

STATUTORY RULES.

No. 8 of 1923.

Made under the *Pearl, Pearl-Shell and Bêche-de-mer Ordinance, 1911-1918.*

Citation.

1. These Regulations may be cited as the *Pearl Fishery Regulations, 1923.*

Repeal.

2. All Regulations made under or continued in force by the *Pearl, Pearl-Shell and Bêche-de-mer Ordinance, 1911*, and any Ordinance amending the same are hereby repealed.

Interpretation.

3. In these Regulations unless the context otherwise requires or indicates—
 - “The Ordinance” means the *Pearl, Pearl-Shell and Bêche-de-mer Ordinance, 1911-1918.*

Declaration by Applicant for Ship or Boat Licence.

4. (1) The declaration required by Section 7, Subsection (2), of the Ordinance shall be in the following form or to the like effect:—

Pearl, Pearl-Shell and Bêche-de-mer Ordinance, 1911-1918.

I _____ of _____ do solemnly and sincerely declare that I am the sole owner of the [insert description of ship or boat and name] or that I am part owner with _____ [set out names of all other owners] of the [as above.]

(2) The declaration may be made on behalf of a body corporate by an agent or servant thereof.

(3) The declaration must be attested by a Justice of the Peace for the Territory.

5. Save as by these Regulations is otherwise provided, any person desirous of obtaining or holding any Pearl-Buyer's Licence under the Ordinance, shall make application for examination and the grant of a certificate to an officer of the Territory authorized by the Treasurer for the purpose of examining and granting certificates for the dictation test, hereinafter in these Regulations referred to as “the authorized officer.” Every such application shall be in the following Form:—

[FORM A.]

• *Pearl, Pearl-Shell and Bêche-de-mer Ordinance, 1911-1918.*

Application for Examination and Certificate.

To

I, the undersigned being desirous of obtaining a Pearl-Buyer's Licence, hereby apply to be examined by you as to my ability to read and write from dictation _____ words in the _____ language, such language being the language for the time being directed by the Treasurer.

I hereby declare that the following particulars with respect to myself are true:—

1. Name in full :
2. Country of origin :
3. Place of birth :
4. Nationality :
5. Date of birth :

6. Age last birthday :
7. Married or single :
8. Date of arrival in Territory of Papua :
9. Date of arrival in Commonwealth :
10. Previous place or places of residence in Commonwealth (if any) :
11. Present place of residence :
12. Occupation :

Dated at _____ this _____ day of _____, 192__
 (Signed)

Witness : _____ J.P.

Statutory Declaration.

6. Every such application shall be accompanied by a Statutory Declaration as to the truth of the particulars set forth therein and shall be attested by a Justice of the Peace who personally knows the applicant and who before attesting the same shall by inquiry, so far as he is able, ascertain the truth thereof.

Examination.

7. Upon receipt of such application the authorized officer shall appoint a time and place for the said examination and shall notify the applicant and the applicant shall attend at the said time and place and be examined by the authorized officer accordingly.

The said examination shall be in the language for the time being directed by the Treasurer.

The authorized officer shall then ascertain whether the applicant is able to correctly write from his oral dictation at least fifty words in the said language in his presence.

The passage chosen for dictation shall be in the discretion of the authorized officer.

The authorized officer shall be the sole judge as to whether the applicant has correctly written out the dictated words in the said language.

If he is satisfied as to such ability he shall grant to the applicant a certificate of having passed the dictation test but otherwise he shall refuse such certificate.

8. A certificate of having passed the dictation test shall be in the following form
 [FORM B.]

Pearl, Pearl-Shell and Béche-de-mer Ordinance, 1911-1918.

Dictation Test Certificate.

I, the undersigned, _____, hereby certify that on
 the _____ day of _____, 192__, pursuant to an application No. _____
 of 192__ [Name of Person] was duly examined by me under and for the purposes of
 the abovementioned Ordinance and that the said _____ is able
 to read and write from dictation fifty words in the _____ language, such language being
 the language for the time being directed by the Treasurer.

Dated at _____ this _____ day of _____, 192__ .
 Authorized Officer.

Record of Certificate.

9. Every such certificate shall be in duplicate. The authorized officer shall cause the applicant to mark with his thumb-print in Indian or other indelible ink every certificate and duplicate thereof. One copy shall then be delivered to the successful applicant and the other copy shall be duly filed and recorded by the authorized officer.

Exemption of Persons from Operation of Section 52A.

10. The following persons and classes of persons are exempted from the operation of Section 52A of the Ordinance :—

- (1) All native born residents of Australia or the Territory of Papua of European descent ;
- (2) All residents of Australia or the Territory of Papua of European parentage ;
- (3) All residents of Australia or the Territory of Papua who are descended from any resident of the Continent of North America other than from any aboriginal native thereof or negro or aboriginal of African or Asiatic race ;
- (4) All persons who have fought in British or Allied armies in the war of 1914-1918.
- (5) Any person not otherwise entitled to exemption under the foregoing provisions of this Regulation whom, by reason of any circumstances satisfactory to the Treasurer, it is not considered necessary to examine under the Ordinance and these Regulations and to whom the Treasurer has granted a certificate of exemption.

Application for Exemption.

11. Before such certificate of exemption mentioned in paragraph (5) of the last preceding Regulation is granted, the person concerned shall make application therefor to an authorized officer in the following form :—

[FORM C.]

Pearl, Pearl-Shell and Bêche-de-mer Ordinance, 1911-1918.

Application for Certificate of Exemption.

To

I hereby apply for a Certificate of Exemption from examination under the abovementioned Ordinance on the following grounds [*state grounds on which the exemption is applied for*].

I declare that the following particulars with respect to myself are true :—

1. Name in full :
2. Country of origin :
3. Place of birth :
4. Nationality :
5. Age last birthday :
6. Married or single :
7. Date of arrival in Territory of Papua :
8. Date of arrival in Commonwealth :
9. Previous place or places of residence in Commonwealth (if any) :
10. Present place of residence :
11. Occupation :

Dated at _____ this _____ day of _____, 192 .

(Signed)

Witness :

J.P.

Statutory Declaration.

12. Every such application shall be accompanied by a Statutory Declaration as to the truth of the particulars set forth therein, and shall be attested by a Justice of the Peace, who personally knows the applicant and who before attesting the same shall by inquiry, so far as he is able, ascertain the truth thereof. The authorized officer shall transmit the application to the Treasurer.

Certificate of Exemption.

13. Every such certificate of exemption shall be in the following form :—

[FORM D.]

Pearl, Pearl-Shell and Béche-de-mer Ordinance, 1911-1918.

Certificate of Exemption.

I hereby certify that [Name] particulars as to whom are hereunder set forth is exempted from examination under the abovementioned Ordinance for the following reasons [state ground of exemption].

1. Name in full :
2. Country of origin :
3. Place of birth :
4. Nationality :
5. Age last birthday :
6. Married or single :
7. Date of arrival in Territory of Papua :
8. Date of arrival in Commonwealth :
9. Previous place or places of residence in Commonwealth (if any) :
10. Present place of residence :
11. Occupation :

Dated at Port Moresby, this

day of

, 192

Treasurer.

14. Every such certificate shall be in duplicate and shall be transmitted by the Treasurer to the authorized officer who shall cause the applicant to mark with his thumb-print in Indian or other indelible ink every such certificate and duplicate thereof. The said authorized officer shall then deliver one copy to the successful applicant and shall duly file and record the other copy thereof.

15. Nothing in Section 52A of the Ordinance, or in these Regulations contained, shall operate to prevent the renewal from year to year of his Pearl-Buyer's Licence of any person, whether he shall have passed the dictation test or otherwise, if such licence was in force at the commencement of the *Pearl, Pearl-Shell and Béche-de-mer Ordinance, 1915.*

Penalty.

16. Any person who :—

- (1) in any application under these Regulations makes any statement which is to his knowledge false ;
 - (2) alters or in any way tampers with any certificate granted under these Regulations ;
 - (3) being the holder of such certificate lends to any other person or permits any other person to use the same ;
 - (4) being the holder of such certificate fails to produce the same upon demand to any authorized officer unless he satisfies the Court that there was a reasonable excuse for the non-production thereof ;
 - (5) uses any such certificate which has been granted to another person,
- shall be liable to a penalty not exceeding One hundred pounds, and in default of payment to imprisonment with or without hard labour for any period not exceeding Six months.

Made in Executive Council this nineteenth day of October, One thousand nine hundred and twenty-three.

Executive Council Minute,
No. 3 of 32/1923.

H. L. MURRAY,
Clerk of Executive Council

[Published in *Gazette* No. 15 of 7th November, 1923.]