

# CURRENCY COINAGE AND TOKENS ORDINANCE 1922-1938.<sup>(1)</sup>

## An Ordinance Relating to Currency Coinage and Tokens.

**B**E it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, and in pursuance of the powers conferred by the *New Guinea Act 1920*, as follows:—

1. This Ordinance may be cited as the *Currency Coinage and Tokens Ordinance 1922-1938*.<sup>(1)</sup>

2. The Ordinances mentioned in the First Schedule hereto are hereby repealed.

3. In this Ordinance, unless the contrary intention appears—  
“bank” means any corporation or company carrying on in the Territory the business of banking;

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

Repeal.  
Amended by  
No. 9 of 1930,  
s. 2.

Definitions.  
Section 3  
substituted by  
No. 5 of 1935,  
s. 2.

(1) The *Currency Coinage and Tokens Ordinance 1922-1938* comprises the *Currency Coinage and Tokens Ordinance 1922*, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Governor-General in Council.	Date on which notified in <i>Commonwealth Gazette</i> .	Date on which took effect.
<i>Currency Coinage and Tokens Ordinance 1922</i> (No. 23 of 1922)	19.7.1922	27.7.1922	27.7.1922 ( <i>Culth. Gaz.</i> of 27.7.1922)
<i>Currency Coinage and Tokens Ordinance 1928</i> (No. 22 of 1928)	8.10.1928	11.10.1928	11.10.1928 ( <i>Culth. Gaz.</i> of 11.10.1928)
<i>Currency Coinage and Tokens Ordinance 1930</i> (No. 9 of 1930)	10.2.1930	20.2.1930	20.2.1930 ( <i>Culth. Gaz.</i> of 20.2.1930)

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Governor-General in Council.	Date on which came into operation.
<i>Currency Coinage and Tokens Ordinance 1935</i> (No. 5 of 1935)	14.1.1935	31.7.1935	14.1.1935 (except that Sec. 12 of the <i>Currency Coinage and Tokens Ordinance 1922-1935</i> , inserted by Sec. 6 of the <i>Currency Coinage and Tokens Ordinance 1935</i> came into operation on 2.12.1935: <i>N.G. Gaz.</i> of 21.10.1935) ( <i>Laws of T.N.G.</i> , Vol. XIII., p. 135)
<i>Currency Coinage and Tokens Ordinance</i> (No. 2) 1935 (No. 37 of 1935)	31.7.1935	15.2.1936	31.7.1935 ( <i>Laws of T.N.G.</i> , Vol. XIII., p. 338)
<i>Currency Coinage and Tokens Ordinance 1938</i> (No. 35 of 1938)	24.8.1938	15.12.1938	24.8.1938 ( <i>Laws of T.N.G.</i> , Vol. XIV., p. 157)

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“British coins” means coins which have been issued in accordance with the laws of the United Kingdom, and which have not been called in in pursuance of those laws;

“Australian coins” means coins which have been issued in accordance with the laws of the Commonwealth and which have not been called in in pursuance of those laws;

“Territory coins” means coins which have been issued in accordance with this Ordinance and which have not been called in in pursuance of this Ordinance.

German coinage and currency not to be used in the Territory.

4.—(1.) Save as hereinafter provided, any person in the Territory who makes use of or tenders or accepts or exchanges in the course of business or for any purpose whatsoever, any banknote or other paper-money issued by a German bank or any German currency or coinage of any nature whatsoever, shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

(2.) Any native may pay to the Administration in silver marks or other German coins any sums due by way of fees, taxes, or otherwise, and such coins may be accepted by the Administration at such rate of exchange as the Administrator from time to time authorizes.

Payment of sums expressed in marks. Amended by No. 5 of 1935, s. 3.

5. All debts and moneys, due under a contract or otherwise, expressed in marks or fractions thereof, shall be regarded as if expressed in the same number of shillings or fractions thereof, and payment of such debts and moneys may be made in notes of the Commonwealth of Australia or in any coins which are legal tender in the Territory.

Use of tokens and counters forbidden. Sub-section (1.) amended by No. 5 of 1935, s. 4.

6.—(1.) Any person who issues any token or counter to any person in the course of trade, or in lieu of the payment or part payment in legal tender of moneys due to that person as wages or otherwise, shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for six months.

(2.) Any person who accepts any token or counter in the course of trade or in lieu of the payment or part payment in legal tender of moneys due to him as wages or otherwise, shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for six months.

Sub-sections (3.) and (4.) omitted by No. 5 of 1935, s. 4.

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Exceptions to application of Ordinance.

7.—(1.) Section eleven of this Ordinance shall not be deemed to apply to any transaction or dealing between natives.

Sub-section (1.) amended by No. 5 of 1935, s. 5.

*Currency Coinage and Tokens Ordinance 1922-1938.*

(2.) In that part of the coast of New Britain lying between Cape Merkus and Cape Dampier and in the hinterland adjoining that coast, the shell known as gold-lip (*Meleagrina margaretifera*) may be used by any person at the rate of twelve shillings a pair in place of legal tender for any purpose except for the purchase, sale, barter or exchange of Trocus shell.

8. The standard weight and standard fineness of the silver, cupro-nickel, and bronze Territory coins of the denominations mentioned in the Second Schedule are as specified in the Second Schedule.

Standard weight and fineness of coins.

Inserted by No. 22 of 1928, s. 2; amended by No. 9 of 1930, s. 3; substituted by No. 5 of 1935, s. 6.

9.—(1.) The Administrator may cause to be made and issued silver, cupro-nickel, and bronze coins of the denominations specified in the Second Schedule.

Administrator may issue silver, cupro-nickel, and bronze coins.

Section 9 inserted by No. 5 of 1935, s. 6.

(2.) All silver, cupro-nickel, and bronze coins made and issued under this section shall be of the weight and fineness specified in the Second Schedule.

(3.) In the making of silver, cupro-nickel, and bronze coins, a remedy (or variation from the standard weight and fineness specified in the Second Schedule) shall be allowed for an amount not exceeding the amount specified in the Second Schedule.

10.—(1.) Subject to the provisions of section twelve of this Ordinance, a tender of payment of money, if made in coins which are British coins, Australian coins, or Territory coins of current weight, shall be a legal tender<sup>(2)</sup> in the Territory—

Legal tender.

Section 10 inserted by No. 5 of 1935, s. 6.

- (a) in the case of gold coins, for the payment of any amount;
- (b) in the case of silver coins and cupro-nickel coins, for the payment of an amount not exceeding Forty shillings; and
- (c) in the case of bronze coins, for the payment of an amount not exceeding One shilling.

(2.) A coin shall be deemed to be not of current weight if it has become diminished in weight by wear or otherwise—

- (a) in case it is a British coin, so as to be of less weight than the weight specified as the least current weight in the law of the United Kingdom applicable to the coin;
- (b) in case it is an Australian coin, so as to be of less weight than the weight specified as the least current weight in the law of the Commonwealth applicable to the coin; and

(2) As to Australian notes as legal tender in the Territory, see footnote (2) printed on p. 112.

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(c) in case it is a Territory coin, so as to be of less weight than the weight specified as the least current weight in any proclamation under this Ordinance.

Contracts, &c., to be made in currency.

Inserted by No. 5 of 1935, s. 6; amended by No. 37 of 1935, s. 2.

11. Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatever relating to money, or involving the payment of or the liability to pay any money, which is made, executed, or entered into, done or had, shall be made, executed, entered into, done and had according to the coins which are current and are a legal tender<sup>(2)</sup> in pursuance of this Ordinance, and not otherwise, unless the same be made, executed, entered into, done or had according to the currency of some British possession or some foreign State.

Prohibition of circulation of certain British and Australian coins by banks.

Section 12 inserted by No. 5 of 1935, s. 6.

12.—(1.) Notwithstanding the provisions of section ten of this Ordinance, a bank shall not without the written consent of the Administrator<sup>(3)</sup> knowingly tender or pay, in the Territory, to any person British coins or Australian coins other than gold coins.

Penalty: Two hundred pounds.

(2.) The Administration shall reimburse any bank the cost of the transport of British coins and Australian coins from the Territory to the State of New South Wales.

(3.) This section shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*.<sup>(4)</sup>

Coinage Trust Fund.

Section 13 inserted by No. 5 of 1935, s. 6.

13.—(1.) There shall be a separate Treasury Trust Fund, to be called the Coinage Trust Fund, and, subject to the provisions of sub-section (3.) of this section, the moneys received in exchange for, or for the purchase of, Territory coins shall be paid into the Coinage Trust Fund.

(2) As to Australian notes as legal tender in the Territory of New Guinea, see also Section 60H (1) (b) of the *Commonwealth Bank Act 1911-1931*. In *Jolley v. Mainka* ((1933) 49 C.L.R. 242; 39 A.L.R. 506; 7 A.L.J. 214) it was held, by the High Court, that Section 60H (1) (b) of the *Commonwealth Bank Act 1911-1931*, which prescribed that Australian notes shall be a legal tender "throughout all Territories under the control of the Commonwealth", applied to the Territory of New Guinea; and it was therefore held that the payment of nine hundred Australian one pound notes satisfied a debt of £900 due under mortgages of land in New Guinea which provided that all payments thereunder "shall be made in gold or in currency equivalent thereto at the market or exchange rate current at the time when such payment is actually made". When *Jolley v. Mainka* was decided, Section 11 of the *Currency Coinage and Tokens Ordinance 1922-1933* had not been enacted, but Section 7 of the *Commonwealth Coinage Act 1909*, which is in words almost identical with those of Section 11 of the above-mentioned Ordinance, was applicable to the Territory of New Guinea by virtue of the *Laus Repeal and Adopting Ordinance 1921* (No. 1 of 1921). The application of the *Coinage Act 1909* to the Territory was terminated by the *Laus Repeal and Adopting Ordinance 1935* (No. 6 of 1935).

(3) Pursuant to Section 12, the Administrator, by notice dated 17th October, 1935, and published in *N.G. Gaz.* of 31st October, 1935, authorised "all Banks in the Territory to tender or pay in the Territory to any person British coins or Australian coins other than florins or shillings on and after the second day of December, One thousand nine hundred and thirty-five, until notice of the revocation or variation of this notice has been published in the *New Guinea Gazette*". This notice was varied by a notice dated 11th February, 1936, and published in *N.G. Gaz.* of 15th February, 1936 (operative from 24th February, 1936), by omitting the words "or shillings" and inserting in their stead the words "shillings or sixpences". It was further varied by notice dated 23rd April, 1936, and published in *N.G. Gaz.* of 30th April, 1936 (operative from 15th May, 1936), by omitting the words "or sixpences" and inserting in their stead the words "sixpences or threepences". It was further varied by notice dated 3rd September, 1936, and published in *N.G. Gaz.* of 15th September, 1936 (operative from 30th September, 1936), by omitting the words "or threepences" and inserting in their stead the words "threepences or pennies".

(4) Notified in *N.G. Gaz.* of 31st October, 1935, to commence on 2nd December, 1935.

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(2.) Subject to the provisions of the next succeeding subsection, income derived from the investment of the Coinage Trust Fund shall form part of the fund.

(3.) When the Coinage Trust Fund exceeds the sum of One hundred thousand pounds the moneys received in exchange for, or for the purchase of, Territory coins and the income derived from the investment of the Coinage Trust Fund shall be paid into the Public Account of the Territory as part of the ordinary revenue of the Territory.

(4.) All expenses of and incidental to the making and issuing of Territory coins and the administration of this Ordinance shall be paid from the Coinage Trust Fund.

14. Subject to the provisions of section thirteen of this Ordinance, the Coinage Trust Fund shall, as far as practicable, be invested by the Administrator in securities of the Commonwealth, or in securities of the Administration guaranteed by the Commonwealth.

Mode of investment of Coinage Trust Fund. Inserted by No. 5 of 1935, s. 6; amended by No. 35 of 1938, s. 2.

15. The Administrator may by proclamation<sup>(5)</sup>—

- (a) determine the dimensions of and design for any Territory coin;
- (b) diminish the amount of remedy allowed by the Second Schedule in the case of any Territory coin;
- (c) determine the least current weight of any Territory coin; and
- (d) call in Territory coins of any date or denomination or any Territory coins coined before any date specified in the proclamation.

Powers of Administrator. Section 15 inserted by No. 5 of 1935, s. 6.

16. For the purposes of the Treasury Accounts, coin made in pursuance of this Ordinance shall be considered as bullion until issued for circulation.

Coin to be deemed bullion until issued. Inserted by No. 5 of 1935, s. 6.

17. The Administrator in Council may make regulations,<sup>(6)</sup> 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.

Power to make regulations. Inserted by No. 5 of 1935, s. 6.

THE FIRST SCHEDULE.

- Tokens or Counters Prohibition Ordinance 1916.*
- Tokens or Counters Prohibition (Amendment) Ordinance 1916.*
- Shell Money Ordinance 1918.*
- Shell Money (Amendment) Ordinance 1918.*
- Currency and Coinage Proclamation (No. 5) 1918.*
- Shell Money Amendment Ordinance 1920.*
- Currency and Coinage Ordinance 1920 (made 11th February, 1920).*
- Native Currency Ordinance 1920.*
- Currency and Coinage Ordinance 1920 (made 10th December, 1920).*

Heading amended by No. 9 of 1930, s. 4.

(5) A proclamation made pursuant to Section 15 and still in force is printed on p. 115.

(6) No regulations have been made.

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THE SECOND SCHEDULE.

Added by  
No. 9 of 1930,  
s. 5;  
substituted by  
No. 5 of 1935,  
s. 7.

Denomination of Coins.	Standard Weight. (Grains).	Standard Fineness.	Remedy Allowance.	
			Weight.	Mille- simal Fineness.
Silver—				
Florin .. ..	166	Millesimal fineness 925 ..	{ 1 in 175 } { 1 in 150 }	5
Shilling .. ..	83			
Cupro-nickel—				
Sixpence .. ..	41.5	Mixed metal, copper and nickel .. ..	{ 1 in 125 } { 1 in 100 }	None
Threepence ..	20.75			
Bronze—				
Penny .. ..	100	Mixed metal, copper, tin, and zinc .. ..	{ 1 in 40 } { 1 in 40 }	None
Half-penny ..	62.5			