

Chapter 331.
War Surplus Material Act 1952.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 331.

War Surplus Material Act 1952.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

War Surplus Material Act 1952,

Being an Act to facilitate the collection of war surplus material and for other purposes.

1. INTERPRETATION.

In this Act—

“**purchaser**” means a person who has acquired from the State or the Administration of a former Territory a right, title or interest to or in war surplus material;

“**the recent war**” means the war with Germany that commenced on 3 September 1939, or any other war in which Australia became engaged after that date and before 23 October 1952;

¹²“**war surplus material**” means any building, fitting or structure, or the materials comprising any building, fitting or structure or any aircraft, ship, vehicle, machinery, equipment or chattel acquired or used by any government or by the armed forces of any government in, or in connection with, the prosecution of the recent war, and are located in the country including its internal waters and its territorial sea and the underlying lands, and includes any property of any kind including gold and other precious metals —

- (a) located in such building, fitting or structure, or the materials comprising any building, fitting or structure or any aircraft, ship, vehicle, machinery, equipment or chattel; or
- (b) located elsewhere in the country including its internal waters and its territorial sea and the underlying lands and are reasonably

¹ Section 1 Amended by No. 37 of 2003, s. 1.

² Section 1 Amended by No. 37 of 2003, s. 1.

suspect of being acquired during the war or used in, or in connection with, the prosecution of the war.

2. OWNERSHIP OF WAR SURPLUS MATERIAL.

In any proceedings, civil or criminal, in which the question of the ownership of war surplus material arises, the war surplus material shall, until the contrary is proved, be deemed for all purposes to be the absolute property of the State.

3. DETERMINATION OF WAR SURPLUS MATERIAL.

In any civil proceedings to which the State is a party, and in any criminal proceedings, in which the question arises as to whether any property is or is not war surplus material, the property shall, until the contrary is proved, be deemed for all purposes to be war surplus material.

4. SEARCH, ETC., BY OFFICER.

(1) An officer or person authorized in writing by the Head of State, acting on advice, to do so may—

- (a) at any reasonable time and without doing unreasonable damage, search for, collect and remove from any land war surplus material the property of the State; and
- (b) for that purpose—
 - (i) enter on the land with such persons, machinery, equipment and vehicles as are reasonably necessary; and
 - (ii) use any road or other transport facility on the land.

(2) A person who hinders or obstructs an officer or person in the exercise of his powers under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding 12 months.

5. SEARCH, ETC., BY PURCHASER.

Subject to any conditions imposed by the Head of State, acting on advice, a purchaser may, without doing unreasonable damage—

- (a) at any reasonable time and after giving not less than seven days' written notice to the occupier of the land, search for, collect and remove from any land war surplus material in or to which he has acquired a right, title or interest entitling him to its possession; and
- (b) for that purpose—
 - (i) by himself or by such agents, servants and workmen as are reasonably necessary, enter on the land with such machinery, equipment and vehicles as are reasonably necessary; and

- (ii) use any road or other transport facility on the land.

6. GENERAL.

A person who enters on land and searches for, collects and removes war surplus material under the powers conferred by this Act is not liable in respect of damage other than unreasonable damage caused in the exercise of those powers.

7. COMPENSATION BY THE STATE.

(1) Where the owner or occupier of land suffers loss or damage as a result of the exercise, in relation to that land, of any of the powers conferred by this Act, compensation shall be paid by the State in accordance with this section.

(2) A claim for compensation under Subsection (1) shall be made in the prescribed manner.

(3) The amount of compensation shall be such sum—

(a) as is agreed on between the State and the claimant; or

(b) in default of agreement, as is determined by arbitration.

8. INDEMNITY BY PURCHASER.

A purchaser entering on land in accordance with Section 5 shall indemnify and keep indemnified the State against all claims for unreasonable damage done as a result of the entry, the search for, collection or removal of war surplus material.

9. NOTIFICATION OF WAR SURPLUS MATERIAL.

(1) On written demand by the Head of State, acting on advice, or a delegate appointed under Section 10 for the purpose, a person must supply to the Head of State or the delegate, as the case may be, any information that he has concerning war surplus material, including particulars of and the location of the material.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding 12 months.

(2) A person who wilfully supplies false or misleading information in reply to a demand under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding 12 months.

10. DELEGATION.

The Head of State, acting on advice, may, by notice in the National Gazette, delegate to an officer all or any of his powers under this Act or the regulations (except this power of delegation).

11. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, prescribing the method of service of any notice or other document required under this Act or the regulations to be served.

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