

PAPUA.



No. 9 of 1931.

AN ORDINANCE

To Amend the "Native Labour Ordinance, 1911-1930."

[RESERVED 16TH JULY, 1931;
ASSENTED TO 25TH SEPTEMBER, 1931.]^(a)

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

1. (1) This Ordinance may be cited as the *Native Labour Ordinance, 1931.* Short title and citation.

(2) The *Native Labour Ordinance, 1911-1930*, is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Native Labour Ordinance, 1911-1931.*

2. Section One of the Principal Ordinance is amended by adding at the end thereof the following words and figures:— Amendment of s. 1.

“PART XIV.—NON-INDENTURED LABOUR.”

(a) Assent notified in *Gazette* No. 14 of 2nd December, 1931.

Amendment
of s. 22.

3. Section Twenty-two of the Principal Ordinance is amended by inserting at the commencement thereof the following words:—

“Except as provided in Part XIV of this Ordinance”.

Further
amendment
of s. 22.

4. Section Twenty-two of the Principal Ordinance is further amended by adding at the end thereof the following proviso:—

“Provided that notwithstanding anything hereinbefore contained the Lieutenant-Governor may by Order in Council published in the *Gazette* extend the maximum period for employment of natives not under written contract of service under this Ordinance beyond the said period of three months.”

5. After Section 22A of the Principal Ordinance the following new section is inserted:—

Natives
employed
otherwise
than under
contract of
service under
this
Ordinance.

“22B. No native employed otherwise than under written contract of service under the provisions of this Ordinance shall be employed under a written contract of service of any kind nor under any agreement restricting the right of either party thereto to determine the employment without notice.”

Amendment
of s. 29.

6. Section Twenty-nine of the Principal Ordinance is amended by adding at the end thereof the following words:—

“Notwithstanding anything hereinbefore contained the Lieutenant-Governor may make regulations prescribing special conditions as to payment or deposit of wages or otherwise to be inserted in all or any contracts of service by magistrates inspectors and qualified officers.”

7. After Section 54A of the Principal Ordinance the following new section is inserted:—

Maximum
period for
payment of
wages to
natives
engaged other
than under
contract of
service.

“54B. No native engaged other than under written contract of service under the provisions of this Ordinance shall be paid the wages due to him at greater intervals than the Lieutenant-Governor may by regulation published in the *Gazette* prescribe.”

8. After Section Sixty-one of the Principal Ordinance the following new section is inserted :—

“ 61A. (1) If at any time it is made to appear Prohibition of employment of natives. to the Lieutenant-Governor or he has caused to believe that for any cause it is desirable in the interests of natives that an employer or his agent should be prohibited from employing natives or having charge of them the Lieutenant-Governor may order that such employer or agent as the case may be prohibited from employing or having charge of any natives whether such natives are employed under contract of service under this Ordinance or not.

(2) Such order may be general with respect to all natives and all occupations or may be limited to natives of any class or either sex or to any kind of occupation.

(3) When any such order is made any employer or agent who disobeys the terms of any such order applicable to him shall be guilty of a breach of this Ordinance.

(4) Before making any such order as aforesaid the Lieutenant-Governor may first call upon the employer or agent to show cause why any such order should not be made.”

9. The Principal Ordinance is amended by inserting therein at the end of Part XIII thereof the following new Part :— Part XIV added.

“ PART XIV.—NON-INDENTURED LABOUR.

100. In this Part unless the contrary intention appears :— Interpretation

‘ Employer ’ means any employer of a native under the provisions of this Part of the Ordinance ;

‘ Native ’ means any aboriginal native of the Territory of Papua who is not under a written contract of service under the provisions of this Ordinance and who—

(a) being a male is of the age or apparent age of not less than sixteen years and whose village is situated not more than twenty

miles computed according to the nearest road or route ordinarily used in travelling from the place of his employment under this Part; or

(b) being a female is of the age or apparent age of not less than sixteen years and whose village is not more than four miles computed according to the nearest road or route ordinarily used in travelling from the place of her employment under this Part.

Employment under this Part.

101. Notwithstanding the provisions of Section Twenty-two of this Ordinance any person may subject to the provisions of this Part employ under the provisions of this Part any native who is willing to be so employed :

Proviso.

Provided that this section shall not apply to any person who under the provisions of this Ordinance or any other Ordinance relating to native labour is for the time being prohibited from recruiting employing or having charge of natives.

Termination of employment.

102. The employment of a native under this Part may be determined at any time without notice by either the employer or the native and no contract or agreement express or implied between them to the contrary shall have any force or effect.

Work of female.

103. No female native shall be employed under this Part in any occupation of a heavy or burdensome nature.

Suspension or limitation of operation.

104. The Lieutenant-Governor may by Proclamation published in the *Gazette* suspend the operation of this Part of this Ordinance or of any of the provisions thereof either for a period specified in the Proclamation or during the continuance thereof and either in relation to the whole Territory or to any part thereof.

Wrongly employing under this Part.

105. No person shall employ a native under the provisions of this Part who is not a native within the meaning of this Part.

Penalty : Twenty pounds.

106. (1) The Commissioner for Native Affairs or any inspector of his Department or any magistrate or any officer appointed by the Lieutenant-Governor may at all reasonable hours enter upon any place where natives are

employed or he has reason to believe are employed under this Part and may inspect and question any native upon such place and may question any person in whose service or in whose charge the native appears to be in regard to any matter which in the opinion of the Commissioner inspector magistrate or officer as the case may be concerns the employment or welfare of the native.

(2) No person shall hinder inspection under the provisions of this section and no person shall if liable to answer questions under the provisions of this section refuse so to do or wilfully give false or misleading answers thereto.

Penalty: Twenty pounds.

107. The Lieutenant-Governor in addition to and without limiting the powers to make regulations hereinbefore contained may make regulations prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying into effect this Part of this Ordinance and in particular for the following:—

- (a) Matters of detail as to food water shelter sleeping quarters clothing bedding hospital accommodation medical care and medicine to be allowed or provided for natives employed under this Part;
- (b) Keeping of books and records by the employer of a native under this Part containing the time natives are to work the time natives have worked the wages paid to natives and such other detail as may be expedient;
- (c) All other matters regarding the care and treatment of natives.”

Passed in Council this sixteenth day of July, in the year of Our Lord One thousand nine hundred and thirty-one.

Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the twenty-fifth day of September, One thousand nine hundred and thirty-one.
