

NATIVE LABOUR ORDINANCE 1935-1939. ^(1A)(1)

An Ordinance Relating to Native Labour.

BE it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1932*, as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Native Labour Ordinance 1935-1939*. ⁽¹⁾

Short title.
Amended by
No. 3 of 1934,
s. 50.

2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*. ⁽¹⁾

Commencement.

3. This Ordinance is divided into Parts, as follows:—

Parts.

Part	I.—Preliminary.	ss. 1-9.
Part	II.—Recruiting.	ss. 10-31.
Part	III.—Contracts and General Conditions of Employment.	ss. 32-56.
Part	IV.—Provisions relating to Wages.	ss. 57-61.
Part	V.—Provisions relating to Health.	ss. 62-66.
Part	VI.—Desertion.	ss. 67-73.

(1A.) This Ordinance is now repealed and replaced by the *Native Labour Ordinance 1946* of the Territory of Papua-New Guinea, which is to commence on a date to be notified by the Administrator.

(1) The *Native Labour Ordinance 1935-1939* comprises the *Native Labour Ordinance 1935* as amended by the other Ordinances referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of reservation by Administrator.	Date on which assent of Gov.-Gen. in Council published in <i>N.G. Gaz.</i>	Date on which came into operation.
<i>Native Labour Ordinance 1935</i> (No. 20 of 1935)	16.1.1935	29.6.1935	1.6.1936 (<i>N.G. Gaz.</i> of 15.2.1936)
<i>Native Labour Ordinance 1936</i> (No. 29 of 1936)	26.2.1936	30.5.1936	1.6.1936 (Sec. 2, <i>Native Labour Ordinance 1936</i>)
<i>Native Labour Ordinance</i> (No. 2) 1936 (No. 44 of 1936)	5.8.1936	16.9.1936	16.9.1936 (<i>N.G. Gaz.</i> of 16.9.1936)
<i>Native Labour Ordinance 1937</i> (No. 18 of 1937)	3.3.1937	30.4.1937	30.4.1937 (<i>N.G. Gaz.</i> of 30.4.1937)
<i>Native Labour Ordinance 1938</i> (No. 8 of 1938)	10.2.1938	30.4.1938	30.4.1938 (<i>N.G. Gaz.</i> of 30.4.1938)
<i>Native Labour Ordinance</i> (No. 2) 1938 (No. 47 of 1938)	25.8.1938	15.11.1938	15.11.1938 (<i>N.G. Gaz.</i> of 15.11.1938)
<i>Native Labour Ordinance 1939</i> (No. 27 of 1939)	5.9.1939	15.11.1939	15.11.1939 (<i>N.G. Gaz.</i> of 15.11.1939)

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- Part VII.—Transfer of Contracts. ss. 74-80.
Part VIII.—Determination of Contracts and Provisions relating thereto. ss. 81-91.
Part IX.—Non-indentured Labour. ss. 92-97.
Part X.—Removal of Natives from the Territory. ss. 98-102.
Part XI.—Offences and Provisions relating thereto. ss. 103-118.
Part XII.—Miscellaneous. ss. 119-131.

Repeal and saving.

4.—(1.) The Ordinances set out in the Schedule to this Ordinance are repealed, except as to acts done, contracts entered into, liabilities incurred, and offences committed under or against any of the provisions of the repealed Ordinances.

(2.) All regulations, proclamations, appointments, certificates, licences, permits, orders, and notices made, issued, or given under the Ordinances set out in the Schedule to this Ordinance and in force at the commencement of this Ordinance, shall, unless inconsistent with this Ordinance, be deemed to be made, issued, or given under this Ordinance.

Sub-section (3) inserted by No. 44 of 1936, s. 2.

(3.) Notwithstanding the provisions of sub-section (1.) of this section, this Ordinance shall apply, as far as practicable, to contracts made under the Ordinances repealed by this Ordinance.

Definitions.

Amended by No. 44 of 1936, s. 3.

5. In this Ordinance, unless the contrary intention appears—

“contract” means a contract of service in writing under this Ordinance or the Ordinances repealed by this Ordinance;

“deserter” means a native who is employed under a contract and who without reasonable cause absents himself from his place of employment without the permission of his employer for any period exceeding four days;

“Director” means the officer for the time being performing the duties of the Director of District Services and Native Affairs;

“District Officer” means an officer appointed to administer a District and includes an Assistant District Officer, the Director of District Services and Native Affairs, and the Assistant Director, Department of District Services and Native Affairs;

“domestic service” means employment wholly in household duties or as a personal attendant;

“employer” means the person for whom any labourer or servant engages to work under this Ordinance or the Ordinances repealed by this Ordinance, or, if the con-

Amended by No. 44 of 1936, s. 3 and by No. 18 of 1937, s. 2.

Amended by No. 44 of 1936, s. 3.

tract of the labourer is transferred, the person to whom it is transferred; and includes the owner, proprietor, managing agent, or other person having the chief authority at any place at which any labourer or servant is employed, and the owner or master of a ship on which any labourer or servant is employed;

“heavy labour” means employment—

- (a) as a member of the crew, other than a cook or steward, of a ship;
- (b) as a quarryman;
- (c) as a diver;
- (d) as a pearl or shell fisher;
- (e) in loading or discharging any ship's cargo, other than cargo which is the produce of, or is intended for, the plantation at which the labourer loading or discharging the cargo is employed;
- (f) in mining or carrying;
- (g) in pit sawing; and
- (h) in any kind of work which the Administrator, by notice, declares to be heavy labour;

“home” in relation to a native means the native village which is his home according to native custom or, if he does not reside at that village, the native village which he has adopted for the purpose of residence;

“labourer” means a male or female native recruited for employment, or employed, under a contract;

“licence” means a recruiter's licence issued under this Ordinance;

“medical assistant” means a medical assistant appointed under the *Public Service Ordinance 1922-1934*;⁽²⁾

“medical officer” means a medical practitioner appointed under the *Public Service Ordinance 1922-1934*;⁽²⁾

“place of employment” means the ship or the plantation, town, or other place in a District on or at which a labourer or servant is employed;

“qualified officer” means a qualified officer appointed under this Ordinance;

“Regulations” means regulations made under this Ordinance;

“servant” means a native who is employed under Part IX. of this Ordinance;

(2) Now the *Public Service Ordinance 1922-1940*.

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“ship” includes every vessel used in navigation not ordinarily propelled by oars only, but does not include a canoe;

“skilled labourer” means a labourer who is employed as tradesman, master or engineer of a ship, driver of a motor vehicle, clerk; engine driver, or boss-boy, or who is employed in any occupation which the Administrator, by notice, declares to be that of a skilled labourer.

Powers of Director.

6. The Director shall, under the Administrator, be charged with the administration of this Ordinance.

Powers of Assistant Director, Department of District Services and Native Affairs.

6A. Subject to the provisions of the last preceding section, the Assistant Director, Department of District Services and Native Affairs, may, during the absence of the Director from Rabaul, exercise and perform all the powers and functions of the Director under this Ordinance:

Inserted by No. 18 of 1937, s. 3.

Provided that nothing in this section shall affect the exercise or performance by the Director of any power or function.

Power of Administrator to delegate.

7.—(1.) The Administrator may, by notice,⁽³⁾ delegate any of his powers or functions under this Ordinance (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to any matter or class of matters specified in the notice of delegation.

(2.) A delegation under this section shall be revocable at will, and a delegation shall not prevent the exercise of any power or function by the Administrator.

Appointment of qualified officer.

8.—(1.) The Administrator may, by notice, appoint an officer of the Administration to be a qualified officer.

(2.) The Administrator may, by the same or another notice, authorize the qualified officer to perform such duties and exercise such authority and powers under this Ordinance, in addition to those of a qualified officer, as the Administrator thinks fit.

Exemption from Ordinance.

9. The provisions of this Ordinance shall not apply—

(a) to the employment of native missionaries;

(b) to the employment of any native under a job contract for the performance of a piece of work approved by a District Officer or other authorized officer in pursuance of the *Natives' Contracts Protection Ordinance 1921-1931*;⁽⁴⁾ or

(c) to the enrolment of any native under the *Police Force Ordinance 1930-1934*.⁽⁵⁾

(3) No notice has been published in *N.G. Gaz.*

(4) Now the *Natives' Contracts Protection Ordinance 1921-1936*.

(5) Now the *Police Force Ordinance 1930-1940*.

PART II.—RECRUITING.

10.—(1.) A native shall be deemed to be recruited when he is solicited and consents, or he offers, and his offer is accepted, to be employed in any kind of work.

When native deemed to be recruited.

(2.) If in fact a native works for, or in the interests of, a person and that person accepts or takes the benefit of the work done by the native, although there is no contract nor any agreement either expressed or implied between the native and the person, the native shall be deemed to be recruited.

(3.) The engagement of a native for employment under Part IX. of this Ordinance shall not, if the engagement is effected by the employer of the native, or by a person in his employ, be deemed to be recruiting.

11. A person shall not recruit or attempt to recruit natives without a recruiter's licence:

Recruiter to hold licence.

Provided that a native may be recruited for employment in domestic service, without the employer or his agent obtaining a licence.

Penalty: One hundred pounds or imprisonment for six months.

12.—(1.) A native shall not be recruited except by—

Only prospective employer or agent to recruit.

(a) the person into whose employment the native is to come upon the execution of a contract directly consequent upon the recruiting of the native; or

(b) an agent authorized to recruit natives for and on behalf of the person referred to in the last preceding paragraph.

Penalty: Fifty pounds.

(2.) An authority to an agent shall be void unless it is in accordance with the prescribed form signed by the principal and given prior to the recruiting.

(3.) Before the authority of an agent is acted upon it shall be registered, either by the principal or the agent, with a District Officer by exhibiting the original document to, and lodging a copy of it with, that officer, who shall indorse the original with his signature and the date of registration.

(4.) An authority to an agent under this section shall authorize him to sign a contract on behalf of his principal.

13. Subject to this Ordinance, a native may be recruited—

Purposes for which natives may be recruited.

(a) for employment on ships trading within territorial waters;

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(b) for employment on ships which are used for carrying on fishing or other industries or occupations within territorial waters; or

(c) for employment in the Territory:

Provided that the Administrator may forbid the recruiting of any native who, in his opinion, should not be employed.

Natives who may not be recruited.

14. Subject to this section and section sixteen of this Ordinance, a person shall not knowingly recruit a native who—

- (a) is not in good health;
- (b) is a native in relation to whom an order for removal made by the Administrator pursuant to the *Native Administration Ordinance* 1921-1934⁽⁶⁾ is in force, unless the Administrator, in writing, consents;
- (c) has not attained full physical development;
- (d) is decrepit from age or other cause;
- (e) is under, or apparently under, the age of fourteen years;
- (f) is a chief, luluai, kukurai, tultul, medical tultul, or other native representative of the Administration;
- (g) is employed under a contract;
- (h) is a prescribed teacher or pupil in a prescribed school;
- (i) is proceeding to a District Office for the purpose of executing a contract in respect of which he has been recruited;
- (j) is a female; or
- (k) is a native the recruiting of whom is forbidden under sections eighty-one and eighty-nine of this Ordinance:

Paragraph (k) amended by No. 29 of 1936, s. 3.

Provided that a District Officer may grant permission—

- (a) for a male native over, or apparently over, the age of twelve years who has not attained full physical development to be recruited for employment in domestic service; and
- (b) for a male native over, or apparently over, the age of fourteen years who has not attained full physical development to be recruited for employment in any kind of work not being heavy labour:

Provided further that a married female native may, with her consent and with the consent of her husband, be recruited by the person who recruits her husband, if it is intended by all parties that husband and wife should work together at the same place:

(6) Now the *Native Administration Ordinance* 1921-1938.

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Provided also that if the husband and wife recruited in accordance with the last preceding proviso do not work together at the same place, or the common employment of husband and wife terminates for any reason whatsoever, or they are divorced, the fact shall forthwith be reported by the employer to the District Officer administering the District in which the husband is employed, who may make such order as he thinks fit.

Penalty: One hundred pounds.

15. A person shall not employ in heavy labour a native who has not been certified by a medical officer or medical assistant to have attained full physical development and who has not a normal chest measurement of thirty-one inches or over.

Employment in heavy labour.

Penalty: Fifty pounds.

16.—(1.) Any woman resident in the Territory or her agent may recruit for employment in domestic service any unmarried female native:

Recruiting of unmarried female natives for domestic service.

Provided that an unmarried female native who is under, or apparently under, the age of fourteen years shall not be recruited except with the consent in writing of the Director.

(2.) An unmarried female native recruited for employment in domestic service under this section shall not, during the period of her employment, without the permission of the Director or the District Officer administering a District—

- (a) marry; or
- (b) leave the service of her employer.

Penalty: Two pounds.

17.—(1.) A person shall not give money or other consideration to a native to induce any other native to enter into a contract.

Limitation of recruiting bonus.

Penalty: Fifty pounds.

(2.) The money or other consideration given to a native in respect of his recruitment shall not be of a greater value than the following:—

- (a) In respect of a native who desires to engage for a period of three years, One pound;
- (b) In respect of a native who desires to engage for a period of two years or more, but less than three years, Fifteen shillings;
- (c) In respect of a native who desires to engage for a period of one year or more, but less than two years, Ten shillings.

Penalty: Fifty pounds.

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(3.) A native shall not accept any money or other consideration in respect of the recruitment of any other native.

Penalty: Three pounds or imprisonment for three months.

Control of
native
recruiters.

18.—(1.) Subject to this section, a person shall not, for the purpose of recruiting, cause any native to go into any area unless the native holds an assistant recruiter's licence, and whilst in the area is in the company, and under the control of a person holding a licence.

Penalty: Fifty pounds.

(2.) Nothing in this section shall prevent a person from sending to any area specified by the Administrator by proclamation^(6A) any native in his employment, for the purpose of persuading or inducing natives to allow themselves to be recruited by that person, but in any such case the person shall see that the native so sent does not carry firearms and holds an assistant recruiter's licence under this Ordinance.

Penalty: Fifty pounds.

(3.) A District Officer may grant permission in writing to any person to send a native into any area for the purpose of persuading or inducing natives to allow themselves to be recruited by that person for employment by that person.

(4.) Where a person is charged with a breach of this section, it shall not be a defence that he was not aware of, or did not authorize, any acts done by a native sent by him into any area.

Disturbances
when recruiting.

19. Where, in the course of recruiting, there occurs—

- (a) any breach of the peace or disturbance between a recruiter, or his employees, and any natives; or
- (b) any damage to the property of any natives,

all persons engaged in the recruiting, other than natives, who witness the breach of peace, disturbance, or damage shall forthwith report the facts to a District Officer of the District in which the occurrence happens.

Penalty: Fifty pounds.

Return home
of native who
refuses to
execute
contract.

20. Where any person removes a native from, or induces a native to leave, any place for the purpose of executing a contract and the native refuses to execute a contract the person so removing or inducing the native shall—

- (a) forthwith pay to a District Officer a sum sufficient to cover the cost of the native's transport home and sustenance up to the time of his arrival there; or
- (b) as soon as practicable, return the native home.

(6A) No proclamation has been published in *N.G. Gaz.*

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21.—(1.) The Administrator may, by notice,⁽⁷⁾ prohibit for a specified term or until further notice and either absolutely or subject to conditions—

Power to prohibit recruiting in places notified.

- (a) the recruiting of natives born in any area specified in the notice;
- (b) the recruiting of natives at any place or within any area specified in the notice; or
- (c) the recruiting of natives for, or the removal of natives to, any place or area specified in the notice:

Provided that a notice under this sub-section shall not apply to the engaging of carriers within any area for the purpose only of carrying effects through the area.

(2.) Any person who knowingly recruits any native in contravention of this section shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

22. A person shall not recruit in a District unless he first—

Recruiter to notify District Office before recruiting.

- (a) sends to the District Office of the District notice in writing of his intention; and
- (b) receives from an officer of the Administration an acknowledgement in writing of the receipt of the notice:

Provided that the notice shall not be required from a person recruiting labourers for employment by himself in the District in which he is recruiting.

Penalty: Fifty pounds.

23. A person when recruiting natives under this Ordinance, shall not—

Restriction of persons who may accompany recruiter.

- (a) be accompanied or assisted by any person whose application for a licence has been refused or whose licence has been suspended or revoked and has not been reissued; or
- (b) take with him or use in any manner for the purpose of recruiting, any chief, luluai, kukurai, tultul, medical tultul, or other native representative of the Administration.

Penalty: Fifty pounds.

24.—(1.) The Director, or the District Officer administering a District with the consent of the Director, may issue a licence in accordance with the prescribed form called a recruiter's licence.

Recruiter's licence.

(7) A Table containing particulars of notices made pursuant to Section 21 of this Ordinance and still in force and of orders made pursuant to Section 40 of the repealed *Native Labour Ordinance 1922-1933* (which was in similar terms to the present Section 21) and continued in force, is printed on p. 3897. The orders and notices still in force are printed immediately after the Table.

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(2.) Before a licence is issued under this section, application shall be made in the prescribed manner to the Director or the District Officer.

(3.) The District Officer shall, upon receipt of an application under this section, forward it to the Director with his recommendation and such information as he possesses material to the case.

(4.) A licence shall not be issued or renewed unless the applicant lodges with his application a guarantee in accordance with the prescribed form with at least one surety approved by the Director or a District Officer in the sum of Fifty pounds for the observance of the provisions of this Ordinance:

Provided that the Director may exempt an applicant from the provisions of this sub-section.

(5.) A licence may be issued subject to such conditions as the Director thinks fit.

(6.) Every licence shall expire on the thirtieth day of June next after the date of issue or, if renewed, after the date of renewal.

(7.) If the holder of a licence makes an application to a District Officer before it expires, that officer may, without reference to the Director, renew the licence by indorsing the renewal on the licence or on a copy of the licence.

Sub-section (7)
amended by
No. 29 of 1936,
s. 4.

Licence to agent.
Section 24A
inserted by
No. 47 of 1938,
s. 2.

24A.—(1.) The Director, or the District Officer administering a District with the consent of the Director, may, at the request of a principal, issue to an agent a recruiter's licence in accordance with the prescribed form authorizing the agent to recruit only for employment in the service of the principal.

(2.) The provisions of the last preceding section shall apply to a licence issued under this section.

Assistant
recruiter's
licence.

25.—(1.) A District Officer may issue a licence in accordance with the prescribed form called an assistant recruiter's licence, to labourers of good character.

(2.) A District Officer may, in his discretion, suspend or revoke an assistant recruiter's licence.

(3.) Every assistant recruiter's licence shall expire on the thirtieth day of June next after the date of issue.

Fees.

Amended by
No. 47 of 1938,
s. 3.

26. The fee for the issue or renewal of a licence shall be Five pounds, and for the issue of an assistant recruiter's licence Five shillings:

Provided that when a licence is issued or renewed under section twenty-four A of this Ordinance or is issued or renewed subject to a condition that the holder of the licence shall recruit only for

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employment in his own service or the service of his employer, the fee shall be Two pounds:

Provided further that where a licence or an assistant recruiter's licence is issued on any day between the thirty-first day of December and the thirtieth day of the next succeeding June the fee, for the issue or renewal of the licence or the issue of an assistant recruiter's licence, shall be one half of the prescribed fee.

27. A District Officer, on being satisfied that a licence has been lost or destroyed and on payment of a fee of Five shillings, shall issue a duplicate licence to the licensee. Lost licence.

28. A holder of a licence shall, on demand by any District Officer, qualified officer, or European member of the New Guinea Police Force, produce his licence or duplicate licence. Production of licence.

29.—(1.) The Director may refuse, suspend, or revoke a licence if the applicant or holder is a person whom the Director thinks unfit to hold a licence. Refusal, suspension, or revocation of licence.

(2.) If a licence is refused, suspended, or revoked, a record of the refusal, suspension, or revocation shall be made by the Director, and if a licence is suspended or revoked notice of the suspension or revocation shall be published in the *New Guinea Gazette*.

30. A licence shall not be issued to a native. Licence not to be issued to a native.

31. Where a licence has been issued to any person as agent for another, the licence may, on the application of the principal and the payment of a fee of Ten shillings, be transferred by the District Officer administering a District to any other agent of the principal for the currency of the licence. Transfer of licence issued to agent.

PART III.—CONTRACTS AND GENERAL CONDITIONS OF EMPLOYMENT.

32. Subject to the provisions of any Ordinance, except as prescribed a person shall not employ a native except under a contract. Employment of natives to be under contract.

Penalty: One hundred pounds.

32A. Notwithstanding the provisions of this Ordinance, the terms of a contract may, subject to the provisions of section fifteen of this Ordinance and with the consent of the employer, the labourer, and a District Officer or qualified officer, be varied with respect to the following matters:— Power to vary contract.
Inserted by No. 47 of 1938, s. 4.

- (a) Place of employment;
- (b) Purpose or nature of employment; and
- (c) Wages.

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Term of contract.

33. The term of a contract shall not exceed three years :

Provided that the Administrator may, by notice,⁽⁸⁾ declare that the term of a contract of a labourer engaged in mining or carrying in any area specified in the notice, shall not exceed two years.

Contract.

34.—(1.) A contract shall be in accordance with the prescribed form.

(2.) The contract shall specify the ship or the plantation, town, or other place in a District on or at which the labourer is to be employed :

Provided that the contract may specify as the place of employment—

(a) where the labourer is to be employed on a ship, a particular ship or the fleet of ships belonging to, or chartered by, his employer ; or

(b) where the labourer is to be employed in mining or upon work connected with prospecting or testing for gold or other minerals, a District, or one or more goldfields or mineral fields by name ; or

(c) where the labourer is to be employed in domestic service only, the whole or any part of the Territory ; or

(d) where the labourer is to be employed as a stevedore, the whole or any part of the Territory.

Paragraph (d) added by No. 44 of 1936, s. 4.

Sub-section (3) added by No. 44 of 1936, s. 4.

(3.) Subject to the prescribed conditions, a labourer employed on a plantation may be employed in loading or discharging any ship's cargo at any port or place within the District in which the plantation on which he is employed is situated.

Transfer in same District.

35. Notwithstanding the terms of his contract, a labourer, with the consent of a District Officer or qualified officer, may be transferred from one place of employment to another belonging to his employer in the same District.

Temporary transfer.

36. A labourer may, with his consent and the consent of a District Officer or qualified officer, be handed over by his employer to another person for work of the nature set out in his contract for a period of not more than three months :

Provided that a labourer employed in domestic service may, with his consent and the consent of a District Officer or qualified officer, be handed over by his employer to another person for domestic service for a period of not more than twelve months.

Transfer to another District.

37. Except as otherwise provided in his contract, a labourer in the service of an employer in any District shall not be transferred to

(8) No notice has been published in *N.G. Gaz.*

the service of the same employer in another District except with the consent of the labourer and a District Officer or qualified officer.

38.—(1.) Subject to the provisions of this section and section forty of this Ordinance, before any labourer commences work and at the first opportunity after his recruitment, the recruiter shall produce the labourer for physical examination to a medical officer, or, in the absence of a medical officer, to a medical assistant, together with the prescribed form of contract filled in but not executed. Signing on
labourer.

(2.) The medical officer or medical assistant shall thereupon examine the labourer in order to ascertain whether he is physically fit for the class of work at which he is to be employed and shall either indorse a certificate of physical fitness in the prescribed form on the form of contract or indorse upon the form of contract that the certificate is refused and give the reason for the refusal.

(3.) If the certificate referred to in the last preceding sub-section is given, or if the physical examination by a medical officer or medical assistant is impracticable, the recruiter shall produce the labourer to a District Officer, or, in the absence of a District Officer, to a qualified officer, together with the form of contract and his licence (if any) and, if he is an agent, his registered authority to recruit, and shall make and sign a statement in accordance with the prescribed form.

(4.) In cases where physical examination by a medical officer or medical assistant is impracticable and a District Officer, or, in the absence of a District Officer, a qualified officer, from personal examination, is satisfied that the labourer is fit for the class of work at which he is to be employed, the District Officer or qualified officer may dispense with the physical examination by a medical officer or medical assistant, and in that case the reason for dispensing with the physical examination by a medical officer or medical assistant shall be noted on the contract by the District Officer or qualified officer.

(5.) Subject to this Ordinance, if a medical officer or medical assistant has given the certificate referred to in sub-section (2.) of this section, or a physical examination of the labourer has been dispensed with under the last preceding sub-section, a District Officer or, in the absence of a District Officer, a qualified officer may, if satisfied that—

- (a) a labourer is fit for the class of work at which he is to be employed;
- (b) the requirements of this section have been complied with; and
- (c) an equitable agreement exists between the recruiter and the labourer,

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sanction the engagement and cause the contract to be executed by the recruiter and the labourer in his presence and, if the contract is executed, shall attest their signatures and register the contract.

(6.) A District Officer or qualified officer may, for any reason he thinks fit, refuse to sanction the engagement of any labourer brought before him for the purpose of entering into a contract, and, if he refuses, shall state in writing the grounds for his refusal.

(7.) If a District Officer or qualified officer refuses to sanction the engagement of any labourer, the labourer shall be returned home at the first opportunity by, and at the expense of, the recruiter.

Hospital
expenses of
unfit recruits,
&c.

39.—(1.) Where a labourer produced for physical examination in accordance with the provisions of the last preceding section is, in the opinion of the person conducting the physical examination, temporarily unfit for work, the recruiter may again produce the labourer for physical examination in accordance with the provisions of that section after the expiration of two weeks from the date on which he was first produced for physical examination in accordance with the provisions of that section, and—

- (a) if the labourer is certified fit for the class of work at which he is to be employed, shall execute the contract in accordance with the provisions of the last preceding section, and, upon the execution of the contract, the employer shall be chargeable with the cost of hospital and medical treatment provided by the Administration in respect of the labourer from the date on which he was first produced for physical examination in accordance with the provisions of that section up to the date on which the contract is executed; or
- (b) if a certificate of physical fitness is again refused, may terminate the recruitment by notice in writing to a District Officer.

(2.) Where a labourer is, in the opinion of the person conducting the physical examination, permanently unfit for work, or where the recruiter terminates the recruitment in accordance with the provisions of paragraph (b) of the last preceding sub-section, then the recruiter shall not be chargeable with the cost of hospital or medical treatment provided by the Administration in respect of the labourer from the date on which he was first produced for physical examination in accordance with the provisions of the last preceding section; but the recruiter shall, at his own expense, return the labourer home at the first opportunity.

(3.) Where a labourer has been produced for physical examination in accordance with the provisions of the last preceding section, and a certificate of physical fitness has been refused, and the pro-

visions of the last preceding sub-section do not apply, and the recruiter does not again produce the labourer for physical examination in accordance with sub-section (1.) of this section, the recruiter shall be chargeable with the cost of hospital or medical treatment provided by the Administration in respect of the labourer, and, at his own expense, shall return the labourer home at the first opportunity.

40. Notwithstanding the provisions of section thirty-eight of this Ordinance, where a District Officer for any reason considers that compliance with the provisions of that section is impracticable, he may, in the prescribed form and subject to the prescribed conditions, authorize an employer to employ labourers before the provisions of that section have been complied with until such time, not exceeding six months, as compliance becomes practicable.

Employment of natives prior to examination.

41. Before any contract is sanctioned by a District Officer or qualified officer, any person proposing to employ a labourer shall lodge with the District Officer or qualified officer a guarantee in accordance with the prescribed form with at least one surety approved by the District Officer or qualified officer in such sum as the District Officer or qualified officer directs, that the person will carry out the terms of the contract and comply with the provisions of this Ordinance:

Guarantee to be given before contract sanctioned.

Provided that the Director, or any District Officer authorised by the Director by notice,⁽⁹⁾ may exempt any person from the provisions of this section.

42. Except as otherwise prescribed, a contract between a native and his employer shall be executed at the first opportunity after the native is recruited.

When contract to be executed.

43.—(1.) A contract made by a labourer who is still bound by a contract to another person, shall be void; and, if the labourer has knowingly misrepresented himself to be free to make a contract, he shall be guilty of an offence.

Contract by labourer under contract void.

Penalty: Imprisonment for three months.

(2.) A District Court may order a labourer found guilty of an offence under this section to return any articles or money received by him in relation to the void contract, and, failing the return, the District Court may order an amount not exceeding the value of the articles or money to be debited against and paid out of the deferred wages of the labourer to the person from whom the labourer received the articles or money.

(9) By notice dated 7.7.1936 and published in *N.G. Gaz.* of 15.7.1936, the Director of District Services and Native Affairs authorized "every District Officer administering a District to exempt any person from the provisions of section 41, and from the provisions of section 79" of this Ordinance.

NATIVES—

Clothes &c. to be issued.

44.—(1.) Every employer shall issue to his labourers clothes, rations, and other articles as prescribed.

(2.) The issue of clothes, rations, and other articles shall be made during the working hours of the labourer.

Issues to be free of charge.

45.—(1.) The clothes, rations, and other articles referred to in the last preceding section shall be issued free of charge to the labourer:

Provided that though they may not, at any time after issue, be withdrawn from him, the articles (other than rations and clothes) shall not become the property of the labourer until the determination of his contract, and shall be produced by him to a District Officer on demand.

(2.) If any of the articles referred to in the last preceding subsection are not produced when demanded by a District Officer, he may, after investigation, order the employer to issue to the labourer such articles as are not produced, and may order that the articles shall be issued free of charge to the labourer or that their cost to the employer shall be debited against the deferred wages of the labourer.

Supply of tools.

46. Every employer shall supply to each of his labourers or servants all tools necessary for the performance of any work assigned to him, and shall, when necessary, renew the tools or cause them to be repaired without charge to the labourer or servant.

Working hours.

47. The working hours of labourers and servants shall be as prescribed.

Maximum load for carrier.

48. A labourer engaged in carrying shall not be required to carry a greater load than fifty pounds or to carry for any distance exceeding twelve miles in any one day.

Protection of natives employed in industry.

49. Every employer carrying on an industry in which natives are working shall install, maintain, and operate all driving belts, machinery, and fittings, in such manner approved by a prescribed officer or a District Officer as to safeguard and protect the natives from danger and disease as far as the nature of the business will, having regard to local conditions, allow.

Punishment for breaches of discipline.

50. An employer may punish his labourer for breaches of discipline by withholding the whole or portion of the prescribed weekly ration of tobacco in any week in which a breach of discipline is committed, but the fact of the punishment shall be indorsed on the labourer's contract and reported to a District Officer or a patrol officer on his next inspection.

Native Labour Ordinance 1935-1939.

51. The Administrator may, by proclamation,⁽¹⁰⁾ direct that—

Power to give direction as to housing of labourers &c.

(a) labourers or servants, other than the labourers or servants or the class of labourers or servants specified in the proclamation, shall not be housed, or reside, within the boundaries of any specified town; and

(b) all employers within a specified area shall provide housing and sanitary arrangements on the site set out in the proclamation for any labourers or servants employed by them, other than the labourers or servants or the class of labourers or servants specified in the proclamation.

52.—(1.) A married female native may accompany her recruited husband and if she does so shall reside with him.

Married female natives.

(2.) An employer shall provide married quarters as prescribed for every labourer who is accompanied by his wife.

(3.) Married quarters shall be separate and apart from the houses of other labourers, and shall be as prescribed:

Provided that a District Officer may, in his discretion, permit the married quarters to be a separate room in a house occupied by other labourers.

(4.) Where any married female native who has not been recruited accompanies her recruited husband, she shall not be required, though she may be permitted, to work without a contract for his employer.

(5.) If a married female native who has not been recruited elects to work for the employer of her husband, she shall be paid a minimum monthly wage of Four shillings.

(6.) A married female native who accompanies her recruited husband employed on a ship may reside (together with her family, if any) on the ship or in any other place permitted by a District Officer.

53. When a labourer is accompanied by his wife and family, the employer shall issue to them, free of charge, clothes, rations, and other articles as prescribed.

Rations &c. for wife and family accompanying labourer.

54. If a married female native having accompanied her recruited husband ceases to reside with him, or if their marriage terminates for any reason whatsoever, the employer of the husband shall, unless the District Officer administering the District in which the husband is employed otherwise orders, forthwith at his own expense return the wife and her family (if any) home, and in such case the

Action when separated.

(10) No proclamation has been published in *N.G. Gaz.*

NATIVES—

provisions of this Ordinance relating to the return home of a labourer on the determination of his contract shall apply.

Pregnancy.

55. If a recruited female native or a female native who accompanies her recruited husband becomes pregnant, she shall not be required or permitted to work for a period of one month before the expected date of and one month after the birth of the child.

Yearly returns.

56. An employer shall, in the month of January in every year, furnish, in duplicate, to the District Officer administering the District in which any labourer is employed by him, a return in accordance with the prescribed form with respect to each place of employment, showing the names of the labourers so employed by him on the thirty-first day of December last preceding and the respective distinguishing numbers of the contracts of the labourers, the contracts which have expired during the previous twelve months, and the names of the labourers who have been returned home or have died or deserted during the previous twelve months.

PART IV.—PROVISIONS RELATING TO WAGES.

Payment of wages.

57.—(1.) The wages of a labourer shall be deemed to have been earned and to have become due to him from day to day, commencing from the day on which he executes a contract, but the employer shall not during the term of the contract be required to pay wages at less than monthly periods.

(2.) Except as prescribed in this section, the minimum monthly wage for a labourer shall be Five shillings; for a labourer who has completed a term of three years under one or more contracts Six shillings; and for a female labourer Four shillings.

(3.) The minimum monthly wage for a skilled labourer or a labourer engaged in heavy labour shall be Ten shillings:

Provided that the minimum wage of a labourer employed in labour defined as “heavy labour” in paragraph (e) of the definition of “heavy labour” in section five of this Ordinance shall be Eight shillings.

(4.) Wages shall be paid to labourers by coins which are legal tender in the Territory.

(5.) A proportion of a labourer's wages shall be paid to him not later than the last day of each monthly period at a rate specified in his contract, which rate shall be not more than one half of his monthly wage and not less than One shilling.

(6.) In special cases the Director or the District Officer administering a District may authorise the payment of the monthly wage in a proportion greater than one half or in full.

Sub-section (5)
substituted by
No. 27 of 1939,
s. 2.

(7.) All deferred wages, if any, due to a labourer shall be paid to him when his contract has been determined.

58. Where, owing to illness or accident, a labourer is incapacitated for a period of more than one month at any one time, his employer shall not be liable to pay wages to the labourer in respect of the period of the incapacity :

Payment of wages during illness.

Provided that if the accident occurs in the course of the employment of the labourer without wilful neglect or disobedience on his part no deduction shall be made under this section from the wages of the labourer.

59. An employer shall not be liable to pay wages to any labourer in respect of the period he is absent from his employment from any of the following causes :—

No liability for wages when absence due to certain causes.

- (a) Desertion ;
- (b) Imprisonment ;
- (c) Detention in an Administration native hospital whilst receiving treatment for venereal disease ; or
- (d) Leave of absence under section eighty-nine of this Ordinance.

60. Any employer who is about to leave the Territory and who has not furnished the guarantee referred to in section forty-one of this Ordinance, shall, prior to his departure from the Territory—

Guarantee when employer about to leave the Territory.

- (a) lodge with a District Officer a guarantee, in accordance with the prescribed form with at least one surety approved by the District Officer in such sum as the District Officer directs,—
 - (i) for the payment of the cost of the return home of all labourers in his employ, and of any wages due to them at the date of his departure, and of any wages which will accrue during the period from the date of his departure up to the date of his return to the Territory or up to the date of the determination of the contract of the labourer whichever first happens ; and
 - (ii) for the payment of the cost of the prescribed rations and issues for all labourers in his employ during his absence from the Territory ; or
- (b) deposit with the Administration a sum sufficient to provide for the payments referred to in the last preceding paragraph :

NATIVES—

Provided that a District Officer may exempt any employer from the provisions of this section.

Advances.
Sub-section (1)
amended by
No. 18 of 1937,
s. 4.

61.—(1.) An advance against the deferred wages of a labourer, may be made to him at his request:

Provided that the total of any advances together with any amount ordered under this Ordinance by a court of competent jurisdiction or a District Officer to be charged against the deferred wages of the labourer shall not exceed one half of the amount of the deferred wages due under the contract on the day an advance is made.

(2.) Advances shall be made only with the concurrence of a District Officer or qualified officer and in his presence and shall be certified by him on the contract.

PART V.—PROVISIONS RELATING TO HEALTH.

Provision of
medical
treatment for
labourers &c.

62.—(1.) Every employer shall at his own expense and to the satisfaction of a medical officer, or, in the absence of a medical officer, of a District Officer, provide medical treatment for his labourers and servants and the families of his labourers and servants if living with them away from their homes, and shall take all reasonable precautionary measures to safeguard their health.

Penalty: Fifty pounds.

(2.) Every employer shall, whenever practicable, without delay, send to an Administration native hospital, or a native hospital regularly visited by a medical practitioner, any sick labourer or servant or member of the family of any labourer or servant if living with him away from his home, whose case appears either to the employer or a District Officer to be such as requires treatment by a medical practitioner, or who is not showing signs of steady improvement.

Penalty: One hundred pounds.

(3.) Except as otherwise provided in this Ordinance, an employer shall be liable for the cost of hospital or medical treatment provided in respect of any native referred to in sub-section (1.) of this section:

Provided that an employer shall not be liable for Administration native hospital charges in respect of the charges after one month in any case in which the hospital treatment extends beyond that period and is made necessary by a physical injury to a native caused other than in the course of his employment.

63.—(1.) If, during the term of his contract, a labourer contracts venereal disease, his employer shall, at the first opportunity, send the labourer to the nearest Administration native hospital for treatment.

Treatment of venereal disease.

(2.) The employer shall not be liable for any hospital charges, in respect of the treatment of venereal disease in an Administration native hospital.

64.—(1.) A District Officer, on the recommendation of a medical officer or medical assistant, may—

Power to order destruction of insanitary buildings and declare prohibited areas.

- (a) destroy any building which is, or has been, occupied by labourers or servants or in which labourers or servants are or have been employed, if in his opinion the building or any part of it is in such an insanitary condition that the health of any labourer or servant is likely to be endangered by his working in or occupying the building:

Provided that a District Officer shall not exercise the power until after the expiration of twenty-eight days from the posting upon the building in question of a notice of his intention to do so and shall not then exercise the power if the building has been, in the meantime, put in a sanitary condition; or

- (b) declare any premises or place a prohibited area if he has reasonable ground for believing that it would be dangerous or prejudicial to the health of natives for them to work or reside on the premises or place.

(2.) On the making of a declaration under paragraph (b) of the last preceding sub-section, a notice to the effect of the declaration, prepared in a distinctive manner, shall be posted in a conspicuous position within the premises or place, and thereupon a native shall not work or reside there.

(3.) If any native is compelled or permitted to work or reside in a prohibited area after the notice referred to in the last preceding sub-section has been posted, his employer shall be guilty of an offence.

(4.) A District Officer shall in each case report to the Director at the first opportunity any action taken by him under this section and the reasons for his action.

65.—(1.) Any District Officer, qualified officer, medical officer, or medical assistant may order any labourer or servant to enter an Administration native hospital for examination or treatment and to remain therein until such time as the medical officer or medical assistant in charge of the hospital deems fit.

Power to order labourers or servants to enter an Administration native hospital.

NATIVES—

(2.) Any labourer or servant who disobeys an order made under the last preceding sub-section or refuses to be examined or treated or leaves the hospital without the permission of the medical officer or medical assistant in charge, shall be guilty of an offence.

Penalty: Three pounds or imprisonment for three months.

Hospital charges.

66. The charges at Administration native hospitals shall be as prescribed.

PART VI.—DESERTION.

Deserter.

67. A native who is employed under a contract and who without reasonable cause absents himself from his place of employment without the permission of his employer for any period exceeding four days shall be deemed to be a deserter and shall be guilty of an offence.

Penalty: Imprisonment for three months.

Report of
desertion.

68.—(1.) Any employer or other person who has reason to believe that any labourer is a deserter, shall forthwith forward to the nearest District Officer a report of the matter in accordance with the prescribed form.

Penalty: Ten pounds.

(2.) If a District Officer receives a report under the last preceding sub-section, or if he has reason to believe that any labourer is a deserter, he shall take all steps necessary to recover the deserter.

(3.) Upon the return of any deserter other than one returned by a District Officer, the employer of the deserter shall forthwith notify a District Officer of the District in which the desertion was reported.

Penalty: Ten pounds.

Charge for
recovery of
deserter.

Sub-section (1)
substituted by
No. 27 of 1939,
s. 3.

69.—(1.) When any labourer believed to be a deserter is recovered by, or with the help of, the Administration, the Administration may—

- (a) if the labourer is convicted of desertion, make a charge for the recovery of the labourer, and the charge shall be paid by the employer, who shall be entitled to deduct the amount from the wages of the labourer; or
- (b) where a report under sub-section (1.) of the last preceding section was received by the District Officer, and the labourer is not convicted of desertion, make a charge for the recovery of the labourer, and the charge shall be paid by the employer or other person who forwarded the report to the District Officer.

(2.) The amount of any charge by the Administration in pursuance of this section shall be the reasonable cost to the Administration of the recovery of the labourer, but shall not be less than Six shillings for each labourer.

Sub-section (2) amended by No. 27 of 1939, s. 3.

70.—(1.) If a labourer is absent from his place of employment on the date upon which his contract would otherwise have determined, and his employer has reason to believe that he is a deserter, all wages due to him upon that date shall be paid by the employer to a District Officer of the District in which the labourer was employed at the time when he left his place of employment.

Payment of wages of deserter at expiration of contract.

Sub-section (1) substituted by No. 27 of 1939, s. 4.

(2.) The District Officer administering a District may, after inquiry into the matter, direct that the whole or portion of any wages paid under this section shall be confiscated and paid to the Public Account of the Territory.

71.—(1.) A labourer shall not be entitled to wages for any period during which he is absent from his place of employment and in respect of which he is convicted of desertion, and the District Court may add to the term of the labourer's contract a period not exceeding—

Wages and term of service of deserter.

Section 71 substituted by No. 27 of 1939, s. 5.

- (a) the period of the desertion together with any term of imprisonment imposed in respect thereof; or
- (b) the period commencing on the date of the desertion and ending on the date upon which the labourer's contract would otherwise have determined,

whichever is the shorter period, and the term of the contract shall be deemed to be extended accordingly.

(2.) A labourer who is absent from his place of employment on the date upon which his contract would otherwise have determined, and who his employer has reason to believe is a deserter, may, if he is subsequently apprehended, be proceeded against and, upon his conviction for desertion, the term of his contract may be extended in accordance with the provisions of the last preceding sub-section.

72. An employer shall not be relieved of his obligation to return home a labourer who is a deserter or who is absent from his place of employment on the date upon which his contract would otherwise have determined.

Return home of deserter.

Amended by No. 27 of 1939, s. 6.

73. Any person who induces a labourer to desert from the service of his employer or knowingly harbours a deserter shall be guilty of an offence.

Inducing labourer to desert, &c.

Penalty: Fifty pounds.

NATIVES—

PART VII.—TRANSFER OF CONTRACTS.

Prohibition of transfer without consent of labourer &c.

74.—(1.) Except as prescribed, a person shall not transfer a contract, except with the consent of the labourer, a party to the contract, given in the presence of a District Officer or qualified officer, and the consent of the District Officer or qualified officer.

(2.) The transfer of a contract and the consent of the District Officer or qualified officer to the transfer shall be indorsed on the contract.

Transferee to return labourer home.

75. The obligation of returning home a labourer at the expiration of his contract shall, in the event of a transfer of the contract, devolve upon the transferee.

Liability for wages on transfer.

76. The person to whom a contract is transferred shall be liable for the payment of all wages under the contract due and unpaid at the time of the transfer as well as of all wages accruing due thereafter.

Death of employer.

77. A contract shall not be determined by reason of the death of the employer, but the benefits and obligations of the contract shall accrue to and devolve upon the estate of the deceased employer:

Provided that a District Officer may determine the contract of any native on the death of his employer.

Transfer of labourer where plantation &c. transferred.

78. Where any employer transfers or leases a plantation, business, or other property, he may, with the consent of a District Officer, transfer the contract of any native employed on or at or in connection with the plantation, business, or other property, to the person to whom the plantation, business, or other property is transferred or leased.

Guarantee before consent to transfer.

79. Before the consent of a District Officer or qualified officer is given under this Part to a transfer of a contract, the transferee shall lodge with the District Officer or qualified officer a guarantee in accordance with the prescribed form with at least one surety approved by the District Officer or qualified officer in such sum as the District Officer or qualified officer directs, that the transferee will carry out the terms of the contract and will comply with the provisions of this Ordinance:

Provided that the Director, or any District Officer authorised by the Director by notice,⁽⁹⁾ may exempt any person from the provisions of this section.

(9) See footnote (9) printed on p. 3829.

80. Notwithstanding anything to the contrary contained in this Ordinance, with the consent of the Administrator, a contract may be transferred from one person to another, and a labourer may be transferred from one place of employment to another belonging to his employer in the same or any other District, without the consent of the labourer or of a District Officer.

Transfer with consent of Administrator.

PART VIII.—DETERMINATION OF CONTRACTS AND PROVISIONS
RELATING THERETO.

81.—(1.) A District Officer may determine a labourer's contract if—

Power of District Officer to determine contract on certain grounds.

- (a) the labourer is convicted of a crime or offence;
- (b) the labourer creates or fosters a bad influence amongst his fellow labourers, or damages or endangers the interests of his employer by disobedience to orders, or by the serious and deliberate neglect of his duties, or in any other way;
- (c) the labourer has been for at least one month under medical treatment and, in the written opinion of a medical officer or medical assistant, is unlikely to be fit for work within a further period of two months;
- (d) the labourer, in the opinion of a medical officer or medical assistant, is insane or shows a tendency to insanity;
- (e) in the opinion of a medical officer or medical assistant, the labourer is suffering from any disease which is likely to endanger the health of his fellow labourers or his employer;
- (f) after a fair and reasonable opportunity has been given to him, the labourer proves unfitted to do the work for which he has been employed;
- (g) the employer or his wife or family has assaulted the labourer;
- (h) the employer is convicted of any breach of this Ordinance;
- (i) the labourer voluntarily agrees with the employer that the contract be cancelled; or
- (j) an order for the removal of the labourer is made by the Administrator pursuant to the *Native Administration Ordinance 1921-1934*.⁽⁶⁾

(6) Now the *Native Administration Ordinance 1921-1938*.

NATIVES—

(2.) Any labourer whose contract has been determined under paragraphs (a), (b), (d), or (e) of the last preceding sub-section shall not be again recruited within a period of twelve months from the date of the determination of the contract.

Power to call upon employer to show cause why contract should not be determined.

82. A District Officer may, for any reason that he thinks fit, call upon an employer to show cause why a contract should not be determined, and may determine the contract in the absence of sufficient cause shown.

Power of Administrator to determine contract.

83. The Administrator may, on any grounds that appear to him to be sufficient, determine any contract.

No compensation payable on determination of contract.

84. When a contract is determined by the Administrator or a District Officer under this Ordinance, the labourer or the employer shall not be entitled to compensation and the employer shall be under the same obligations with regard to returning the labourer home and the payment of his wages due on the date of determination as if the contract had determined by effluxion of time.

Physical examination of labourer on determination of contract.

85.—(1.) Where any contract is determined, the employer shall, without unreasonable delay, present the labourer together with his contract to a medical officer, or, in the absence of a medical officer, to a medical assistant, or, in the absence of both, to a District Officer, or, in the absence of a District Officer, to a qualified officer, who shall—

- (a) make a physical examination of the labourer;
- (b) certify on the contract whether or not the labourer is fit to be returned home; and
- (c) deliver the contract to the employer.

(2.) Where the contract bears a certificate that the labourer is not fit to be returned home, he shall, at the expense of his employer, receive medical treatment until a certificate is given that the labourer is fit to be returned home or that he has received medical treatment for a period of two months from the date of the determination of the contract.

Signing off labourers.

86.—(1.) Where a contract bears a certificate that the labourer is fit to be returned home, or that he has received medical treatment at the expense of his employer for the period referred to in sub-section (2.) of the last preceding section, the employer shall present the labourer to a District Officer, or, in the absence of a District Officer, to a qualified officer, together with his contract, on which shall be indorsed a detailed statement of the wages paid during the term of the contract and the wages remaining unpaid:

Provided that where, after the expiration of the period referred

to in sub-section (2.) of the last preceding section, the labourer is unfit to be presented to the District Officer or qualified officer, the provisions of this section shall, the absence of the labourer notwithstanding, apply, except that the amount found to be due to the labourer shall be paid on his behalf to the District Officer or qualified officer.

(2.) The District Officer or qualified officer shall examine the contract and the statement referred to in the last preceding sub-section, in order to satisfy himself as to the amount due to the labourer under the contract.

(3.) When the District Officer or qualified officer is satisfied as to the amount due to the labourer under the contract, he shall require the employer to pay the amount to the labourer and the employer shall thereupon pay the amount to the labourer in the presence of the District Officer or qualified officer, who shall certify upon the contract the fact and date of payment:

Provided that, where it appears to be advisable to do so, the District Officer or qualified officer may direct the employer to pay the amount to him and, upon compliance by the employer with the direction referred to, shall hand the amount or cause it to be handed to the labourer at any time before or upon his return home.

(4.) Where a labourer is presented to the District Officer or qualified officer in accordance with the provisions of sub-section (1.) of this section, the employer shall furnish a return in accordance with the prescribed form, in quadruplicate, showing the labourer's contract number, name, and home, the time of commencing and completion of the contract, the wages paid during the term of the contract, and the wages due.

(5.) The District Officer or qualified officer shall certify upon all the copies of the return referred to in the last preceding sub-section, the date and fact of the payment of the amount due to the labourer.

(6.) The copies of the return referred to in sub-section (4.) of this section shall be disposed of as prescribed.

87. After the determination of a contract and until such time as the labourer commences his return home in accordance with the provisions of this Ordinance, the employer—

Supply of
rations &c.

(a) shall, except as prescribed, provide him with rations, housing, and medical treatment as if his contract had not been determined; and

(b) may, if the labourer so desires, employ him with a wage not less than the minimum wage prescribed for servants.

NATIVES—

Return home of
labourers.

88.—(1.) Except as prescribed, an employer shall, upon the determination of a contract—

- (a) take all necessary steps to return home the labourer; and
- (b) forward to the District Office at which the labourer was signed off, a copy of the return referred to in section eighty-six of this Ordinance indorsed with the particulars of the steps taken for returning the labourer home.

(2.) When the labourer can safely and conveniently return home by a journey overland, the employer shall cause the labourer to be returned home forthwith; but where the return involves a voyage by water, the employer shall cause the labourer to be returned home at the first opportunity.

(3.) If a labourer is not returned home within one month from the determination of his contract, the delay shall be notified by the employer to a District Officer in accordance with the prescribed form.

New contract
commencing on
determination of
previous
contract.

89.—(1.) Subject to this section, a labourer, at any time within the period of three months immediately preceding the determination of his contract, may execute another contract with his employer for a further term commencing immediately after the determination of his contract, and his employer shall not, except as provided by sub-section (3.) of this section, be required to return home the labourer before the expiration of the further term.

(2.) Any labourer, not being a skilled labourer or employed in domestic service, who at the determination of any contract has been employed under contracts for more than four and a half years during the five years immediately preceding the determination of the contract, shall be returned home at the determination of the contract; and no person shall execute a contract under the last preceding sub-section with, or recruit before the expiration of three months after his arrival home, a labourer who at the determination of his contract is, under this sub-section, required to be returned home:

Provided that the Director, or the District Officer administering a District, may exempt any labourer from the provisions of this sub-section.

(3.) A labourer who is a skilled labourer or employed in domestic service shall, after the determination of one contract and before commencing work under another contract executed in accordance with the provisions of sub-section (1.) of this section, be returned home by his employer for a period of one month for each completed year served under the determined contract:

Native Labour Ordinance 1935-1939.

Provided that if a District Officer is satisfied that the labourer is not desirous of returning home for the full period to which he is entitled, or at all, he may make such order as he thinks fit.

(4.) Where a labourer is returned home under the last preceding sub-section, the cost of his journey both ways shall be paid by his employer, who shall make arrangements for the labourer to return to his employment.

90.—(1.) A native shall not, without the consent of a District Officer, decline the opportunity and means of returning home which are offered by the person responsible for his return home.

Natives to use means of returning home offered.

(2.) Any native who contravenes the provisions of the last preceding sub-section shall be guilty of an offence and may be kept in custody until an opportunity to return him home occurs, when he shall be returned home by the Administration at the cost of the person responsible for his return home.

Penalty: Three pounds or imprisonment for three months.

(3.) Where a native contravenes the provisions of sub-section (1.) of this section, the person responsible for his return home shall report the contravention to a District Officer.

91.—(1.) An employer shall, at the first opportunity, notify a District Officer of the death of any labourer or servant whilst in his employment.

Notification of death of labourer, disposal of wages and property, &c.

(2.) The notice shall be in quadruplicate and shall, where practicable, be accompanied by a death certificate signed by a medical practitioner, or, in the absence of a medical practitioner, by a medical assistant.

(3.) All wages due to the deceased native shall, together with all moneys and effects belonging to him, and a statement of accounts and inventory of goods, be handed over with the notice by the employer to the District Officer.

(4.) The District Officer shall dispose of all effects coming to his hands under this section, and shall pay all moneys received under this section into the Public Account of the Territory.

(5.) The District Officer shall, if the deceased was not a native of his District, notify the District Officer administering the District in which the home of the deceased native was and forward him the prescribed particulars.

(6.) The moneys referred to in sub-section (4.) of this section shall be paid to the person who under native custom is the heir of the deceased native.

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PART IX.—NON-INDENTURED LABOUR.

Employment of servants.

92. Notwithstanding anything contained in this Ordinance, any person who is not, under any law of the Territory relating to native labour, prohibited from employing or being in charge of natives, may, without a contract and subject to this Part, employ as a servant any native who is willing to be so employed.

Natives who may be employed as servants.

93.—(1.) A native who is not a labourer and who is not under or apparently under the age of fourteen years, and whose home is within the prescribed distance from the place where he is to be employed, may be employed as a servant under this Part:

Provided that a person shall not, except in pursuance of the next succeeding sub-section, employ as a servant a native who—

- (a) is not in good health;
- (b) has not attained full physical development;
- (c) is decrepit from age or other cause;
- (d) is a chief, luluai, kukurai, tultul, medical tultul, or other representative of the Administration; or
- (e) is a prescribed teacher or pupil in a prescribed school.

(2.) A District Officer may grant permission in writing—

- (a) for the employment in domestic service of a native over, or apparently over, the age of twelve years, who has not attained full physical development; and
- (b) for the employment in light work specified in the permit of a male native over, or apparently over, the age of twelve years, who has not attained full physical development.

(3.) Any person who employs a native as a servant in contravention of the provisions of this section shall be guilty of an offence.

Penalty: Fifty pounds.

Termination of employment of servants.

94. The employment of a servant may be terminated by either the employer or the servant at any time without notice, and any agreement to the contrary expressed or implied between them shall not have any force or effect.

Register of servants.

95.—(1.) Any employer who employs a native under this Part shall enter in a book, to be kept by him for the purpose, called the "Servants' Register" such particulars as are prescribed.

(2.) Every employer shall, in the month of January in every year, furnish in duplicate to a District Officer of the District in which any servant is employed by him, a return in accordance with the prescribed form showing the names of the servants so employed

by him at any time during the twelve months ending the thirty-first day of December last preceding, together with such other particulars as are prescribed.

96. A District Officer may, for any reason which he considers sufficient, by notice in writing, stating his reasons, to an employer, order him to cease employing any servant specified in the notice, and the employer shall thereupon cease to employ the servant.

Power of District Officer to terminate employment of servants.

97. The Administrator may, by notice,⁽¹¹⁾ suspend the operation of this Part or of any of its provisions, either in relation to the whole or any part of the Territory.

Suspension or limitation of operation.

PART X.—REMOVAL OF NATIVES FROM THE TERRITORY.

98. Except as provided by this Ordinance, a person shall not remove a native out of the Territory:

Prohibition of removal of natives from the Territory.

Provided that nothing in this section shall prevent an employer removing a labourer out of the Territory for the purpose of taking him to a place within the Territory where he is to perform his contract or of bringing him back from that place.

Penalty: One hundred pounds or imprisonment for six months, or both.

99.—(1.) The Director, or a District Officer authorised by the Director, may issue a permit to any person to remove beyond the boundaries of the Territory any native employed by that person under contract, for the purpose of proceeding as a seaman for a voyage from the Territory to one or more of the following places and thence back to the Territory:—

Permits to seamen.

- (a) Papua.
- (b) Australia.
- (c) Dutch New Guinea.
- (d) British Solomon Islands.
- (e) Any island or group of islands in the Western Pacific Ocean which the Administrator specifies by proclamation.⁽¹²⁾

(2.) The Administrator may, by proclamation,⁽¹³⁾ vary the purposes for which permits may be issued under this section.

(11) No notice has been published in *N.G. Gaz.*

(12) Pursuant to Section 16 of the repealed *Native Labour Ordinance 1922-1933* (which was in similar terms to the present Section 99) the Administrator, by Proclamation dated 8.2.1932 and published in *N.G. Gaz.* of 15.2.1932, specified "Samoa" for the purposes of Section 16. This Proclamation is continued in force by the present Section 4(2). (A similar Proclamation dated 21.1.1928 and published in *N.G. Gaz.* of 31.1.1928 specified the "Shortlands Islands". Note, however, that the present Section 99(1)(d) specifically names the "British Solomon Islands" of which the "Shortlands Islands" are a part.)

(13) No proclamation has been published in *N.G. Gaz.*

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(3.) A permit shall be in accordance with the prescribed form, and shall contain such conditions as the Director or the District Officer considers necessary.

(4.) A permit shall not be issued unless the applicant lodges with the Director or the District Officer a guarantee in accordance with the prescribed form with at least one surety approved by the Director or the District Officer in such sum as is prescribed, for the performance of the conditions of the permit.

Permits to remove natives from the Territory for educational purposes or as personal attendants.

100.—(1.) The Director or a District Officer administering a District, with the consent of the Administrator, may issue to any person being a *bona fide* resident of the Territory, a permit to remove a native for educational purposes or as a personal attendant from the Territory to any other place.

(2.) A permit shall be in accordance with the prescribed form and shall contain such conditions as the Administrator considers necessary.

(3.) A permit shall not be issued unless the applicant lodges with the Director or the District Officer a guarantee in accordance with the prescribed form with at least one surety approved by the Director or the District Officer in the sum of One hundred pounds in respect of each native, for the performance of the conditions of the permit.

Power to revoke permits.

101. Permits issued under this Part may at any time be revoked by the Administrator.

Natives on ship in breach of Ordinance.

102.—(1.) The master of a ship about to start or proceeding on any voyage from any place in the Territory to some place outside the Territory, which has a native on board in contravention of this Ordinance, shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for six months.

(2.) It shall be a defence to a prosecution under this section, if the person charged proves that the native was on board without his knowledge or consent.

PART XI.—OFFENCES AND PROVISIONS RELATING THERETO.

Overcharging labourers.

103. Any employer who sells any commodity to a labourer or servant at a price in excess of the ruling local price, shall be guilty of an offence.

Sales to labourers to be for cash.

104. Any employer who, without the consent in writing of a District Officer, sells to a labourer or servant any commodity except for cash, shall be guilty of an offence.

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105.—(1.) Any labourer or the wife of a labourer who sells or barter the whole or any part of any issue or ration, not being tobacco, supplied to him or her under this Ordinance, shall be guilty of an offence. Barter or sale of rations.

Penalty: Two pounds or imprisonment for two months.

(2.) Any person who takes from a labourer or the wife of a labourer any issue or ration, not being tobacco, or part of any issue or ration, not being tobacco, by way of purchase or barter, shall be guilty of an offence.

Penalty: Two pounds.

106. Any recruited native who refuses to execute a contract shall return to the recruiter any money or other consideration given him in respect of his recruitment. Return of recruiting bonus.

Penalty: Two pounds.

107. A labourer or servant, whilst on the land or premises of his employer, shall not reside in or occupy any quarters other than those allotted to him by his employer. Labourer or servant to occupy allotted quarters.

Penalty: Two pounds.

108. Any labourer or servant who carries or uses fire or a naked light so as to endanger the property of his employer, shall be guilty of an offence. Dangerous use of fire.

Penalty: Five pounds or imprisonment for six months.

109. It shall be an offence for any labourer without reasonable cause— Offences against discipline &c.

- (a) to absent himself or desist from work which it is his duty to perform for his employer, or persuade or attempt to persuade a labourer unlawfully to absent himself or desist from work;
- (b) to fail to show reasonable diligence in the performance of any work assigned to him;
- (c) to refuse to perform any work allotted to him; or
- (d) to disobey any reasonable order of his employer which is necessary to maintain good order and discipline on or at any ship, place, or premises on or at which he is employed.

Penalty: One pound or imprisonment for one month.

110. Any labourer or servant who— Offensive behaviour.

- (a) towards his employer or a member of the employer's family, or an employee of the employer, or a person residing on the premises of the employer—

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- (i) behaves in a riotous, indecent, offensive, or threatening manner; or
 - (ii) uses threatening, abusive, or insulting words;
- or
- (b) through negligence, maims, wounds, or injures any horse, cattle, or other live stock belonging to his employer,
- shall be guilty of an offence.

Penalty: Five pounds or imprisonment for six months.

Causing
disaffection
among labourers,
&c.
Section 110A
inserted by
No. 8 of 1938,
s. 2.

110A. Any person who does any act (other than an act done *bona fide* in the execution of duty) causing, or calculated or manifesting an intention to cause—

- (a) friction between a labourer or servant and his employer;
- (b) ill-will of a labourer or servant towards his employer;
- (c) friction, discontent, or disaffection among labourers or servants; or
- (d) a labourer or servant to commit an offence against either of the last two preceding sections,

shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for six months, or both.

Ill-treatment of
labourer or
servant.

111.—(1.) Any person being in authority over a labourer or servant who administers medicines or drugs to the labourer or servant as a punishment, shall be guilty of an offence.

Penalty: Twenty-five pounds.

(2.) Any person being in authority over a labourer or servant who inflicts flogging or other corporal chastisement upon the labourer or servant shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months, or both.

Prohibition of
unmarried
female natives
residing on
premises
occupied by a
person not a
native.

112.—(1.) An unmarried female native shall not, without the consent in writing of a District Officer, reside in any house or upon any land occupied by a person who is not a native unless—

- (a) she has been recruited by the occupier of the house or land in accordance with section sixteen of this Ordinance;
- (b) she is employed by the occupier of the house or land in accordance with Part IX. of this Ordinance and the consent of a District Officer for her to reside in the house or upon the land has been obtained; or

- (c) being under the age of sixteen years, she resides with a parent or guardian employed by the occupier of the house or land under this Ordinance.

(2.) Any person who permits an unmarried female native to reside in a house or upon any land in contravention of this section shall be guilty of an offence.

113. Any person, other than a native, who is guilty of fraud, wilful or grossly careless misrepresentation, intimidation, or coercion towards a native, for the purpose of— Inducing recruitment by fraud, &c.

- (a) inducing the native to enter into a contract;
(b) employing him without a contract; or
(c) causing him to be employed by any other person under or without a contract,

shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

114. Any person who knowingly makes a false entry in any contract, return, or report made under this Ordinance shall be guilty of an offence. Making false entries in contracts, &c.

Penalty: One hundred pounds.

115.—(1.) Where a labourer is convicted by a court of competent jurisdiction of any offence whereby loss or damage, capable of being estimated at a pecuniary value, has been caused to any person, the court may, in addition to, or in substitution for, any other penalty, order the labourer to make pecuniary compensation to the person injured. Compensation for damage done by labourers.

(2.) The court may make an order for payment of compensation under this section against the wages of the labourer to the following extent:—

- (a) against a part not exceeding two-thirds of the deferred wages of the labourer accrued at the date of conviction, or to become due; and
(b) where the amount of wages actually to be received by the labourer (not being deferred wages) exceeds Two shillings per month, to the extent of the excess.

* * * * *

Sub-section (3) omitted by No. 29 of 1936, s. 5.

(4.) The employer of the labourer shall deal with the wages in accordance with the order of the court and compliance with the order shall, to the extent of the payments made in accordance with the order, be a valid discharge of his obligations with respect to the wages.

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(5.) The court may from time to time, within the limits prescribed in sub-section (2.) of this section, vary or rescind, upon sufficient cause being shown, any order made under this section.

Deduction of fine, &c. from wages.

Section 115A inserted by No. 29 of 1936, s. 6.

115A.—(1.) Where a labourer is convicted of an offence by a court of competent jurisdiction and the court directs the payment of any fine or costs ordered to be paid by the conviction, to be made by instalments, the court may order the instalments to be deducted from the monthly wages of the labourer.

(2.) The employer of the labourer shall deal with the wages in accordance with the order of the court, and compliance with the order shall, to the extent of the payments made in accordance with the order, be a valid discharge of his obligations in respect of the wages.

Time lost through imprisonment to be added to contract.

116. Where a labourer is convicted by a court of competent jurisdiction of any offence and sentenced to a term of imprisonment whereby his employer loses the benefit of his services, the court may order that the term or part of the term during which the native is imprisoned (but not exceeding the term then remaining to be served under his contract) shall be added to the term of his contract, which shall not be deemed to have determined until the added term has been served or the contract has been otherwise earlier determined.

Penalties.

117. Any person who contravenes any provision of this Ordinance shall be guilty of an offence, and shall, where no other penalty is provided, be liable to a fine not exceeding Twenty pounds.

Liability of juristic person.

118. Where a juristic person, by its members, employees, or agents, does or omits to do any act whereby the juristic person, if a natural person, would have become liable to a penalty under this Ordinance, then, notwithstanding any law to the contrary, the juristic person may be prosecuted for the act or omission under its juristic style or name, and the amount of any fine imposed shall be recoverable by execution upon the assets of the juristic person.

PART XII.—MISCELLANEOUS.

Supply to labourers of invoices in certain cases.

119.—(1.) When a labourer purchases any goods from his employer, an invoice for the goods purchased showing the prices charged for the goods shall be supplied to the labourer if he so requests.

(2.) A District Officer or qualified officer may order that instead of an invoice for the goods purchased by a labourer being supplied to the labourer it shall be supplied to him.

120. Except as prescribed, any ship may carry as a *bona fide* passenger any native from any part of the Territory to any other part of the Territory.

Native passengers on ships.

121. If a District Officer or patrol officer has reason to believe that a ship is not fit to carry natives, he may give written notice to that effect to the person in charge of the ship, and thereafter, until the notice is withdrawn by a District Officer or patrol officer, if any native is carried on the ship, both the person in charge of the ship and the owner of the ship at the time shall be guilty of an offence, unless they can show that they were ignorant of and could not prevent the commission of the offence.

Power of District Officer or patrol officer to prohibit carrying of natives on ships.

Penalty: Fifty pounds or imprisonment for six months.

122.—(1.) Every guarantee given under this Ordinance shall bind its subscribers jointly and severally.

Effect of guarantee.

(2.) Whenever any guarantee under this Ordinance is put in suit by the Administration, the production thereof without further proof shall entitle the Administration to judgment, for their stated liability, against the persons appearing to have executed the guarantee, unless the defendants prove compliance with the condition of the guarantee, or that the guarantee was not executed by them, or release, or satisfaction.

(3.) If it appears to the court that a noncompliance with a guarantee under this Ordinance has occurred, the guarantee shall not be deemed to have been discharged or invalidated, and the subscribers shall not be deemed to have been released or discharged from liability, by reason of—

- (a) an extension of time or other concession;
- (b) the consent to, or acquiescence in, a previous noncompliance with the condition of the guarantee; or
- (c) the failure to bring suit against the subscribers upon the occurrence of a previous noncompliance with the condition of the guarantee.

(4.) Notwithstanding any law to the contrary, any variation of a contract made under section thirty-two A of this Ordinance shall not discharge or invalidate a guarantee given under this Ordinance after the coming into operation of this sub-section, and the subscribers thereto shall not be released or discharged from liability by reason of the variation.

Sub-section (4) added by No. 47 of 1938, s. 5.

123.—(1.) Where, in the opinion of a District Officer or European member of the New Guinea Police Force, life or property is endangered through any wreck, fire, or other cause, he may call out any labourers or servants of any employer and give them such lawful directions as he thinks fit.

Power to call out labourers and servants to save life or property.

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(2.) Where, in the opinion of an employer or any overseer employed by him, life or property is endangered through any wreck, fire, or other cause, he may call out his or his employer's labourers or servants and give them such lawful directions as he thinks fit.

(3.) Any labourer or servant who refuses to obey the directions given to him under this section shall be guilty of an offence.

Penalty: Three pounds or imprisonment for three months.

Power to inspect premises, natives, books, &c.

124.—(1.) For the purpose of ascertaining whether any employer is complying with the provisions of this Ordinance, a District Officer, a qualified officer, a patrol officer, a medical officer, a medical assistant, or other officer authorised by the Administrator, may at all reasonable hours enter upon or into and inspect any ship, mine, land, premises, place, or building on, in, or at which any labourer or servant is employed, or on, in, or at which he has reasonable grounds for suspecting that any labourer or servant is employed, or which is used, or which has recently been occupied, by any labourer or servant.

(2.) Where an inspection has been made under the last preceding sub-section by an officer, other than a District Officer, the officer shall forward a report of the inspection to the District Officer administering the District in which the inspection was made.

(3.) Any officer specified in sub-section (1.) of this section may at all reasonable hours and, whenever practicable, after informing the employer, inspect any labourer or servant employed by him, and may question the labourer or servant and the employer or any employee or agent of the employer in regard to any matter which, in the opinion of the officer, affects the employment or welfare of the labourer or servant.

(4.) Any person who hinders or obstructs any officer in the performance of his duty under this section, or refuses to answer any question, put to him by the officer, relevant to any matter arising out of any inspection under this section, or, in relation to the question, makes to the officer any statement which is false in any material particular, shall be guilty of an offence.

Penalty: Fifty pounds.

(5.) A statement made by any person in answer to any question put to him by an officer under this section shall not (except in proceedings for an offence against this Ordinance or the Regulations) be admissible in evidence against him in any criminal proceedings.

(6.) Every employer shall on demand produce to an officer referred to in sub-section (1.) of this section all books of account and any contract or document relating to any labourer or servant

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engaged or employed by him and any issues, rations, or other articles of any description whatsoever kept for the purpose of issue to labourers or servants employed by him.

(7.) A District Officer or patrol officer may, for such period as he thinks fit,—

(a) take into his charge; and

(b) remove from the place of employment,

any labourer or servant whom he deems to be employed in contravention of this Ordinance.

125.—(1.) An appeal shall lie from any decision under this Ordinance of an Assistant District Officer or a qualified officer to the District Officer administering the District in which the decision was made. Appeals.

(2.) An appeal shall lie to the Administrator from any decision under this Ordinance of the Director or the District Officer administering a District.

(3.) The appeals referred to in the last two preceding subsections shall be lodged within a period of two weeks from the date of the decision appealed against:

Provided that where it can be shown that any appeal could not reasonably have been lodged within the period, the delay shall not be deemed to invalidate the appeal:

Provided further that the fact of an appeal having been lodged shall not prevent any action being taken forthwith in pursuance of the decision of a District Officer or qualified officer:

Provided also that where the appeal relates to the employment of any native, the native may be detained by a District Officer or qualified officer until the appeal has been determined.

126. The Administration may, if it thinks fit, incur any expense on account of any employer in respect of any labourer for wages, goods, maintenance, medical treatment, or any other matter or purpose, for which the employer is liable under this Ordinance. Power of Administration to incur expense for which employer liable.

127.—(1.) Where, for any reason, any expense is incurred by the Administration on account of any employer in respect of any labourer for wages, goods, maintenance, medical treatment, or any other matter or purpose, for which the employer is liable under this Ordinance, the expense shall be a debt due to the Administration by the employer and shall, notwithstanding, be a first charge upon the real and personal property of the employer. Recovery of expenses incurred by Administration.

(2.) Where any employer is adjudicated an insolvent and the

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expense referred to in sub-section (1.) of this section is incurred at any time before or after the adjudication, the debt to the Administration shall, any law to the contrary notwithstanding, be a first charge upon all property divisible among his creditors.

(3.) In any proceedings for the recovery of the expense incurred, the production of the account of the expense incurred and proof of payment of the expense by the Administration, shall be conclusive proof that the expense was incurred by the Administration.

Sub-section (4)
added by
No. 27 of 1939,
s. 7.

(4.) Notwithstanding the provisions of this section or any law to the contrary, where by reason of a guarantee given under this Ordinance a subscriber to the guarantee has paid a sum of money to the Administration in settlement, in full or in part, of any expense referred to in sub-section (1.) of this section incurred by the Administration, the subscriber shall, with respect to that sum—

(a) rank after the Administration as to any expense referred to in that sub-section incurred by the Administration; and

(b) be otherwise preferred to the Administration and all other creditors.

Prohibition of
employment of
natives by
certain persons.

128.—(1.) If at any time it appears to the Administrator that for any reason it is desirable in the interests of natives that any person should be prohibited from employing or having charge of natives, the Administrator may order that the person shall be prohibited from employing or having charge of any natives, whether they are employed under contract or otherwise, and notice of the order shall be served on the person.

(2.) The order may be in general terms applying to all natives and all occupations or may be limited to natives of any one class, or to any particular occupation.

(3.) When the order has been made and served, any person who contravenes the terms of the order in its application to him shall be guilty of an offence.

Penalty: Imprisonment for twelve months.

(4.) Before making any order in pursuance of sub-section (1.) of this section, the Administrator may, if he thinks fit, call upon the person to show cause why the order should not be made.

Native Labour
Tax.

129.—(1.) For each labourer employed under this or any repealed Ordinance relating to native labour, the employer shall pay to the District Officer administering the District in which the labourer is employed, such sum by way of Native Labour Tax as is prescribed:

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Provided that the Administrator may, by notice,⁽¹⁴⁾ exempt any employer or class of employers from payment of Native Labour Tax or any part thereof in respect of the whole or any portion of any prescribed period.

(2.) Payment of Native Labour Tax shall be made in respect of such periods and within or at such times as is prescribed.

(3.) An employer shall not be liable to pay Native Labour Tax in respect of any labourer for the period he is absent from his employment from any of the following causes:—

- (a) Desertion;
- (b) Imprisonment; or
- (c) Detention in an Administration native hospital whilst receiving treatment for venereal disease.

130. A copy of this Ordinance and the Regulations and all amendments thereto shall be kept by all employers and shall be produced to a District Officer or qualified officer on demand.

Copy of Ordinance and Regulations to be kept by employers.

Penalty: Five pounds.

131.—(1.) The Administrator in Council may make regulations,⁽¹⁵⁾ not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

Power to make regulations.

- (a) the provision of boxes or substitutes for boxes, food, clothing, beds, bedding, cooking utensils, mosquito nets, medicine, and other articles, for labourers and servants;
- (b) the housing of labourers and servants;
- (c) hospital accommodation and medical treatment for labourers and servants;
- (d) the hours and conditions of work of labourers and servants;
- (e) the transport of labourers and servants in ships;
- (f) the minimum rate of wages to be paid to servants;
- (g) the maximum rate of wages for labourers;
- (h) the returns and reports to be furnished by employers and other persons;
- (i) the fees, if any, which shall be payable with respect to any matter;

(14) No notice has been published in *N.G. Gaz.*

(15) See the *Native Labour Regulations*, printed on p. 3857.

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- (j) the manner of doing or performing anything by this Ordinance required to be done or performed;
- (k) prescribing the form of any document granted, issued, or used under or for the purposes of this Ordinance;
- (l) the well-being of labourers and servants; and
- (m) the imposition of penalties not exceeding Fifty pounds or imprisonment for six months for any offence against the Regulations.

(2.) Regulations may be of general application, or may be limited to a particular area or restricted in their operation to labourers or servants or to any class of labourers or servants.

THE SCHEDULE.

The *Native Labour Ordinance* 1922.
The *Native Labour Ordinance* (No. 2) 1922.
The *Native Labour Ordinance* 1923.
The *Native Labour Ordinance* (No. 2) 1923.
The *Native Labour Ordinance* 1924.
The *Native Labour Ordinance* (No. 2) 1924.
The *Native Labour Ordinance* (No. 3) 1924.
The *Native Labour Ordinance* 1925.
The *Native Labour Ordinance* (No. 2) 1925.
The *Native Labour Ordinance* 1926.
The *Native Labour Ordinance* 1927.
The *Native Labour Ordinance* (No. 2) 1927.
The *Native Labour Ordinance* 1928.
The *Native Labour Ordinance* 1930.
The *Native Labour Ordinance* 1931.
The *Native Labour Ordinance* 1932.
The *Native Labour Ordinance* 1933.
The *Native Labour Ordinance* (No. 2) 1933.
The *Native Labour Ordinance* (No. 3) 1933.