

WESTERN AUSTRALIA

ANNO TRIGESIMO NONO

VICTORIÆ REGINÆ

No. 13

An Act to make further provision for the regulation of
the Pearl Shell Fishery.

[Assented to 31st December, 1875.]

Preamble

WHEREAS it is expedient to make further provision for the regulation of the Pearl Shell Fishery so as to provide for the more effectual protection of the persons engaged therein, and to amend 'The Pearl Shell Fishery Regulation Act, 1873': Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Short title

1. This Act may be cited for all purposes as 'The Pearl Shell Fishery Regulation Act, 1875.'

Governor to
make regulations

2. From and after the passing of this Act, it shall be lawful for the Governor in Executive Council from time to time to make regulations with regard to the mode in which, the times at which, and the circumstances under which, diving for pearl shells may be or shall not be carried on, and with regard to the persons whom it shall be unlawful to employ therein, and also with regard to the accommodation to be afforded in the ships to be employed in connection therewith, and the provisioning of the same, and the number of persons to be carried in the same, and the said regulations from time to time to alter vary or repeal

Aborigines

3. Any such regulations shall, when made, be published in the 'Government Gazette,' and shall come into operation from and after the expiration of two calendar months from such publication. Provided always that a copy of such regulations shall be laid on the table of the Legislative Council within ten days after the meeting of the then next session of the said Council.

Regulations to be published in 'Government Gazette'

4. Any person violating any of the said regulations shall be guilty of an offence; and such offence shall be cognizable in a summary manner by any two Justices of the Peace, and shall subject the offender to a fine or penalty not exceeding Twenty pounds.

Penalty for violating regulations

5. No master of any ship or vessel or any other person shall carry to sea or employ any aboriginal native of the said Colony in the Pearl Shell Fishery, except he shall have entered into a separate written agreement with him and had the same endorsed as in the said recited Act mentioned. Any such master or other person who shall carry to sea or employ any such aboriginal native as aforesaid, without having entered into such agreement and having the same endorsed as in the said recited Act mentioned, shall be guilty of an offence, and every such offence shall be cognizable by any two Justices of this Colony, who shall, on proof thereof, inflict upon the offender a fine or penalty not exceeding Ten pounds. Provided always that no person shall be liable to be punished under this section for carrying any aboriginal native to sea without entering into an agreement and having the same endorsed pursuant to the provisions of the said recited Act, if he can show to the satisfaction of the said Justices that he carried such native to sea with the consent of such native, and solely for the purpose of bringing him with all convenient expedition before a Justice of the Peace or police constable or other person duly appointed by the Governor to endorse agreements made under the said recited Act, with a view to entering into an agreement with such native and having it endorsed pursuant to the provisions of the said recited Act.

No person to employ aboriginal native in pearl shell fishing, or carry him to sea, without certain agreement

Penalty Proviso

6. Section 3 of 'The Pearl Shell Fishery Regulation Act, 1873,' shall be and the same is hereby repealed.

Section 3 of 'The Pearl Shell Fishery Regulation Act, 1873,' repealed

WILLIAM C. F. ROBINSON,
GOVERNOR.