

AN ACT

To provide for the Protection and Management of the Aboriginal Natives of Victoria.

[11th November 1869]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. Save where there is something in the context repugnant thereto or inconsistent therewith the following words shall have the respective meanings hereby assigned to them (that is to say) :—

Interpretation.

The word "Governor" shall mean the person administering the Government acting by and with the advice of the Executive Council.

The word "Minister" shall mean the responsible Minister of the Crown administering this Act.

The word "Board" shall mean the board for the protection of the aborigines.

2. It shall be lawful for the Governor from time to time to make regulations and orders for any of the purposes hereinafter mentioned, and at any time to rescind or alter such regulations (that is to say) :—

Regulations.

(I.) For prescribing the place where any aboriginal or any tribe of aborigines shall reside.

(II.) For prescribing the terms on which contracts for and on behalf of aboriginals may be made with Europeans, and upon which certificates may be granted to aboriginals who may be able and willing to earn a living by their own exertions.

(III.) For

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(III.) For apportioning amongst aboriginals the earnings of aboriginals under any contract, or where aboriginals are located on a reserve, the net produce of the labor of such aboriginals.

(IV.) For the distribution and expenditure of moneys granted by Parliament for the benefit of aborigines.

(V.) For the care custody and education of the children of aborigines.

(VI.) For prescribing the mode of transacting the business of and the duties generally of the board or any local committee hereinafter mentioned and of the officers appointed hereunder.

And every such regulation or order shall be published in the *Government Gazette*, and any publication purporting to be a copy of the *Government Gazette* and containing any such regulation or order signed by the Minister shall be received in all courts of justice as evidence thereof.

3. There shall be in and for Victoria a Board to be styled the "Board for the protection of aborigines," consisting of the Minister and such and so many persons as the Governor shall from time to time appoint to be members thereof, and the persons who at the passing of this Act shall be the members of the board for the protection of the aborigines are together with the Minister hereby appointed the first members of such board. The Governor may from time to time appoint other persons either as additional members of, or to supply any vacancies in the said board, and may remove any member whether by this Act appointed or hereafter to be appointed : Provided that in the absence of the Minister such member as shall be annually elected by the board as vice-chairman shall preside at the meetings of the board.

Board of
aborigines

4. The Governor may from time to time appoint a local committee consisting of three persons to act in conjunction with the said Board, and also officers to be called local guardians of aborigines, and may also at any time abolish such local committee or remove any such member of a local committee or a local guardian ; and such local committee or guardians shall perform the duties assigned to them respectively by this Act or any of the regulations to be made thereunder.

Officers.

5. All bedding clothing and other articles issued or distributed to the aboriginals by or by the direction of the said Board shall be considered on loan only and shall remain the property of Her Majesty, and it shall not be lawful for the aboriginals receiving such bedding clothing and other articles to sell or otherwise dispose of the same without the sanction of the Minister or such other person as the said regulations may direct.

Bedding &c.
not to be sold.

6. If any person shall without the authority of a local guardian take whether by purchase or otherwise any goods or chattels issued or distributed to any aboriginal by or by the direction of the said Board (except such goods as such aboriginal may be licensed to sell) ; or shall sell or give to any aboriginal any intoxicating liquor

Offences.

except

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except such as shall be *bonâ fide* administered as a medicine, or shall harbor any aboriginal unless such aboriginal shall have a certificate or unless a contract of service as aforesaid shall have been made on his behalf and be then in force, or unless such aboriginal shall from illness or from the result of any accident or other cause be in urgent need of succour and such cause be reported in writing to the Board or a local committee or local guardian or to a magistrate within one week after the need shall have arisen or shall remove or attempt to remove or instigate any other person to remove any aboriginal from Victoria without the written consent in that behalf of the Minister every such person shall on conviction be liable to a penalty not exceeding Twenty pounds or in default to be imprisoned for any term not less than one month nor more than three months.

7. If any person shall violate the provisions of any regulation made under or in pursuance of this Act, or shall obstruct the Board or local committee or any local guardian of aborigines or other officer in the execution of his duty under this Act or the said regulations, every such person shall on conviction forfeit and pay any sum not exceeding Twenty pounds.

Breach of regulations.
Obstructing officers.

8. Every aboriginal native of Australia and every aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating and living with aboriginals, shall be deemed to be an aboriginal within the meaning of this Act; and at the hearing of any case the justice adjudicating may, in the absence of other sufficient evidence, decide on his own view and judgment whether any person with reference to whom any proceedings shall have been taken under this Act is or is not an aboriginal.

Who to be deemed aboriginals.

9. All penalties under this Act may be enforced by summary proceeding before any justice.

Recovery of penalties.

[I hereby certify that the above fair print of the Bill intituled "An Act to provide for the protection and Management of the Aboriginal Natives of Victoria" is the Bill to which the Legislative Council and Legislative Assembly of Victoria have agreed.

[In the name and on behalf of Her Majesty I assent to this Act.

J H T Manners Sutton

Governor.]

G W Rusden

Clerk of the Parliaments]

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