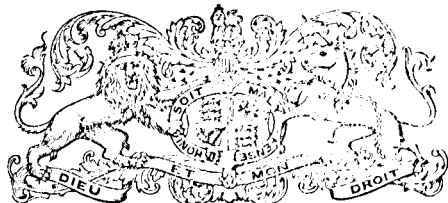


WESTERN PACIFIC HIGH COMMISSION.

No. 7 of 1923



[L.S.]

C. H. RODWELL,

High Commissioner.

November 26th, 1923.

KING'S REGULATION

TO AMEND THE SOLOMONS LABOUR REGULATION 1921.

Made by His Britannic Majesty's High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council 1893.

In the name of His Majesty GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

1. This Regulation may be cited as the Solomons Labour Amendment Regulation 1923 and shall be read and construed with the Solomons Labour Regulation 1921 hereinafter called the principal Regulation. SHORT TITLE.

2. Section three of the principal Regulation is hereby amended and shall be read as if the definition of "domestic service" were deleted and the following substituted therefor:-- REPEAL OF DEFINITION OF "DOMESTIC SERVICE" AND SUBSTITUTION OF NEW DEFINITION.

" 'Light work' includes domestic service and such other work and on such conditions as may from time to time be defined by the Resident Commissioner by notice in the Gazette."

3. Section eleven of the principal Regulation is hereby repealed and the following substituted therefor:-- REPEAL OF SECTION 11 AND SUBSTITUTION OF NEW SECTION.

" 11. No money or goods shall be given to a native or to his relatives or friends as an inducement to him or his relatives or friends or any of them to enter into a contract and any person offending against this section shall be liable on conviction in a summary manner to a fine not exceeding two hundred pounds, or in default of payment to six months imprisonment or to both such fine and imprisonment."

" Provided that an employer or recruiter may at the request of a recruit at the time of recruiting advance to such recruit up to one-quarter of his total wage such advance to be endorsed on the contract before it is approved by the proper officer." PROVISION.

PENALTY.

REPEAL OF
SECTION 14 AND
SUBSTITUTION OF
NEW SECTION.

4. Section fourteen of the principal Regulation is hereby repealed and the following substituted therefor:—

“ 14.—(1) Subject to the consent of the father or in the case of a married woman of her husband or in the absence of the father or husband of the person who by native custom is her guardian or (in the absence of any such person) of the District Officer any adult female may be engaged for and employed in service at will from day to day on any plantation situated within ten miles of her home or if accompanying her father or in the case of a married woman her husband or guardian as aforesaid may be engaged for and employed in like service on any plantation wheresoever situated on which such relative or guardian may be employed.

“ (2) Subject to the consent of the father or in the absence of the father of the person who by native custom is his guardian or (in the absence of any such person) of the District Officer any male child not being an infant child may be engaged for and employed in service at will from day to day on light work on any plantation situated within five miles of his home or if accompanied by an adult male relative standing to him in the relationship aforesaid may be engaged for and employed in the like service on any plantation wheresoever situated on which such relative may be employed.

“ Provided that every such child who may undertake to perform a days work as hereinafter defined shall after he shall have completed three hours continuous work be allowed an interval of at least two hours before being required to resume work.”

AMENDMENT OF
SECTION 15 AND
SUBSTITUTION OF
OTHER
PROVISION.

5. Section fifteen paragraph 1 of the principal Regulation is hereby repealed and the following substituted therefor:—

“ 15. All labourers shall in the absence of any agreement to the contrary be deemed to be under a contract to their employers from month to month determinable by either party upon one month's notice or upon payment of one month's wages as the case may be.”

And as if the words “ such native ” and the words “ domestic service exclusively ” in the first proviso of the said section were deleted and the words “ labourer ” and “ light work ” were respectively substituted therefor.

REPEAL OF
SECTION 18 AND
SUBSTITUTION OF
NEW SECTION.

6. Section eighteen of the principal Regulation is hereby repealed and the following substituted therefor:—

“ 18.—(1) No vessel shall be used by any person for the purpose of recruiting natives or of carrying natives who have been recruited or who are being returned home after the termination of their service unless the owner or master thereof has obtained from the Collector of Customs a licence for such vessel according to Form 1.

“ Provided that the Chief Inspector or an Inspector or other person duly authorised in that behalf may permit the return of labourers to their homes in vessels other than recruiting vessels. There shall be payable for every permit in respect of such vessels the sum of one pound for each journey so made.

“ (2) If the officer is satisfied that the vessel sought to be licensed is suitable for such purpose as regards its hull equipment and accommodation and that the persons in charge of such vessel are fit and proper persons he may grant a licence for the vessel. The officer may insert in the licence such reasonable conditions as he thinks fit and may require such security as he deems necessary that the conditions of the licence and the provisions of this Regulation will be observed by all persons on board or connected with the vessel licensed. The licence shall state the maximum number of natives inclusive

“ of natives employed on board which may be carried by the vessel at any one time and shall be valid for such period not exceeding one year as the officer may determine.

“ (3) The Resident Commissioner may make rules governing the tonnage size and accommodation of vessels in respect of which a licence under this section may be granted.

“ (4) The name of any native recruited or being returned home whether he is married or single and if married the names of his wife and children accompanying him if any the place where he was embarked and if he is a recruit the terms length and nature of his intended employment the name of his intended employer and the place of his intended employment or if he is being returned home the name of his last employer and the place where he is to be disembarked shall be recorded by the master in a book to be kept on board the vessel and to be used solely for this purpose. This book and the vessel's log shall be produced for the inspection of any District Officer Medical Officer Inspector or European Officer of the Armed Constabulary upon the request of any such officer.

PARTICULARS OF NATIVES CONVEYED TO BE RECORDED BY MASTER.

“ (5) Any native found being carried by a vessel otherwise than in accordance with the provisions of its licence and this Regulation may be removed therefrom by a District Officer Inspector or European Officer of the Armed Constabulary.

“ (6) No vessel engaged in recruiting shall be permitted to trade and no trading licence shall be issued in respect of any such vessel. Any employer or recruiter offending against this subsection shall be liable on conviction in a summary manner to a fine not exceeding one hundred pounds and in default of payment to imprisonment for any term not exceeding three months or to both such fine and imprisonment.”

7. Subsection one of section nineteen of the principal Regulation is hereby amended and shall be read as if the words “ the Chief Inspector ” in the sixth line thereof were deleted and the words “ an Inspector or Collector of Customs ” substituted therefor.

AMENDMENT OF SUBSECTION 1 OF SECTION 19.

8. Subsection two of section twenty of the principal Regulation is hereby amended and shall be read as if the words “ the Chief Inspector ” in the third line thereof were deleted and the words “ an Inspector or Collector of Customs ” substituted therefor.

AMENDMENT OF SUBSECTION 2 OF SECTION 20.

9. Section twenty-four subsection six of the principal Regulation is hereby amended and shall be read as if the following proviso were added thereto:—

AMENDMENT OF SUBSECTION 6 OF SECTION 24.

“ Provided that the District Officer or an Inspector or other officer authorised in that behalf by the Resident Commissioner may authorise a labourer to draw (exclusive of the amount advanced to him at the time of recruiting) during his term of service up to one-half of his wages or such other sum in excess of that amount as a District Officer or an Inspector or other officer authorised in that behalf may in any special case approve.”

10. Section twenty-nine subsection one of the principal Regulation is hereby repealed and the following substituted therefor:

REPEAL OF SECTION 29 (1) AND SUBSTITUTION OF NEW PROVISIONS.

“ 29.—(1) No employer shall require any labourer under contract to work before sunrise or after sunset or to work on authorised holidays. Provided that nothing in this subsection shall be held to prevent an employer from at any time requiring a labourer duly employed for the purpose to work at any time either by day or by night or both Sundays and holidays included at any of the work hereinafter mentioned namely:

- “ (1) light work;
- “ (2) drying of copra;
- “ (3) care of animals;
- “ (4) loading and unloading of steamers and other vessels;

"(5) preservation of property and any such other work as
" the High Commissioner may from time to time
" prescribe by notice published in the Gazette.

" Any labourer who shall be required to work as aforesaid shall
" be allowed in return therefor an equivalent time off on the first
" suitable day."

REPEAL OF
SUBSECTIONS
6 AND 7 OF
SECTION 29.
AMENDMENT OF
SUBSECTION 3 OF
SECTION 45.

11. Subsections six and seven of section twenty-nine of the principal Regulation are hereby repealed.

12. Subsection three of section forty-five of the principal Regulation is hereby amended and shall be read as if the words "and thirty feet of floor space" were inserted after the word "space" in the fourth line thereof.

REPEAL OF
SECTION 50 AND
SUBSTITUTION
OF NEW SECTION.

13. Section fifty of the principal Regulation is hereby repealed and the following substituted therefor:—

" 50.—(1) An employer of less than one hundred labourers shall
" provide a suitable well ventilated room approved of by the
" District Officer capable of providing for five per cent. of his
" labour as a sick room.

" (2) An employer of more than one hundred labourers on one
" or more plantations in the same locality shall provide a building
" duly certified by the District Officer or the Chief Inspector."

REPEAL OF
SECTION 51 AND
SUBSTITUTION OF
NEW SECTION.

14. Section fifty-one of the principal Regulation is hereby repealed and the following section substituted therefor:—

" 51. An employer of more than one hundred labourers (either
" on one plantation or more than one plantation in the same
" locality) shall provide the services of an expert European
" Doctor's assistant or other approved person."

CAPITATION
TAX.

15. After section fifty-six insert the following sections to be numbered 56A 56B and 56C:—

MEDICAL OFFICER
TO PREPARE
AND SUBMIT
MONTHLY
RETURN
OF CASES AND
CAUSES OF
DEATH.

" 56A. Every Medical Officer shall at the close of each month
" prepare and submit to the Resident Commissioner a return in
" the Form in the Schedule hereto as nearly as possible the
" average daily number of labourers serving on each plantation
" in his district during the preceding month the number of cases
" of each disease and accident admitted in the hospitals of such
" plantations respectively and the number and causes of deaths
" during the same period.

MEDICAL
CAPITATION
RATE TO BE
FIXED
ANNUALLY.

" 56B. In the month of January in each year the Resident
" Commissioner shall determine for each Medical District a
" certain capitation rate not exceeding two shillings for any one
" year payable by each employer in respect of the average daily
" number of native labourers over twelve years of age on his
" plantation during the twelve months ending the thirty-first
" day of December last past. The sums payable under the
" provisions of this section shall be paid by such employers to the
" Treasurer before the last day of March in each year and if not
" so paid may be recovered in a summary manner before a Deputy
" Commissioner at the suit of the Treasurer. The proceeds of
" the said rate shall be paid over by the Treasurer to the Medical
" Officers entitled to such proceeds.

HOW PAYABLE.

APPORTIONMENT
OF MEDICAL
CAPITATION
RATE

" 56C. As soon as possible after the month of January in each
" year the Resident Commissioner shall furnish to the Treasurer
" a return showing the names of the District Medical Officers
" entitled to receive the proceeds of such rates and the propor-
" tions thereof due to them from each medical district."

REPEAL OF
SECTION 58 AND
SUBSTITUTION OF
NEW SECTION.

16. Section fifty-eight of the principal Regulation is hereby repealed and the following substituted therefor:—

" 58.—(1) In the case of a labourer under contract not being
" a child or engaged for light work wages shall be payable at the
" rate of not less than one pound per month or twelve pounds
" per annum and overtime wages as hereinbefore provided.

" (2) In the case of a labourer working from month to month wages shall be payable monthly (or less frequently if the labourer shall so request) and in the case of a labourer working at will from day to day wages shall be payable on demand."

17. Section sixty of the principal Regulation is hereby repealed and the following substituted therefor:—

REPEAL OF SECTION 60 AND SUBSTITUTION OF NEW SECTION.

" 60. No labourer under contract shall be chargeable with moneys advanced to him or on his account during his term of service except as provided in sections three and nine of this Regulation unless in the case of moneys advanced by an employer for the purpose of discharging on behalf of a labourer an order made by the Court for the payment by a labourer of money."

18. Section sixty-four of the principal Regulation is hereby amended and shall be read as if after the word "employed" in the first line thereof the words "on a monthly agreement or" were inserted and as if the word "three" in the first line of the proviso were deleted and the word "twelve" was substituted therefor.

AMENDMENT OF SECTION 64.

19. The Resident Commissioner shall from time to time license such persons residing at Tulagi as he shall see fit to act as agents for plantations who shall be known as Licensed Receiving Agents. Every employer who does not reside in Tulagi shall immediately after the coming into force of this Regulation appoint one of such licensed receiving agents to be his registered agent and any employer residing in Tulagi may if he please do likewise. The name of the person so appointed and the plantations for which he is to act as registered agent shall be delivered in writing by the employer to an Inspector or the Collector of Customs who shall cause the same to be entered in a book to be kept by him for that purpose and shall at once communicate in writing with the Superintendent of Prisons and the Officer in Charge of the Tulagi Hospital the fact of such appointment. Upon the said particulars being entered in such book such agent shall be the registered agent of the employer appointing him and of such plantations. Employers shall be at liberty to change their registered agents but if they do so they shall at once notify the change to an Inspector of Labour and the Collector of Customs

LICENSED RECEIVING AGENTS IN TULAGI TO BE LICENSED TO RECEIVE LABOURERS DISCHARGED FROM PRISONS OR HOSPITALS.

20. It shall be the duty of the Superintendent of Prisons at least three days before any labourer under contract is released from prison to give to the employer of such labourer if he be resident in Tulagi or to the registered agent of such employer or of the plantation to which such labourer is under contract a written notice specifying such labourer and the plantation to which he is under contract and the day and the hour at which he will be ready to be delivered at the prison provided that if at such time such labourer shall be sick in hospital the Superintendent of Prisons shall notify the fact to such employer or agent together with the date when his sentence will expire and shall also send a duplicate notice to the Medical Officer in charge of such hospital who shall act upon the same as hereinafter provided.

SUPERINTENDENT OF PRISONS TO GIVE NOTICE OF RELEASE OF LABOURER.

PROVISO IN CASE OF ILLNESS

21. Any labourer under contract who at the expiration of his sentence of imprisonment shall be sick in hospital shall on his discharge therefrom be delivered over to his employer or the registered agent or servant of such employer at such hospital. The notice lodged with the Medical Officer in charge of the hospital as provided in the preceding section shall be endorsed by him with the time at which the labourer will be fit to be discharged and shall be sent to such employer or agent at least twenty-four hours before the time of such discharge and the delivery of such labourer at the hospital aforesaid shall be equivalent for all purposes of this Regulation to a delivery at the prison.

LABOURER IN HOSPITAL ON TERMINATION OF SENTENCE TO BE DELIVERED TO EMPLOYER OR AGENT

- EMPLOYER TO TAKE DELIVERY AT PRISON OR HOSPITAL AND PROVIDE NECESSARY CONVEYANCE TO PLANTATION.**
- EMPLOYER'S AGENT.**
- PENALTY.**
- NEGLECT OF EMPLOYER TO RECEIVE LABOURER.**
- EMPLOYMENT OF LABOURER WHILST AWAITING TRANSPORT TO PLANTATION.**
- LABOUR REFUSING TO RETURN TO PLANTATION.**
- EXTENSION OF TIME IN RESPECT OF TRANSFER OF LABOURER TO PLANTATION.**
- APPLICATION OF PROVISIONS OF SECTIONS 19 TO 26 TO PRISONS AND HOSPITALS OUTSIDE TULAGI.**
- 22.** It shall be incumbent upon the employer personally or by his servant or by his agent or the servant of such agent to receive every labourer at the prison or hospital (as the case may be) and to convey such labourer to his plantation and to lodge and maintain and if needed provide medical aid for such labourer from the time he leaves the prison or hospital until he shall have arrived at his plantation. Provided that at Tulagi such agent shall be a licensed receiving agent under section nineteen hereof. Any employer or agent who shall neglect to provide for such labourer all necessary conveyance to his plantation or such lodging maintenance or medical aid as aforesaid shall on conviction thereof be liable to a penalty not exceeding ten pounds or in default to imprisonment not exceeding one month.
- 23.** If the employer shall neglect to so receive any labourer as prescribed by the preceding section it shall be lawful for the Resident Commissioner to at once take charge of such labourer and to have him conveyed to his plantation and to lodge and maintain and if needed provide medical aid for such labourer from the time he leaves the prison or hospital till he shall have arrived on his plantation and the costs and expenses incurred by the Resident Commissioner in so lodging and maintaining and providing medical aid and conveying such labourer as aforesaid shall be moneys due and payable in respect of a labourer under this Regulation and may be sued for and recovered as such.
- 24.** The Resident Commissioner if he shall take charge of any such labourer or the employer his servant or agent if he shall take charge of any such labourer shall have the power to employ such labourer during the period (if any) which shall intervene between the time when such labourer is discharged from prison or hospital as the case may be and the time when such labourer shall depart for his plantation at any time work which he can perform. Any work which any labourer is given to do under this section shall be work allotted or assigned to him within the scope and meaning of the principal Regulation.
- 25.** If any labourer on being so released from prison or discharged from hospital shall refuse to go back to his plantation or shall put any obstacle in the way of his being taken back to his plantation he shall be deemed to be absent from work under section thirty of the principal Regulation.
- 26.** Where an employer by himself his servant or agent has upon the discharge as aforesaid of any labourer under contract to him taken delivery of and conveyed such labourer from Tulagi to his plantation such employer shall upon application in a summary manner be entitled to obtain from a Deputy Commissioner an order extending the time during which such labourer shall be bound to serve such employer. The Deputy Commissioner shall upon proof of the cost of the conveyance of such labourer from Tulagi to his plantation shall extend the period for which such labourer is bound to serve such employer for as many days not exceeding thirty as may in the opinion of a Deputy Commissioner be equivalent to the cost so incurred. Any such extension shall not come into operation until approved by the Resident Commissioner. Every such order shall be made out in duplicate and the Deputy Commissioner shall cause a record of the same to be entered in a book to be kept by him for the purpose. One of such orders shall be forwarded to the Resident Commissioner for his approval and on being approved by the Resident Commissioner one shall be delivered to the employer or his agent.
- 27.** The provisions contained in sections nineteen to twenty-six hereof shall extend *mutatis mutandis* so far as the same are applicable to prisons and hospitals situate other than at Tulagi and the persons who are required to give such notices as are therein mentioned shall be the District Officer of the district in the case of a prison and the Medical Officer or other person in charge of an hospital.

28. The Schedules to the principal Regulation are hereby amended as follows:—

AMENDMENT OF SCHEDULES.

Form 1.—The words "uncle or brother" are deleted and the words "or person who by native customs is her guardian" are substituted and the words "Chief Inspector" are deleted and the words "Collector of Customs" substituted therefor.

Forms 2 and 3.—The words "Chief Inspector" are deleted and the words "Inspector or Collector of Customs" substituted therefor.

Form 4.—The words "otherwise in like employment" are deleted.

Forms 5 and 6 are hereby deleted.

REPEAL OF FORMS 5 AND 6.

In the Ration Scale the words in the first and second lines "not more than ten days per month" are deleted and the words "all days" substituted therefor and the following words added thereto "provided that when rice only is issued one-quarter of a ripe coconut is to be supplied to each native."

The words "every twelve months" in the third line under the head of Bedding are hereby deleted and the words "when necessary" substituted therefor.

29. Whenever by sections twenty-four twenty-five and fifty-nine of the principal Regulation any act or thing is required to be done by or before a District Officer the same may be done by or before any person authorised to do so by the Resident Commissioner in writing.

SIGNING ON AND PAYING OFF OF LABOURER.

30. This Regulation shall come into operation on such date as the High Commissioner by Proclamation in the Gazette shall appoint.

COMMENCEMENT OF REGULATION.

31. The Solomons Labour Regulation 1922 is hereby repealed

REPEAL OF KING'S REGULATION NO. 15 OF 1922.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-sixth day of November one thousand nine hundred and twenty-three.

By Command,

ROGER GREENE,
Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

