

# ARBITRATION (PUBLIC SERVICE) REGULATIONS.<sup>(1)</sup>

## Regulations.

### No. 17 of 1951.

1. These Regulations may be cited as the Arbitration (Public Service) Regulations.<sup>(1)</sup> *Citation.*

2.—(1) In these Regulations, unless the contrary intention appears— *Definitions.*

“application” means an application made under section 7 of the Ordinance;

“conference” means a conference called in pursuance of Sub-section (5.) of section 7 of the Ordinance;

“memorial” means the document by which an application relating to the salaries, wages, rates of pay, or terms or conditions of service or employment of members of an organization is submitted to the Arbitrator;

“respondent” means a party affected by an application;

“the First Schedule” means the First Schedule to these Regulations;

“the Ordinance” means the Arbitration (Public Service) Ordinance 1951,<sup>(2)</sup> as amended from time to time;

“the Registrar” means the Registrar for the Public Service Arbitrator (Papua and New Guinea).

(2.) References in these Regulations to forms are to the forms in the First Schedule.

3.—(1) For the purposes of these Regulations there shall be a Registrar, to be called the Registrar for the Public Service Arbitrator (Papua and New Guinea). *Appointment of Registrar.*

(2.) The person for the time being holding the Office of Registrar of the Supreme Court shall, without further appointment, hold the Office of Registrar for the Public Service Arbitrator (Papua and New Guinea).

(3.) The Office of the Registrar of the Supreme Court shall be the Office of the Arbitrator for the purposes of these Regulations.

(1) Particulars of these Regulations are as follows :—

Ordinance under which made.	Date on which made by Minister.	Date on which published in Papua and N.G. Govt. Gaz.	Date on which took effect and came into operation.
Arbitration (Public Service) Ordinance 1951	24. 7. 1951	30. 8. 1951	(a)

(a) The Arbitration (Public Service) Ordinance 1951 (under which these Regulations were made) was not brought into operation before the date fixed by Proclamation under Section 35 of the Papua and New Guinea Act 1949-1950, and, *semble* was not continued in force in pursuance of Section 56 of that Act.

(2) Printed in this Volume on p. 1029.

PART A: PUBLIC SERVICE—

Form of documents.

4. Documents filed in proceedings before the Arbitrator and copies thereof shall—

- (a) be on foolscap paper with a quarter margin, written, type-written or printed on one side only;
- (b) have not less than two folios nor more than five folios of seventy-two words on each page; and
- (c) be divided into convenient paragraphs, numbered consecutively.

Title of proceedings.

5.—(1.) A memorial or other document submitted to the Arbitrator shall be entitled as in Form 1, and shall be filed in the Office of the Arbitrator.

(2.) Where at any time when a memorial is filed there is no person holding the Office of Arbitrator, the Registrar may forward copies of the application to the persons specified in section 7 of the Ordinance.

Endorsement of documents.

6.—(1.) A document filed in connexion with proceedings before the Arbitrator shall be endorsed with the name and address of the party filing the document.

(2.) The address so endorsed shall be deemed to be the full address for service of that party.

Affidavits.

7. The provisions of Order XLI.<sup>(3)</sup> of the Rules of the Supreme Court of Queensland in their application to the Territory of New Guinea shall, mutatis mutandis, apply as far as applicable to affidavits in proceedings before the Arbitrator.

Mode of service.

8. When personal or other service of any proceedings is required by these Regulations and it is made to appear to the Arbitrator that prompt service cannot be effected, the Arbitrator may make such order for substituted or other service or the substitution of notice by letter, telegram, public advertisement or otherwise as the Arbitrator deems just.

Service of documents by post.

9.—(1.) Service of a document under these Regulations may be effected by post, and service shall be deemed to be effected by properly addressing, prepaying, and posting the document as a letter.

(2.) Unless the contrary is proved, service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Form of submission to Arbitrator.

10.—(1.) The memorial by which an application is submitted to the Arbitrator in pursuance of section 7 of the Ordinance shall be in Form 2.

(2.) An application to vary a decision of the Arbitrator shall be submitted to the Arbitrator in Form 3.

(3.) An application to amend a memorial or application submitted to the Arbitrator shall be in accordance with Form 4.

Copies of memorial.

11. Every memorial or application submitted to the Arbitrator shall be accompanied by a sufficient number of copies of the memorial or application, as the case may be, to enable two to be filed in the Office of the Arbitrator and one to be forwarded to each party affected by the application and to any other person entitled under the Ordinance to receive a copy thereof.

(3) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. I., on pp. 708-712.

*Arbitration (Public Service) Regulations—cont.*

**12.** *The Arbitrator shall cause to be endorsed upon each original memorial or application and upon each copy thereof a memorandum in Form 5.* Endorsement on memorial or application.

**13.** *The respondent shall within twenty-eight days from the date endorsed on the memorial or application or such further period as the Arbitrator allows, file in the Office of the Arbitrator and serve upon the memorialist or applicant an answer to the memorial or application in Form 6.* Answer to memorial.

**14.**—(1.) *When the respondent has failed to file an answer within the time prescribed by the last preceding regulation, the Arbitrator shall, subject to this and the next succeeding regulation, decide the application in favour of the party submitting the memorial or application.* Failure to file answer.

(2.) *Where there are several respondents and an answer is filed on behalf of one or more, but not on behalf of all the respondents, the Arbitrator shall not be bound to decide the application against the respondents who have not filed an answer.*

**15.** *Notwithstanding that a respondent has failed to file an answer within the prescribed time or such further period as the Arbitrator allows, the Arbitrator may let the respondent in to file an answer upon such terms as he thinks fit.* Letting in respondents to file answer.

**16.** *Where the Arbitrator directs other respondents to be joined, each of those respondents shall file an answer to the memorial or application within such time as the Arbitrator directs at the time of making the order.* Answers by added respondents.

**17.**—(1.) *The Arbitrator may, on the application of any party, direct the memorialist, applicant or respondent to amend an application or answer by supplying further particulars of the matters applied for or disputed.* Amendment of memorial or answer.

(2.) *The Arbitrator may permit a respondent at any stage of the proceedings to amend his answer.*

**18.**—(1.) *When a party affected by a decision of the Arbitrator desires the Arbitrator to give an interpretation of the decision or any term thereof he or it shall give to the Arbitrator and to the other parties affected by the decision, notice that he intends to apply at a time specified in the notice (not being less than fourteen days after the date of the notice) or at such later time as the Arbitrator directs, for an interpretation of the decision or a term thereof.* Application for interpretation of decision.

(2.) *A notice under this regulation shall be in Form 7.*

**19.**—(1.) *A summons to a witness shall be in Form 8, and a summons to produce books or documents shall be in Form 9.* Witnesses.

(2.) *Service of a summons shall be effected by delivering to the witness a copy of the summons stamped with the stamp of the Arbitrator.*

(3.) *Any number of witnesses may be included in one summons but the copy served need contain only the name of the witness upon whom it is served.*

PART A: PUBLIC SERVICE—

Representation  
of organizations.

**20.**—(1.) *Except, where otherwise expressly provided by these Regulations, if any summons, application or other document is required by the Ordinance or these Regulations to be taken out, made or signed, or any step is required to be taken on behalf of an organization, the summons, application or document may be taken out, made or signed, and the step may be taken on behalf of the organization—*

- (a) *by an Officer or person duly authorized under the Rules of the Organization to represent the organization in proceedings under the Ordinance; or*
- (b) *in the absence of express provision in the Rules, by a person authorized by resolution of the organization to represent the organization generally in proceedings under the Ordinance.*

(2.) *The Arbitrator may require an Officer of an organization or other person who on behalf of the organization submits a memorial or an application or proposes to take any steps in proceedings before the Arbitrator to produce a statutory declaration or affidavit setting out in what manner he is authorized to act on behalf of the organization.*

Seal.

**21.**—(1.) *The Arbitrator shall have a seal bearing the words “The Seal of the Public Service Arbitrator (Papua and New Guinea)”.*

(2.) *The seal shall, subject to this regulation, be kept in the custody of the Arbitrator and shall be affixed by him to all decisions made by him under the Ordinance and to such other documents as he directs.*

(3.) *During any vacancy in the Office of Arbitrator, the seal shall be kept in the custody of the Registrar.*

Stamp.

**22.**—(1.) *The Arbitrator shall have a stamp bearing the words “Public Service Arbitrator (Papua and New Guinea)”.*

(2.) *The stamp shall be used on all documents lodged with or issued by the Arbitrator except where the use of the seal is prescribed or directed.*

Order of  
hearing.

**23.** *Applications shall, unless the Arbitrator otherwise directs, be heard or dealt with in the order in which they are submitted.*

Notice of  
conferences.

**24.**—(1.) *The Arbitrator shall give notice to the parties to any proceedings before him of the calling of a conference.*

(2.) *Notice under the last preceding sub-regulation shall not, except with the concurrence of the parties, be given less than seven days before the day fixed for the conference.*

Notice of  
date of  
hearing  
evidence.

**25.**—(1.) *Where the Arbitrator thinks it necessary to hear evidence in respect of any matters in any proceedings pending before him, he shall cause notice of the place at which and the day on which the hearing shall be commenced to be given to the parties to the proceeding.*

(2.) *The day on which the hearing shall be commenced shall not, except with the concurrence of the parties, be less than fourteen days after the date of the service of notice thereof on the parties.*

*Arbitration (Public Service) Regulations—cont.*

(3.) When the date fixed for the commencement of the hearing is not less than fourteen days after the date of the notice to the parties, the Arbitrator shall cause notice of the place at and the day on which the hearing is to be commenced to be published in the Gazette for the information of the public.

**26.** The Arbitrator may adjourn any conference or hearing from *Adjournments.* time to time and from place to place as he thinks fit.

**27.—(1.)** The Arbitrator when calling a conference shall intimate *Representation at conference.* the number of representatives of the parties whom he desires to be present at the conference.

(2.) If the Arbitrator decides that evidence shall be taken he shall intimate to the parties the number of representatives who may appear on the hearing of the evidence.

**28.—(1.)** If the applicant in a proceeding before the Arbitrator *Evidence.* desires to call evidence he shall notify that desire in his memorial or application.

(2.) The Arbitrator shall at the conference called in the matter notify the parties whether he thinks it is necessary to hear evidence.

**29.** A request by a party to a proceeding before the Arbitrator for *Assessors.* the appointment of assessors as provided in Sub-section (1.) of Section 10 of the Ordinance shall be made in the memorial, application or answer submitted by that party, and shall be accompanied by the name of the assessor nominated by the applicant.

**30.** A party to any proceeding shall not be at liberty to withdraw *Exhibits.* any exhibits without an order of the Arbitrator.

**31.** A person shall not, without an order of the Arbitrator, be at *Searches.* liberty to search the proceedings in any matter to which he is not a party, or by which he is not bound.

**32.—(1.)** Strict compliance with the forms in the First Schedule *Forms.* shall not be necessary, and the Arbitrator shall have power to permit the use of any form which, in his opinion, substantially complies with these Regulations.

(2.) Where no form of summons, application, order or other document or instrument is prescribed by the Ordinance or these Regulations, or where no adequate form is therein prescribed, the form shall be such as the Arbitrator directs or approves.

**33.—(1.)** The fees specified in the Second Schedule to these *Fees.* Regulations shall be paid to the Arbitrator in respect of the several matters under the Ordinance and these Regulations referred to in that Schedule.

(2.) The fees payable under these Regulations are to be paid in advance, and the Arbitrator may refuse to receive or issue any document or to do any act in respect of which a fee is payable until the fee is paid.

PART A : PUBLIC SERVICE—

SCHEDULES.

THE FIRST SCHEDULE.

Reg. 5.

Arbitration (Public Service) Ordinance 1951.

Form 1.

TITLE OF PROCEEDINGS.

Proceedings before the Public Service Arbitrator (Papua and New Guinea).  
In the matter of\*

\* Here state the names of the parties.

Reg. 10 (1).

Arbitration (Public Service) Ordinance 1951.

Form 2.

MEMORIAL.

(Title of Proceedings as in Form 1.)

The Association submits the following claims  
for decision by the Public Service Arbitrator (Papua and New Guinea):—

- 1.
- 2.
- 3.

Reg. 10 (2).

Arbitration (Public Service) Ordinance 1951.

Form 3.

APPLICATION TO VARY DECISION OF ARBITRATOR.

(Title of Proceedings as in Form 1.)

The\* submits, for the decision of the  
Public Service Arbitrator (Papua and New Guinea), an application to vary the  
decision of the Arbitrator in the above matter, dated the day  
of 19 , in the following manner:—

\* Here state " Public Service Commissioner " or " Administrator " or organization making application,  
as the case may be.

Reg. 10 (3).

Arbitration (Public Service) Ordinance 1951.

Form 4.

(Title of Proceedings as in Form 1.)

APPLICATION TO AMEND MEMORIAL OR APPLICATION.

The\* submits an application  
to amend the memorial or application made to the Public Service Arbitrator  
(Papua and New Guinea) in the above matter on the day  
of 19 , in the following manner:—

- 1.
- 2.
- 3.

Dated the day of , 19 .

(Signature)

\* Here state " Public Service Commissioner " or " Administrator " or organization making the application,  
as the case may be.

Arbitration (Public Service) Regulations—cont.

SCHEDULES—continued.

Reg. 12.

Arbitration (Public Service) Ordinance 1951.

Form 5.

FORM OF MEMORANDUM TO BE ENDORSED ON MEMORIAL OR APPLICATION.

(In the case of a memorial)—To the above-named respondent ( )).

(In the case of an application to vary)—To the\*

Take notice that the memorial (or application) herein was filed in the Arbitrator's Office on the day of 19, and that you may, within fourteen days from that date, lodge any objections you see fit to make to the granting of the claim (or the application).

If no objection is lodged by you (or any other of the parties in the above matter) the Arbitrator will decide the application in favour of the†

Signature

For the Arbitrator.

\* Here state "Public Service Commissioner" or "Administrator" or organization affected by the application, as the case may be.

† Here state name of organization submitting the application, "Public Service Commissioner" or "Administrator", as the case may be.

Reg. 13.

Arbitration (Public Service) Ordinance 1951.

Form 6.

(Title of Proceedings as in Form 1.)

ANSWER.

The\* makes answer to the memorial or application to vary as follows:—

(In the case of a memorial)—The Respondent admits (or objects to) the claim in paragraph of the memorial, and says that:—

(In the case of an application to vary)—The Respondent agrees to (or objects to) the variation of the decision in the manner specified in paragraph of the application, and says that:—

\* Here state "Public Service Commissioner" or "Administrator" or organization making answer, as the case may be.

Reg. 18.

Arbitration (Public Service) Ordinance 1951.

Form 7.

APPLICATION FOR INTERPRETATION OF DECISION.

(Title of Proceedings as in Form 1.)

To

Take notice that the\* intends to apply to the Public Service Arbitrator (Papua and New Guinea) at on the day of 19, at half-past ten o'clock in the forenoon, or on such later day as the Arbitrator directs, for the interpretation of clauses of the decision in the above matter, dated the day of 19.

†The interpretation which has been placed upon Clause No. by the\* is as follows:—

†The question is submitted as to whether such interpretation is correct.

(Signature)

\* Here state "Public Service Commissioner" or "Administrator" or organization making the application, as the case may be.

† These paragraphs to be repeated in respect of each clause or separate matter submitted for interpretation.

PART A : PUBLIC SERVICE—

SCHEDULES—continued.

Reg. 19.

Arbitration (Public Service) Ordinance 1951.

Form 8.

SUMMONS TO WITNESS.

(Title of Proceedings as in Form 1.)

To

You are hereby summoned to appear before the Public Service Arbitrator (Papua and New Guinea) at \_\_\_\_\_ on the \_\_\_\_\_ day of 19\_\_\_\_, at half-past ten o'clock in the forenoon to give evidence in the above proceeding, and to continue in attendance until notified by the Arbitrator that your presence is no longer required.

(Stamp)

Reg. 19.

Arbitration (Public Service) Ordinance 1951.

Form 9.

SUMMONS TO PRODUCE BOOKS, ETC.

(Title of Proceedings as in Form 1.)

To

You are hereby summoned to appear before the Public Service Arbitrator (Papua and New Guinea) at \_\_\_\_\_ on the \_\_\_\_\_ day of 19\_\_\_\_, at half-past ten o'clock in the forenoon, to produce the following [here set out the books or documents required to be produced].

(Stamp)

Arbitrator.

THE SECOND SCHEDULE.

FEES.

	s.	d.
On filing any document .. .. .	2	0
On searching the proceedings in any matter .. .. .	2	0
On inspection of documents in any matter .. .. .	2	0
For Office copies of documents (including decisions or orders of the Arbitrator), per folio of 72 words .. .. .	0	6
On every summons issued, including filing fee .. .. .	2	0
For affixing seal of Arbitrator to any document .. .. .	2	0
On filing application .. .. .	2	0
On filing application for interpretation of decision .. .. .	2	0
On filing answer to application .. .. .	2	0