

Queensland

ANNO QUADRAGESIMO SEPTIMO

VICTORIAE REGINAE.

No. [12]

A Bill to Amend “The Pacific Island Labours Act of 1880.”

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 Queensland in Parliament assembled, and by the authority of the same, as follows:-

1. This Act shall be read and construed with and as an amendment of “*The Pacific Island Labourers Act of 1880*,” hereinafter referred to as the Principal Act, and the several terms thereby defined shall in this Act, except as hereinafter otherwise provided, have the same meanings as are therein assigned to them respectively.

Act to be read with
44 Vic., No. 17

2. In the Principal Act and this Act the term “tropical or semi-tropical agriculture” shall mean field work in connection with the cultivation of sugar-cane, cotton, tea, coffee, rice, spices, or other tropical or semi-tropical productions or fruits; but shall not include

Definition of
“tropical or
semi-tropical
agriculture”

- (a) The business of engineers, engine-drivers, engine-fitters, blacksmiths, wheelwrights, farriers, sugar-boilers, carpenters, sawyers, splitters, fencers, bullock-drivers, or mechanics.
- (b) The business of grooms or coachmen;
- (c) The business of horse-driving or carting, except in field work; or
- (d) Domestic or household service.

3. All

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All agreements to be in form in Schedule G to Principal Act.

3. All agreements for service made with Islanders, whether the stipulated time for their return to their native islands has arrived nor not, shall be in the form in Schedule G to the Principal Act or to the like effect, and shall be made in duplicate, and attested by the Immigration Agent or an inspector, who shall retain one copy of the agreement. Provided that the term of service specified in any such agreement may be any period not exceeding three years.

Term "labourer" in Parts 3, 4, and 5 of Principal Act to include all Islanders.

4. The term "labourer," when used in the third, fourth, and fifth Parts of the Principal Act, shall include all Islanders, whether the stipulated time for their return to their native islands has arrived or not.

New employers to pay return passage money to former employers.

5. When at the expiration of the engagement of any Islander he enters into a fresh engagement for service, then if-

- (a) The sum of five pounds has been paid by his first employer to the Immigration Agent to defray the cost of his return passage; or
- (b) That sum has been paid by his then last employer to a former employer under the provisions of this section;

the sum so paid shall be recouped by the new employer to the next preceding employer by whom it was so paid.

Officers of labour ships and recruiting agents to be approved by Minister

6. No person shall be employed as the master, or as a mate, of a ship intended to carry native passengers from the Pacific Islands to Queensland, or as the agent of an intending employer on board of any such ship, unless he has been approved by the Minister as a fit person to be so employed.

Persons employed in labour ships to be paid fixed wages.

7. No person shall pay or give, or agree to pay or give, to the master of any ship employed in carrying passengers from the Pacific Islands to Queensland, or any other person employed thereon, any sum of money or other valuable consideration, the amount whereof is dependent either in whole or in part upon the number of passengers conveyed to Queensland: But the remuneration of the master of every such ship, and of every other person employed thereon, shall be at a fixed rate, either for the voyage, or dependent wholly upon the time occupied in the voyage.

Penalties.

If the provisions of this section are violated in respect of any ship, whether by the owner, charterer, master, or any other person employed thereon, the ship, her tackle, apparel, and furniture, shall be forfeited to Her Majesty, and the person offending shall also be liable to a penalty of one hundred pounds.

Detailed statement of accounts to be sent in.

8. A detailed statement of all expenditure incurred in and about every voyage of a ship employed in carrying passengers from the Pacific Islands, verified by the solemn declaration of the owner, charterer, or agent, shall be transmitted within four weeks after the arrival of the ship in Queensland to the Immigration Agent: For every breach of the provisions of this section the owner, charterer, and agent shall each be liable to a penalty of five hundred pounds.

Firearms or ammunition not to be supplied to Islanders.

9. It shall not be lawful to sell, supply, or give, to any Islander any firearms, bullets, leaden shot, gunpowder, or other explosive substance.

10. From

Pacific Island Labourers Act of 1880 Amendment Bill

10. From and after the first day of September, one thousand eight hundred and eighty-four, it shall not be lawful to employ any Islander, except under an agreement for service attested as hereinbefore provided, nor except in tropical or semi-tropical agriculture.

Islanders not to be employed except in certain occupations.

11. The provisions of the third and fourth section of this Act and of the last preceding section shall not apply to Islanders employed as part of the crew of a vessel, or as attendants at a Depot or Hospital for Islanders; nor to any Islander with respect to whom it shall, before the first day of September, one thousand eight hundred and eighty-four, be proved to the satisfaction of the Minister that he has been continuously in the colony for a period of not less than five years.

Exemption of certain Islanders

Upon such proof being made in respect of any Islander, he shall be registered by the Immigration Agent as exempt from the aforesaid provisions.

A certificate under the hand of the Immigration Agent that any Islander named in the certificate is so exempt shall be sufficient evidence in all courts of justice of the fact of such exemption.

12. Any person offending against any of the provisions of this Act shall, when no other penalty is expressly provided, be liable, upon conviction, to a penalty not exceeding twenty pounds and not less than five pounds.

Penalties.

13. Proof that any Islander is found engaged in any occupation upon any premises shall be sufficient evidence of the employment of such Islander in such occupation by the owner or other person having the principle management or charge of such premises.

Evidence.

14. All offences against the Principal Act or this Act may be prosecuted in a summary way before two Justices of the Peace, and the accused person, or the wife or husband of an accused person, shall be a competent witness on his or her behalf.

Mode of prosecution.

15. Penalties for offences against the provisions of the tenth section of this Act may be sued for and recovered at the suit of any person. Penalties for offences against any of the other provisions of this Act, or of the Principal act, may be sued for and recovered at the suit of an Inspector, or any other person authorised in that behalf by the Minister.

Recovery of penalties.

16. One half of every penalty recovered under this Act and of the proceeds of every vessel forfeited for breach of the provisions thereof shall be paid to the person on whose information such penalty or forfeiture was recovered or enforced.

Half penalty to be paid to the informer.

17. Notwithstanding the provisions of the fourth section of the Principal Act, the provisions of the forty-second section of that Act shall extend and apply to all Islanders, whether employed in pearl or bêche-de-mer fisheries on the Queensland coast or not.

Prohibition against selling liquor to apply to Islanders engaged in Fisheries.

18. This Act may be cited as “*The Pacific Island labourers Act of 1880 Amendment Act of 1884.*”

Short title.

I hereby certify that this PUBLIC BILL has finally passed the legislative Council and Legislative Assembly of Queensland.

[H W Radford]
Clerk of the Parliaments.

*Legislative Council Chamber,
Brisbane, [5 March 1884]*

In the name and on behalf of the Queen, I assent to this Act.

*Government House,
Brisbane, [10 March 1884]*

A. Musgrave

[Transmitted from the Legislative Council for Government according to
law]

[Legislative Council Chamber]
[Brisbane 11 Mar 1884]

H.W. Radford
[Clerk of the Parliament]

[Recorded and enrolled in the office of the Registrar General for Queensland
the thirteenth day of March A.D. 1884.]

[Registrar General's Office]
[Brisbane 13 March 1884]

[Dept Reg Genl]