

1886.
—
WESTERN AUSTRALIA.

R E P O R T

OF THE

Select Committee of the Legislative Council

Appointed to consider and report upon

THE ABORIGINES PROTECTION BILL.

Ordered by the Council to be Printed, 26th August, 1886.

PERTH:

BY AUTHORITY: RICHARD PETHER, GOVERNMENT PRINTER.

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1886.

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EXTRACTED FROM THE MINUTES.

THURSDAY, 19TH AUGUST, 1886.

ABORIGINES PROTECTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable S. Burt moved, That the Bill be now read a second time.

Debate ensued.

Mr. Sholl moved, That the Bill be referred to a Select Committee.

Question—put.

Council divided.

AYES—10.

Mr. Brockman
Mr. Crowther
Mr. Grant
Mr. Harper
Mr. Marmion
Mr. McRae
Mr. Pearse
Mr. Venn
Mr. Wittenoom
Mr. Sholl (*Teller.*)

NOES—7.

The Hon. M. S. Smith
The Hon. J. Forrest
The Hon. J. A. Wright
Mr. Burges
Mr. Fawcett
Mr. Layman
The Hon. S. Burt (*Teller.*)

The Honorable S. Burt moved, That such Committee be elected by ballot, in accordance with Standing Order No. 69.

Mr. Sholl moved, For leave to increase the number of such Committee to seven.

Question—put and passed.

The members having delivered to the Clerk the list of members to serve on such Committee, the Clerk reported to the Speaker that the following members had the greatest number of votes :—
The Honorable S. Burt, Mr. Grant, Mr. Harper, Mr. Marmion, Mr. Sholl, Mr. Venn, and Mr. Wittenoom.

THURSDAY, 26TH AUGUST, 1886.

ABORIGINES PROTECTION BILL—REPORT OF SELECT COMMITTEE.—Mr. Wittenoom brought up the Report of the Select Committee, and moved, That it be received.

Question—put and passed.

Report received and read, and ordered to be printed.

REPORT

OF THE SELECT COMMITTEE appointed to consider a Bill intituled "An Act to provide for the protection and management of the Aboriginal Natives of Western Australia, and to amend the law relating to certain Contracts with such Aboriginal Natives."

YOUR COMMITTEE beg to report to Your Honorable House that they have met together and duly considered the several Clauses contained in the Bill, and, whilst entirely agreeing with the spirit and intention of it, find that some of the details will be unworkable: and beg to suggest the following amendments, which they venture to think will remove those objections:—

PROPOSED AMENDMENTS.

- a. In Clause 18, to strike out the word "sixteen" and insert "ten" in its place.
- b. In paragraph *a* of Clause 18, to insert after the word "Aborigines," in the 4th line, the words "in the event of a Justice of the Peace or Protector of Aborigines not being available or residing within 20 miles of an employer, then by some other person not being in the service of such employer."
- c. In sub-section *c*, Clause 18, to strike out all the words between "which," in the 2nd line, and "shall," in the 4th line.
- d. In Clause 24, to strike out the words, in the 2nd line, "into and" and "dwelling house or."
- e. In Clause 39, to strike out the word "one," in the 3rd line, and insert the word "two" in its place, and after the word "constable," in the 8th line, to insert these words, "or other person except at expense of employers."

In reducing the age of Aborigines against whom contracts shall have force, Your Committee consider that ten years is not too young, as Aboriginal children mature so much more quickly than civilised ones, and it is at that age that habits of thrift and honesty are most easily inculcated. Should they be at liberty to roam about without employment until sixteen, they would be useless afterwards.

The amendments in section *a* of Clause 18 have been recommended in view of the fact that Justices of the Peace or Native Protectors may not at all times be procurable for witnessing agreements on distant stations. As a matter of fact, station owners would obviously always prefer making an agreement before a Justice of the Peace or Protector, as forming a stronger contract; and it will be quite in the power of the Governor and Board to place Justices of the Peace and Protectors in such positions as will compel employers to use them as witnesses.

Should employers of labor be precluded from making agreements with Aborigines which cannot be enforced (as they would be in cases where no Justices of the Peace or Protectors were available and no one else allowed to act as witnesses), there could be no dependence placed in them as laborers, consequently station owners would have to dispense with their services and procure Asiatics or other laborers that could be depended upon, thus throwing on their own resources or those of the Government a number of Aborigines who, if not provided for at Government expense, might become a source of great mischief.

It is recommended that agreements made with female Aborigines shall enure for the same period as those of males, for the simple reason that single females are rarely, if ever, engaged by themselves; and in the case of a man and his wife or wives, after three months the wife could leave her employment and her husband. The employer could not legally make her come back, and if the husband left his duties to bring her back, he might render himself liable for absconding. Further, after 3 months had expired, the extraordinary case might be seen of

a husband finishing his agreement on one station, and his wife re-engaged for a further three months on another. Women frequently run away from their husbands, as they are assigned by custom, and do not always marry from choice.

The amendment in Clause 24 has been thought necessary, as Your Committee consider it inadvisable to allow anyone the right of entry into a private dwelling-house, thus reducing it to the level of a licensed building.

Your Committee think that one month's imprisonment is too light, and would defeat its object, as in many cases the month would almost have expired as soon as the prisoner reached his goal.

25th August, 1886.

E. H. WITTENOOM,
Chairman.