

EXPULSION OF UNDESIRABLES ORDINANCE 1935.⁽¹⁾

No. 42 of 1935.

An Ordinance Relating to the Expulsion of Undesirable Persons.

BE it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1932*, as follows:—

1. This Ordinance may be cited as the *Expulsion of Undesirables Ordinance 1935*.⁽¹⁾ Short title.

2. Where the Administrator in Council is satisfied that any person who was not born in the Territory— Deportation of certain persons.

(a) has, since the commencement of the *Laws Repeal and Adopting Ordinance 1921*,⁽²⁾ been convicted in the Territory of a criminal offence punishable by imprisonment for one year or longer; or

(b) is a person whose presence in the Territory is injurious to the peace, order, or good government of the Territory, or whose presence in the Territory is prejudicial to the well-being of the natives of the Territory,

the Administrator in Council may make an order for the deportation of that person:

Provided that in the case of any person to whom the Administrator in Council is satisfied that the provisions of paragraph (b) of this section apply, an order for the deportation of the person shall not be made unless the consent in writing of the Minister⁽³⁾ has first been obtained.

3. Where the Administrator in Council has made an order under this Ordinance for the deportation of any person, that person shall be deported accordingly, and may— Custody pending deportation.

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

Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov. Gen. in Council.	Date on which came into operation.
31.7.1935	15.2.1936	31.7.1935 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 352)

(2) Now the *Laws Repeal and Adopting Ordinance 1921-1939*.

(3) Section 4 of the *Ordinances Interpretation Ordinance 1934-1941* provides that in any Ordinance, "unless the contrary intention appears,—'Minister' means the Minister of State for the time being administering the *New Guinea Act 1920-1932*."

DEPORTATION—

- (a) pending deportation and until he is placed on board a vessel for deportation from the Territory;
- (b) at any port in the Territory at which the vessel calls after he has been placed on board; and
- (c) on board the vessel until its departure from its last port of call in the Territory,

be kept in such custody as the Administrator directs.

Shipowners to provide passages for deportation.

4.—(1.) The master, owner, agent, or charterer of any vessel shall, when required so to do by notice in writing by the Administrator or by any officer authorized by him—

- (a) provide a passage for any person ordered to be deported under this Ordinance, and shall receive that person on board for conveyance to a port to which the vessel is bound; and
- (b) receive on board and provide with accommodation, for such time as is specified in the notice, any persons charged by the Administrator with the custody of the person ordered to be deported.

Penalty: One hundred pounds.

(2.) For the services specified in the last preceding subsection the Administrator shall pay to the master, owner, agent, or charterer such passage money as the Administrator thinks reasonable.

Return of deportee.

5. Any person who has been deported under this Ordinance and who, without the permission of the Administrator in Council, returns to the Territory, shall be guilty of an indictable offence.

Penalty: Imprisonment for one year and, in addition, deportation by order of the Administrator in Council as provided in this Ordinance.

Evidence.

6. In any prosecution for an offence under this Ordinance, the production of an order for the deportation of any person made under this Ordinance signed by the Administrator shall be conclusive evidence that the order is valid and was lawfully made.

Indemnity.

7. No action shall be brought by any person against whom an order for deportation has been made under this Ordinance, with reference to anything done or omitted in the execution or purported execution of the order for his deportation or of the provisions of this Ordinance.