

Page 3442—*Native Taxes (Funds) Regulations, 1936.*

In Regulation 30 for “Misisonary” read  
“Missionary”

# NATIVE TAXES (FUNDS) REGULATIONS, 1936.<sup>(1)</sup>

## PART I.—PRELIMINARY.

### *Citation.*

1. These Regulations may be cited as the *Native Taxes (Funds) Regulations, 1936.*<sup>(1)</sup>

### *Repeal.*

2. The *Native Taxes (Funds) Regulations, 1930* (Statutory Rules No. 9 of 1930) as amended by Statutory Rules No. 6 of 1931; No. 14 of 1933; No. 6 of 1934; No. 14 of 1934; No. 1 of 1935 and No. 11 of 1935, are repealed.

### *Division of Regulations.*

3. These regulations are divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Establishment of Funds.

Part III.—Application of Native Education Fund.

Part IV.—Application of Native Benefits Fund.

### *Interpretation.*

4. In these regulations unless the contrary intention appears the words—

“Authorized sum” means, in respect of any regulation or sub-regulation or any paragraph or sub-paragraph thereof

(1) The *Native Taxes (Funds) Regulations, 1936* (made under the *Native Taxes Ordinance, 1917-1936*), comprise the original *Native Taxes (Funds) Regulations, 1936*, as amended by the other Regulations referred to in the following Table:—

REGULATIONS MADE BY THE LIEUTENANT-GOVERNOR IN COUNCIL.<sup>(a)</sup>

Description and number and year.	Date on which made by Lieut.-Gov. in Council. <sup>(a)</sup>	Date on which published in Papua Govt. Gaz.	Date on which took effect.
<i>Native Taxes (Funds) Regulations, 1936</i> (S.R. 1936, No. 10)	15.6.1936	1.7.1936	1.7.1936 (Papua Govt. Gaz. of 1.7.1936)
<i>Amending Regulations</i> (S.R. 1937, No. 4)	15.6.1937	7.7.1937	7.7.1937 (Papua Govt. Gaz. of 7.7.1937)
<i>Amending Regulations</i> (S.R. 1940, No. 13)	3.9.1940	3.10.1940	1.7.1936 (Reg. 2, S.R. 1940, No. 13)
<i>Amending Regulations</i> (S.R. 1941, No. 17)	18.11.1941	3.12.1941	The whole except Reg. 5(c) on 3.12.1941 (Papua Govt. Gaz. of 3.12.1941); Reg. 5(c) on 1.12.1940 (Reg. 5(c), S.R. 1941, No. 17)

(a) Regulations made after the commencement of the *Papua Act 1940* on 18.9.1940 were made by the Administrator in Council.

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respectively in which the expression is used, a sum not exceeding the sum the amount of which is set out in the money column of the Schedule opposite the number of such regulation, sub-regulation, paragraph or sub-paragraph set out in the first column of the Schedule;

“Schedule” means the Schedule to these regulations;

“Annually” means in each financial year.

*Withdrawal or variation of authority to expend.*

5. The authority given by these regulations or any of them or any part thereof respectively for the expenditure of any authorized sum may be withdrawn at any time by the Order of the Lieutenant-Governor<sup>(2)</sup>, and any authorized sum may by the Order of the Lieutenant-Governor<sup>(2)</sup> be increased or decreased in amount; whereupon the expenditure of any such sum shall wholly cease or be increased or decreased as the case may require.

PART II.—ESTABLISHMENT OF FUNDS.

*Native Education Fund and Native Benefits Fund.*

6.—(1.) At the end of each and every financial year there shall be paid to the credit of the Native Education Fund a sum not exceeding three-fifths of the amount then standing to the credit of the separate account referred to in Section 15 of the *Native Taxes Ordinance, 1917-1932*,<sup>(3)</sup> and the balance shall be at the same time paid to the credit of the Native Benefits Fund.<sup>(4)</sup>

(2.) The proportions of three-fifths and two-fifths may be varied for any year by the Order<sup>(4)</sup> of the Lieutenant-Governor in Council.<sup>(2)</sup>

PART III.—APPLICATION OF NATIVE EDUCATION FUND.

*Grants in aid—Primary schools.*

7. The authorized sum may be annually paid out of the Native Education Fund in grants in aid to Missions in respect of assisted primary schools to be applied for the purposes set out in Regulation 5 of the *Native Education (Primary) Regulations, 1931*: Provided that not exceeding £260 in any one year shall be paid to any one Mission.

Am. by  
S.R. 1940,  
No. 13, r. 1.

*Primary and technical education by certain Missions, etc.*

8. The authorized sum may be annually paid out of the Native Education Fund as to forty-sixty-firsts thereof to the London Missionary Society and the Roman Catholic Mission in equal proportions as

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

(3) Now the *Native Taxes Ordinance, 1917-1936*.

(4) No Order in Council varying the proportions has been published in *Papua Govt. Gaz.*

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to sixteen-sixty-firsts to the Kwato Extension Association and as to the remaining five-sixty-firsts to the Methodist Missionary Society to be expended by them on both the primary and technical education of natives according to the several schemes heretofore approved<sup>(5)</sup> by the Lieutenant-Governor in Council<sup>(2)</sup> under the *Native Taxes (General Purposes) Regulations, 1921* (Statutory Rules No. 9 of 1921), since repealed.

### *Special grant to Technical school.*

9. The authorized sum may be annually paid out of the Native Education Fund to the London Missionary Society to be expended by them towards payment of the salary of the Instructor of Fife Bay Technical School.

### *Special grants to Agricultural schools.*

10. The authorized sum may be annually paid out of the Native Education Fund to the Methodist Mission towards the upkeep and maintenance of an agricultural school at Salamo and at Kiriwina.

11. The authorized sum may be paid out of the Native Education Fund to the Methodist Mission for the establishment of an agricultural school at Kiriwina. Such amount shall be non-recurrent.

### *Special grant for Poreporena school.*

11A. The authorized sum may be paid out of the Native Education Fund to the London Missionary Society to be expended in erecting a building for the Poreporena school. Such sum shall be non-recurrent.

### *Inspection of schools and workshops.*

12. The Director of Native Taxation or any officer thereto appointed by the Lieutenant-Governor<sup>(2)</sup> shall have the right to enter schools and workshops of any Mission or Association in receipt of payment under the preceding regulations of this Part, and make such investigation as may be necessary for the purpose of ascertaining whether the approved schemes or purposes are respectively being carried out; if any scheme or purpose is in the opinion of the Lieutenant-Governor in Council<sup>(2)</sup> not being carried out he may by Order in Council reduce the amount of any payment<sup>(6)</sup> or may order it to cease altogether: But the last-mentioned provision shall not be taken to limit the powers conferred upon the Lieutenant-Governor<sup>(2)</sup> under Regulation 6 hereof.

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

(5) No scheme approved by the Lieutenant-Governor in Council under the repealed *Native Taxes (General Purposes) Regulations, 1921*, was published in *Papua Govt. Gaz.*

(6) No Order in Council reducing any payment or ordering it to cease has been published in *Papua Govt. Gaz.*

*Expenses of examination and investigation of schools and workshops.*

13. The authorized sum may be annually paid out of the Native Education Fund for the salary and travelling expenses of inspectors, examiners and officers and in payment of other outgoings in connection with the examination of schools under the *Native Education (Primary) Regulations, 1931*, and in connection with the examination and investigation of primary and technical schools and workshops of any Mission or Association established or maintained under the several schemes or purposes hereinbefore referred to.

*Clerical expenses.*

14. The authorized sum may be annually paid out of the Native Education Fund for necessary clerical work in relation to matters connected with the administration and expenditure of the Native Education Fund.

*Instructional staff—native plantations.*

15. The authorized sum may be annually paid out of the Native Education Fund for the salaries and travelling and incidental expenses of inspectors, instructors, native assistants and other officers engaged in teaching and directing native villagers in connection with native plantations formed under the *Native Plantations Ordinance, 1925-1934*.

*Papuan School Readers.*

16. The authorized sum may be annually paid out of the Native Education Fund towards the cost of preparing and publishing *Papuan School Readers*.

*Papuan Villager.*

17. The authorized sum may be annually paid out of the Native Education Fund towards the cost of editing and publishing *The Papuan Villager*.

*Encouragement of native crafts.*

18. The authorized sum may be annually paid out of the Native Education Fund for the encouragement of native crafts.

*Native plantations.*

19.—(1.) The following sums may be paid out of the Native Education Fund in connection with native plantations under the *Native Plantations Ordinance, 1925-1934*:—

*Purchase, etc., of native plantation produce.*

(a) The authorized sum may be annually paid for—

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- (i) the purchase of the share of villagers in the produce of native plantations under the provisions of Section 8 (c) of the *Native Plantations Ordinance, 1925-1934*;
- (ii) the purchase of bags and in payment (subject to the provisions of Sub-regulation (4.) of this regulation) of the cost of making marketable and of freight transport and other incidental expenses (including therein any commission charged by agents and brokers not being Government officers) connected with making marketable and with the marketing of the produce of such native plantations which is the property of the Crown under Section 9 of the last-mentioned Ordinance or which is the property of a villager or villagers and is accepted for sale by the Government under Section 8 (1) (b) of the *Native Plantations Ordinance, 1925-1934*.

*Working, etc., expenses of produce mill.*

- (b) The authorized sum may be annually paid for the necessary engineers labour fuel maintenance repairs and running and incidental expenses for a produce mill produce store and machinery.

*Native plantation requisites.*

- (c) The authorized sum may be annually paid for the provision of seeds machinery tools the means of transport and other incidentals for the use of villagers.

(2.) From the total sum produced by the marketing of any such produce the Director of Native Taxation shall deduct—

- (a) all sums or expenses paid and incurred under the provisions of Sub-regulation (1.) (a) (ii) of this regulation; and
- (b) a commission of not more than five pounds per centum upon the net share of a villager or villagers the amount of which last-mentioned commission shall be credited to and paid at or before the end of each financial year into the Native Benefits Fund.

(3.) After making all the deductions mentioned in Sub-regulation (2.) of this regulation the balance (if any) of the amount realized on such produce shall in the case of the Government share be paid to the credit of the Native Education Fund and in the case of the native share be paid to the native owner thereof.

(4) Work done by statutory workers under the provisions of the *Native Plantations Ordinance, 1934*, or of the regulations made thereunder in the preparation of produce of native plantations for market shall not be paid for out of the authorized sum referred to in paragraph (a) of Sub-regulation (1) of this regulation.

PART IV.—APPLICATION OF NATIVE BENEFITS FUND.

*Planting under Native Regulations.*

20.—(1.) The authorized sum may be annually paid out of the Native Benefits Fund for the provision of trees, shrubs, seeds; of tools and other incidentals for the use of natives for the planting and cultivation of useful trees and plants under Regulation 110 of the *Native Regulations, 1931*.<sup>(7)</sup>

(2.) The amount expended under this regulation shall be repaid by the natives concerned to the Native Benefits Fund in such manner and at such times as may be from time to time prescribed by regulations made under the *Native Regulation Ordinance, 1908-1930*.

*Sale of native-owned produce.*

21.—(1.) The authorized sum may be annually paid out of the Native Benefits Fund in connection with agricultural produce which is the property of a native or natives and which has been grown by him or them in places other than native plantations established or deemed to have been established under the *Native Plantations Ordinance, 1925-1934*, and of which the Director of Native Taxation accepts delivery from the native owner or owners of such produce for sale on his or their account.

(2.) Such sum may be expended for all or any of the following purposes:—

- (a) For making an interim advance to the owner or owners of such produce at the time of the delivery thereof; but such advance in any case shall be such as will not be likely to cause a loss to the Native Benefits Fund on the transaction;
- (b) In payment of the cost of making marketable and of transport, freight, packing, handling, transshipping and marketing the said produce and all incidental cost incurred in relation to such purposes including any commission of agents or brokers not being Government officers.

(3.) From the total sum produced by the marketing of any such produce the Director of Native Taxation shall deduct—

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(7) Repealed and replaced by the *Native Regulations, 1939*, printed on p. 3292. See now Regulation 121 thereof.

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- (a) all sums or expenses paid and incurred under the provisions of Sub-regulation (2.) (b) of this regulation; and
- (b) a commission of not more than Five pounds per centum upon the net balance remaining, the amount of which last-mentioned commission shall be credited to and paid at or before the end of each financial year into the Native Benefits Fund.
- (4.) After making all the deductions mentioned in Sub-regulations (2.) and (3.) of this regulation, the balance (if any) of the amount realized on such produce shall be paid to the native owner thereof.
- (5.) An account or record of such transactions with villagers and natives under this regulation shall be kept separate and distinct from the Native Produce Account referred to in Part III of these regulations.
- (6.) If any loss should occur in relation to any transaction under this regulation it shall be borne by the authorized sum referred to in this regulation.
- (7.) Only agricultural produce of the kind or kinds approved in writing by the Director of Native Taxation shall be accepted for sale under this regulation.

### *Anthropology.*

22. The authorized sum may be annually paid out of the Native Benefits Fund for the salary of an anthropologist, native assistants and other necessary officers; for travelling expenses, printing, stationery and other incidentals, and payment of officers for special reports upon matters solely connected with natives.

### *Government special medical service.*

23. The authorized sum may be annually paid out of the Native Benefits Fund for the medical care of natives, the sanitation of native villages, the appointment and salaries of medical officers for those purposes and of assistants and other necessary officers; for the purchase and hire of launches and other vessels, and for buildings, drugs, instruments, stationery and other incidentals.

### *Subsidy for medical treatment by Missions generally.*

24. The authorized sum may be annually paid out of the Native Benefits Fund to Missions at the rate of Ten shillings for every pound spent annually by them out of Mission moneys for the medical treatment of natives: Provided that not more than £100 of such sum shall be paid in any one year to any one Mission.

*Yaws and skin disease—treatment of, by Missions generally.*

25. The authorized sum may be annually paid out of the Native Benefits Fund to Missions for the treatment of yaws and skin disease among natives.

*Infant welfare in native villages.*

26. The authorized sum may be paid annually out of the Native Benefits Fund to the following Missions and in the proportions hereinafter set forth to be expended by them in the establishment and maintenance of infant welfare clinics and for the general prevention of infant mortality in the villages:—

Sub. by  
S.R. 1937,  
No. 4, r. 2, and  
by S.R. 1941,  
No. 17, r. 1.

Papuan Mission of Seventh-Day Adventists ..	..	Five-elevenths.
The Incorporated Kwato Extension Association ..	..	Four-elevenths.
The Methodist Mission .. .. .	..	Two-elevenths.

*Anglican Mission—subsidy for salary of medical man, etc.*

27.—(1.) The authorized sum may be annually paid out of the Native Benefits Fund to the Anglican Mission for the period during which the services of a properly qualified medical man are available for the hospital at Gona.

(2.) If the hospital is at any time without the services of such medical man but is in the charge of an unqualified person with medical experience the said authorized sum shall be reduced to the rate of £250 during the time the non-qualified person is so in charge.

(3.) The said authorized sum may with the approval of the Lieutenant-Governor<sup>(2)</sup> be paid without reduction for the period when the properly qualified medical man is on leave.

*Methodist Mission—hospital.*

28.—(1.) The authorized sum may be annually paid out of the Native Benefits Fund to the Methodist Mission for the period during which the services of a properly qualified medical man are available for the native hospital at Salamo.

(2.) If the said hospital is at any time without the services of such medical man but is in the charge of an unqualified person with medical experience the said authorized sum shall be reduced to the rate of £250 during the time the non-qualified person is so in charge.

(3.) The said authorized sum may with the approval of the Lieutenant-Governor<sup>(2)</sup> be paid without reduction for the period when the properly qualified medical man is on leave.

*Methodist Mission—medical patrol.*

29. The authorized sum may be annually paid out of the Native Benefits Fund for drugs to be supplied to the Methodist Mission for

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

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the medical treatment of natives of the d'Entrecasteaux group of islands (outside Salamo) by a medical patrol of those islands by the said Mission.

*London Missionary Society—subsidy, Poreporena Hospital and nurse.*

30. The authorized sum may be annually paid out of the Native Benefits Fund to the London Misisonary Society towards the maintenance of a native hospital at Poreporena under the charge of a duly qualified European nurse:

Provided that the said hospital shall with the approval of the Lieutenant-Governor<sup>(2)</sup> be deemed under the charge of a duly qualified European nurse for the period that such nurse is on leave.

*London Missionary Society—Rebuilding Poreporena Hospital.*

30A. The authorized sum may be paid out of the Native Benefits Fund to the London Missionary Society for rebuilding the Native Hospital at Poreporena. This sum is non-recurrent.

*London Missionary Society—Fife Bay Hospital.*

31. The authorized sum may be annually paid out of the Native Benefits Fund to the London Missionary Society towards the upkeep and maintenance of the Native Hospital at Fife Bay.

*London Missionary Society—medical assistant, Moru.*

32. The authorized sum may be annually paid out of the Native Benefits Fund to the London Missionary Society for the maintenance of a medical assistant at Moru and for the medical patrol of the Eastern end of the Gulf Division by such medical assistant.

*Roman Catholic Mission, Yule Island Hospital.*

32A. The authorized sum may be paid annually from the Native Benefits Fund to the Roman Catholic Mission towards the maintenance of the Native Hospital at Yule Island.

*Bamu River Mission Hospital.*

32B. The authorized sum may be paid annually out of the Native Benefits Fund to the Bamu River Mission for the maintenance of a Native Hospital.

32C. The authorized sum may be paid out of the Native Benefits Fund to the Bamu River Mission for the building of a Native Hospital. This sum is non-recurrent.

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

*Inspection of hospitals, etc.*

33. The Chief Medical Officer or any officer authorized by the Lieutenant-Governor<sup>(2)</sup> shall have the right at all reasonable times to enter any hospital and buildings in connection therewith of any Mission for which money is provided out of the Native Benefits Fund under the provisions of these regulations and to inspect and make investigation for the purpose of ascertaining how the said money has been and is being expended and to report to the Lieutenant-Governor<sup>(2)</sup> thereon.

*Family Bonus.*

34. The authorized sum may be annually paid out of the Native Benefits Fund for distribution as a Family Bonus among such natives as may be entitled thereto under the provisions of the *Native Taxes (Family Bonus) Regulations, 1923.*

*Village improvements.*

35. The authorized sum may be annually paid out of the Native Benefits Fund for water supply and other improvements to native villages.

*Football games in villages.*

36. The authorized sum may be annually paid out of the Native Benefits Fund to provide footballs and football material for games in villages under the special conditions laid down by the Lieutenant-Governor.<sup>(2)</sup>

*Clerical expenses.*

37. The authorized sum may be annually paid out of the Native Benefits Fund for the necessary clerical work, printing, stationery and other incidentals in relation to matters connected with the administration and expenditure of the Fund.

*Encouragement of thrift.*

38. The authorized sum may be annually paid out of the Native Benefits Fund for the purpose of encouraging thrift amongst natives.

39. In these regulations where the authorized sum is non-recurrent the expenditure shall cease when the total expenditure (inclusive of that under regulations hereby repealed) shall amount to the authorized sum.

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

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SCHEDULE.

Regulation.	Sub-Regulation.	Paragraph.	Sub-Paragraph	Subject-Matter of Expenditure.	Schedule Item Number.	Authorized Sum.			
						£	s.	d.	
				<b>NATIVE EDUCATION FUND.</b>					
7				Grants in aid—Primary schools ..	1	540			
8				Primary and technical education by certain Missions, etc. ..	2	3,050			
9				Special grant to Technical school	3	500			
10				Special grants to Agricultural schools	4	100			
11				Special grant to establish agricultural school .. .. .	5	100			
11A				Special grant for Poreporena school	5A	125			
13				Expenses of examination and investigation of schools and workshops	6	350			
14				Clerical expenses .. .. .	7	50			
15				Instructional staff—native plantations	8	2,900			
16				<i>Papuan School Readers</i> .. .. .	9	400			
17				<i>Papuan Villager</i> .. .. .	10	300			
18				Encouragement of native crafts ..	11	25			
19	(1)	(a)		Purchase, etc., of native plantation produce .. .. .	12	2,500			
19	(1)	(b)		Working, etc., expenses of produce mill .. .. .	13	570			
19	(1)	(c)		Native plantation requisites ..	14	500			
				<b>NATIVE BENEFITS FUND.</b>					
20				Planting under Native Regulations	1	300			
21				Sale of native-owned produce	2	300			
22				Anthropology .. .. .	3	1,300			
23				Government special medical service	4	3,100			
24				Subsidy for medical treatment by Missions generally .. .. .	5	425			
25				Yaws and skin disease—treatment of, by Missions generally .. .. .	6	350			
26				Infant welfare work in native villages	7	1,100			
27				Anglican Mission—subsidy for hospital purposes including salary of medical man, etc. .. .. .	8	350			
28				Methodist Mission—subsidy for hospital purposes including salary of medical man, etc. .. .. .	9	850			
29				Methodist Mission—medical patrol	10	150			
30				London Missionary Society—subsidy, Poreporena Hospital and nurse ..	11	350			

Ad. by S.R. 1937, No. 4, r. 3.

Am. by S.R. 1937, No. 4, r. 4 and by S.R. 1941, No. 17, r. 5(a).

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Regulation.	Sub-Regulation.	Paragraph.	Sub-Paragraph.	Subject-Matter of Expenditure.	Schedule Item Number.	Authorized Sum.			
						£	s.	d.	
30A				London Missionary Society—Rebuilding Poreporena Hospital ..	11A	250			Ad. by S.R. 1941, No. 17, r. 5(b)
31				London Missionary Society—subsidy, Fife Bay Hospital ..	12	100			
32				London Missionary Society—subsidy for medical assistant, Moru ..	13	100			Am. by S.R. 1941, No. 17, r. 5(c)
32A				Roman Catholic Mission, Yule Island, Hospital Maintenance .. to take effect from 1.6.41.	13A	100			
32B				Bamu River Mission Hospital Maintenance ..	13B	25			Ad. by S.R. 1941, No. 17, r. 5(d)
32C				Bamu River Mission Construction	13C	100			
34				Family Bonus .. .. .	14	1,400			Ad. by S.R. 1941, No. 17, r. 5(d)
35				Village improvements .. .. .	15	200			
36				Games in villages .. .. .	16	50			
37				Clerical expenses .. .. .	17	25			
38				Encouragement of thrift .. .. .	18	50			