

# PAPUA.



## NATIVE LABOUR ORDINANCE, 1911-1918.<sup>(a)</sup>

*An Ordinance relating to Native Labour.*

[RESERVED 22ND MAY, 1911 ;

ASSENTED TO 1ST FEBRUARY, 1912]<sup>(b)</sup>

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows :—

### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Native Labour Ordinance, 1911.*<sup>(a)</sup>

It is divided into parts as follows :—

PART I.—PRELIMINARY.

PART II.—RESTRICTIONS ON EMPLOYMENT OR REMOVAL OF NATIVES.

PART III.—RECRUITERS AND RECRUITING.

PART IV.—ENGAGEMENT OF NATIVES.

PART V.—CANCELLATION ALTERATION AND DETERMINATION OF CONTRACTS OF SERVICE.

PART VI.—PERMITTED REMOVAL OF NATIVES WITHIN THE TERRITORY.

(a) The *Native Labour Ordinance, 1911-1918*, comprises the *Native Labour Ordinance, 1911* (No. 3 of 1912), as amended by the *Native Labour Ordinance, 1912* (No. 3 of 1913), and by the *Native Labour Ordinance, 1913* (No. 2 of 1914), and by the *Native Labour Ordinance, 1916* (No. 18 of 1916), and by the *Native Labour Ordinance, 1918* (No. 9 of 1919).

(b) This is the date of the Governor-General's assent to the *Native Labour Ordinance, 1911*, which was notified in *Gazette* No. 5 of 1st May, 1912. The *Native Labour Ordinance, 1912*, was assented to on 17th June, 1913, and the assent notified in *Gazette* No. 11 of 2nd July, 1913; the Ordinance was proclaimed to commence on 8th July, 1913 (See *Gazette* No. 12 of that date). The *Native Labour Ordinance, 1913*, was assented to on 20th January, 1914, and the assent notified in *Gazette* No. 3 of 4th February, 1914; the Ordinance was proclaimed to commence on 1st April, 1914 (See *Gazette* No. 4 of 4th March, 1914). The *Native Labour Ordinance, 1916*, was assented to on 6th December, 1916, and the assent notified in *Gazette* No. 1 of 3rd January, 1917; the Ordinance was proclaimed to commence on 7th March, 1917 (See *Gazette* No. 1 of 3rd January, 1917). The *Native Labour Ordinance, 1918*, was assented to on 13th August, 1919, and the assent notified in *Gazette* No. 16 of 3rd September, 1919; the Ordinance was proclaimed to commence on 1st November, 1919 (See *Gazette* No. 19 of 29th October, 1919).

PART VII.—PERMITTED REMOVAL OF NATIVES  
BEYOND THE TERRITORY.

PART VIII.—OBLIGATIONS INCURRED BY PERSONS  
EMPLOYING OR REMOVING NATIVES.

PART IX.—PAYMENT AND RECOVERY OF WAGES.

PART X.—INSPECTION OF VESSELS AND OF NATIVE  
LABOURERS.

PART XI.—SUSPENSION OF CONTRACTS OF SERVICE:  
EPIDEMICS.

PART XII.—OFFENCES.

PART XIII.—MISCELLANEOUS.

Repeal and  
saving.  
Schedule A.

**2.** The several Ordinances set forth in Schedule A to this Ordinance are hereby repealed except as to acts done agreements entered into liabilities incurred and offences committed under or against the said several Ordinances.

All Proclamations appointments regulations orders and notices under the last-mentioned Ordinances shall remain in force until revoked or cancelled as if the same were made or given under this Ordinance.

Interpretation.  
1 of 1907, s. 2.  
Amended by  
3 of 1913, s. 3,  
and by 18 of  
1916, s. 3.

**3.** In this Ordinance unless the context otherwise indicates—

“Commissioner” means the Commissioner for Native Affairs and Control ;

“Commencement of this Ordinance” means the day the Ordinance comes into force ;

“Home”—The usual place of residence of a native or the place where he was recruited ;

“Inspector”—A Labour Inspector ;

“Lieutenant-Governor” — Lieutenant-Governor with the advice of the Executive Council ;

“Magistrate” — A Resident Magistrate or an Assistant Resident Magistrate ;

“Native”—An aboriginal native of the Territory of Papua ;

“Ship” includes any description of vessel used in navigation not propelled by oars except canoes ;

“Vessel” includes any description of boat or craft except canoes owned and navigated by natives.

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A native shall be deemed to be recruited when he is solicited and consents or he offers and his offer is accepted to engage for or to be employed in any form of service or to leave any place where he may then be with a view to or for the purpose of his being so engaged or employed. But the engagement of a native for employment within the meaning of Section 22 of this Ordinance for a period of less than three months and not under a contract of service shall not constitute the act of recruiting provided such engagement is effected by the employer of the native or an European overseer in his regular service.

When native deemed to be recruited.

4. The provisions of this Ordinance shall not apply to an engagement of a native for employment in any capacity in the service of the Government of the Territory or to any contract made between the Government and a native or to any dealing or transaction between the Government and a native.

Contracts between the Government and natives not affected by this Ordinance 1 of 1907, s. 3.

5. Nothing in this Ordinance contained shall be deemed to dispense with the necessity of complying with the provisions of the Imperial Acts relating to shipping or of any law relating to shipping or navigation that may be in force in the Territory.

Ordinance not to affect provisions of Merchant Shipping Act. Ib. s. 4.

6. The Lieutenant-Governor may from time to time appoint persons to be labour inspectors under this Ordinance. Such inspectors shall perform the duties imposed upon them by this Ordinance and any other duties which the Lieutenant-Governor for the purpose of carrying out the provisions of this Ordinance may at any time think fit to assign to them.

Appointment of inspectors. Ib. s. 5.

7. The Lieutenant-Governor may appoint fit and proper persons to be officers by whom certain duties specified in this Ordinance may be performed. Such an officer is hereinafter designated by the term qualified officer.

Appointment of qualified officers. Ib. s. 6.

8. No person shall be an inspector or qualified officer who is not a salaried officer of the Government.

Inspectors and qualified officers to be salaried officers of the Government. Ib. s. 7.

9. The Lieutenant-Governor may from time to time by Proclamation declare any portion of the Territory to be a settled labour district.

Settled labour districts. Ib. s. 17 (2).

PART II.—RESTRICTIONS ON EMPLOYMENT OR  
REMOVAL OF NATIVES.

Native not to  
be taken out of  
the Territory  
or more than  
40 miles from  
his home  
except under  
certain  
circumstances.  
1 of 1907, s. 8.

**10.** Except as permitted under this Ordinance—

- (1) it shall not be lawful to remove a native out of the Territory ;
- (2) it shall not be lawful to remove a native more than forty miles from his home except in a settled labour district proclaimed under Section 9 hereof. In a settled labour district it shall be lawful to remove him one hundred miles from his home but no further: Provided that the Lieutenant-Governor may by Proclamation in the *Gazette* extend the distance of one hundred miles in respect of any particular locality in a settled labour district and thereupon it shall in that locality be lawful to remove a native from his home for any distance not exceeding that stated in the Proclamation.

Subsection (1) of this section shall not apply to the case of an employer who removes a native out of the Territory for the purpose either of taking him to a place within the Territory where he is to perform his contract of service or of bringing him back again ; and Subsection (2) shall not apply to the case of a licensed recruiter or an employer who is taking a native to a magistrate or other officer for engagement as a labourer under Section 19 hereof.

Any person who acts in contravention of any of the provisions of this section is guilty of an offence against this Ordinance.

Exemptions.  
Added by 18  
of 1916, s. 4.

The Lieutenant-Governor may order that the provisions of paragraph (2) of this section shall not apply to any native or to the male natives of any village named in the order. The order may be general or limited as to its duration or to particular purposes of removal.

Native not  
entering into  
engagement to  
be returned to  
place whence  
taken.  
1 of 1907 s. 9.

**11.** Whenever any person for himself or for some principal takes a native from any place for the purpose of getting him to enter into a contract of service and the native does not enter into a contract it shall be incumbent upon such person and his principal (if any) to return the native to his home.



A failure to comply with the duty imposed by this section constitutes an offence against this Ordinance.

**12.** No native woman or girl shall be carried or kept on board of any vessel except as a passenger under the provisions of Section 37 hereof. But nothing in this Ordinance contained shall prevent any person who is the husband of a native woman from keeping her and his children by her on board of a vessel or from removing them from any part of the Territory to any other part of the Territory or from removing them beyond the boundary of the Territory.

Women not to be employed on vessels.  
1 of 1907, s. 10.

Any person who acts in contravention of the provision of this section is guilty of an offence against this Ordinance.

**13.** If when a vessel is about to start or has started on a voyage from any place in the Territory to some place outside the Territory a native is found on board of the vessel and the native is not on board under authority of an express provision of this Ordinance or some other law in force in the Territory the person then in charge of the vessel shall unless he can prove that he did not intend to take the native away and that the native did not intend to go away in the vessel or that the native is on board without his knowledge or consent be deemed guilty of an offence against this Ordinance.

Native on board foreign-going ship except by express authority master guilty of offence.  
Ib. s. 11.

### PART III.—RECRUITERS AND RECRUITING.

**14.** Any person authorized by the Lieutenant-Governor may issue—

Recruiter's and ship's licence.  
Ib. s. 12.  
Amended by 9 of 1919, s. 3.

- (1) licences in the form in Schedule B hereto called "Recruiter's Licences";
- (2) licences in the form in Schedule C hereto called "Ship's Licences."

Schedule B.

Schedule C.

These licences shall be for one year from the date thereof and may be renewed annually.

No ship shall be licensed that is less than six tons register.

A fee of One pound shall be paid on the issue and renewal of a recruiter's licence.

Fee for recruiter's licence.  
26 of 1909, s. 2.

*Native Labour Ordinance, 1911-1918.*

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No recruiter's licence shall be issued to any person who is not an European.

Scope of  
licence.

A recruiter's licence may be issued in respect of the whole or any part of the Territory and if issued in respect of a part of the Territory shall authorize the licensee to recruit natives in that part only.

Security to be  
given by  
licensee.

1 of 1907, s. 13.

Schedule D.

**15.** Before a recruiter's licence is issued to any person he must give security for the due observance of the provisions of this Ordinance. Such security shall consist of a guarantee in the form of Schedule D hereto by at least one sufficient surety in the sum of Fifty pounds.

Recruiter  
to have licence  
for self and  
ship.

Substituted by  
3 of 1913, s. 4.

**16.** (1) Subject to the provisions of Subsections (2) and (3) of this section and of Section 82 of this Ordinance no person shall recruit natives without a recruiter's licence and if he uses a ship the ship must be licensed and be used under his immediate personal supervision and control.

How employer  
may recruit  
personally  
without a  
licence.

(2) An employer may without a recruiter's licence either personally or subject to any restrictions or conditions imposed by regulation from time to time by the agency of an unlicensed person recruit natives to work for himself in the capacity of domestic servants only.

How employer  
may recruit  
generally.

(3) An employer may personally or subject to such restrictions or conditions imposed by regulation from time to time by an European overseer in his regular service and authorized in writing by him so to do recruit natives to work in any capacity for himself without a recruiter's licence either for himself or his overseer or a ship's licence.

In certain  
prosecutions  
a person  
deemed to be  
an unlicensed  
recruiter  
unless  
contrary  
proved.

(4) In any prosecutions against any person for recruiting a native without a recruiter's licence such person shall for purposes connected with those proceedings after proof by the prosecution that the native was in fact recruited by him or by some other person on his behalf be deemed unlicensed and not to come within or be protected by the provisions of Subsections (2) and (3) of this section or Section 82 of this Ordinance unless he at the hearing of the case either—

(a) produces his recruiter's licence or furnishes other satisfactory proof of his being licensed and furnishes satisfactory proof that the native was recruited by him personally; or

- (b) furnishes satisfactory proof that the native was recruited under and in accordance with the provisions of one of such last-mentioned subsections or section.

**17.** The issue of either a recruiter's licence or a ship's licence is purely discretionary and a licence may be at any time suspended by a magistrate or revoked by the Lieutenant-Governor but no licence shall be suspended or revoked without inquiry after due notice to the recruiter or the owner or lessee of the ship.

Issue of licences discretionary suspension and revocation. 1 of 1907, s. 15.

**18.** Any magistrate officer of Customs European member of the police force or other person authorized by the Lieutenant-Governor who finds an unlicensed ship being used in recruiting may cause the ship to be seized and detained until a prosecution for breach of this Ordinance has been heard and determined.

Unlicensed ship may be seized. 17. s. 16.

**19.** A native who has been recruited shall for the purpose of entering into a contract of service be taken without unnecessary delay before the magistrate inspector or qualified officer who is either the nearest to the home of such native or the nearest from the home of the native along or in proximity to the route usually travelled towards the place of destination of such native.

Recruits to be taken before a magistrate inspector or qualified officer. 17. s. 17, altered. Amended by 3 of 1913, s. 5, by 18 of 1916, s. 5, and by 9 of 1919, s. 4.

If in either of such instances such magistrate inspector or qualified officer is absent from his station or if from any sufficient cause it is difficult to communicate with such magistrate (the proof of which shall be upon the person who removed the native from his home) the native may be taken to the magistrate inspector or qualified officer who is next nearest to the home of the native or next nearest along or in proximity to the route aforesaid.

A magistrate of a division may nevertheless issue a permit to any person granting him authority for a period not exceeding twelve months to take natives recruited by him in a specified district of that division before some other magistrate inspector or qualified officer to be named in such permit. Such permit may be cancelled at any time by the magistrate who granted it but only after enquiry upon due notice being given to the person to whom it was granted. The magistrate

who grants the permit shall forthwith send a copy thereof to the Commissioner and to the magistrate inspector or qualified officer named therein.

Responsi-  
bilities of  
recruiter.  
1 of 1907, s. 18.  
Amended by  
9 of 1919, s. 5.

**20.** Any licensed recruiter or employer or European overseer in the regular service of an employer who personally or by using the services of a native assistant or a local native recruits a native shall personally take charge of and shall be responsible for the native so recruited until—

- (1) the native is duly engaged under this Ordinance ;  
or
- (2) the native has been returned home ; or
- (3) a magistrate inspector or qualified officer has by writing under his hand absolved the recruiter or employer who took away the native from all further responsibility.

Relaxation of  
certain  
provisions.  
Inserted by  
9 of 1919, s. 6.

**20A.** The provisions of Section 20 of this Ordinance so far as they impose any duty upon an employer or an European overseer in his regular service to personally take charge of a native from the time that he is recruited until the native is duly engaged under this Ordinance may be relaxed by regulation subject to such conditions and in respect of such portions of the Territory as may be prescribed.

Lieutenant-  
Governor may  
close any  
locality to  
recruiting or  
to recruited  
labour.  
Ib. s. 19.

**21.** The Lieutenant-Governor may from time to time by Proclamation declare—

- (1) that no native may be recruited for or removed to any specified place or district ; or
- (2) that no native may be recruited in or removed from any specified place or district.

In either case during a specified period or until the Proclamation is revoked and either absolutely or subject to such conditions as he may impose.

#### PART IV.—ENGAGEMENT OF NATIVES.

Native except  
in certain cases  
only to work  
under written  
contract.  
26 of 1909, s. 6.

**22.** No native shall be employed by any person for a longer period than three months except under written contract of service under this Ordinance. If a native is employed by a person in contravention of this section the person by whom he is employed is guilty of an offence against this Ordinance.

A native shall be deemed to be employed by a person within the meaning of this section if the native works continuously for or in the interests of a person and that person accepts or takes the benefit of the work done although there is no agreement between the two either express or implied.

The section shall not apply—

- (a) to mission teachers or to native students who are receiving instruction with a view to becoming mission teachers ;
- (b) to natives exempted by the Department of Native Affairs and Control.

**23.** A magistrate or inspector or a qualified officer may refuse to sanction the engagement of any native brought before him for the purpose of entering into a contract of service.

Magistrates may refuse to sanction engagement.  
1 of 1907, s. 21.  
Amended by  
18 of 1916, s. 5.

The grounds of refusal shall in each case be stated to the intending employer and shall in each case be reported to the Commissioner.

**24.** (1) Before a magistrate inspector or qualified officer consents to the engagement of a native he must obtain a statement in writing in the form in Schedule E hereto or to the like effect.

Statement by recruiter employer or overseer.  
Substituted by  
3 of 1913, s. 6.  
Amended by  
9 of 1919, s. 7.

(2) In cases where a native has been recruited by means of the services of a native assistant or other native authorized by this Ordinance such statement shall be made and signed by the licensed recruiter or by the employer or European overseer in his regular service who made use of the services of such native assistant or other native.

In other cases it shall be made and signed by the recruiter employer overseer or unlicensed person as the case may be who recruited the native.

(3) The statement shall be a true statement.

(4) When such statement is made by an European overseer he shall produce to the magistrate inspector or qualified officer if required so to do by him a written authority signed by his employer authorizing the overseer to recruit natives for him.



Contract of  
service.  
Schedule F.  
Substituted by  
18 of 1916, s. 6.  
Amended by  
9 of 1919, s. 8.

**25.** (1) A contract of service by a native shall be in writing and in duplicate and shall be entered into before a magistrate an inspector or a qualified officer and shall be expressed in the form of Schedule F hereto or to the like effect.

(2) The contract of service shall—

- (a) specify the particular places or vessels at or upon which the native is to serve and not more than three places at which the native's wages may be paid : Provided that in the case of a native engaged for mining the contract of service may specify any one or more existing goldfields or mineral fields by name and in the case of a native engaged for domestic service only may specify the whole or any part of the Territory as the place at which the native is to serve ;
- (b) contain an undertaking by the employer to return the native to his home as therein specified after he has been paid off before a magistrate or an inspector or a qualified officer ;
- (c) be signed by the employer or his agent and by the native and be attested by the officer before whom it is entered into.

(3) One copy of the contract of service shall be retained and filed by the officer before whom it is entered into and the other copy called the employer's copy shall be handed to the employer or his agent.

(4) No person not authorized by this Ordinance to do so shall alter a contract of service.

(5) The employer's copy of a contract of service which relates to one native only shall be kept by the employer or his agent at the place where the native is actually employed thereunder.

Note of  
contract of  
service.  
Schedule FF.  
Inserted by 18  
of 1916, s. 7.  
Amended by  
9 of 1919, s. 9.

**25A.** When a contract of service has been entered into a note thereof in the form of Schedule FF hereto or to the like effect shall be sent by the magistrate inspector or qualified officer before whom it was entered into to the Commissioner and to the native labour office or office of



the magistrate of the division or district in which the native named therein—

- (a) usually resides ;
- (b) is to serve ; and
- (c) may be paid off under the contract of service :

Provided that in the case of a native for domestic service only if the contract of service specifies the whole of the Territory as the place where the native is to serve it shall not be necessary to send a note of contract in accordance with paragraph (b) of this section.

**25b.** If a contract of service is varied in respect of the place where a native is to serve or may be paid wages thereunder and such place is not within any division or district in which he was engaged or to which a note of such contract of service has been sent under the provisions of the last preceding section the Commissioner or magistrate who varies the contract of service shall send a note of the contract of service with a copy of all endorsements made thereon to the native labour office or office of the magistrate of the division or district in which such place is situated.

Note of contract when contract varied  
Inserted by 9  
of 1919, s. 10.

**26.** The term of service of a native shall not exceed three years and in the case of miners and carriers it shall not exceed eighteen months except in such parts of the Territory and under such conditions as the Lieutenant-Governor may order. The order may be limited to individuals or to the natives of certain districts. But the Lieutenant-Governor may by Proclamation declare that in the case of natives of a particular locality the term of service shall not exceed a less period to be stated in the Proclamation ; and thereupon no officer shall sanction the engagement of a native of that locality for a term exceeding that period.

Term of service.  
1 of 1907, s. 24.  
Amended by  
18 of 1916, s. 8.

Except with the consent of the Commissioner no native shall be signed on for two periods of three years unless an interval of at least one year has intervened during which he has not been under contract of service.

**27.** A native's term of service shall commence on the day on which he enters into the contract of service.

Term of service to begin from day native signs on.  
1 of 1907, s. 25.

The employer shall return the native to his home at the expiration of the term of service without unnecessary delay. If he does not do so he is guilty of an offence against this Ordinance.

Wages to be paid at specified place. 1 of 1907, s. 26.

**28.** The officer before whom the contract of service is entered into shall insert therein a provision as to the place or places at which wages are to be paid; he may direct that payment of the whole be made at a particular place or that certain proportions be paid at certain places.

When employer to prepare contract, etc. Inserted by 9 of 1919, s. 11.

**28A.** The employer or his agent when seeking to engage a native may (subject to such conditions as may be prescribed) be permitted to prepare and present to the proper officer in respect of such native the statement in writing referred to in Section 24 the contract of service in duplicate and the requisite number of notes of contract.

Magistrate must satisfy himself on certain points before he sanctions engagements. 1 of 1907, s. 27. Amended by 18 of 1916, s. 9.

**29.** A magistrate or an inspector or a qualified officer shall not sanction the engagement of a native until he has satisfied himself—

- (1) that fair remuneration is offered and will be duly paid;
- (2) that the native is willing to enter into the contract of service;
- (3) that there is no reason to suspect that the native will be unfairly treated;
- (4) that there is no reason to suspect that the native will not on the expiration of the contract of service be returned to his home by the employer.

The officer may in any case refuse to sanction the engagement unless upon the guarantee of at least one sufficient surety in such sum as he may consider reasonable that the employer will carry out the terms of the contract of service and will comply with the provisions of this Ordinance.

The guarantee may be in either of the Forms 1 or 2 of Schedule G hereto or to the like effect. The use of Form 2 in Schedule G may be required restricted and controlled by regulation.

*Native Labour Ordinance, 1911-1918.*

In lieu of providing a guarantee for the payment of wages of a native labourer an employer may deposit with the officer before whom the contract of service is entered into the labourer's return passage-money and three months' wages in advance; thereafter the wages shall be paid either to the officer before whom the native was signed on or to an officer of the division in which the labourer is employed monthly in advance. Non-payment of wages shall be sufficient ground for the cancellation of the contract of service.

Instead of giving guarantee for payment of wages wages may be paid in advance.  
26 of 1909, s. 3.

**30.** If a native after serving the term of his contract wishes to re-engage he may enter into a fresh contract of service before a magistrate or an inspector or a qualified officer with the same or another employer; but the Lieutenant-Governor may by Proclamation declare that natives recruited in a specified district are not to re-engage and thereupon no officer shall sanction the re-engagement of any native recruited in that district.

Re-engagement of native.  
1 of 1907, s. 28.

**31.** If a native under contract of service dies or deserts the person who is for the time being the master of the native shall immediately report the death or desertion to the nearest magistrate or inspector in the form and with the particulars required by the Commissioner.

Employer to report death or desertion of native servant.  
Ib. s. 29.  
Amended by 18 of 1916, s. 10.

**32.** (1) A native may be transferred by one licensed recruiter to another with but not without the written sanction of a magistrate but such sanction shall not be given unless the statement referred to in Section 24 hereof is made by the first-named recruiter whereupon the written sanction if given shall be endorsed thereon.

Transfer and hiring out of natives.  
1 of 1907, s. 30.  
Amended by 18 of 1916, s. 11.

(2) A native under contract of service may with but not without the consent of the native and the written sanction of a magistrate be either transferred or hired out by one employer to another but the Lieutenant-Governor may by Proclamation declare that natives whose homes are in certain districts shall not be transferred.

(3) Where a native under contract of service is transferred all liability with respect to the native shall cease as regards the transferor and shall attach to the transferee who shall thereupon be considered as the employer. The liability of the guarantor shall also cease but the magistrate

shall refuse to sanction a transfer unless upon the guarantee of at least one sufficient surety as provided in Section 29.

(4) When a native is hired out the magistrate may impose such conditions as he may think fit as to security for compliance with the terms of the contract and the provisions of this Ordinance and otherwise and unless the magistrate expressly releases them the original employer and his guarantor shall be liable under their guarantee for the payment of wages due to the native and for the return of the native to his home.

#### PART V.—CANCELLATION ALTERATION AND DETERMINATION OF CONTRACTS OF SERVICE.

**33.** (1) A contract of service may be cancelled by a magistrate—

Magistrate may cancel contract on enquiry or vary by consent.

1 of 1907, s. 31.  
26 of 1909, s. 8.

Amended by  
3 of 1914, 2nd  
Sch., by 18 of  
1916, ss. 5 and  
12, and by 9 of  
1919, s. 12.

(a) after enquiry held by him upon due notice thereof to the parties concerned; or

(b) upon and after the dismissal of any complaint for an offence under this Ordinance or the regulations made by an employer against any native under the contract of service to him without notice to the parties concerned; or

(c) upon and after the conviction of an employer or any European employee of his upon a complaint for an offence under this Ordinance or the regulations made by a native under contract of service with the employer.

When considering the question of cancellation of a contract of service in the circumstances set out in paragraph (b) or (c) of this subsection the magistrate may act upon the evidence taken at the hearing of the complaint alone or upon that evidence together with such other information that may be placed before him at any adjournment of the question of cancellation granted by him.

(1A) The magistrate shall by the first opportunity report such cancellation to the Commissioner.

(2) A magistrate may with the consent of the parties concerned vary the contract except with respect to the payment at the place or places stipulated in the original contract and the obligation to return the native to his home at its expiration.



When a contract of service is cancelled as aforesaid the magistrate shall determine what wages (if any) shall be paid to the native. Any native whose contract is so cancelled shall unless he enters into a fresh contract of service be returned to his home by the employer. The wages that may be paid to a native under this section shall not exceed the amount that would have been payable if the native had completed his term of service.

(3) The Commissioner may with the consent of the parties concerned vary a contract of service in respect of the places stipulated for payment of wages and the obligation to return a native to his home.

**34.** A magistrate may at any time on the complaint of any of the parties concerned cancel the contract or vary its terms in so far as any party is concerned. If a contract is cancelled in so far as any particular native is concerned that native shall be deemed duly discharged but the cancellation shall not release the employer from the obligation of returning the native to his home. A complaint under this section shall be a complaint within the meaning of *The Justices Act of 1886 (Queensland adopted)*<sup>(a)</sup> and shall be dealt with under that Act.

Magistrate may cancel or alter agreement by legal process. 1 of 1907, s. 32. Amended by 18 of 1916, ss. 13 and 14.

When a contract of service is so cancelled the magistrate shall determine what wages (if any) shall be paid to the native.

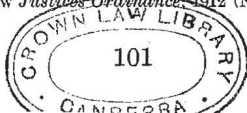
The incompetency or inefficiency of the labourer shall be a sufficient ground for cancelling the contract of service under Section 34; and it shall also be a sufficient ground for cancelling a contract of service if the magistrate is satisfied that the labourer is creating or fostering a bad influence among his fellow labourers or that he is damaging or endangering the interests of his employers by disobedience to orders or by the serious and deliberate neglect of his duties or in any other way.

**34 A.** Whenever—

- (a) a contract of service is cancelled or varied;
- (b) a contract of service is in any way affected by a conviction or order of a magistrate;

Endorsements on contracts of service, etc. Inserted by 18 of 1916, s. 15.

(a) See now *Justices Ordinance, 1912* (No 28 of 1912).



- (c) a native under contract of service is transferred or hired out by one employer to another ;
- (d) the death or desertion of a native is reported ;  
or
- (e) payment of wages or on account of wage is made to a native under contract of service

a memorandum of such event or a notice thereof shall be endorsed on or annexed to the contract of service or note of contract of service in the office responsible for or recording such event and a copy of such memorandum or notice shall be sent to the offices where the contract of service of the native concerned was entered into and where notes of such contract of service are by this Ordinance directed to be sent and shall be endorsed by transcription or otherwise upon or annexed to the contract of service or note of contract of service relating to such native filed in such offices respectively.

Employer not to have power to discharge native.

1 of 1907, s. 33.

Death of employer ends agreement.  
*Ib.*

**35.** If a native has entered into a contract of service his employer shall not be entitled to discharge him against his will before the expiration of the term of service.

The death of a sole employer shall put an end to a contract of service but when there is more than one employer only the death of all of them shall have that effect.

Contract of service entered into during currency of preceding contract to be void; penalties.  
**Inserted by 18 of 1916, s. 16.**

**35A.** (1) If a native labourer who is already under contract of service enters into another contract of service with another employer the latter contract of service is void and the native labourer is liable to imprisonment with hard labour for a period not exceeding six months; and the employer if he knew at the time that the native labourer was already under contract of service is also liable to imprisonment with hard labour for a period not exceeding six months.

(2) A recruiter who recruits a native knowing at the time that he is already under contract of service shall be liable to imprisonment with hard labour for a period not exceeding six months.

This section shall be retrospective as regards the avoidance of the contract but not otherwise.



## PART VI.—PERMITTED REMOVAL OF NATIVES WITHIN THE TERRITORY.

**36.** A magistrate or an inspector or a qualified officer may grant a permit to allow the wife and children of a native who has entered into a contract of service to accompany him or to allow a native and his wife and children to be removed from their homes to any place in the Territory for the purpose of education or the advancement of religious teaching. Such permit may be as nearly in the form in Schedule H hereto as circumstances admit and shall be at least in duplicate.

Permit to  
remove  
natives within  
Territory.  
1 of 1907, s. 34.

**37.** Any vessel may carry as a *bona fide* passenger any native from any part of the Territory to any other part of the Territory provided that no native girl or woman shall be so carried except with the written consent of a magistrate.

Vessels may  
carry natives  
as passengers.  
Ib. s. 35.  
Amended by 9  
of 1919, s. 13.

## PART VII.—PERMITTED REMOVAL OF NATIVES BEYOND THE TERRITORY.

**38.** The Commissioner or any magistrate may at his discretion grant a permit to allow any person to remove beyond the boundaries of the Territory any native employed by such person under a contract of service for any of the following purposes:—

Permits to  
remove  
natives  
beyond the  
Territory.  
1 of 1907, s. 36.  
Amended by  
18 of 1916,  
s. 5.

- (1) For fishing in the Gulf of Papua;
- (2) to proceed as a boatman or seaman to any port in Queensland Kaiser Wilhelms Land or the Bismarck Archipelago;
- (3) to proceed as a seaman for a single voyage from the Territory to one or more of the following places and from thence back again to the Territory:—
  - (a) any port or ports in Australia;
  - (b) Dutch New Guinea;
  - (c) any island or islands in the Western Pacific which the Lieutenant-Governor may from time to time by Proclamation declare to be within the scope of this subsection:

Provided that the Lieutenant-Governor may from time to time by Proclamation published in the *Gazette* add to cancel reduce or vary the places or purposes mentioned in this section to or for which a native may be removed under a permit.

Nature and form of permit.  
1 of 1907, s. 37.  
Schedule I.

**39.** Every permit granted under the last preceding section may be in the form of Schedule I hereto or to the like effect and shall be at least in duplicate and shall contain the following particulars:—

- (1) The name and place of residence of every native who may under it be taken beyond the boundaries of the Territory the duration of the period for which the permit shall be in force the nature of the service or occupation in which the native is to be employed during that period and the place in the Territory to which he shall be returned ;
- (2) the name of the employer and situation of his residence or place of business (if any) within the Territory and the name of the vessel in which the native is to be employed beyond the Territory ;
- (3) the nature of the security that has been given that the conditions of the permit shall be complied with by the employer.

Security to be taken on issue of permit.  
Ib. s. 39.  
Amended by 18 of 1916, s. 5.

**40.** Such a permit shall not be granted by the Commissioner or a magistrate without first obtaining security to his satisfaction that the person to whom the permit is granted will not transfer any native removed under it to any other person or allow him to be employed on any vessel save that mentioned in the permit and that he will bring him back to the Territory and will observe every other condition expressed in the permit.

Security to be given on taking native out of the Territory.  
26 of 1909, s. 4, altered.  
Amended by 18 of 1916, s. 5.

**41.** The Commissioner or a magistrate may grant such a permit upon security being given by bond to his satisfaction by the employer or permittee with one or more sureties in the following sums according to the number of natives included in such permit namely:—

For each native	....	....	£100 ; or
For 10 natives or less	....	....	£250
For 20 natives or less	....	....	£500
For 30 natives or less	....	....	£750
For over 30 natives	....	....	£1,000

**42.** If a person to whom such a permit has been issued does not return the native within the time specified in the permit he shall be deemed to have broken the conditions of the permit within the meaning of Section 39 and his security shall be liable to forfeiture accordingly.

Person to whom permit is issued to return the native within the time specified.  
26 of 1909, s. 5.

**43.** The Commissioner or (in cases of emergency only) a magistrate may at his discretion grant a permit to any person who has a *bonâ fide* residence in the Territory to remove a native for educational purposes or as a personal attendant to any part of the Australian Commonwealth. Such permit shall be at least in duplicate.

Permits to remove natives beyond the Territory for educational purposes.  
1 of 1907, s. 39.  
Amended by 18 of 1916, s. 5.

When a magistrate grants a permit under this section he shall immediately report the fact and the emergency giving rise thereto to the Commissioner.

**44.** Permits under the last preceding section shall be to the effect of the form in Schedule J hereto and shall be at least in duplicate. Before issuing a permit the officer shall insist upon first obtaining security to his satisfaction but in no case less than One hundred pounds for each native that the person desiring the permit to be granted to him will only take the native to the place or places authorized by the permit and bring him back to some specified place in the Territory before the expiration of a term to be stated in the permit.

Form of permit; security.  
1 of 1907, s. 40.  
Schedule J.

A permit shall not be issued to remove a child in respect of whom a mandate has been issued under *The Native Children Custody and Reformation Ordinance of 1891.*<sup>(a)</sup>

**45.** The officer granting a permit under any of the preceding sections may insert therein any reasonable conditions that he considers necessary or desirable and may also specify therein the place or places within which the native may be kept and any place or places at which the native may be taken ashore or at which he shall not be allowed to land.

Permits may contain conditions.  
Ib. s. 41.

(a) See now the *Native Children's Ordinance*, 1911 (No. 8 of 1911).

Permits may  
be cancelled.  
1 of 1907, s. 42.  
Amended by  
18 of 1916, s. 5.

**46.** A permit may at any time be cancelled in whole or in part by the Commissioner or by the magistrate who granted it.

PART VIII.—OBLIGATIONS INCURRED BY PERSONS EMPLOYING OR REMOVING NATIVES.

Obligations  
incurred by  
persons  
removing  
natives.  
Amended by  
18 of 1916, s.  
17, and by 9 of  
1919, s. 14.

**47.** (1) When a native who is not merely a *bona fide* passenger under Section 37 is taken away by any person from any place in the Territory for any purpose whatever the following duties are imposed upon the person who took the native away and upon any person who expressly or by implication accepted the charge or care of him namely :—

- (a) When the purpose for which the native was taken away has been accomplished to return him to his home ;
- (b) from the time when the native was taken away until he is returned to the place from whence he was taken to supply him with good and sufficient water food medicine shelter sleeping quarters clothing and bedding and (if necessary) the means of preparing food :

Provided that in the case of a native under contract of service any of the matters specified in paragraph (b) of this subsection may be regulated by the contract.

Any person who fails to comply with any of the duties imposed on him by this section shall be guilty of an offence against this Ordinance.

Obligations  
shifted in  
certain cases.

(1A) When a native is recruited and taken away from any place by—

- (a) a native assistant or a local native under the provisions of Section 82 of this Ordinance ; or
- (b) any unlicensed person who is a native under the provisions of Subsection (2) of Section 16 of this Ordinance

the native so taken away shall for the purposes of Subsection (1) of this section be deemed to have been taken away from the place he was so recruited by the employer the European overseer in the regular service of the employer or the licensed recruiter as the case may be who made use of the services of such native assistant local native or unlicensed person.

(2) If the master of a vessel upon which a native has been placed with such master's consent by any person in order that the native may be returned to his home shall fail or neglect to return the native thereto without unnecessary delay such failure or neglect shall be deemed the failure or neglect of such person :

Neglect of master of vessel deemed neglect of employer, etc. 1 of 1911, s. 2.

Provided that he may and is hereby empowered to recover from the master of the vessel the amount of expenses fine and costs or any of them which he has incurred or paid under the provision of this and the next succeeding section by reason of such failure or neglect.

**48.** Whenever under this Ordinance it is the duty of any person to return a native to any place it shall be his duty to return with the native any trade box or other goods which the native may have in his possession; and if that person fails or neglects to return the native and his goods without unnecessary delay a magistrate or an inspector may cause them to be returned and may recover reasonable expenses of doing so from the person whose duty it was to return them.

Government may return native in certain cases at employer's expense. 1 of 1907, s. 41. Amended by 18 of 1916, s. 18.

The expenses may be recovered in manner provided in Section 50.

Any proceeding under this section shall not absolve any person from his liability under the last preceding section.

**49.** A magistrate if he considers that a reason which in this section is declared to be a good reason exists for absolving any person from an obligation imposed upon him by the provisions of this Ordinance or by any contract of service in respect of a particular native may if he thinks fit by certificate in writing under his hand to the effect of the form in Schedule K hereto absolve him from the obligation. Every such certificate is to be at least in duplicate. Each of the following is hereby declared to be a good reason :—

Magistrate may absolve from liability to fulfil obligations. 1 of 1907, s. 45.

Schedule K.

- (1) That the native is dead;
- (2) that the native has without any reasonable excuse deserted from his service;
- (3) that the native refuses to return to his home—such refusal to be declared in the presence of the magistrate or inspector;

- (4) that when such person was willing and able and wished to return the native to his home the native was not willing to return ;
- (5) that the native is in custody under committal for an indictable offence ;
- (6) that the native is in prison under a sentence of imprisonment imposed for any offence except an offence under this Ordinance.

Government  
may fulfil  
obligations  
at expense of  
responsible  
party.  
1 of 1907, s. 46.  
Amended by  
18 of 1916,  
s. 5.

**50.** If any person in respect of any native neglects to fulfil any obligation imposed upon him by the provisions of this Ordinance or by the terms of a contract of service entered into thereunder the Commissioner or any magistrate may take charge of the native and maintain him and return him to his home.

All moneys and expenses reasonably paid or incurred in so maintaining or returning the native as aforesaid may in the first instance be paid by the Crown and thereafter may be proceeded for and recovered from the person so neglecting to fulfil his obligations by action or upon the complaint of any European officer of the Government in a summary manner under the provisions of *The Justices Act of 1886* (*Queensland adopted*)<sup>(a)</sup> and may if the person is dead be recovered by action out of his estate.

Proceedings under this section shall not absolve any person from liability incurred by him in respect of any offence against this Ordinance.

#### PART IX.—PAYMENT AND RECOVERY OF WAGES.

Wages of  
native to  
accrue from  
day to day.  
*Ib.* s. 47.  
Amended by  
9 of 1919, s. 15

**51.** The wages of a native shall be deemed to have been earned and to have become due to him day by day commencing from the day on which he entered into the contract of service but except as provided in this Ordinance the employer shall not during the term of service be bound to pay wages at less than monthly periods.

Wages when  
native in  
Government  
hospital.

No wages shall be payable to a native for any time that he is the inmate of a Government hospital unless his admission thereto is due to an injury or illness caused by the act or default of his employer or his European employee or arises out of and in the course of the employment of the native.

(a) See now the *Justices Ordinance, 1912* (No. 28 of 1912).



**52.** All wages due to natives engaged under the provisions of this Ordinance shall be paid in the presence of a magistrate or inspector or a qualified officer and no payment of wages made otherwise than in the presence of a magistrate or inspector or a qualified officer shall be valid.

Wages must be paid in the presence of a magistrate, 1 of 1907, s. 48.

**53.** Wages shall be paid at the places and in the proportions stated in the contract of service and if that contract states that the whole of the wages are to be paid at any particular place the whole shall be paid at that place.

Wages to be paid as stated in contract, 7b. s. 49.

No payment made otherwise than as stated in the contract shall be valid even with the consent of the native.

**54.** (1) The entire amount of the wages earned by or payable to any native engaged under the provisions of this Ordinance subject to any deductions expressly permitted thereby shall be actually paid to him in coin or notes which are by any law of the Commonwealth or of the Territory a legal tender in the Territory :

Wages to be paid in coin or bank notes.

Provided that a magistrate inspector or qualified officer may permit wages to be paid in the notes of a recognized bank carrying on business solely of a banker in the Territory if he has good reason to believe that no exchange will be charged or chargeable thereon.

(2) No employer or late employer of any such last-mentioned native shall by himself or by the agency of any other person at any time during the currency of a contract of service of a native or at any time within six weeks after the wages of a native have been paid to him under the provisions of this Ordinance sell goods to such native or exchange barter or deal in goods with such native without the consent in writing of a magistrate ; such consent shall not be withheld in respect of natives paid off within the towns of Port Moresby Samarai Kulumadau or Daru or any other town approved by the Lieutenant-Governor and notified in the *Gazette* unless the magistrate is of opinion that the interests of the natives will be prejudiced if such consent is given.

Employer not to trade with native within six weeks of latter being paid off.

No person who is a guarantor for an employer under Section 29 hereof shall by reason only of that fact be deemed the agent of such employer.

(3) If any person acts in contravention to any of the provisions of Subsections (1) and (2) of this section he is guilty of an offence against this Ordinance.

Amended by  
18 of 1916,  
s. 19.

**55.** Wages due to a native may be proceeded for and recovered either by the native or by the Commissioner a labour inspector or a qualified officer in a summary manner by complaint under *The Justices Act of 1886 (Queensland adopted)*.<sup>(a)</sup>

Preferential  
charge for  
moneys due by  
employer.  
Cf. West  
Pacific Reg.  
1 of 1915, ss. 32,  
61.  
Cf. Fiji 6 of  
1895, s. 48.  
Inserted by  
18 of 1916,  
s. 20.

**55A.** (1) All moneys due by any employer for wages in respect of a native under contract of service shall be a preferential charge on the property of the employer and shall rank over and above all mortgages encumbrances charges and liens and any other debts howsoever secured.

(2) The preferential charge aforesaid shall subsist notwithstanding any transfer or devolution of the property to which it extends until the moneys aforesaid have been actually paid and the taking of any other security for those moneys or part thereof shall not affect the preferential charge.

(3) All moneys constituting a preferential charge shall bear interest from the day upon which the same became due and payable at the rate of Eight pounds per centum per annum and the amount of every judgment together with the costs of recovery of the same shall bear interest at the said rate from the day of the date of the judgment.

(4) Charges created by this section may be enforced at the suit of the Commissioner.

Wages and  
effects of  
deceased  
natives how to  
be dealt with.  
1 of 1907, s. 51.

**56.** Wages due or property belonging to a deceased native may be handed over to any magistrate inspector or qualified officer. All magistrates inspectors and qualified officers are empowered to demand and receive and take legal proceedings in their own names to recover wages due or property belonging to a deceased native.

## PART X.—INSPECTION OF VESSELS AND OF NATIVE LABOURERS.

Vessel not to  
carry more  
than two  
persons to the  
ton.  
Ib. s. 52.

**57.** If a vessel carries more persons than in the proportion of two persons for each complete ton of her registered tonnage with the addition of the tonnage measure-

(a) See now the *Justices Ordinance, 1912 (No. 28 of 1912)*.

ment represented by any space deducted for the master seamen and apprentices and any of the persons so carried is a native the person who at the time is in charge of the vessel shall be guilty of an offence against this Ordinance unless he can show that he could not prevent the act that constitutes the offence. For the purpose of this section the registered tonnage of a vessel that is not actually registered shall be deemed to be the tonnage at which she would be estimated for the purpose of registration.

When a vessel carries cargo a reduction in the number of persons who may be carried shall be made as follows:—

In the case of a vessel of not more than ten tons a reduction of two persons for every ton of cargo carried ;

in the case of a vessel of more than ten tons and not more than twenty-five tons a reduction of one person for every ton of cargo carried ;

in the case of a vessel of more than twenty-five tons no reduction shall be made.

**58.** If a magistrate has reasonable grounds for believing that a vessel is not fit to carry natives he may give written notice to that effect to the person in charge of the vessel and thereupon until the notice is withdrawn if any native is carried on the vessel the person who at the time is in charge of the vessel shall be guilty of an offence against this Ordinance and the person who at the time is the owner of the vessel shall also be guilty of an offence against this Ordinance unless he can show that he could not prevent the act that constitutes the offence.

Unseaworthy  
vessels.  
1 of 1907, s. 53.  
**Amended by**  
18 of 1916,  
s. 5.

It shall be the duty of the magistrate either before or as soon as may be after giving the notice to inspect the vessel personally or cause it to be inspected by some competent person and if at any time he is satisfied either by personal inspection or otherwise that the vessel is fit to carry natives he shall withdraw the notice immediately. The magistrate shall in each case report his action and the reasons therefor to the Commissioner at the earliest opportunity.

**59.** Any magistrate or inspector or any officer specially appointed by the Lieutenant-Governor may enter at all reasonable hours any premises on which any native

Magistrate,  
etc., may  
inspect  
premises.  
1 of 1907, s. 54.

is employed or which are or have recently been occupied by natives whether the native is employed under the provisions of this Ordinance or otherwise.

Inspection of  
vessel  
carrying  
natives.  
1 of 1907, s. 55.

**60.** Any magistrate or inspector or person specially authorized in writing by the Lieutenant-Governor may board and inspect any vessel carrying or recruiting natives and may require the production of any document that relates to the carrying recruiting or employment of natives whether such natives be at the time on board or not and may examine any person on board as to any fact the knowledge of which is material to the due execution of the duty of such magistrate inspector or authorized person.

Magistrate,  
etc., may  
inspect native  
labourers.  
Ib. s. 56.

**61.** Any magistrate or inspector or officer specially appointed by the Lieutenant-Governor may at all reasonable hours inspect any native that is in the service of any person and may question such native and such person or any person who has charge of the native in regard to any matter which in the opinion of the officer affects the welfare of the native. Any person so questioned by an officer is bound to answer any question put to him in regard to such matters. Any person who hinders an officer in inspecting any such native or refuses to answer any such question as aforesaid or wilfully makes a false answer to any such question is guilty of an offence against this Ordinance.

Power of  
magistrate to  
destroy  
buildings and  
to proclaim  
infected areas.  
Ib. s. 57.  
Amended by  
18 of 1916,  
s. 5.

**62.** It shall be lawful for a magistrate—

- (1) to burn or otherwise destroy any building which is or has been occupied by natives or in which natives are or have been employed if in his opinion the building or any part thereof is in such a filthy or unwholesome condition that the health of any native labourer is likely to be endangered by working or residing therein;
- (2) to proclaim any piece of ground an infected area if he has reasonable ground for supposing that it would be prejudicial to the health of natives to work or reside within it.

A piece of ground may be proclaimed an infected area by posting a notice to that effect in some conspicuous place within it and thereupon no native shall work or reside



within the area and if any native does work or reside within it his employer shall be guilty of an offence against this Ordinance.

But a magistrate shall not exercise the powers conferred by this section without inquiry upon due notice to be posted in some conspicuous place upon the building or within the piece of ground in question.

The magistrate shall in each case report his action and his reasons therefor to the Commissioner at the earliest opportunity.

**63.** Any person who hinders or obstructs a magistrate or inspector or authorized person aforesaid acting under any of the powers conferred upon him by this Ordinance or without lawful excuse refuses to produce or withholds any document aforesaid when specifically or generally called for or declines to give or withholds any information lawfully required by the magistrate inspector or authorized person is guilty of an offence against this Ordinance.

Hindering inspection an offence.  
1 of 1907. s. 58.

**64.** Any person who with intent to evade any of the provisions of this Ordinance makes a fictitious sale or a fictitious hire of a vessel to any other person or a fictitious sale or lease of any premises to any person is guilty of an offence against this Ordinance.

Fictitious sales, etc., of vessels or premises an offence.  
Ib. s. 59.

## PART XI.—SUSPENSION OF CONTRACTS OF SERVICE: EPIDEMICS.

**65.** In the case of an existing or apprehended epidemic it shall be lawful for the Lieutenant-Governor by Proclamation in the *Gazette* to declare that the contracts of service of all or any of the native labourers in any locality shall be suspended either for a fixed time or until further order (to be made by the Lieutenant-Governor by notice in the *Gazette*) and either from the date of the Proclamation or from a date to be named therein. The period during which the contracts are suspended is hereinafter called the period of suspension.

In case of existing or apprehended epidemic contracts of service may be suspended.  
10 of 1910, s. 1.

**66.** An employer shall not be under liability to pay wages during the period of suspension and except as hereinafter provided all other rights and liabilities of the parties to the contract of service shall cease during that period but

Rights and liabilities of parties during suspension.  
Ib. s. 2.

the time during which a contract is suspended shall count as part of the time necessary to complete the period of service under the contract.

When the period of suspension comes to an end whether by effluxion of time or otherwise the rights and liabilities of the parties to the contract revive.

Labourers to  
be under  
control of  
superin-  
tendent.  
10 of 1910, s. 3.

**67.** During the period of suspension all labourers affected by the Proclamation shall be under the control of an officer appointed for the purpose; if no officer is appointed they shall be under the control of the nearest magistrate. The officer under whose control the labourers are is herein-after called the superintendent; he shall have general authority over all Government officers employed in connection with the labourers except the Government medical officer and his medical staff.

Labourers to  
obey orders  
of superin-  
tendent and  
Government  
officer.  
Ib. s. 4.

**68.** The labourers shall proceed to such place or places as may from time to time be specified by the superintendent and shall remain there until permitted by him to leave. They shall obey all orders which may be given to them by any Government officer with reference to the construction of buildings roads and latrines and digging of trenches the carriage of stores and building and other material the cleansing of any place in which any such labourers are collected or to which they are likely to be removed attendance at hospital and any other matters which may appear desirable for the welfare of such labourers or any other labourers to whom the Proclamation may apply. The labourers will not receive any wages for any such work but if they are employed on other work they shall be entitled to wages at a rate to be fixed from time to time by the superintendent.

The employers shall continue liable to provide the labourers with rations but an employer may discharge this liability by a money payment in advance at the rate of six pence a day for each labourer or such other rate as may be fixed by regulation. A refusal or failure on the part of an employer to provide rations or to discharge his liability by money payment as aforesaid shall be a sufficient reason for refusing in future to sanction the engagement or hiring of a native labourer by the employer or the transfer of a native labourer to him.



**69.** It shall be lawful for the superintendent (with the consent of the Government medical officer if there be one present) at any time during the period of suspension to permit a labourer to return to his employer to complete his contract of service subject to any conditions which he (with the consent of the Government medical officer if there be one present) may impose and thereupon the period of suspension shall so far as regards that labourer and his employer be at an end. During a period of suspension no contract of service shall be cancelled except with the consent of the superintendent and the Government medical officer if there be one present and subject to such conditions as they may impose.

Return of  
labourer to  
employer.  
Cancellation  
of contract.  
10 of 1910, s. 5.

**70.** The Lieutenant-Governor may make regulations for the purpose of regulating the rate of payment for rations and of providing for the return of labourers to employers or to their homes at the expiration of a period of suspension or otherwise and generally for carrying out the purposes of this part of this Ordinance. The regulations may be of general application or may be made from time to time to meet the exigencies of a particular case. They may provide as penalty for a breach of any of them a fine not exceeding Fifty pounds and imprisonment with or without hard labour not exceeding six months. On publication in the *Gazette* the regulation shall have the force of law.

Regulations.  
Ib. s. 6.

Provision as to  
penalties.  
Ib.

**71.** Nothing done under this part of this Ordinance or the regulations thereunder shall be taken to discharge or to lessen the liability of any of the parties to any contract of guarantee entered into or hereafter to be entered into under any Ordinance relating to native labour.

Liability of  
guarantor to  
continue.  
10 of 1910, s. 8.

## PART XII.—OFFENCES.

**72.** A male native who has entered into a contract of service under this Ordinance or *The Native Labour Ordinance of 1906*<sup>(a)</sup> and who neglects without reasonable cause to perform any work which under the contract it is his duty to perform is liable to be imprisoned with or without hard labour for a period not exceeding fourteen days or in the alternative to a fine not exceeding his pay for fourteen days.

Neglect of  
duty.  
1 of 1907, s. 60.

(a) Repealed.

Neglect of  
duty by female  
native.  
Amended by  
2 of 1914, s. 3.

A female native who has entered into such a contract of service as a domestic servant and who neglects without reasonable cause to perform any work which under the contract it is her duty to perform is liable to a fine not exceeding her pay for fourteen days which shall be deducted from her wages but she shall not be liable to be imprisoned for such neglect nor for default in payment of the fine.

Barter or sale  
of food or  
articles  
supplied.  
Of. West  
Pacific Reg. 1  
of 1915, s. 59.  
Inserted by 18  
of 1916, s. 21.

**72A.** (1) Any native under contract of service who sells or barter any article of food forming any ration or part of any ration excepting tobacco or any blanket or mosquito net supplied under this Ordinance or the regulations thereunder shall be liable to a penalty not exceeding Ten shillings and in default of payment to imprisonment for a period not exceeding one month and the magistrate may order that the value of the article of food blanket or mosquito net be deducted from his wages and it shall be deducted accordingly.

(2) Any person who takes from any such native any article of food blanket or mosquito net as aforesaid by way of purchase or barter shall be liable to a penalty not exceeding One pound and in default of payment to imprisonment with or without hard labour for a period not exceeding two months.

Desertion.  
1 of 1907, s. 61.  
Amended by 9  
of 1919, s. 16.

**73.** A male native who has entered into a contract of service under this Ordinance or *The Native Labour Ordinance of 1906* <sup>(a)</sup> and who without reasonable cause—

(1) neglects to enter the service of the person whom he has agreed to serve; or

(2) deserts from his service

is liable to a fine not exceeding Ten shillings or to imprisonment with or without hard labour not exceeding three months or to both such fine and imprisonment.

If a complaint is made under this section before a justice of the peace he may under Section 59 of *The Justices Act of 1886* (*Queensland adopted*) <sup>(b)</sup> issue a warrant in the first instance to apprehend the defendant.

Desertion by  
female native.  
Amended by 2  
of 1914, s. 4.

A female native who has entered into such a contract of service as a domestic servant and who deserts without reasonable cause from her service is liable to a fine not

(a) Repealed. (b) See now the *Justices Ordinance, 1912* (No. 38 of 1912).

exceeding her pay for three months which shall be deducted from her wages but she shall not be liable to be imprisoned for such desertion nor for default in payment of the fine.

**74.** If a native is convicted of an offence under the last section he shall not be entitled to any wages for the time he was absent from his service.

Labourer not entitled to wages during desertion.  
1 of 1907, s. 62.

**75.** When a native has been convicted of desertion the court that convicts him may for the purpose of compelling him to complete his service make an order then and there that he shall forthwith or after he has served any term of imprisonment that the court has imposed upon him be taken into custody and handed over to his employer or the agent of his employer at some place within the Territory.

Labourer who has deserted may be returned to employer.  
Ib. s. 63.

If the order is to be executed forthwith no sentence of imprisonment shall be imposed upon the native to whom the order applies under the conviction upon which the order is based.

**76.** An order to hand over a native under the last section shall be carried out under a warrant signed by a magistrate in the form of Schedule L hereto or to the like effect.

Order to be carried out at employer's expense.  
Ib. s. 64.  
Schedule L.

The expense of carrying out the order shall be paid by the employer in advance but the employer may be permitted to give sufficient security in lieu of payment in advance.

If the employer does not pay the expenses or give sufficient security when permitted to do so the magistrate may cancel the warrant.

**77.** When a native is handed over to his employer or to an agent of his employer under Section 76 the time that elapsed between the date of his desertion and the date upon which he was handed over to the employer or agent shall not be counted in reckoning the time which he must serve in order to complete his service.

Period of desertion not to count as service.  
Ib. s. 65.

**78.** A person to whom a native has been hired out shall during the currency of the hiring-out agreement be considered for the purposes of this part of the Ordinance as

Hirer to be deemed employer.  
Ib. s. 66.



an employer to whom the native has been duly engaged by contract of service under this Ordinance.

Native's fines  
to be deducted  
from wages.  
of 1907, s. 67.

**79.** If in any proceedings before any court any money is ordered to be paid by a native who is under contract of service whether by way of compensation or fine or costs or otherwise the amount thereof shall unless the court otherwise orders be levied by deduction from the native's wages when he is paid off.

No wages  
while in gaol.  
*Ib.* s. 68.

**80.** No wages shall be payable to a native for any time that he is in prison either for an offence under this Ordinance or otherwise and no time during which he is in prison shall be counted in reckoning the time which he must serve in order to complete his service.

Persons  
engaging  
labourers by  
fraud, etc.  
*Ib.* s. 69.

Amended by 3  
of 1913, s. 7,  
and by 18 of  
1916, s. 22.

**81.** Any person who by fraud falsehood intimidation coercion or misrepresentation induces a native to engage himself as a labourer or to leave his place of residence or any place at which he may then be with a view to or for the purpose of engaging himself as a labourer is guilty of an offence against this Ordinance.

Employer's  
and licensed  
recruiter's  
native  
assistant.

Substituted by  
3 of 1913, s. 8.

Amended by  
2 of 1914, s. 5,  
by 18 of 1916,  
s. 23, and by 9  
of 1919, s. 17.

**82.** (1) An employer or an European overseer in his regular service in recruiting a native for the employer's service only or a licensed recruiter may subject to any restrictions or conditions imposed by regulation from time to time make use of the services of a native assistant to obtain recruits if and whilst such native assistant has entered into and remains under a contract of service with such employer or licensed recruiter for that special purpose or for that special purpose amongst others but not otherwise.

Local native  
assistants.

(2) An employer or an European overseer in his regular service in recruiting a native for the employer's service only or a licensed recruiter may subject to any restrictions or conditions imposed by regulation from time to time make use of the services of any local native in recruiting a native provided that the place where the native is so recruited is not more than ten miles from—

(a) the village of the local native whose services are used; and

- (b) some point on the sea coast at which the employer or licensed recruiter shall be at the time of such recruiting.

(3) The licensed recruiter and his guarantor under their security and guarantee or the employer as the case may be shall be liable for any illegal act committed by such native assistant or local native in the same way and to the same extent as if the licensed recruiter or employer had himself committed the illegal act.

Licensed recruiter's liability for acts of native assistant.

(4) No person shall make use of the services of any native who holds an arms permit under the *Arms Liquor and Opium Prohibition Ordinance, 1911*, in any capacity under Subsections (1) and (2) of this section to obtain recruits.

Native assistant not to hold permit under *Arms Liquor and Opium Prohibition Ordinance, 1911*.

(5) The Lieutenant-Governor may from time to time by Proclamation suspend the operation of any of the provisions of this section in relation to the whole Territory or any part thereof.

**82A.** (1) When an employer by the agency of an unlicensed person recruits a native to work for himself in the capacity of a domestic servant such native shall not be permitted to enter into a contract for employment other than for domestic work with the employer and in the event of the transfer of such native from the employer to any other person the transfer shall not affect the nature of the employment.

Domestic servants recruited by employer, etc. Inserted by 3 of 1913, s. 8.

(2) Such employer shall be liable for any illegal act committed by the unlicensed person in the same way and to the same extent as if the employer had himself committed the illegal act.

**82B.** An employer shall be liable for any illegal act committed by any European overseer authorized by him to recruit natives for him in the same way and to the same extent as if the employer had himself committed the illegal act.

Employer liable for acts of overseer. Inserted by 3 of 1913, s. 8.

**82C.** No native under contract of service shall be required to perform any work for which he is physically unfit.

Physically unfit native not to be worked. Cf. West Pacific Reg. Inserted by 18 of 1916, s. 24.

Persons inducing native to desert.  
1 of 1907, s. 71.

**83.** A person who induces a native who has entered into a contract of service to desert from that service is guilty of an offence against this Ordinance.

Penalty for assisting deserter.  
26 of 1909, s. 7.

**84.** Any person who knowingly aids or assists any native under contract of service to desert from the service of his employer shall be liable to a penalty not exceeding Twenty pounds or to imprisonment with hard labour for a period not exceeding three months.

Offences not specially provided for.

**85.** Any person who by act or omission contravenes any of the provisions of this Ordinance is guilty of an offence against this Ordinance.

Punishment of offences where none has been specified.  
1 of 1907, s. 73.

**86.** A person who is guilty of an offence against this Ordinance or a breach of the regulations for which no specified punishment is provided is liable to a fine not exceeding Fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months.

Procedure in case of offence.  
*Ib.* s. 74.

**87.** Proceedings in respect of a breach of or offence against this Ordinance or the regulations may be taken summarily before a magistrate.

### PART XIII.—MISCELLANEOUS.

Procedure on breach of guarantee.  
*Ib.* s. 75.

**88.** A breach of a guarantee given in pursuance of the provisions of this Ordinance in the form or to the effect of Schedule D or G shall be deemed to be a breach of duty within the meaning of *The Justices Act of 1886 (Queensland adopted)*<sup>(a)</sup> and proceedings may be taken in respect thereof by a Government officer in a court of petty sessions at any place and at any time within three years from the commission of the breach.

The principal and his sureties may be proceeded against either jointly or severally and no release or compromise with the principal shall release any of his sureties.

Penalty for breach of guarantee.  
*Ib.* s. 76.

**89.** When the breach does not consist in the neglect to pay moneys the exact amount of which can be ascertained from evidence the court may order the payment to the Crown of all or any portion of the sum mentioned in the guarantee. If the sum mentioned in the guarantee has been deposited

(a) See now the *Justices Ordinance, 1912* (No 28 of 1912).



the Crown may at any time appropriate as much of it as is necessary for the purpose of satisfying any judgment or order of the court given or made in proceedings taken with respect to a breach of the guarantee.

**90.** No action shall be brought upon any contract express or implied made by a native while under contract of service; but all contracts so made as aforesaid shall be absolutely void.

Contracts by native during period of service to be void.  
1 of 1907, s. 72.

**91.** No fees shall be charged for complaints warrants or any other process issued in respect of offences under this Ordinance where a native is either complainant or defendant.

No fee for warrants, etc., in respect of offences under the Ordinance.  
Cf. 26 of 1909, s. 1.

**92.** The decision of a Government medical officer upon the physical fitness or unfitness of a native who wishes to enter into a contract of service shall be regarded as conclusive.

Decision of medical officer to be conclusive on question of physical fitness.  
Ib. s. 10.

**93.** A duplicate of every permit granted under this Ordinance and of every certificate issued under Section 49 hereof shall be filed for record in the Native Labour Office or the principal office of the court of petty sessions of the court district in which the native affected by such document has or had his usual place of residence.

Duplicates of certain documents to be filed in courts of petty sessions.  
1 of 1907, s. 77.  
Amended by 18 of 1916, s. 25.

**93A.** (1) Whenever in any proceedings under this Ordinance or the regulations it shall be necessary to prove that a native is or was under contract of service either of the duplicates of the original contract of service or a copy thereof certified by the Commissioner for Native Affairs or by a magistrate to be correct or any note of the contract of service purporting to be signed by the magistrate inspector or qualified officer issuing the same shall be *prima facie* evidence that the native mentioned therein is or was under contract as therein stated.

Proof of certain matters.  
Substituted by 18 of 1916, s. 26.

(2) In any proceedings for the recovery of any moneys due under this Ordinance or the regulations it shall be sufficient to show that the native was duly under contract of service.

(3) In any proceedings under this Ordinance or the regulations any endorsement on or any notice or copy of notice annexed to any contract of service or note of contract

of service made or given or purporting to be made or given under the provisions of this Ordinance in relation to any of the matters referred to in paragraphs (a) (b) (c) and (e) of Section 34A of this Ordinance shall be *prima facie* evidence of the facts stated therein.

*Gazette notice  
proof of certain  
appointment.  
Inserted by  
3 of 1913, s. 9.*

**93B.** In any proceedings in any court the appointment of any magistrate inspector qualified officer or other officer in the service of the Government may be proved by the production of the *Gazette* containing the notice of such appointment.

*Production of  
books, etc.  
Inserted by 18  
of 1916, s. 27.*

**93c.** All books contracts of service registers and licences which are required to be kept by or are issued under the provisions of this Ordinance or the regulations shall be produced upon demand at all reasonable times to the Commissioner or to any magistrate inspector or qualified officer and shall when ordered by any court be produced in any proceeding in such court under this Ordinance or the regulations.

*Fees for  
documents.  
1 of 1907, s. 78.  
Schedule M.*

**94.** The fees to be charged to employers in respect of the several matters mentioned in Schedule M hereto shall be those specified in the said schedule.

*Natives  
feeding  
machinery not  
to wear shirts,  
etc.  
5 of 1910, s. 1.*

**95.** A native labourer who is employed in feeding machinery shall not wear a shirt or long-sleeved singlet or any protection to the hand except a glove. An employer who allows a native labourer to commit a breach of the provisions of this section shall be guilty of an offence against this Ordinance.

*Boilers to be  
inspected.  
5 of 1910, s. 2.*

**96.** An employer of native labour shall cause all boilers in use and all machinery the break-down of which might cause injury or loss of life used by him to be inspected and certified as being in good order at least once a year by some person approved by the Lieutenant-Governor. An employer who does not comply with this section shall be guilty of an offence against this Ordinance.

The Lieutenant-Governor may fix the fees to be charged for such inspection and certificate.

**97.** An employer who employs natives to the number of ten or more shall keep or cause to be kept at the headquarters of himself or his manager at each and every place where such natives to the number aforesaid are employed a copy of this Ordinance and of any Ordinance amending the same and of all regulations made thereunder respectively; and shall whensoever required so to do produce the same at all reasonable times at such place to the Government Secretary Commissioner magistrate inspector or labour inspector.

Employers and managers to keep copy of Ordinance and regulations. Amended by 18 of 1916, s. 12.

**97A.** Every native under contract of service who shall require medical care or treatment shall be provided therewith by his employer or in such cases as may be prescribed by regulation shall be sent by his employer to a Government hospital for treatment.

Medical care, etc., of natives. Inserted by 9 of 1919, s. 18.

**97B.** An employer shall pay such hospital fees as may be prescribed by regulation in respect of any native in his employ who is admitted for treatment into or who is an out-patient of any Government hospital.

Hospital fees when payable. Inserted by 9 of 1919, s. 18.

**97C.** (1) The Lieutenant-Governor may order an enquiry to be held before him or before any public officer named in the order in regard to any matter which in the opinion of the Lieutenant-Governor affects or relates to the recruiting engagement or the contract of service of a native or the welfare of a native under any contract of service.

Enquiries may be ordered. Inserted by 9 of 1919, s. 18.

(2) Upon any such order being made the Commissioner or Chief Inspector of Native Affairs or (if the enquiry is to be held before a public officer) the public officer may by notice in writing under his hand require the employer or other person for the time being having the charge or care of any native to procure the attendance of the native at the enquiry in accordance with the notice or to deliver such native into the custody of any person named therein for that purpose and such employer or other person shall comply with such notice.

Attendance of natives at enquiry.

(3) Any reasonable expenses that an employer may be put to in complying with such notice by reason of wages maintenance and transport of any such native shall be borne by the Government or paid by the Government to the employer unless the Lieutenant-Governor shall otherwise order.

Expenses of attendance.

Regulations,  
etc.  
Cf. 1 of 1907,  
s. 79.  
Amended by  
18 of 1916,  
s. 28.

**98.** In addition to any power by this Ordinance conferred on the Lieutenant-Governor to make regulations as to any special matter (which power shall in every case be implied for the purposes of any section in this Ordinance in which regulations are referred to) the Lieutenant-Governor may from time to time by notice in the *Gazette*—

- (1) make repeal or vary regulations dealing with matters of detail under this Ordinance both as to the water food shelter sleeping quarters clothing bedding hospital accommodation medical care and medicine to be allowed to and provided for natives by their employers and by those who took natives from their homes and those who expressly or by implication accepted the charge or care of natives the time natives are to work the loads they are to carry the books and registers to be kept and returns to be made by employers of natives and all other matters both with regard to the treatment of natives and otherwise ;
- (2) make revoke or vary any Proclamation order or notice which he is empowered to make under this Ordinance ;
- (3) revoke or vary any Proclamation which has been made under *The Native Labour Ordinance of 1906* ;<sup>(a)</sup>
- (4) vary the form of any of the schedules of this Ordinance.

Penalty for  
breach of  
regulations.  
New.

**99.** Such regulations may impose for any breach thereof a fine not exceeding Fifty pounds and in default of payment imprisonment with or without hard labour for any period not exceeding six months.

## SCHEDULES.

### SCHEDULE A.

Schedule A.  
Section 2.

*The Native Labour Ordinance of 1906 (No. I. of 1907).*  
*The Native Labour Amendment Ordinance of 1909 (No. XXVI. of 1909).*  
*The Native Labour Ordinance of 1910 (No. V. of 1910).*  
*The Native Labour Ordinance of 1910, No. 2 (No. X. of 1910).*  
*The Native Labour Ordinance of 1910, No. 3 (No. I. of 1911).*

(a) Repealed.



SCHEDULE B.

Schedule B.  
Section 14.

RECRUITER'S LICENCE.

*Under Section 14 of the "Native Labour Ordinance, 1911."*

Issued to \_\_\_\_\_ of \_\_\_\_\_  
Place : \_\_\_\_\_ Date : \_\_\_\_\_

(Signed)

This Licence is good for One Year and may be renewed.

SCHEDULE C.

Schedule C.  
Section 14.

SHIP'S LICENCE.

*Issued under Section 14 of the "Native Labour Ordinance, 1911."*

Name of Ship : \_\_\_\_\_ Tons : \_\_\_\_\_

Name of Master : \_\_\_\_\_

Place : \_\_\_\_\_ Date : \_\_\_\_\_

(Signed)

This Licence is good for One Year and may be renewed.

SCHEDULE D.

Schedule D.  
Section 15.

GUARANTEE BY RECRUITER.

*Under Section 15 of the "Native Labour Ordinance, 1911."*

Whereas \_\_\_\_\_, of \_\_\_\_\_, has applied for a recruiting licence, and it is necessary that the said \_\_\_\_\_ should give security before such a licence can issue to him : Now, therefore, we, the said \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_, hereby bind ourselves jointly and severally to the Crown in the sum of Fifty pounds (£50) as security for the due observance by the said \_\_\_\_\_ and his representatives of the provisions of the *Native Labour Ordinance, 1911*, that apply to persons to whom recruiting licences have been issued. And we declare that the non-observance by the said \_\_\_\_\_ or by any of his representatives of any of the aforesaid provisions shall be deemed to be a breach by us of this guarantee. And we declare that this guarantee shall apply to and cover any recruiting licence or licences that may be at any time issued to the said \_\_\_\_\_.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signed by the said \_\_\_\_\_  
presence of \_\_\_\_\_ in the }  
\_\_\_\_\_

# Native Labour Ordinance, 1911-1918.

Schedule E.  
Section 24.  
Substituted by  
3 of 1913, s. 6.

## SCHEDULE E.

### STATEMENT.

*Under Section 24 of the "Native Labour Ordinance, 1911-1912."*

I, \_\_\_\_\_, of \_\_\_\_\_, in the  
Territory of Papua, \_\_\_\_\_, state as follows:—

The Schedule hereto contains true particulars of the names of certain natives recruited [by me or by \_\_\_\_\_, a native assistant in my employ, or by \_\_\_\_\_, an unlicensed person acting as my agent, or by me, an European overseer in the regular employment of \_\_\_\_\_ and under his written authority], and of the date on and place at which they were recruited, and of the particulars of the names of their villages, and of the employment for which they were recruited.

### SCHEDULE.

Name of Native.	Native's Village and Division.	Period for which Engaged.	Rate of Pay.	At what to be Employed.	Place where to be Employed.	Date on which Recruited.	Place where Recruited.

(Signed)

Licensed Recruiter (or)  
Employer (or)  
European Overseer for

Section 25.  
Form as varied  
by Ex. Co.  
Order 23 of  
36/17.

## SCHEDULE F.

### PAPUA.

### CONTRACT OF SERVICE NO. \*

*Under Section 25 of the "Native Labour Ordinance, 1911-1916."*

Statement No.: \_\_\_\_\_ Date Recruited: \_\_\_\_\_ † Name of Recruiter: \_\_\_\_\_  
Name of Employer: \_\_\_\_\_ Residence: \_\_\_\_\_ Occupation: \_\_\_\_\_  
Name of Guarantor or Nature of Security taken: \_\_\_\_\_  
Form of Guarantee, Schedule G, Form: \_\_\_\_\_  
‡ Office of Lodgement of Guarantee: \_\_\_\_\_  
‡ Distinguishing No. of Guarantee: No.: \_\_\_\_\_ Name of Interpreter: \_\_\_\_\_  
No. of Original Contract of Service: \_\_\_\_\_ (if a Re-engagement).  
Fees on Receipt No. \_\_\_\_\_

\* Number of Contract of Service and Name of Station Issuing.

† Show also in this line by which of the particular methods under Sections 16 or 82 of the Ordinance the Native was recruited.

‡ To be inserted when Guarantee is in Form 2 of Schedule G.



# Native Labour Ordinance, 1911-1918.

Native's Name.	Native's Signature.	Home of Native: Village and District.	Period for which Native engaged.	Rate of Wages to be paid Native per month and periods when Wages are Payable.	Nature of Occupation Native to be Employed at.	Places at or Vessels on which Native to Serve.	Places at which Native may be paid off.

The above-named employer hereby undertakes to return the above-named native to his home as above specified, immediately after the said native has been duly paid off for his services under this contract.

Dated at                      this                      day of                      , 19                      .

Employer or Agent :

The amount of £                      has been deposited with me on account of the above Contract. Receipt No.:                      Signed by the said Employer and by the said Native in my presence :

Magistrate, Inspector or Qualified Officer.

## SCHEDULE F.F.

### PAPUA.

#### NOTE OF CONTRACT OF SERVICE NO.                      .

Sections 25A, 98.  
Form as varied by Ex. Co. Order 23 of 36/17.

*Under Section 25A of the "Native Labour Ordinance, 1911-1916."*

Statement No.:                      Date Recruited :                      † Name of Recruiter :  
Name of Employer :                      Residence :                      Occupation :  
Name of Guarantor or Nature of Security taken :  
Form of Guarantee, Schedule G, Form :  
‡ Office of Lodgement of Guarantee :  
‡ Distinguishing No. of Guarantee No.:                      Name of Interpreter :  
No. of Original Contract of Service :                      (if a Re-engagement).

Fees on Receipt No.                      .

\* Number of Contract of Service and Name of Station Issuing.  
† Show also in this line by which of the particular methods under Sections 16 or 82 of the Ordinance the Native was recruited.  
‡ To be inserted when Guarantee is in Form 2 of Schedule G.

*Native Labour Ordinance, 1911-1918.*

Native's Name.	Native's Signature.	Home of Native: Village and District.	Period for which Native engaged.	Rate of Wages to be paid Native per month and periods when Wages are Payable.	Nature of Occupation Native to be Employed at.	Places at or Vessels on which Native to Serve.	Places at which Native may be paid off.

The above-named employer hereby undertakes to return the above-named native to his home as above specified, immediately after the said native has been duly paid off for his services under this contract.

Dated at                      this                      day of                      , 19                      .

Employer or Agent :

The amount of £            has been deposited with me on account of  
the above Contract. Receipt No.:            Signed by the said Employer  
and by the said Native in my presence:           

Magistrate, Inspector or Qualified Officer.

SCHEDULE G.

FORM 1.

GUARANTEE.

*Under Section 29 of the "Native Labour Ordinance, 1911-1916."*

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a Contract of Service was [*or Contracts of Service were*] entered into between \_\_\_\_\_, of \_\_\_\_\_, and a certain native [*or certain natives*] named therein, being Contract of Service No. \_\_\_\_\_ [*or Contracts of Service Nos. \_\_\_\_\_ to \_\_\_\_\_, both inclusive*]:

Therefore we, the said \_\_\_\_\_ and \_\_\_\_\_, of \_\_\_\_\_, hereby bind ourselves jointly and severally to the Crown in the sum of \_\_\_\_\_ as security for the due observance by the said \_\_\_\_\_ and his representatives of the conditions of such Contract [or *Contracts*] and of the provisions of the *Native Labour Ordinance, 1911-1916*, in so far as such provisions govern the relations between the said \_\_\_\_\_ and the said \_\_\_\_\_. And we declare that the non-observance by the said \_\_\_\_\_ or any of his representatives of any of the aforesaid matters shall be deemed to be a breach by us of this guarantee.

Dated at                      this                      day of                      , 19                      .

Signed by the said \_\_\_\_\_ in the  
presence of \_\_\_\_\_

# Native Labour Ordinance, 1911-1918.

## FORM 2.

### GUARANTEE.

*Under Section 29 of the "Native Labour Ordinance, 1911-1916."*

Office of Lodgement :

Distinguishing No.:

Whereas [intended recruiter] intends to recruit natives for [intended employer's name] of [employer's address] herein called the employer :

Now, therefore, we, the said employer and [guarantor's name] of [guarantor's address] hereby bind ourselves jointly and severally to the Crown in the sum of in respect of each of such natives who may be so recruited as security for the due observance by the said employer and his representatives of the conditions of the Contract of Service which may hereafter be entered into by each of such natives with the said employer under the above-mentioned Ordinance, and of the provisions of the said Ordinance in so far as the said provisions govern the relations between the said employer and such natives respectively. And we declare that the non-observance by the said employer or any of his representatives of any of the aforesaid matters shall be deemed to be a breach by us of this guarantee. And we further declare that the Contracts of Service which shall hereafter be entered into between the employer and any natives which shall have reference made therein to the above-mentioned office of lodgement and distinguishing number, and that the natives named in such Contracts respectively shall be and be deemed to be for all purposes of this guarantee, the Contracts of Service for the due performance of which, and the natives in respect of whom, this guarantee is given.

Dated at this day of , 19 .

Signed by the said employer }  
and by the said }  
in the presence of }

Resident Magistrate (or) Assistant Resident Magistrate.

## SCHEDULE H.

### PERMIT.

*Under Section 36 of the "Native Labour Ordinance, 1911."*

Name of Person to whom Permit is Issued.	Name of Native.	Residence of Native.	Name of vessel in which Native is to be Removed.	Place to which Native is to be Removed.	Purpose for which Native is to be Removed.

Dated at this day of , 19 .

Signature of Officer :  
Title :

Section 29.  
Schedule G.  
Form 2.  
Substituted by  
18 of 1916,  
s. 31.

Schedule H.  
Section 36.

# Native Labour Ordinance, 1911-1918.

Schedule I.  
Section 39.

## SCHEDULE I.

### PERMIT.

*Under Section 39 of the "Native Labour Ordinance, 1911."*

Name of Employer.	Residence or Place of Business of Employer.	Name of Native.	Residence of Native.	Nature of Occupation at which Native is to be Employed.	Name of Vessel.	Nature of Security taken.

The native shall be returned by the employer to \_\_\_\_\_, in the said Territory.

### SPECIAL CONDITIONS.

[Set out conditions, if any.]

This Permit shall be in force up to and inclusive of the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Signature of Officer :

Title :

## SCHEDULE J.

### PERMIT.

Schedule J.  
Section 44.

*Under Section 44 of the "Native Labour Ordinance, 1911."*

Name of Person to whom Permit is Issued.	Name of Native.	Residence of Native.	Name of Vessel in which Native to be Removed.	Place Without the Territory Native is to Reside in.	Purpose for which Native to be Removed

### SPECIAL CONDITIONS.

[Set out conditions, if any.]

This Permit shall be in force up to and inclusive of the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Signature of Officer :

Title :

# Native Labour Ordinance, 1911-1918.

## SCHEDULE K.

Schedule K.  
Section 49.

### CERTIFICATE.

*Under Section 49 of the "Native Labour Ordinance, 1911."*

I, \_\_\_\_\_, of \_\_\_\_\_, in the Territory of  
Papua, hereby absolve \_\_\_\_\_, of \_\_\_\_\_, from  
all liability in respect of \_\_\_\_\_ the following obligations:—

[Set out obligations from which responsible person is absolved.]

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed)

Resident Magistrate  
or Inspector.

## SCHEDULE L.

Schedule L.  
Section 76.

### ORDER.

*Under Section 76 of the "Native Labour Ordinance, 1911."*

In the Court of Petty Sessions for }  
the District. }

TO ALL GAOLERS, POLICE OFFICERS AND CONSTABLES.

Whereas \_\_\_\_\_, of \_\_\_\_\_, did, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, enter into the  
service of \_\_\_\_\_ for the period of \_\_\_\_\_: And  
whereas the said \_\_\_\_\_ was, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_, convicted of deserting from such service:  
You are, therefore, hereby ordered to take the said \_\_\_\_\_ into  
custody and to convey him in custody to \_\_\_\_\_, and there  
deliver him over to \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signed)

Resident Magistrate.

## SCHEDULE M.

### LIST OF FEES.

Schedule M.  
Section 94.  
Amended by 3  
of 1913, s. 11,  
by 18 of 1916,  
s. 32, and by 9  
of 1919, s. 19.

<i>Under Section 94 of the "Native Labour Ordinance, 1911."</i>				s.	d.
For every native signed on contract	...	...	...	2	6
For every native paid off on expiration of contract or otherwise	...	...	...	2	6
Statement, Form E, for each native named therein	...	...	...	1	0
Permit, Form H, for each native named therein	...	...	...	1	0
Permit, Form I, for each native named therein	...	...	...	1	0
Permit, Form J, for each native named therein	...	...	...	10	0
Certificate, Form K	...	...	...	1	0
Guarantee for every ten or less than ten natives referred to therein	...	...	...	1	0
For every copy of Contract of Service in lieu of employer's copy lost or destroyed	...	...	...	2	0