



PAPUA.



SAGO ORDINANCE, 1908-1920.<sup>(a)</sup>

An Ordinance to Provide for Licences to Cut Sago and other Native Products.

[RESERVED 9TH DECEMBER, 1908;  
ASSENTED TO 1ST APRIL, 1909.]<sup>(b)</sup>

BE it enacted by the Administrator of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. The Lieutenant-Governor may by Proclamation in the *Gazette* declare any Crown land to be a sago reserve.

Crown land may be declared sago reserve.

No sago shall be cut upon a sago reserve except by a licensee under this Ordinance. No sago shall be cut by a licensee upon a sago reserve except for the purpose of making sago for food as the principal product but subject thereto the licensee may use the remaining materials as by-products or for the manufacture of by-products.

Amended by 4 of 1921, s. 2.

2. The Lieutenant-Governor may grant licences in respect of sago growing in a sago reserve giving the licensee the exclusive right to cut and remove sago. The licensee shall have such right of entry upon the land and of erecting buildings and machinery thereon as may be necessary to him in the exercise of his right of cutting and removing the sago.

Licence to cut sago in sago reserve.

Such licences are hereafter called sago licences. The area over which a sago licence extends may be surveyed by direction of the Commissioner for Lands at the expense of the licensee.

3. Application for a sago licence shall be made to the Commissioner for Lands and shall be accompanied by a deposit of half a year's rent of the estimated area which shall be returned if the application is refused by the Lieutenant-Governor.

Application for licence.

(a) The *Sago Ordinance, 1908-1920*, comprises *The Sago Ordinance of 1908* (6 of 1909), as amended by the *Sago Ordinance, 1917* (2 of 1918); as amended by the *Sago Ordinance, 1920* (4 of 1921); and as so amended may be cited as the *Sago Ordinance, 1908-1920*. See Ordinance No. 4 of 1921, s. 1 (3).

(b) This is the date of assent to *The Sago Ordinance of 1908*. The assent was notified in *Gazette* No. 32 of 7th July, 1909. The *Sago Ordinance, 1917*, was assented to on 6th December, 1917, and the assent was notified in *Gazette* No. 2 of 6th February, 1918.

The *Sago Ordinance, 1920*, was assented to on 21st April, 1921, and the assent notified in *Gazette* No. 8 of 6th July, 1921.

The area shall pending survey be taken as estimated by the Commissioner for Lands.

Rent.  
Amended by  
2 of 1918, s. 2.

4. Rent shall be paid for a sago licence and may be fixed by the Lieutenant-Governor in Council or tenders may be called for in any case.

The limits of amount within which rent may be fixed by the Lieutenant-Governor in Council may be prescribed by regulation.

Rent shall be paid in advance at such times and in respect of such periods as may be prescribed by regulations. Such regulations may alter the periods and times in respect of and at which rent is made payable under any sago licence granted under this Ordinance prior to the making of such regulation and thereafter rent in respect of such last-mentioned licences shall be paid in accordance with such alteration.

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Agreement to  
cut sago in  
native land.  
Substituted by  
4 of 1921, s. 3.

5. Any person may cut sago on native-owned land for the purpose of making sago only by agreement in writing made with the native owners for that purpose: Provided that the agreement shall have no effect unless—

- (a) it describes the area (not exceeding twenty acres) and situation of the land upon which they are growing;
- (b) it specifies the period (not exceeding one year) during which sago may be cut under the agreement; and
- (c) it is approved by a resident magistrate in writing.

Restriction on  
cutting sago on  
native land.

5A. No person shall cut sago on native-owned land except by agreement with the native owners under and in compliance with the provisions of the last preceding section and for the sole purpose of making sago.

Licence, etc.,  
to be for  
making sago  
only.

5B. No sago licence shall be granted and no agreement with native owners to cut sago on native-owned land shall be made or approved except for the purposes permitted by this Ordinance.

Purchase of  
sago, etc.,  
from the  
natives.

6. If the native owners are willing to dispose of the sago or of any other native product growing on any land it shall be lawful for the Lieutenant-Governor to acquire the right of felling cutting removing and disposing of the whole of the sago or other native product either absolutely or for a term of years upon such terms as may be agreed upon between him and the owners; and thereupon it shall not be lawful for any person by purchase or other dealing with the owners of the land to acquire any interest in the sago or other native product either while it is standing or after it has been felled but the exclusive right of felling cutting removing and disposing of the same shall vest in His Majesty and those claiming under him who for the purpose of felling cutting removing and disposing of it shall have the right of entering upon the land and of erecting such buildings and machinery as may be necessary. Land in respect of which such rights as aforesaid have been acquired shall for the purposes of this Ordinance be deemed to be Crown lands.

Extension of  
Ordinance to  
other  
products.  
Amended by  
4 of 1921, s. 4.

7. The Lieutenant-Governor in Council may from time to time by notice in the *Gazette* extend the provisions of this Ordinance or any of them to any other indigenous tree or plant and may by the same or

any notice declare that any one or more of the provisions of this Ordinance shall not apply to the indigenous tree or plant mentioned in the notice or in any notice and the Ordinance shall thereupon be construed accordingly.

The Lieutenant-Governor shall have power in the same way to revoke any such notice.

8. (1) The Lieutenant-Governor in Council may make regulations prescribing—

Regulations.  
Substituted by  
2 of 1918, s. 3.  
Added by  
4 of 1921, s. 5.

- (a) the rent and area of licences ;
- (aa) the form and mode of application for a sago licence ;
- (ab) the period and conditions for and upon which a sago licence may be granted or renewed ;
- (ac) the value and nature of machinery and plant to be erected for the treatment of sago cut under a licence and the locality thereof ;
- (ad) the circumstances under which a sago licence shall be liable to forfeiture and may be forfeited ;
- (ae) limiting the number of sago palms that may be cut under any agreement to cut sago on native-owned land ;
- (b) the prevention of injury to or obstruction of any land river stream or creek tidal or otherwise comprised within or flowing through any sago reserve ;
- (c) all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

(2) The regulations may provide penalties for breach not exceeding in any case Twenty pounds or imprisonment with or without hard labour for any period not exceeding six months.

9. Any person who acts in contravention of any of the provisions of this Ordinance or of a regulation shall where no penalty is expressly provided be liable on conviction before a Court of summary jurisdiction to a penalty of Fifty pounds or in the alternative six months' imprisonment with or without hard labour.

Penalty where  
none expressly  
provided.

10. This Ordinance may be cited as *The Sago Ordinance of 1908.*<sup>(a)</sup> Short title.

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(a) This is the short title of Ordinance No. 6 of 1909. As amended by Ordinance No. 2 of 1918 and by No. 4 of 1921, it may be cited as the *Sago Ordinance, 1908-1920.* See Ordinance No. 4 of 1921, s. 1 (3).