

# LICENCES ORDINANCE 1923-1937.<sup>(1)</sup>

## An Ordinance to provide for the issue of Licences to Traders and others.

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

1. This Ordinance may be cited as the *Licences Ordinance 1923-1937*.<sup>(1)</sup>

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

2. This Ordinance shall commence on a day to be fixed by the Administrator by notice in the *New Guinea Gazette*.<sup>(1)</sup>

Commencement.

3.—(1.) No person shall engage in the business of buying or selling coconuts or copra or in general mercantile business unless he is authorized so to do by a licence issued under this Ordinance:

Unlicensed persons not to carry on mercantile business, &c.

(1) The *Licences Ordinance 1923-1937* comprises the *Licences Ordinance 1923* as amended by the other Ordinances referred to in the following Table:—

Sub-section (1) amended by No. 27 of 1934, s. 2, No. 37 of 1936, s. 3, and by No. 11 of 1937, s. 3.

TABLE.

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

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which published in <i>Cwlth. Gaz.</i>	Date on which took effect.
<i>Licences Ordinance 1923</i> (No. 3 of 1923)	31.1.1923	8.2.1923	31.3.1923 ( <i>N.G. Gaz.</i> of 29.3.1923)
<i>Licences Ordinance</i> (No. 2) 1923 (No. 27 of 1923)	20.6.1923	23.6.1923	31.7.1923 ( <i>N.G. Gaz.</i> of 25.7.1923)
<i>Licences Ordinance 1924</i> (No. 25 of 1924)	26.6.1924	27.6.1924	27.6.1924 ( <i>Cwlth. Gaz.</i> of 27.6.1924)
<i>Licences Ordinance</i> (No. 2) 1924 (No. 31 of 1924)	10.9.1924	11.9.1924	11.9.1924 ( <i>Cwlth. Gaz.</i> of 11.9.1924)

### 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 Gov.-Gen. in Council.	Date on which came into operation.
<i>Licences Ordinance 1934</i> (No. 27 of 1934)	8.2.1934	15.8.1934	8.2.1934 ( <i>Laws of T.N.G.</i> , Vol. XIII, p. 76)
<i>Licences Ordinance</i> (No. 37 of 1936)	5.8.1936	14.11.1936	1.10.1936 ( <i>N.G. Gaz.</i> of 15.8.1936)
<i>Licences Ordinance 1937</i> (No. 11 of 1937)	3.3.1937	14.8.1937	1.7.1937 (Sec. 2, <i>Licences Ordinance 1937</i> )

## TRADING LICENCES—

Provided that this section shall not apply to the sale of the produce of land by the owner or occupier of the land or by any person employed by him or to the sale of any goods acquired by any person in exercise of the rights granted to him in any lease or licence issued under the *Lands Ordinances* 1922,<sup>(2)</sup> the *Mining Ordinances* 1922,<sup>(3)</sup> the *Timber Ordinances* 1922<sup>(4)</sup> or the *Fisheries Ordinance* 1922:<sup>(5)</sup>

Proviso added by No. 11 of 1937, s. 3.

Provided further that the Administrator may, by notice<sup>(6)</sup> in the *New Guinea Gazette*, exempt natives resident in any area specified in the notice from the provisions of this section.

Penalty: Fifty pounds or six months' imprisonment.

Sub-section (2) added by No. 27 of 1934, s. 2.

(2.) For the purposes of this Ordinance, "coconut" includes any part of a coconut.

Traders' licences and pedlers' licences.

4.—(1.) The Administrator or any person authorized by him by notice published in the *New Guinea Gazette* to issue licences may issue traders' licences and pedlers' licences.

(2.) A trader's licence—

Paragraph (a) substituted by No. 27 of 1923, s. 3; amended by No. 37 of 1936, s. 4 and by No. 11 of 1937, s. 4.

(a) shall specify the place in respect of which it is issued and, except as otherwise prescribed, shall not be valid in respect of any other place; and

(b) shall be issued for a period terminating on the 30th day of June following the date of the licence.

Sub-section (3) substituted by No. 25 of 1924, s. 2; amended by No. 27 of 1934, s. 3.

(3.) A trader's licence in accordance with Form A in the Schedules may be issued authorizing the person named therein to engage in any general mercantile business except the buying and selling of coconuts or copra.

Sub-section (3A) inserted by No. 25 of 1924, s. 2; amended by No. 27 of 1934, s. 3.

(3A.) A trader's licence in accordance with Form A1 in the Schedules may be issued authorizing the person named therein to engage in the business of buying and selling coconuts and copra.

(4.) A pedler's licence—

Paragraph (c) amended by No. 37 of 1936, s. 4.

(a) shall be issued for a period terminating on the 30th day of June following the date of the licence; and

(b) may specify the limits within which it shall be valid; and

(c) shall be deemed to authorize the holder or any person in his employ to engage in the business of buying and selling coconuts, copra, and other goods and com-

(2) Now the *Land Ordinance* 1922-1941.

(3) Repealed and replaced by the *Mining Ordinance* 1928-1940.

(4) Repealed and replaced by the *Forestry Ordinance* 1936-1937.

(5) Now the *Fisheries Ordinance* 1922-1938.

(6) No notice has been published in *N.G. Gaz.*

modities, subject to the limitations specified in it, from any vessel or vehicle of which the holder is the master or person in charge.

(5.) A pedler's licence may be in Form B in the Schedule.

5. No person shall purchase, sell, barter, exchange, or dispose of any coconuts or copra from with or to any native labourer who has entered into a contract of service under any Ordinance relating to native labour, during the period of his contract.

Trading in coconuts or copra with indentured natives prohibited. Amended by No. 27 of 1934, s. 4.

Penalty: Fifty pounds, or six months' imprisonment.

6. Every person carrying on business under a trader's licence shall exhibit outside each place in which he carries on business a notice board stating in plain letters such particulars as may be prescribed.

Trader to exhibit notice boards.

Penalty: Fifty pounds, or six months' imprisonment.

7.—(1.) The Administrator in Council may make regulations<sup>(7)</sup> not inconsistent with this Ordinance—

Regulations. Sub-section (1) amended by No. 27 of 1934, s. 5.

(a) Requiring that licences be obtained by—

- (i) hawkers of commodities other than persons required to obtain pedlers' licences;
- (ii) persons who own bicycles;
- (iii) persons who own wheeled vehicles other than bicycles or motor vehicles;
- (iv) persons who own or are in possession of fire-arms and ammunition;
- (v) persons who carry on business as caterers or keepers of restaurants;
- (vi) persons who own billiard tables used for hire and profit;
- (vii) persons who keep places of entertainment other than clubs and hotels; and
- (viii) persons other than natives who for reward act as agents for natives; and

Paragraph (viii) inserted by No. 27 of 1934, s. 5.

(b) Prescribing the conditions under which licences of any of the classes mentioned in paragraph (a) may be issued, and the form of and particulars to be stated in such licences; and

(c) Prescribing the fee to be paid for any licence authorized by this Ordinance or any regulation; and

(7) See the *Licences Regulations 1934*, printed on p. 4514, the *Amendment of Licences Regulations 1934*, printed on p. 4523, the *Places of Entertainment Regulations*, printed on p. 4527, and the *Agents for Natives Regulations*, printed on p. 4524.

## TRADING LICENCES—

- (d) Prescribing the particulars to be stated on notice boards required to be exhibited by holders of traders' licences; and
- (e) Prescribing the limits within which any licence issued under this Ordinance or the regulations shall be valid; and
- (ea) Prescribing all matters which are necessary or convenient to be prescribed relating to any licence issued under this Ordinance or the regulations; and
- (f) Prescribing the conditions subject to which the business for which a licence has been granted may be carried on, and the classes of persons from whom any commodity may be purchased by the holder of the licence; and
- (g) Providing for exemptions from the requirements of this Ordinance; and
- (h) Providing a penalty for the breach of any regulation not exceeding for each offence a fine of fifty pounds or in default imprisonment for six months.

(2.) All regulations made under the Ordinance shall be published in the *New Guinea Gazette*, and shall take effect from the date of such publication, or from a later date specified therein.

(2A.) Regulations made under this Ordinance may be of general application or may be limited to a prescribed area or restricted in their operation to natives or to persons other than natives or to any prescribed class of natives or to natives in a prescribed area.

(3.) All regulations made under this Ordinance shall be subject at any time to disallowance by the Governor-General, and any regulations so disallowed shall cease to have effect from the date of publication of the disallowance in the *New Guinea Gazette*.

## THE SCHEDULES.

### FORM A.

*The Licences Ordinance 1923-1924.*

### TRADER'S LICENCE.

\_\_\_\_\_ of \_\_\_\_\_ is hereby authorized to engage in general mercantile business, excepting the buying and selling of coconuts or copra, at \_\_\_\_\_ until the thirtieth day of June One thousand nine hundred and \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

A person authorized by the Administrator to issue Traders' Licences.

Paragraph (ea) inserted by No. 27 of 1934, s. 5.

Sub-section (2A) inserted by No. 11 of 1937, s. 5.

Form A substituted by No. 27 of 1923, s. 3; amended by No. 25 of 1924, s. 3 and by No. 27 of 1934, s. 6.

*Licences Ordinance 1923-1937.*

FORM A1.

*The Licences Ordinance 1923-1924.*

TRADER'S LICENCE.

\_\_\_\_\_ of \_\_\_\_\_ is hereby  
authorized to engage in the business of buying and selling coconuts and copra  
at \_\_\_\_\_ until the 30th day of  
June One thousand nine hundred and \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

A person authorized by the Administrator  
to issue Traders' Licences.

\_\_\_\_\_

FORM B.

*The Licences Ordinance 1923.*

PEDLER'S LICENCE.

\_\_\_\_\_ of \_\_\_\_\_ is hereby  
authorized to trade from a vessel or vehicle within [*here specify limits if  
any*] until the 30th day of June One thousand nine hundred and \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

A person authorized by the Administrator  
to issue Pedlers' Licences.

\_\_\_\_\_

Form A1  
inserted by  
No. 25 of 1924,  
s. 3; amended  
by No. 31 of  
1924, s. 2 and  
by No. 27 of  
1934, s. 6.