

PAPUA.



NATIVE LABOUR ORDINANCE, 1911-1927.^(a)

An Ordinance Relating to Native Labour.

[RESERVED 22ND MAY, 1911;

ASSENTED TO 1ST FEBRUARY, 1912.]^(b)

BE 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.*^(a) Short title.

• 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 DETERMINATIONS OF CONTRACTS OF SERVICE;

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

(a) The *Native Labour Ordinance, 1911-1927*, 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) and by the *Native Labour Ordinance, 1920* (No. 2 of 1921) and by the *Native Labour Ordinance, 1927* (No. 1 of 1928).

(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*). The *Native Labour Ordinance, 1920*, was assented to on 21st April, 1921, and the assent notified in *Gazette No. 9 of 3rd August, 1921*. The *Native Labour Ordinance, 1927*, was assented to on 22nd December, 1927, and the assent notified in *Gazette No. 2 of 31st January, 1928*.

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,
by 18 of 1916,
s. 3, and by 2
of 1921, s. 2.

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;

“Proclamation” means Proclamation by the Lieutenant-Governor published in the *Gazette*;

“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.

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 a 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*, 15. 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 forty 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.
1b. 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.

(1) Licences in the form in Schedule B hereto called "Recruiter's Licences";

Ib. s. 12.

(2) Licences in the form in Schedule C hereto called "Ship's Licences."

Amended by 9 of 1919, s. 3. 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.

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

26 of 1909, s. 2.

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.

Scope of licence.

Security to be
given by
licensee.
1 of 1907, s. 13.

Schedule D.

Recruiter
to have
licence
for self and
ship.

Substituted by
3 of 1913, s. 4.

How employer
may recruit
personally
without a
licence.

How employer
may recruit
generally.

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

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

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.

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.

(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.

(3) An employer may personally or subject to such restrictions or conditions imposed by regulation from time to time by a 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.

(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.

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.
1 of 1907, 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.

Ib. s. 17, altered.

Amended by 3 of 1913, s. 5, by 18 of 1916, s. 5, by 9 of 1919, s. 4 and by 2 of 1921, s. 3.

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 inquiry 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 :

Provided that the Lieutenant-Governor may by Proclamation declare that notwithstanding any of the provisions of this section all natives who may be recruited in any district specified in the Proclamation after a date to be specified therein shall for the purpose of entering into a contract of service be taken without unnecessary delay before a

magistrate inspector or qualified officer stationed within the division of the Territory within which such district is situated and before no other magistrate inspector or qualified officer.

Responsibilities 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 a 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.
1 of 1907, 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 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 em-

ployed 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.

22A. No native child male or female who is under the age or apparent age of fourteen years shall be recruited or employed under this Ordinance or otherwise unless—

Engagement
of child under
fourteen.
Inserted by
2 of 1921, s. 4.

- (a) the parents of the child or the person who by native custom has control of the child consents thereto ; and
- (b) there is no school within a mile of the home of the child which he is required to attend by any regulation made under *The Native Regulation Ordinance of 1908*.

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 a 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.

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—

Note of
Contract of
Service.
Schedule FF.
Inserted by
18 of 1916, s. 7.
Amended by
9 of 1919, s. 9.

(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. 4.
Amended by
18 of 1916, s. 8,
and by 2 of 1921,
s. 5.

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

Except with the consent of the Commissioner no native shall be engaged or re-engaged under successive contracts of service for a longer aggregate period than four years computed from the time he was last in his village not being then under contract of service: Provided that such last-mentioned consent shall not be withheld in the case of the re-engagement of a native as a household-servant or artisan unless it appears to the Commissioner that there is a special reason why it should be withheld.

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

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

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.
Ib. 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.

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.

29A. (1) A surety named in any guarantee taken in pursuance of the last preceding section may upon application to such magistrate and in such manner as may be prescribed be relieved by the order of the magistrate from his liability under the guarantee. An order under this subsection shall be made only upon the grounds and subject to the conditions prescribed.

Relief of surety to a guarantee.
Inserted by
2 of 1921, s. 6.

(2) When a surety is so relieved from his liability the employer named in the contract of service referred to in the guarantee shall forthwith enter into and file with the magistrate a fresh guarantee with at least one sufficient surety in such sum as the magistrate shall consider reasonable that the employer will carry out the then unfulfilled terms of the contract of service and will comply with the provisions of this Ordinance.

(3) Such fresh guarantee may be in the form of Form 1 of Schedule G to this Ordinance or to the like effect.

(4) The failure of the employer to give such fresh guarantee shall be a sufficient ground for the cancellation of the contract of service and the same may be cancelled by the magistrate without any further or other proceeding under this Ordinance.

Re-engagement of native.
Substituted by 2 of 1921, s. 7.

30. (1) If a native after serving the term of his contract of service wishes to re-engage he may subject to the provisions of Subsection (2) of this section enter into a fresh contract of service before a magistrate inspector or qualified officer with the same or another employer.

Re-engagement when forbidden.

(2) The Lieutenant-Governor may by Proclamation forbid the re-engagement of any native—

(a) recruited in or belonging to any district specified in the order; or

(b) for work in any district specified in the order

either absolutely or except under such conditions as are specified in the Proclamation; and thereupon no such native shall re-engage or be re-engaged contrary to such Proclamation.

Employer to report death or desertion of native servant.
1 of 1907, s. 29.
Amended by 18 of 1916, s. 10.

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.

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

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.

(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 transferrer 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—

- (a) after inquiry 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; or
- (d) upon and after the conviction of the employer or any European employee of his upon a complaint for assault by him upon the native engaged under the contract of service.

Magistrate may cancel contract on inquiry 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, by 9 of 1919, s. 12 and by 2 of 1921, s. 8.

When considering the question of cancellation of a contract of service in the circumstances set out in Paragraphs (b) (c) or (d) 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.

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

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)^(a) and shall be dealt with under that Act.

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.

(a) See now *Justices Ordinance, 1912-1920.*

34A. Whenever—

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

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

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.

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.

Employer not
to have power
to discharge
native.
1 of 1907, s. 33.

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.

Death of
employer ends
agreement.
Ib.

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.

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

(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.

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

Schedule H.

Vessels may
carry natives
as passengers.
Ib. s. 35.
Amended by
9 of 1919, s. 13
and by 2 of 1921,
s. 9.

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.

37. Subject to this Ordinance and the regulations 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.

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

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

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:—

- (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.

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:—

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

- (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.

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 taken on issue of permit.
Ib. s. 38.
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:—

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

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

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

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.

Permits to remove natives beyond the Territory as personal attendants.
Substituted by 1 of 1928, s. 2.

43. (1) The Commissioner or (in cases of emergency only) a magistrate may at his discretion grant a permit to any person who has a *bona fide* residence in the Territory to remove a native as a personal attendant—

- (a) to any part of the Commonwealth of Australia; or
- (b) to any place in the South Pacific Ocean declared by Proclamation published in the *Gazette* to be a place to which a native may be so removed as a personal attendant.

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

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

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.

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*.^(a)

Permits to send natives beyond the Territory for educational purposes.
Inserted by 1 of 1928, s. 3.

44A. (1) The Commissioner may at his discretion grant a permit to any person who has a *bona fide* residence in the Territory to send a native for educational purposes—

- (a) to any part of the Commonwealth of Australia; or

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

- (b) to any place situated in the South Pacific or Indian Ocean declared by Proclamation published in the *Gazette* to be a place to which a native may be sent for such purposes.

44B. (1) Permits under the last preceding section shall be to the effect of the form in Schedule JJ hereto and shall be at least in duplicate. Before issuing a permit the Commissioner may require that security to his satisfaction be given that the person desiring the permit to be granted to him will only send the native to the place or places authorized by the permit and cause him to be returned to some specified place in the Territory before the expiration of a term to be stated in the permit.

Form of permit security and arrangements for transfer of native.
Inserted by 1 of 1928, s. 3.

Before issuing a permit the Commissioner shall be satisfied that proper arrangements have been made for the transfer of the native to the place or places authorized by the permit by the person desiring the permit and that proper arrangements will be made for the return of the native to the Territory from the place or places authorized by the permit and that sufficient care will be taken of the native during such transfer and return.

A permit shall not be issued to remove a child in respect of whom a mandate has been issued under the *Native Children's Ordinance*, 1911.

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.
1 of 1907, s. 41.

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

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

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

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 im-

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

plication 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.

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

(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 :

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 natives in certain case at the employer's expense. 1 of 1907, s. 44. 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)^(a) 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 found to pay wages at less than monthly periods.

Wages when native in Government hospital.

Now ages 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.

Wages must be paid in the presence of a magistrate.

Ib. s. 48.

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.

(a) See now the *Justices Ordinance, 1912-1920.*

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. 1 of 1907, 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 Kulumadai 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.

54A. The magistrate inspector or qualified officer in whose presence the wages due to a native at the expiration or other determination of his contract of service have been

Retention of wages by magistrate, etc.

Inserted by 2 of 1921, s. 10.

paid may if he thinks necessary for the protection of the native take the wages into his custody and if he does so he shall inform the Commissioner for Native Affairs and shall deal with the wages in the manner prescribed.

Wages how
recoverable.
Substituted by
2 of 1921, s. 11.

55. (1) Wages due to a native may be proceeded for and recovered—

(a) by the native; or

(b) in the name of the native by the Commissioner a labour inspector or qualified officer acting on behalf of the native

in any Court of competent jurisdiction.

(2) No Court fees shall be payable by a plaintiff in any such proceeding.

Preferential
charge for
moneys due
by employer.
Cf. West
Pacific Reg.
No. 1 of 1915,
ss. 32, 61.
Cf. Fiji 6 of
1895, s. 48.
Inserted by
18 of 1916, s. 20.
Amended by
2 of 1921, s. 12.

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 but the preferential charge shall not attach to personal chattels in the hands of *bona fide* purchasers without notice.

(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.

Certain debts
of employer to
his surety to
be a
preferential
charge.
Inserted by
2 of 1921, s. 13.

55B. (1) All moneys due by an employer to his surety in respect of moneys paid by the surety under a guarantee given under this Ordinance 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 however secured except debts due by the

employer for wages in respect of a native under a contract of service.

(2) The provisions of Subsections (2) and (3) of the last preceding section shall apply to the preferential charge created by Subsection (1) of this section.

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.

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

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

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 measurement 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.

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

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

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

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.

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.

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

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 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.
Ib. 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.

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.

Power of
magistrate to
destroy
buildings and
to proclaim
infected areas.
1 of 1907, s. 57.
Amended by
18 of 1916, s. 5.

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.
Id. 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.
Id. s. 59.

**PART XI.—SUSPENSION OF CONTRACTS OF SERVICE ;
EPIDEMICS.**

65. In the case of an existing or apprehended epi-

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

demic 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.

Rights and
liabilities of
parties during
suspension.
10 of 1910, s. 2.

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 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
superinten-
dent.
Ib. 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 hereinafter 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 superinten-
dent 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

Liability of
guarantor to
continue.
Ib. s. 8.

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.

PART XII.—OFFENCES.

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

72. A male native who has entered into a contract of service under this Ordinance or *The Native Labour Ordinance of 1906*^(a) 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 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.
Cf. West
Pacific Reg. 1
of 1915, s. 39.
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*^(a) and who without reasonable cause—

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

(a) Repealed.

(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)^(a) issue a warrant in the first instance to apprehend the defendant.

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 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.

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

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.

(a) See now the *Justices Ordinance, 1912-1920.*

Period of
desertion not
to count as
service.
1 of 1907, s. 65.

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.

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

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 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.
Ib. 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.

Employers'
and licensed
recruiters'
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 a 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 a 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.

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.

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

Offences not
specially
provided for.
Amended by
2 of 1921, s. 14.

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

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

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

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

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.

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.

85. Any person who by act or omission contravenes any of the provisions of this Ordinance or of any Proclamation made and published under the authority thereof is guilty of an offence against this Ordinance.

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.

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.

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)^(a) 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.

(a) See now the *Justices Ordinance, 1912-1920.*

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 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.

Penalty for
breach of
guarantee.
1 of 1907, s. 76.

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.
Ib. 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. 70.

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 proceedings 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.
1b. s. 2.*

96. An employer of native labour shall cause all boilers in use and all machinery the breakdown 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 inquiry 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.

Inquiries 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 inquiry 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 inquiry 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 inquiry.

(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.

Service of
summons on
complaint in
certain cases.
Inserted by
2 of 1921, s. 15.

97D. Service of a summons issued upon a complaint for an offence against the provisions of this Ordinance or of the regulations thereunder in which a company is a defendant or of a notice of any inquiry which may be held under this Ordinance in which a company is concerned shall be deemed good service if it is effected—

- (a) in the manner required by the *Companies Ordinance, 1912*; or
- (b) upon the manager or person in charge of the plantation mine or place of business of the company or upon the master of the vessel of the company at or upon which the offence is alleged to have occurred.

Regulations.
Cf. N.L.O.,
1911-1918, s. 98.
Substituted by
2 of 1921, s. 16.

98. In addition to and without limiting any power hereinbefore conferred upon 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 of this Ordinance in which regulations are referred to) the Lieutenant-Governor may make regulations—

(1) Prescribing—

- (a) the water food shelter sleeping quarters clothing and bedding;
- (b) the cooking eating washing and sanitary accommodation and arrangements;
- (c) the hospital accommodation and equipment medical care medicines medical appliances and accessories;
- (d) the rations and articles other than of food and medicine

to be allowed to and provided for natives by—

- (i) the employers of natives;
- (ii) those who took natives from their homes;
- (iii) those who expressly or by implication accepted the charge or care of natives;
- (iv) those who return natives to their homes; and
- (v) owners and masters of vessels used for carrying natives.

(2) Requiring the licensing of vessels used in the carriage or transport of natives.

- (3) For securing the notification by any persons of the existence of any infectious disease among natives ; and for preventing the spread of such disease and for controlling restricting or prohibiting the removal or transport of such natives and of natives who have been in contact with them.
- (4) Prescribing the treatment to be applied to natives by their employers and by those who expressly or by implication accepted the charge or care of them for the prevention or cure or as a precaution against the spread of hookworm (*ankylostomiasis*).
- (5) Restricting to specified hours of the day the presence in towns or outside their dwellings or sleeping quarters in towns of all natives or any class of natives.
- (6) Prescribing the conditions upon which the wife or wife and children of a recruited native or native under contract of service will be permitted to accompany him.
- (7) Prescribing—
 - (a) the time natives are to work ;
 - (b) the loads natives are to carry ;
 - (c) the books and registers to be kept and the returns to be made by the employers of natives and by owners and masters of vessels used in the transport or carriage of natives ;
 - (d) the medical examination of native labourers and the fees to be paid by employers therefor ;
 - (e) all matters which the Lieutenant-Governor may deem necessary regarding the treatment of natives ; and
 - (f) all matters which are necessary and convenient to be prescribed for giving effect to the provisions of this Ordinance.
- (8) Varying the form of any of the Schedules to this Ordinance.

Unless the context otherwise indicates or requires the word "natives" in this section includes natives who have

been recruited natives who are under contract of service natives who are awaiting return or in the course of being returned to their homes on the expiration of their contracts of service and the wives and children (if any) of such natives who accompany them.

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.

Schedule A.
Section 2.

SCHEDULES.

SCHEDULE A.

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).

Schedule B.
Section 14.

SCHEDULE B.

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.
Section 14.

SCHEDULE C.

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.
Section 15.

SCHEDULE D.

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

Native Labour Ordinance, 1911-1927.

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 _____

_____ in the _____ presence of _____

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, a 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

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

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

PAPUA.

*

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.

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.

Dated at this day of , 19 .

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.

* 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, 1911-1927.

SCHEDULE F F.

PAPUA.

NOTE OF CONTRACT OF SERVICE NO.

*

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.

Native's Name.	Native's Signature.	Home of Native: Village and District.	Period for which Native En- gaged.	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

* 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, 1911-1927.

Section 29.
Schedule G.
Form 1.
Substituted by
18 of 1916, s. 31.

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 _____
presence of _____ in the _____ }

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

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

Native Labour Ordinance, 1911-1927.

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.

Schedule H.
Section 36.

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:

SCHEDULE I.

Schedule I.
Section 39.

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:

Native Labour Ordinance, 1911-1927.

Schedule J.
Section 44.

SCHEDULE J.

PERMIT.

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 :

Schedule JJ.
Section 44B.
Inserted by
1 of 1928, s. 4.

SCHEDULE J J.

PERMIT.

Under Section 44B of the "Native Labour Ordinance, 1911-1927."

Name of Person to whom Permit is Issued.	Name of Native.	Residence of Native.	Name of Vessel in which Native is to Leave the Territory.	Place or Places Without the Territory Native is to be Sent for the Purpose of Education.

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 .

(Signed) Commissioner.

Native Labour Ordinance, 1911-1927.

SCHEDULE K. CERTIFICATE.

Schedule K.
Section 49.

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.

Under Section 94 of the "Native Labour Ordinance, 1911."

Schedule M.
Section 94.
Amended by
3 of 1913, s. 11,
by 18 of 1916,
s. 32, by 9 of
1919, s. 19
and by 2 of 1921,
s. 17.

	s.	d.
For every native paid off on the expiration or other determination of a Contract of Service entered into before the commencement of the <i>Native Labour Ordinance, 1920</i>	2	6
For every native on entering into a Contract of Service... ..	5	0
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