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Regulations made by the Governor, in Executive Council, under the Pearl Shell Fishery Regulation Act, 1875. 39 Vic., No. 13.

WHEREAS by Section 2 of the said Act it is enacted that it shall be lawful for the Governor, in Executive Council, to make Regulations with regard to the mode in which, the times at which, and the circumstances under which, diving for pearl shells shall 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 connexion 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:

I, SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of Western Australia and its Dependencies, do by these Regulations, made in pursuance of the said Act, by and with the consent and advice of the Executive Council of the said Colony, direct and declare as follows, that is to say:—

1. It shall not be lawful for any person to employ in diving for pearl shells
 1. Any person who shall not have arrived at the age of puberty.
 2. Any Aboriginal Native for a longer period than six calendar months at one time.
 3. Any Aboriginal Native who shall have been absent from his usual District or place of abode for a period exceeding seven calendar months.

4. Any Aboriginal Native who shall, while under a contract for service, have entered into a contract for service with the same or any other employer.
5. Any Aboriginal Native who shall have been forcibly brought by or on the part of the same employer from the interior or elsewhere; or who shall have been induced by force or fraud, by or on the part of the same employer, to enter into a contract for service with such employer.
6. Any Aboriginal Native who shall not, after the expiration of one period of service or of several continuous periods of service amounting in the whole to 6 months, have been restored to his original usual District or place of abode for a period of at least 3 calendar months.
7. Any Aboriginal Native who shall, in the opinion of the Government Resident of the District in which he shall be employed or of the Inspector of Pearl Shell Fisheries, have entered into his engagement of service for an inadequate consideration or remuneration, or who shall not be victualled on the scale mentioned in Regulation 9.
8. Any Aboriginal Native physically unfit, in the opinion of such Government Resident, or of a duly qualified medical practitioner, Inspector of Pearl Shell Fisheries, or any officer appointed in that behalf, or as a Protector of Aboriginal Natives, for the work which he is employed to do.

9. Any Aboriginal Native with reference to whom such person shall have been convicted of a breach of Regulations made in pursuance of the said Act, or of an offence against the provisions of the said Act, or of the Pearl Shell Fishery Regulation Act, 1873 (37 Vict., No. 11).
10. Any Aboriginal Native whose services shall have been transferred to his employer by contract or for a consideration from any other person.
2. Diving for pearl shells shall not be carried on by Aboriginal Natives of Australia between the first day of April and first day of October in each year, nor between those days by other persons except with a diving apparatus.
3. Such diving apparatus shall be always kept by the employer of laborers and divers, or by the person in charge of them, sound and capable of supplying the person wearing or using the same with a proper supply of atmospheric air.
4. In no case shall such employer or person in charge permit laborers and divers to dive without such diving apparatus in water whose depth shall exceed six fathoms.
5. No such employer or person in charge shall permit any laborer or diver to dive without such diving apparatus until he shall, after coming to the surface of the water, have been brought on board the ship or boat from which he shall have dived, and allowed sufficient time to recover any loss of bodily heat or to recover from a deficient supply of atmospheric air.
6. No one shall be employed by such employer or person in charge in diving for or be permitted to dive for or to collect shells on the Lord's Day, or to dive at any time while suffering from any bodily ailment.
7. The Inspector of Pearl Shell Fisheries, or a Justice of the Peace, may take into his charge any Aboriginal Native whom he shall find so suffering, and (at the expense of the employer in all things) either procure for such Native, or place him under, proper medical treatment in a hospital or otherwise, or (at the option of the said Inspector or Justice) restore such Native to his ordinary place of abode.
8. No such employer or person in charge shall permit any laborer or diver to be on board any dingy or boat for the purpose of diving for shells, or to dive for shells from any dingy or boat, unless such laborers and divers have been supplied in such dingy or boat with fresh drinking water, at the rate of one quart each per diem.

9. Every such employer or person in charge shall see that every ship employed by him or in his charge in the Pearl Shell Fishery shall have sufficient accommodation, so that each person when not employed in diving for shells shall be provided with a proper place, having due regard to warmth, dryness, and ventilation; and that no such ship shall have on board at any time persons more than in the proportion of one and a-half to every registered ton, and every person shall have, while engaged in diving, a spell or cessation from work of at least an hour at midday. The diving hours for each day shall not exceed eight in the aggregate, and no person shall be compelled to dive before sunrise or after sunset.

10. Every such employer or person in charge shall see that every ship employed by him or in his charge in the Pearl Shell Fishery shall have on board sufficient fresh drinking water for the persons engaged on board in such Fishery; and also sufficient provisions to enable each person so engaged to be victualled during such time as they are employed in the Fishery on the following scale:—

PER DIEM.

2 lbs. wheaten flour; $\frac{1}{2}$ an ounce of tea; 2 ounces of sugar; $\frac{1}{2}$ lb. of cooked meat, without bones; and for every Aboriginal Native 2 ounces of tobacco a week.

11. Aboriginal Natives shall, during the diving season, be each supplied by his employer with a serviceable blanket and a sound serge shirt.

Note 1.—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 £20 (39 Vic., No. 13, s. 4).

Note 2.—Any master, employer, or person in charge of divers who shall take upon himself to punish any diver for perversity, idleness, or inability in obtaining shells by diving, or who shall exercise any physical constraint upon any native, or who shall assault, misuse, refuse necessary provisions to, or be guilty of any cruelty or other ill-treatment whatsoever towards any native or person employed in diving, will be guilty of a breach of the Law, and will be proceeded against accordingly (6 Vic., No. 5, and 29 Vic., No. 5).

By His Excellency's Command,

GIFFORD,

Colonial Secretary.