

NATIVES—

NATIVE LABOUR REGULATIONS, 1933. ⁽¹⁾⁽²⁾

1. These Regulations may be cited as the *Native Labour Regulations*, 1933. ⁽¹⁾⁽²⁾

2. All regulations heretofore made under the provisions of the *Native Labour Ordinance*, 1911-1933, and now existing are hereby repealed.

CARRIERS.

MAXIMUM LOADS FOR CARRIERS.

3. No employer or the agent of an employer shall compel or knowingly permit a native employed as a carrier to carry a load exceeding 50 lb. gross weight.

CATTLE.

ILL-USING CATTLE, ETC.

4. A native who maims, wounds or ill-uses any horse, cattle or other live stock belonging to his employer when the act is due to negligence and not to intention, or is otherwise not such as would subject the offender to a criminal prosecution, shall be guilty of an offence against these regulations.

(1) These Regulations are now repealed by the *Native Labour Ordinance* 1946 of the Territory of Papua-New Guinea.

(2) The *Native Labour Regulations*, 1933 (made under the *Native Labour Ordinance*, 1911-1933, and continued in force by the *Native Labour Ordinance*, 1941) comprise the original *Native Labour Regulations*, 1933, as amended by the other regulations referred to in the following Table:—

REGULATIONS MADE BY THE LIEUTENANT-GOVERNOR IN COUNCIL.^(a)

| Description and number and year. | Date on which made by Lieut.-Gov. in Council. ^(a) | Date on which published in Papua Govt. Gaz. | Date on which took effect. |
|---|--|---|---|
| <i>Native Labour Regulations</i> , 1933 (S.R. 1933, No. 19) | 19.12.1933 | 29.12.1933 | 29.12.1933 (Papua Govt. Gaz. of 29.12.1933) |
| <i>Amending Regulation</i> (S.R. 1934, No. 1) | 2.1.1934 | 3.1.1934 | 3.1.1934 (Papua Govt. Gaz. of 3.1.1934) |
| <i>Amending Regulation</i> (S.R. 1937, No. 7) | 18.10.1937 | 3.11.1937 | 3.11.1937 (Papua Govt. Gaz. of 3.11.1937) |
| <i>Amending Regulation</i> (S.R. 1938, No. 13) | 7.11.1938 | 7.12.1938 | 7.12.1938 (Papua Govt. Gaz. of 7.12.1938) |
| <i>Amending Regulations</i> (S.R. 1939, No. 15) | 21.8.1939 | 6.9.1939 | 6.9.1939 (Papua Govt. Gaz. of 6.9.1939) |
| <i>Amending Regulation</i> (S.R. 1940, No. 1) | 17.1.1940 | 27.1.1940 | 27.1.1940 (Papua Govt. Gaz. of 27.1.1940) |
| <i>Amending Regulations</i> (S.R. 1941, No. 8) | 15.4.1941 | 7.5.1941 | 7.5.1941 (Papua Govt. Gaz. of 7.5.1941) |
| <i>Amending Regulation</i> (S.R. 1941, No. 12) | 9.9.1941 | 25.9.1941 | 25.9.1941 (Papua Govt. Gaz. of 25.9.1941) |

(a) Regulations made after the commencement of the *Papua Act* 1940 on 18.9.1940 were made by the Administrator in Council.

EMPLOYER'S PROPERTY.

5. Any native who through neglect or careless or other improper conduct causes damage to or loss of any property of his employer shall be guilty of an offence.

EQUIPMENT FOR NATIVES UNDER CONTRACT OF SERVICE.

EMPLOYER TO PROVIDE CERTAIN ARTICLES.

6.—(1.) Every native under contract of service shall be provided by his employer, free of cost, with one new blanket (or, in the case of natives signed on as carriers only, two yards of double-width calico in addition to swag slings) and four loin cloths⁽³⁾ (one every three months) in every twelve months. Curtains or other protection against mosquitoes shall also be provided when the Commissioner for Native Affairs or magistrate directs.

(2.) The blanket referred to in the last preceding sub-regulation shall be a good and sufficient blanket for the purpose of bedding. Such blanket, or, in the case of carriers, the double-width calico referred to in the last preceding sub-regulation, shall be supplied new at the time the contract of service is entered into, and thereafter at the commencement of each twelve months or part of twelve months covered by the contract of service.

FEEES.

7. The Fees to be charged employers under the provisions of the *Native Labour Ordinance, 1911-1933*,⁽⁴⁾ shall be those set out in Schedule 1 to these regulations.

GUARANTEES.

GUARANTEE IN THE FORM 2 OF SCHEDULE G.⁽⁵⁾

8. The following provisions shall apply to a Guarantee in the Form 2 of Schedule G⁽⁵⁾ to the *Native Labour Ordinance, 1911-1933*⁽⁴⁾ :—

- (a) The guarantee may be used in respect of natives intended to be recruited, but not recruited at the date of the guarantee;

(3) By Order in Council dated 29.9.1930 and published in *Papua Govt. Gaz.* of 1.10.1930 the Lieutenant-Governor in Council ordered:

"That for the present, and until further notice, an employer need not provide a native labourer with a loin cloth except where the labourer enters or is employed in a township."

However at the date of this Order in Council Regulation 15 of the repealed *Native Labour Regulations* provided for the issue of loin cloths in similar terms to the present Regulation 6.

(4) Repealed and replaced by the *Native Labour Ordinance, 1941.*

(5) See now Form 2, Schedule F, of the *Native Labour Ordinance, 1941.*

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- (b) The guarantee shall be signed by the principal and surety before a magistrate, and shall contain a reference to the name of the office of the magistrate before whom it is signed, in which it is lodged and a distinguishing number;
- (c) The guarantee shall, upon signature, be lodged in the office of the magistrate witnessing the same;
- (d) Such magistrate shall—
 - (i) forward the guarantee to the Commissioner for Native Affairs;
 - (ii) issue to the person named in the guarantee as the recruiter a Certificate of Lodgment of Guarantee in the form prescribed in Schedule 5 to these regulations;
- (e) The person named in the certificate as the recruiter shall produce the certificate to the magistrate, inspector or qualified officer whom he asks to sanction the engagement of any natives in respect of the guarantee therein referred to;
- (f) Every magistrate, inspector or qualified officer to whom the certificate is produced shall—
 - (i) endorse thereon the number of the natives whose engagement he sanctions under the guarantee in respect of which the certificate was issued, not being more in the aggregate than the number stated in the certificate, and the date when the natives entered into a contract of service before him;
 - (ii) insert in the contract of service of each native the name of the office of the magistrate where the guarantee was lodged and the distinguishing number of the guarantee as stated in the certificate;
- (g) When the aggregate number of natives endorsed on the certificate as being those whose engagement is sanctioned equals the number expressed in the certificate to be the numbers stated in the guarantee, the magistrate, inspector or qualified officer who makes the last endorsement thereon shall retain and transmit the certificate to the said Commissioner;
- (h) Until such aggregate number is endorsed on the certificate the person named therein as recruiter may retain the certificate: Provided that such recruiter shall, within six months from the date of such certificate, or within four months from the day of the first endorsement thereon,

whichever of such periods shall first elapse, file or cause to be filed the certificate in the office of the said Commissioner, whether or not the aggregate number of the natives endorsed thereon as being those whose engagement has been sanctioned is equal to the number expressed in the certificate to be the number stated in the guarantee;

- (i) No certificate shall be endorsed by a magistrate, inspector or qualified officer—
 - (i) after the expiration of five months from the date thereof; or
 - (ii) after three months from the date of the first endorsement thereon.

RELIEF OF SURETY.

9.—(1.) A surety named in a guarantee taken in pursuance of Section 29⁽⁶⁾ of the *Native Labour Ordinance, 1911-1933*,⁽⁴⁾ may cause to be served upon the employer a notice that on a certain date he intends to apply to a magistrate to be relieved from his liability under the guarantee.

(2.) The employer shall have not less than four weeks' notice of the application.

(3.) The notice shall state the grounds upon which the surety intends to apply.

(4.) An Order relieving a surety of his liability under Section 29A⁽⁷⁾ of the *Native Labour Ordinance, 1911-1933*,⁽⁴⁾ may be made upon the following grounds:—

- (i) that the employer is unable to pay his debts as they fall due;
- (ii) that the employer is about to leave the Territory;
- (iii) that the employer is not carrying out the provisions of the Ordinances and regulations relating to native labour.

(5.) It shall be in the discretion of the magistrate to grant or refuse the application.

(6.) If the magistrate grants the application he may impose the following conditions:—

- (i) that the contract of service be cancelled;
- (ii) that the wages due to the labourer under the contract of service be paid in full;
- (iii) that the native be returned to his home;
- (iv) that the cost of carrying out these conditions be borne by the applicant.

(4) Repealed and replaced by the *Native Labour Ordinance, 1941.*

(6) See now Section 32 of the *Native Labour Ordinance, 1941.*

(7) See now Section 33 of the *Native Labour Ordinance, 1941.*

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DRUGS.

STOCK OF DRUGS, ETC., TO BE KEPT.

10. Employers of natives are required to keep a sufficient stock of the drugs, etc., set out in Schedule 4 to these regulations, on hand for use as occasion may require.

HEALTH.

DYSENTERY CASES TO BE REPORTED.

11. Every employer shall immediately report any case of dysentery or suspected dysentery which occurs amongst his native labourers to the nearest magistrate and to the Commissioner for Native Affairs.

EPIDEMIC DISEASE.

CENTRES OF.

Centres of epidemic may be notified.

12. Any place in the Territory may be declared by the Lieutenant-Governor, by notification⁽⁸⁾ in the *Gazette*, to be a centre of epidemic disease, and such place (hereinafter called a "centre of epidemic") shall be deemed a centre of epidemic disease for the purpose of these regulations until declared otherwise by notification in the *Gazette*.

Natives to be taken to certain ports.

13. All native labourers returning home or proceeding to any other part of the Territory from a centre of epidemic shall be first taken to Port Moresby or Samarai, whichever of those places is (1) the nearer port to the centre of epidemic, or (2) the nearer port from the centre of epidemic in the direction of the destination of such native labourers.

Duties of masters of certain vessels.

14.—(1.) The Master of any vessel—

(a) on which are native labourers and on which a case of dysentery occurs; or

(b) on which are native labourers returning home from a centre of epidemic, or proceeding to any other part of the Territory from a centre of epidemic,

shall proceed at once with the vessel without landing or taking on board any native direct to Port Moresby or Samarai, whichever of such places is in case (a) the nearer port to the place where the case of dysentery occurred, or in case (b) is the nearer port to the centre

(8) No declaration of a centre of epidemic disease is now in force.

of epidemic, whence such natives are returning or proceeding as aforesaid, or the nearer port from that centre of epidemic in the direction of the destination of such natives.

(2.) If both Port Moresby and the port of Samarai lie between the centre of epidemic and the place or places of destination of natives returning home therefrom, or proceeding to any other part of the Territory therefrom, the Master of the vessel upon which are any such natives shall proceed to both such ports in turn, and shall not take on board any native, and shall not, without the consent of a Government Medical Officer, land any native between the first and second of such ports.

Master to report arrival to medical officer.

15. The Master of any vessel referred to in the last preceding regulation shall at once report the arrival of his vessel to the Government Medical Officer at the port or the respective ports whereto he is directed by these regulations to proceed, and no natives shall be allowed to land without the permission of such Government Medical Officer. And such Master shall also on arrival follow all reasonable directions he shall receive from such Government Medical Officer for cleaning and disinfecting the vessel.

Detention and isolation.

16. If such medical officer shall so direct, the natives on board such vessel shall be taken by the Master of the vessel to some place to be set aside for the purpose where they may be detained until discharged by the order of such Government Medical Officer.

Liability of owners and charterers of vessels.

17. The owner or charterer of the vessel shall be liable in like manner as the Master for any breach by the Master of a vessel of any of the provisions of the three last preceding regulations.

Liability of employer during detention.

18. The employer of such natives shall, during any such detention, continue liable to provide them with rations, but an employer may discharge this liability by a money payment, to be made fortnightly in advance, at the rate of Sixpence a day for each labourer. A refusal or failure on the part of an employer to provide rations or make such payments shall be sufficient reason for refusing in future to sanction the engagement or hiring of a native labourer by the employer or the transfer of a native to him.

Natives to be sent to hospital, if any.

19. If there shall be a hospital in a centre of epidemic employers shall send all sick natives to such hospital without delay, provided

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that such hospital is within ten miles of such sick natives. Employers shall pay to the Government the ordinary hospital fees for such sick natives.

Native refusing to obey instructions, etc.

20. No native shall without reasonable cause refuse to proceed to nor shall he leave any place set aside as aforesaid before he is discharged, nor refuse or neglect to obey the instructions of a Government Medical Officer during his detention.

21. An employer of native labourers upon any infected centre may forbid any native not in his employ to enter or remain upon any such infected centre. No native so forbidden shall enter or remain upon such infected centre.

HOSPITAL ADMISSION AND FEES.

22. Any native shall be admitted to any Government native hospital for medical treatment under the order of any officer of the Department of Native Affairs, magistrate or inspector, such admission being subject to the examination by the medical officer.

23. The employer of a native shall, on the order of any officer of the Department of Native Affairs, magistrate or inspector, immediately remove the native to a native hospital for medical examination and treatment, if any such hospital is within ten miles of such native. The employer or his agent shall pay to the Government the ordinary hospital fees.

24.—(1.) The employer of a native under contract of service who is admitted into a Government native hospital for the purpose of treatment, other than for venereal disease or sickness contracted during the time he was a deserter from his employer's service, shall pay hospital fees at the following rate:—

For every in-patient of a native hospital—

Where there is a Government Medical Officer, One shilling and six pence.

Where there is a European Medical Assistant but no Government Medical Officer, One shilling for each day or portion of a day from the time of admission.

(2.) The fees shall be payable to the Treasurer not later than fourteen days after the discharge of the native.

25. Should any native be in hospital on the expiration of his contract of service his employer shall not be required to pay hospital fees for any period subsequent to the expiration of such contract of service.

Sub-reg. (1)
am. by S.R.
1939, No. 15,
rr. 1 and 2.

26. When a magistrate, inspector or qualified officer has refused, on the grounds of sickness or other physical disability of a native, to sanction his engagement under contract of service, no hospital fees shall be payable by the person seeking to engage him in respect of such native, if he is admitted to a hospital by reason of such sickness or physical disability.

26A. When the employer of a native under Contract of Service removes him to any Government native hospital and upon admission he is found to be suffering from a venereal disease, the employer may claim from the Government a refund of the reasonable cost of such removal.

Ad. by
S.R. 1933,
No. 13, r. 1.

Any such claim shall be addressed to the nearest magistrate and be accompanied by a medical certificate which the Government medical officer in charge of the native hospital shall give upon the request of the employer without charge.

PREVENTION OF FOOD-DEFICIENCY DISEASES.

BERIBERI.

27. If Beriberi or any sign of incipient Beriberi occurs or is suspected of occurring amongst any native labourers engaged under contract of service, the Commissioner for Native Affairs may order the employer to supply his native labourers or any of them with a special *Beriberi ration* according to the scale set out in Schedule 2 to these regulations.

SCURVY.

28. If scurvy or sore mouth disease occurs or is suspected of occurring amongst any native labourers engaged under contract of service, the Commissioner for Native Affairs may order the employer to supply such native labourers or any of them with the special additional *Scurvy ration* according to the scale set out in Schedule 2 to these regulations in lieu of food set out in paragraph (a) in Schedule 2 under heading "monthly".

TUBERCULOSIS OR PNEUMONIA.

29. If in the opinion of the Commissioner for Native Affairs the health of native labourers engaged under contract of service is unsatisfactory and would be improved by an additional *Tuberculosis or Pneumonia ration* he may order the employer to supply such native labourers or any of them with the additional *Tuberculosis or Pneumonia ration* according to the scale set out in Schedule 2 to these regulations.

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HOUSING.

DWELLINGS.

Accommodation for sick natives.

30. Where the number of natives employed exceeds fifty the employer shall provide a building, duly certified as sufficient by an officer of the Department of Native Affairs, or a magistrate, set apart for the reception of natives who may require medical aid or treatment.

Daily inspection.

31. Every employer of more than ten natives shall by himself or by a European in his employ, daily inspect the houses assigned to natives employed by him in order to ensure the preservation of cleanliness and due care of the sick.

Dirty or insanitary dwellings.

32. No native shall keep the dwelling assigned to him in a filthy or unwholesome state or refuse or neglect within a reasonable time, after being required by the employer to do so, to remove any nuisance which may have accumulated or may have been placed in the immediate neighbourhood of such dwelling, or commit any nuisance within sixty yards of any freshwater or non-tidal river or stream, or any reservoir, dwelling or common thoroughfare.

Latrines.

33. Every employer shall provide and maintain on a site convenient to the dwelling house of the natives employed by him one suitable latrine for every thirty or less natives, and shall cause the same to be kept in a proper sanitary condition.

Suitable dwellings.

34. The employer of a native shall, where the native sleeps on the premises, assign to such native a suitable dwelling, and shall at all times keep it in sufficient repair, and shall keep the yard or ground around such dwelling well drained and free from weeds and rubbish and refuse of every description.

Unfit and overcrowded dwellings.

35. No dwelling which, in the opinion of the Commissioner for Native Affairs, a magistrate or an inspector, is unfit for habitation shall be assigned to any native, and no greater number of natives shall be assigned to any dwelling or separate apartment than the Commissioner, magistrate or inspector approves.

36. The following conditions shall be observed by every employer in regard to the dwellings assigned by him to native labourers:—

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- (a) No such dwellings shall be assigned to, or contain more than, forty natives.
- (b) A minimum of 300 cubic feet of air space in closed buildings, or 150 cubic feet of air space in buildings through which there is a free passage of air, shall be provided for each native therein.
- (c) A sleeping space of seven feet by three feet superficial shall be provided for each native therein.
- (d) Sleeping platforms shall be of suitable timber of even surface, and close fitted so as to prevent draughts, and shall be placed at least eighteen inches above the floor.

INTERPRETATION.

37. In these regulations, unless the context otherwise indicates the term:—

“Employer” includes the agent of the employer and any person who expressly or by implication has the charge or care of any native.

“Native” shall include any aboriginal native of the Territory employed under any of the provisions of the Ordinance and any native who has not been returned to his home after the expiration or other determination of his contract of service.

“Contract of Service” shall mean the written contract of service under the provisions of the Ordinance.

PENALTIES.

38. The penalty for a breach of or an offence against any of the regulations for which no penalty is otherwise provided shall be a fine not exceeding Fifty pounds and in default of payment imprisonment with or without hard labour for any period not exceeding six months.

PLANTATION LABOUR.

PLANTATION REGISTERS.

39.—(1.) Every person who employs natives under contract of service upon a plantation shall keep on the plantation a register of such natives in the form and containing the particulars set out in Schedule 3 to these regulations.

(2.) If any person mentioned in the preceding paragraph of this regulation employs natives under a contract of service upon more than one plantation he shall also keep a duplicate of the aforesaid

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register in respect of each plantation at his residence or principal place of business in the Territory. In the case of an incorporated company carrying on business in the Territory the duplicate registers shall be kept at the registered office of the company in the Territory.

(3.) Every such register and duplicate shall be produced at all reasonable times and at his request to the Commissioner for Native Affairs, or to any officer of his Department, or to any officer appointed under the provisions of the *Native Labour Ordinance, 1911-1933.*⁽⁴⁾

SMOKING AND FIRES ON PLANTATIONS.

40. No native shall smoke or carry fire or use any fire in any part of a plantation other than the lines or dwelling house of such native, contrary to the orders of the manager, overseer or other person in authority.

RATIONS.

41. An employer shall issue in respect to every native under contract of service the rations specified in Schedule 2 to these regulations.

RECRUITERS.

ASSISTANT, CONDITIONS OF EMPLOYMENT.

Employers' and licensed recruiters' native assistants.

42. The following restrictions and conditions are imposed upon the use that may be made of the services of native assistants by employers and licensed recruiters to obtain recruits:—

- (a) No native assistant shall obtain or attempt to obtain recruits unless, at the time he does so, the employer, or licensed recruiter as the case may be, to whom he is under contract of service is in the same Division of the Territory as, and within ten miles distance from, such native assistant.
- (b) The native assistant shall, while engaged in obtaining or attempting to obtain recruits, be accompanied by no person other than his employer, or other native assistants of his employer, or native residents of villages (not under contract of service) within a radius of ten miles of the locality where the native assistant is for the time being so engaged.
- (c) A native assistant while engaged in obtaining or attempting to obtain recruits, shall not carry any firearms or accompany any person (other than his employer) who does so.

(4) Repealed and replaced by the *Native Labour Ordinance, 1941.*

DISQUALIFIED, DISABILITIES OF.

43.—(1.) No person in respect of whom an Order in Council has been made and is for the time being unrevoked forbidding the issue of a recruiter's licence to him shall—

- (a) as the agent for, or as a European overseer in the regular service of, an employer recruit natives to work in any capacity for such employer;
- (b) make use of the services of a native assistant or of a local native to obtain recruits for an employer.

(2.) No employer shall engage or authorize any such person to obtain recruits for him, either directly or by making use of the services of a native assistant or of a local native.

RELAXATION OF PROVISIONS OF SECTION 20.⁽⁹⁾

44.—(1.) The provisions of Section 20 of the *Native Labour Ordinance, 1911-1933*,⁽⁹⁾ so far only as they impose a duty upon an employer, or European overseer in his regular service, to personally take charge of a native recruited by him from the time he is recruited until he is duly engaged under contract of service under the said Ordinance are relaxed, subject to the conditions and in respect of such portions of the Territory as are hereinafter mentioned.

(2.) The relaxation shall apply only to natives recruited for an employer's service by the employer, or by a European overseer in his regular service, personally.

(3.) An agent of the employer, appointed in writing by him, shall attend with the native for the purpose of duly engaging him under contract of service under the said Ordinance, at the office of the magistrate, inspector or qualified officer nearest in the same Division to the place where the native was recruited and shall produce to such magistrate, inspector or qualified officer—

- (a) a statement duly completed in the form of Schedule E to the said Ordinance relating to such native signed by the employer or European overseer in his regular service who personally recruited the native;
- (b) the authority in writing signed by the employer authorizing the European overseer who signed the Statement E so produced, to recruit natives to work for the employer;
- (c) the writing signed by the employer appointing the agent so attending with the native.

(4.) The agent must be a European.

(5.) No such native shall be engaged under these regulations after the expiration of two weeks from the date he was recruited.

(9) See now Sections 19 and 20 of the *Native Labour Ordinance, 1941.*

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(6.) The relaxation provided by these regulations shall apply only in respect of such portions of the Territory as are comprised within—

- (a) the Central Division;
- (b) the Eastern Division;
- (c) the Northern Division;
- (d) the Gulf Division.

SIGNED-OFF LABOUR.

RETURNING LABOURERS HOME IN VESSELS.

45. No employer shall except with the permission of a magistrate return a native labourer to his home at the expiration or other determination of his contract by a vessel other than a vessel approved by the Commissioner for the purposes of this regulation.

A native labourer may with the approval of a magistrate and subject to such conditions as he may impose but not otherwise be returned home by canoe.

TOUTING—OVERCHARGING.

46. No person shall —

- (a) use any undue influence to induce a native to spend his wages with any person;
- (b) charge a native more than a reasonable price for goods sold by him to a native;
- (c) sell goods to a native for the sum of Ten shillings and upwards without at the time of purchase handing the native an invoice showing—
 - (i) name of native purchaser;
 - (ii) date of purchase;
 - (iii) price of goods purchased;
 - (iv) name of sales assistant (if any) who effected the sale.

SUSPENSION OF REGULATIONS.

47. The Lieutenant-Governor,⁽¹⁰⁾ by notice⁽¹¹⁾ in the *Gazette*, may suspend the operation of any of the regulations indefinitely or till further notice, or for a specified period, and either in relation to the whole Territory or any part thereof, and may, by a like notice, revive the same or any of them.

(10) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(11) No notice has been published in *Papua Govt. Gaz.*

TOWNS.

NATIVES EMPLOYED IN TOWNS.

Native quarters to be outside limits of Port Moresby.

48. The employer of a native (other than a domestic servant) shall provide such native who may for the time being be engaged at work within, or be for any purpose detained within, the town of Port Moresby, with good and sufficient sleeping quarters in a convenient site situated outside the limits of the said town.

Native Quarters—Sanitation.

49. Every employer shall keep and maintain the sleeping quarters referred to in the preceding regulation in a good state of repair and clean, and the yard or grounds around the same free from weeds and rubbish of every description and well drained, and shall provide the same with a suitable latrine always kept in a sanitary condition.

Natives to be outside of town at night.

50. No native (other than a domestic servant) shall, without lawful excuse enter, remain or be within or upon, or be permitted without lawful excuse by his employer to enter, remain or be within or upon the limits of the town of Port Moresby, or any wharf or jetty erected on the shores thereof, after the hour of seven o'clock in the evening without the written consent of a magistrate or an inspector, and any person who permits, aids or induces any native to commit a breach of this regulation shall be guilty of an offence against these regulations.

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Reg. 51 rep. by
S.R. 1940,
No. 1, r. 1.

Application to other towns.

52. The Lieutenant-Governor⁽¹⁰⁾ may by Proclamation⁽¹²⁾ in the *Gazette* extend the provisions of the four last preceding regulations to any other town or place to be specified in such Proclamation.

WIVES AND CHILDREN OF NATIVE LABOURERS.

53.—(1.) The employer of a native under contract of service who is granted permission to allow the wife and children of such native to accompany him to his place of employment shall supply the said native and his wife and children with good and sufficient separate dwelling or partitioned-off portion of a dwelling assigned to and used by married couples only; also good and sufficient water, medicine, medical attention, food and the means (if necessary) of preparing food from the time they leave their village until they return to it to the satisfaction of the Commissioner for Native Affairs, Chief Inspector

(10) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(12) No proclamation has been published in *Papua Govt. Gaz.*

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of the Native Affairs Department or the Resident Magistrate of the Division where they happen to be at the time.

(2.) The employer of a native under contract of service who is granted permission as aforesaid shall bear the whole of the expense of the removal of the wife and children from their home to the place of employment and of the return to such home.

(3.) The employer shall not compel the wife or children of a native under contract of service who have been allowed to accompany such native to his place of employment to perform any manner of labour for himself or for any other person.

(4.) The Commissioner for Native Affairs, his Chief Inspector or the Resident Magistrate of the Division where the husband is employed may at any time if they think fit remove the wife and children who have been allowed to accompany the said husband to his place of employment to their home, together with their personal effects, at the expense of the employer and unless they are so taken charge of the aforesaid husband shall not be separated from his wife or children.

(5.) The wife of any native labourer under contract of service who refuses to allow herself or her children to be removed in the circumstances and in the manner mentioned in the last preceding sub-regulation hereof shall be guilty of an offence.

WORK.

FAILURE TO PERFORM WORK DILIGENTLY.

54. Except with lawful excuse no native under contract of service shall fail to show reasonable diligence in the performance of work assigned to him and which it is his duty to perform. Any native convicted of an offence under the provisions of this regulation shall be liable to imprisonment with or without hard labour for any period not exceeding fourteen days or in the alternative to a fine not exceeding his pay for fourteen days.

HOURS OF WORK.

55. The hours of work for a native labourer under contract of service, other than household servants, shall be fifty hours in the week, counting from Monday to Saturday, inclusive; but, except in cases of emergency, a native labourer, shall not work for more than ten hours in any one day. The hours shall always be estimated exclusive of the time allowed for meals. Any such native who has completed fifty hours of time worked in any one week shall, except in cases of emergency, be at liberty to absent himself from work for the remainder of the week.

PERSUADING TO LEAVE WORK, ETC.

56. No native shall persuade or attempt to persuade any native under contract of service unlawfully to absent himself from or to desist from work, which it is his duty to perform.

SUNDAY WORK.

57.—(1.) A native labourer under contract of service shall not be compelled to work on Sunday except for the purpose of—

- (a) attending to domestic duties;
- (b) attending to animals;
- (c) bailing out mining shafts or doing such work as may be necessary for the safety of a mine;
- (d) attending to machinery, the stoppage of which would cause grave loss to his employer;
- (e) meeting a sudden emergency;
- (f) the preservation of life or property;
- (g) rubber tapping and factory work, subject to the provisions of Sub-regulation (2.) hereof.

This regulation shall not apply to native labourers serving under contract of service as crew of a boat or vessel.

(2.) When the nature of the occupation at which a native is to be employed appears by the contract of service to include rubber tapping and rubber factory work only, the native may, by the contract, agree to work on a Sunday, and thereupon the native concerned may be compelled to perform rubber tapping and rubber factory work on a Sunday, subject to the following conditions to be observed by the employer:—

- (a) The Sunday's work shall not exceed five hours nor continue later than 1 o'clock p.m.;
- (b) It shall count as a full five hours' work under Regulation 55 hereof; and
- (c) The native shall be entitled to and shall be allowed at least three half-days off during the same week after 1 o'clock p.m., in addition to a half-day on Saturday.

This sub-regulation shall not apply to any Christian native.

SCHEDULE 1.

LIST OF FEES.
(Regulation No. 7.)

| | s. | d. |
|---|----|----|
| For every native on entering into a Contract of Service | 5 | 0 |
| Statement, Form E, for each native named therein | 1 | 0 |
| Permit, Form H, for each native named therein | 1 | 0 |

NATIVES—

| | | s. | d. |
|--|----|----|------|
| Permit, Form I, for each native named therein | .. | .. | 1 0 |
| Permit, Form J, for each native named therein | .. | .. | 10 0 |
| Certificate, Form K | .. | .. | 1 0 |
| Guarantee for every ten or less than ten natives referred to therein | .. | .. | 1 0 |
| For every copy of Contract of Service in lieu of employer's copy lost or destroyed | .. | .. | 2 0 |

SCHEDULE 2.

RATION SCALE. (13)

(Regulation 41.)

The following is the minimum ration that is to be supplied to each native under contract of service:—

Daily.

- (a) Any one or some combination of two or more of the following:—
Rice, dried sago, white flour, white bread, biscuits and maize meal, 1 lb.
- (b) Peas or beans, or pea flour, or wheatmeal, or brown bread made from wheatmeal, $\frac{1}{2}$ lb.
- (c) Any of the above may be replaced by four times the quantity of fresh edible roots or bananas.

Weekly.

- (a) Meat (without bone) or fish, 1 lb.; and
- (b) Any one or some combination of two or more of the following:—
Fresh coconut kernel, desiccated coconut and sugar, 1 lb.; and
- (c) Cod-liver oil, 1 tablespoonful; and
- (d) Salt, 1 oz.; and
- (e) Soap, 2 oz.; and
- (f) Tobacco (29 sticks to the pound), $1\frac{1}{2}$ sticks.

Monthly.

- (a) Oranges (full sized), 4; or
Lemons (full sized), 4; or
Limes (full sized), 8; or
Sprouted peas, 2 lb.; or
Onions, 2 lb.; or
Papaws, 2 lb.; or
Tomatoes, 2 lb.; and
- (b) Fresh edible roots or bananas, 8 lb.; and
- (c) Peas or beans, 2 lb.

Fresh edible roots shall include all kinds of edible roots commonly used as food by natives of Papua, European potatoes and any other article of food sanctioned by the Commissioner for Native Affairs.

Application of ration scale.

The scale herein set out not to apply to household servants who shall be supplied with sufficient good food as required.

When specially ordered by the Commissioner for Native Affairs:—

Additional Beriberi Ration (Regulation No. 27):

Half a pound of peas or beans or bean flour or two pounds of fresh vegetable roots be supplied to each labourer daily. Unless ordered to the contrary the employer may substitute the above alternatives one for the other.

Additional Scurvy Ration (Regulation No. 28):

One orange or one lemon or two limes or one quarter pound of onions or half a pound of germinated peas be supplied to each labourer daily.

(13) For the Scale of Rations for Government native employees being "Constabulary, warders, boatmen and other Papuans regularly employed" and "Native boys under mandate to Government Officers", see notice dated 23.12.1940, published in *Papua Govt. Gaz.* of 2.1.1941 and printed on p. 3417.

Native Labour Regulations, 1933.

Unless the order specifies to the contrary the employer may substitute the above alternatives one for the other.

Additional Tuberculosis or Pneumonia Ration (Regulation No. 29):

Two pounds of fresh coconut kernels or eight ounces of Cod-liver oil to be supplied to each labourer per month. Unless the order specifies to the contrary the employer may substitute the above alternatives one for the other.

Food to be cooked.

All food shall be supplied to the native labourer suitably cooked, prepared and served ready for consumption.

SCHEDULE 3.

(Regulation No. 39.)

REGISTER OF NATIVE LABOURERS EMPLOYED BY AT PLANTATION.

| Contract of Service No. | Place of Engagement. | Native's Name. | Village and Division. | Date of Arrival and where from. | Date of Departure and Destination. | Remarks. |
|-------------------------|----------------------|----------------|-----------------------|---------------------------------|------------------------------------|----------|
| | | | | | | |

NOTE.—If a native labourer returns after having left a plantation, his name and all other particulars concerning him required by this schedule must be inserted afresh.

SCHEDULE 4.

(Regulation No. 10.)

For more than ten natives—

| | |
|---|-------------------------------------|
| Adhesive Plaster | Easton's Syrup |
| Bandages | Epsom Salts |
| Bluestone | Friars Balsam |
| Book of Instructions | Lint |
| Boracic Acid Powder | Lysol |
| Boric or Zinc Ointment | Permanganate of Potash |
| Castor Oil | Quinine Tablets (5 grains) |
| Chlorate of Potash Tabloids | Sulphur Ointment |
| Cod-Liver Oil | Thermometer |
| Crude Carbolic Acid (for disinfection of buildings, etc.) | Tinct. Camphor Compound (Paregoric) |

SCHEDULE 5.

(Regulation No. 8. (d) (ii)).

Certificate of Lodgment of Guarantee.

I certify that a guarantee in Form 2 of Schedule G of the *Native Labour Ordinance, 1911-1933*, has been lodged with me this day from which the following particulars are taken:—

