labour for any period not less than one month and not exceeding two years.

Limitation of action.

7. Notwithstanding any rights conferred pursuant to the provisions of any other Ordinance no action shall lie at the suit of any person for any loss or damage caused through the operation of this Ordinance or any Ordinance repealed by this Ordinance or by reason of any act or thing done by the Lieutenant-Governor⁽³⁾ or any officer on or after the twenty-second day of July, One thousand nine hundred and thirty-six, for the purpose of preventing any person from entering the uncontrolled area.

SCHEDULE.

DESCRIPTION.

Commencing at a point situate on the North-East boundary line of the Territory of Papua being the intersection of this boundary line with the left bank of the Strickland River; thence following the North-East boundary line in a South-Easterly direction to its intersection with the meridian 144° 00' of East longitude; thence following the meridian 144° 00' of East longitude bearing due South to its intersection with the parallel 7° 00' of South latitude; thence following the parallel 7° 00' of South latitude bearing due West for a distance of approximately 76 miles; thence by a line bearing approximately 295° 00' to its intersection with the left bank of the aforesaid Strickland River; thence following the left bank of the said Strickland River upstream in a Northerly and North-Easterly direction to the point of commencement all bearings true and containing an area of approximately 13,250 square miles all as shown on map deposited in the Department of the Commissioner for Lands, Port Moresby.

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