

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 298.

Agents for Natives (T.N.G.).

GENERAL ANNOTATION.

ENABLING ACT.

The Regulation comprising this Chapter is in force under the *Licences Act (T.N.G.)*, Chapter 112.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), it appears from the history of the legislation and the determination of functions of Departments that it came within the responsibilities of the Prime Minister.

Accordingly, as at that date, unless some other intention is clearly indicated, by note or in the text, it seems that references in or in relation to this Chapter to—

“the Minister”—should be read as references to the Prime Minister;

“the Departmental Head”—should be read as references to the Secretary to the Prime Minister¹;

“the Department”—should be read as references to the Department of the Prime Minister².

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¹ Previously the Secretary, Department of the Prime Minister and Development Administration.

² Previously the Department of the Prime Minister and Development Administration.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 298.

Agents for Natives Regulation (T.N.G.).

ARRANGEMENT OF SECTIONS.

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"agent for natives"
"licence".
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4. Application for licence.
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SCHEDULE.—Bond.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 298.

Agents for Natives Regulation (T.N.G.)¹

MADE under the *Licences Act* (T.N.G.).

1. Constitutional application.

This Regulation applies, in accordance with Section Sch. 2.6(2) (*adoption of pre-Independence Laws*) of the Constitution, in and in relation to the area that, immediately before Independence Day, formed the Territory of New Guinea.

2. Interpretation.

In this Regulation, unless the contrary intention appears—

"agent for natives" means a person other than a native (whether or not he carries on any other business) who, for reward, acts as an agent for the sale or disposition of coconuts, copra or other agricultural products on behalf of a native;

"licence" means a licence granted under this Regulation.

3. Unlicensed persons acting as agents for natives.

A person other than—

(a) a native; or

(b) an officer of the Public Service in the exercise of his functions as such,

who acts as an agent for natives is guilty of an offence unless he is the holder of a licence.

Penalty: A fine not exceeding K100.00.

4. Application for licence.

A person who desires to obtain a licence must lodge with the Head of State—

(a) a written application; and

(b) a fidelity bond for K200.00 in the form in the Schedule from an insurance company or other surety approved for the purpose by the Head of State, acting on advice.

5. Grant of licence.

(1) Subject to this regulation, the Head of State, acting on advice, may grant or refuse an application for the grant of a licence.

(2) A licence shall specify the area within which it is valid.

6. Conditions of licence.

A licence is subject to the following conditions:—

(a) the licensee must not act as an agent for natives outside the area specified in the licence; and

¹ As to "native", here and throughout this Regulation, see the pre-Independence *Ordinances Interpretation Act* 1949, Section 55(2) and the *Interpretation Act*, Section 98(1).

- (b) the licensee must record in a book to be kept by him for the purpose particulars of all transactions entered into by him as an agent for a native; and
- (c) the licensee must keep his accounts in such a manner as to show the true position of the moneys to which they relate and to enable the accounts to be conveniently and properly audited; and
- (d) the licensee shall, at all reasonable times, permit a District Officer or a person authorized in writing by the Departmental Head to inspect all books, accounts, documents or papers relating to transactions entered into by him as an agent for natives, and to audit his accounts.

7. Duration of licence.

A licence expires on 30 June next after the date of issue of the licence.

8. Fees.

- (1) Subject to Subsection (2), the fee for a licence is K6.00.
- (2) The fee for a licence issued during the first six months in any year is K4.00.

9. Cancellation of licence.

- (1) The Head of State, acting on advice, may cancel any licence.
- (2) Compensation is not payable by the State on account of the cancellation of a licence.

10. Failure to comply with conditions.

A licensee who fails to comply with a condition of his licence is guilty of an offence.

Penalty: A fine not exceeding K100.00.

SCHEDULE.

PAPUA NEW GUINEA.

Agents for Natives Regulation (T.N.G.).

Reg., Sec. 4.

BOND.

of (if made by a corporation, insert its name and registered office; if made by an individual or individuals, insert full name or names, address and additions of approved surety) is bound to the State in the sum of K200.00 to be paid to the State, for the due payment of which (I or we or the company) bind(s) (myself, my heirs, executors and administrators or ourselves and each of us, our respective heirs, executors and administrators or itself) by this Bond.

Whereas one (name of applicant for a licence with address) is an applicant for the grant of a licence under the Agents for Natives Regulation, under the terms of which Regulation each applicant is required to lodge with his application a fidelity bond for K200.00 from some insurance company or other surety approved for the purpose by the Head of State, acting on advice:

And Whereas (name of surety) has (or have) agreed to enter into the above bond for the fidelity of (name of person whose fidelity is answered for) as an agent for natives in all matters and things connected with, arising out of or incidental to his behaviour, conduct or dealings in relation to that business during the year ending 30 June 19 .

The condition of this obligation is that if (name of person whose fidelity is answered for) is granted a licence under the Agents for Natives Regulation, and while the holder of that licence he behave himself in all things in relation to the conduct of the business of an agent for natives in an honest and lawful manner and observes and complies with the requirements of the law governing agents for natives, then this Bond shall be void and of no effect, but otherwise it remains in full force and virtue.

Dated 19 .

THE COMMON SEAL of

was affixed

in the presence of

or

SIGNED, SEALED, AND DELIVERED

by

in the presence of

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 298.

Agents for Natives (T.N.G.).

APPENDIX.

SOURCE OF THE AGENTS FOR NATIVES REGULATION (T.N.G.).

Part A.—Previous Legislation.

Agents for Natives Regulations of the Territory of New Guinea.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	—	7	6
2	2	8	7
3	3, 4	9	9
4	5	10	11
5	8	Schedule	Schedule
6	10	Form I.	Form

¹ Unless otherwise indicated, references are to the Act set out in Part A.

