



## WESTERN AUSTRALIA.

ANNO TRICESIMO QUARTO

## VICTORIÆ REGINÆ.

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No. XIV.

AN ACT to regulate the hiring and service of Aboriginal Natives engaged in the Pearl Shell Fishery ; and to prohibit the employment of women therein.

[ 2nd January, 1871. ]

**W**HEREAS it is expedient to prevent the mischiefs that arise from the want of proper proof of the precise terms upon which Aboriginal Natives are engaged in the Pearl Shell Fishery ; and to prohibit the employment of women therein ; 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 :—

Preamble.

**1** IF in any case a master of a ship or vessel, or other person, carries any male Aboriginal Native of the said Colony to sea, or otherwise employs him in the Pearl Shell Fishery without entering into an agreement in writing with him in the manner hereby in such case required, the master, owner, or other person shall for each such

Contracts of service by Aboriginal Natives in the Pearl Shell Fishery to be in writing.

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offence, on conviction by one or more Justice or Justices of the Peace, incur a penalty not exceeding Ten pounds; And such agreement shall be entered into before and witnessed by a Justice of the Peace or Police Constable, if practicable, and if not, it shall be explained to such Aboriginal Native, who shall thereupon affix his mark thereto in presence of some witness whose signature is well-known; And such Justice of the Peace, Police Constable, or witness shall endorse a memorandum on the agreement to the effect that the same has been made as hereby required; And if in any case such memorandum is not made, the burden of proving that the Aboriginal Native was duly engaged as hereby required shall lie on the master, owner, or other person as the case may be. Provided always that no female Aboriginal Native shall be employed or engaged in the Pearl Shell Fishery.

Contract to contain certain particulars.

**2** THE agreement hereinbefore required shall be dated at the time of the first Signature thereof, and shall be signed by the master or other person before any Aboriginal Native affixes his mark thereto, and shall contain the following particulars as the terms thereof, that is to say:—

- (I.) The nature and duration of the intended engagement.
- (II.) The time such Aboriginal Native is to begin work.
- (III.) The amount of wages or other remuneration which such Aboriginal Native is to receive.
- (IV.) A stipulation that the master or other person will duly convey such Aboriginal Native back to the place at which he was first engaged before the expiration of such engagement.

Justices may hear and determine.

**3** ANY two or more Justices of the Peace may hear and determine in a summary way any complaint, difference, or dispute, whatever, arising between any such master or other person and Aboriginal Native, and may make such order or award against either party in such case as to such Justices shall seem meet; and every such order and award may enforce by imposing on either party a penalty not exceeding Thirty pounds, and in default in payment thereof imprisonment with or without hard labor not exceeding three calendar months.

Certificate of discharge.

**4** SUCH master or other person shall give to such Aboriginal Native, at the determination of his engagement, a certificate to that

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effect, in writing; and on neglect so to do shall incur a fine of any sum not exceeding Five pounds.

**5** IF any such master, owner, or other person shall carry or allow to embark on board his vessel any female Aboriginal Native, or shall leave any male Aboriginal Native engaged as aforesaid under the provisions of this Act in any country or place out of his own district or place where he was so engaged, without the consent of such Aboriginal Native, such master, owner, or other person shall for every such offence incur a penalty not exceeding Fifty pounds. Native not to be left abroad.

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P E R T H :

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