

TERRITORY OF NAURU

No. 10 of 1939

AN ORDINANCE

To provide for the Defence of the Territory in case of  
Emergency.

BE it ordained by the Administrator of the Island of Nauru in pursuance of the powers conferred by Article 1 of the Agreement dated the second day of July, 1919, between His Majesty's Government in London, His Majesty's Government of the Commonwealth of Australia and His Majesty's Government of the Dominion of New Zealand, as follows:-

Short Title. 1. This Ordinance may be cited as the Defence Ordinance (No. 2) 1939.

Commencement. 2. This Ordinance shall commence on a date to be fixed by the Administrator by Proclamation.

Repeal. 3. The Defence Ordinance 1939 is hereby repealed.

Suspension. 4.- (1.) The Administrator may, by Proclamation, from time to time suspend the operation of any portion of this Ordinance.

(2.) The suspension of the operation of any portion of this Ordinance shall continue until the Administrator, by Proclamation, determines the suspension.

(3.) The suspension of any portion of this Ordinance shall have the effect of suspending all regulations made under this Ordinance other than those specified in the Proclamation as continuing in force.

Definitions. 5. In this Ordinance, unless the contrary intention appears -

"enemy" includes all armed mutineers, armed rebels, armed rioters and pirates;

"private property" includes all property, real and personal, other than the property of the Administration of the Territory;

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"the Territory" means the Territory of Nauru.

Deportation  
Order.

6.-(1.) The Administrator may, by Order under his hand, require any person to quit, within the time specified in the Order, and thereafter remain out of, the Territory or any part of, or place in, the Territory.

(2.) The Administrator may cause any person who fails to comply with the requirements of an Order under this Section to be arrested and deported.

Assistance  
generally.

7. The Administrator may require any person to do any work or render any personal service which the Administrator thinks necessary to order in connexion with the defence of the Territory.

Requisition  
of property.

8. The Administrator may require any person having the possession or control of any private property which is required for the purposes of the defence of the Territory to give possession of that property to the Administrator, and if possession of that property is not so given, the Administrator may seize and take possession of it.

Destruction  
of property  
and build-  
ings.

9. For the purposes of the defence of the Territory the Administrator may cause buildings to be pulled down or removed and may cause property to be removed from one place to another or to be destroyed.

Shipping  
services.

10. The Administrator may direct that all resources of any shipping service in the Territory shall be placed at his disposal for any purpose which he considers necessary in connexion with the defence of the Territory including the evacuation of non-combatants and any other person he considers it desirable to evacuate and no liability of any kind shall be incurred on account of any interference with the ordinary conduct of that shipping service.

Prohibition  
of export.

11. The Administrator may prohibit the export from the Territory of any goods or articles or class of goods or articles.

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Confiscation  
of food and  
fuel:

12. -(1.) The Administrator may seize and take possession of any foods or fuels in the Territory and may sell the same at such price and under such conditions as he prescribes by regulations.

(2.) The Proceeds of all sales under this section shall be paid into the Territory Treasury.

Control of  
food prices.

13. -(1.) The Administrator may by Proclamation fix the maximum price for which any article of food may be sold by retail.

(2.) Any person who sells by retail any article of food at a price greater than the maximum price fixed in respect of the retail sale of that article shall be guilty of an offence and liable to a fine not exceeding £A5 or to imprisonment for a term not exceeding three months.

Control of  
liquor.

14. -(1.) The Administrator may by Order under his hand regulate the sale and consumption of beer, wine and spirits.

(2.) Any person guilty of any contravention of an Order under this section shall be liable to a fine of £A5.

Compensation.

15. Every person who is required to do any work or render any personal service and every person whose private property is taken possession of, or removed or destroyed by virtue of this Ordinance shall be entitled to receive by way of compensation, out of the public funds of the Territory, such sum only as is determined under regulations made by the Administrator.

Power of  
entry and  
inspection.

16. Any person authorised by the Administrator in writing in that behalf may enter upon and into any ship or vessel, land, house or building, in the Territory for the purpose of the inspection thereof or of anything thereon or therein and may use force to effect the entry and inspection.

Offences.

17. Any person who fails to comply with any Order or requisition made under this Ordinance or hinders or prevents the execution of any such Order or requisition or attempts

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so to do shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than £A2 nor more than £A10 or to imprisonment for a term not exceeding one month.

Contracts. 18. It shall be a sufficient defence to any action for breach of contract to prove that the breach was occasioned by compliance with the provisions of any Order or requisition made under this Ordinance.

Postponement of payments and suspension of judgments. 19. The Administrator may by Proclamation postpone for such period as he thinks necessary or just and expedient, the time at which any rent or other moneys shall become due and payable, and particularly, may so extend the period of maturity of bills or other negotiable instruments payable in the Territory, and may suspend for such time as he thinks right the execution of the judgment of any Court of Civil Judicature, and the enforcement of any process of eviction or other process for the recovery of the possession of property in default of payment of rent, if he considers that, owing to circumstances arising out of the State of War or the immediate apprehension of War, the immediate execution of those judgments or enforcement of that process would be inequitable or inexpedient.

Regulations. 20. -(1.) The Administrator may make regulations not inconsistent with this Ordinance prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed, and, in particular, prescribing the manner of trial of, and penalties that may be imposed for, offences against the regulations and prescribing any matters in relation to-

(a) censorship, and the control and suppression of publications, writings, maps, plans, photographs, communications, and means of communications;

(b)/

Defence Ordinance (No. 2) 1916.

- (b) arrest, detention, exclusion, and deportation;
  - (c) control of harbours, ports, and territorial waters of the Territory, and the movements of vessels;
  - (d) control of aerodromes, landing grounds, seaplane stations, seaplane anchorages and movement of aircraft, as well as of all installations connected with the navigation and fuelling of aircraft;
  - (e) transportation by land, air, or water, and the control of the transport of persons and things;
  - (f) trading, exportation, importation, production, and manufacture; and
  - (g) appropriation, control, forfeiture, and disposition of property, and of the use thereof;
- (2) The penalty that may be prescribed in respect of any offence -
- (a) tried summarily shall not exceed a fine of £100 or imprisonment for six months or both the fine and the imprisonment; or
  - (b) tried in any other manner shall not exceed imprisonment for ten years.

(3.) Where the provisions of any regulation are inconsistent with the provisions of any other law of the Territory the former shall prevail and the latter shall, to the extent of the inconsistency, be invalid.

GIVEN under my hand at Administration Headquarters Nauru Island, Central Pacific, this thirtieth day of September, One thousand nine hundred and thirty-nine.

F.R. Chalmers

ADMINISTRATOR OF THE ISLAND OF NAURU.