

PAPUA.



No. 11 of 1927.

AN ORDINANCE

Relating to the Employment of Natives Without Indenture.

[RESERVED 10TH JUNE, 1927.

ASSENTED TO 7TH DECEMBER, 1927.]^(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. This Ordinance may be cited as the *Natives (Non-Indentured Service) Ordinance, 1927.* Short title.

2. In this Ordinance unless the contrary intention appears— Definitions.

“Employer” means the employer of a native under the provisions of this Ordinance;

“Native” means any aboriginal native of the Territory of Papua who is not under a contract of service under the provisions of the *Native Labour Ordinance, 1911-1920*, 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

(a) Assent notified in *Gazette* No. 16 of 24th December, 1927.

miles computed according to the nearest road ordinarily used in travelling from the place of his employment under this Ordinance ; 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 ordinarily used in travelling from the place of her employment under this Ordinance.

Natives may be employed.

3. Any person may subject to the provisions of this Ordinance employ any native who is willing to be so employed by him :

Proviso.

Provided that this section shall not apply to any person who is for the time being prohibited from the recruiting employing or having charge of native labour under the provisions of this Ordinance or of the *Native Labour Ordinance, 1911-1920.*

Employment how determined.

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

Work of female natives.

5. No female native shall be employed under this Ordinance in any occupation which is of a heavy or burdensome nature.

Operation of Ordinance or part, etc., may be suspended.

6. The Lieutenant-Governor may by Proclamation published in the *Gazette* suspend the operation 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 Division or district thereof or any locality therein.

When and how employment of natives may be prohibited.

7. (1) If at any time it is made to appear to the Lieutenant-Governor or he has cause to believe that any employer or any agent of his has contravened any of the provisions of this Ordinance or of the regulations made thereunder or that for any cause it is desirable in the interests of natives that such employer or agent should be prohibited from employing them under this Ordinance or of having charge of them the Lieutenant-Governor may order that such employer or agent as the case may be

prohibited from employing natives or having charge of natives employed under this Ordinance.

(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) Upon the making of the order the employer or agent as the case may be shall obey the same :

Penalty : Fifty pounds.

(4) Before making any such order the Lieutenant-Governor may direct the Commissioner for Native Affairs the Chief Inspector of his Department or a magistrate to call upon such employer or agent to show cause why such order should not be made.

(5) The said Commissioner Chief Inspector or magistrate as the case may be shall thereupon give notice in writing to the employer or agent as the case may require to appear before him ten clear days after the service of the notice at a place specified in the notice to show cause why such order should not be made and shall forward to the Lieutenant-Governor any statement made by the employer or agent in showing cause together with a report thereon or if the employer or agent as the case may be fails to appear shall report that fact to the Lieutenant-Governor who if satisfied that it is just to do so may make the order hereinbefore referred to.

8. (1) The Lieutenant-Governor may make regulations prescribing all matters which are required or permitted to be prescribed or which are necessary and convenient to be prescribed for carrying out and giving effect to this Ordinance and in particular for the following:— Regulations.

For making regulations dealing with matters of detail under this Ordinance as to food water shelter sleeping quarters clothing bedding hospital accommodation medical care and medicine to be allowed to and provided for natives who reside at the place of their employment by their employers and by those who expressly or by implication are in charge of them the books and records of employment of natives to be kept by the employer the time the natives are to work and all other matters with regard to the treatment of natives and otherwise.

(2) No regulations shall be made unless and until the Lieutenant-Governor shall by Proclamation published in the *Gazette* declare that it is desirable to make regulations for the better protection or in the interests of natives employed under this Ordinance.

Wrongly
employing
native under
Ordinance.

9. No person shall under the provisions of this Ordinance employ a native who is not a native within the meaning thereof:

Penalty: Twenty pounds.

Inspection of
Natives.

10. (1) The Commissioner for Native Affairs any inspector of his Department any magistrate or any officer appointed by the Lieutenant-Governor may at all reasonable hours enter upon any place where natives are employed or where he has reason to believe natives are employed under this Ordinance and may inspect and question any native upon such place and may question any person in whose service the native may appear to be or any person who has charge of the native 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 affects the welfare of the native.

(2) No such person shall hinder the inspection of any such native or refuse to answer any such question as aforesaid or wilfully make any false answer to any such question.

Penalty: Twenty pounds.

*Native Labour
Ordinance,
1911-1920, s. 22
not affected.*

11. Nothing in this Ordinance contained shall affect the provisions of Section Twenty-two of the *Native Labour Ordinance, 1911-1920.*

Passed in Council this tenth day of June, in the year of Our Lord One thousand nine hundred and twenty-seven.

Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the seventh day of December, One thousand nine hundred and twenty-seven.