

I.  
**PUBLIC ACTS**  
OF THE  
**PARLIAMENT OF QUEENSLAND,**  
3° GEORGII VI.

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**ABORIGINALS.**

*See also* TORRES STRAIT ISLANDERS.

**An Act to Consolidate and Amend the Law relating to the Preservation and Protection of Aborigines, and for other purposes.**

3 GEO. VI.  
No. 6.  
THE  
ABORIGINALS  
PRESERVATION  
AND  
PROTECTION  
ACT OF  
1939.

[ASSENTED TO 12TH OCTOBER, 1939.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

PART I.—  
PRELIMINARY.

1. (1.) This Act may be cited as “*The Aborigines Preservation and Protection Act of 1939.*”

Short title.

\*(2.) Except as herein otherwise provided, this Act shall commence and take effect on and from a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is herein referred to as the commencement of the Act.

Commence-  
ment of  
Act.

(3.) This Act shall for all purposes also extend and apply to any vessel in any river, harbour, or other water within a district in the same manner as if it were a house within such district.

Application  
to vessels.

The master or other person in charge of any such vessel shall be deemed to be the occupier of such vessel.

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\* Act proclaimed in force on and from 12th October, 1939. See Proclamation of 12th October, 1939, published in *Gazette* of 14th October, 1939, at page 1273.

(4.) This section does not apply to any vessel which is under the command or charge of any officer bearing His Majesty's commission or to any vessel which belongs to the Government of any foreign state.

Parts of  
Act.

2. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—

Section 1—*Short Title, Commencement of Act, and Application to Vessels,*

Section 2—*Parts of Act,*

Section 3—*Repeals and Savings, (Schedule),*

Section 4—*Meanings of Terms ;*

PART II.—PURPOSES OF THIS ACT—

Section 5—

(1) *Preservation and Protection of Aboriginals,*

(2) *Definition of Aboriginals,*

(3) *Exemption ;*

PART III.—ADMINISTRATION—

Section 6—*Appointment and Powers of Director of Native Affairs,*

Section 7—*Deputy Director of Native Affairs,*

Section 8—

(1) *Proclamation of Districts,*

(2) *Protectors of Aboriginals,*

Section 9—

(1) *Reserves,*

(2) *Appointment of Superintendents,*

(3) *Religious Organisations,*

(4) *Settlements,*

Section 10—*Appointment of Visiting Justice to Reserve,*

Section 11—*Reserves for Swim-divers,*

Section 12—*Regulations,*

Section 13—*Proclamations, Orders in Council, and Regulations ;*

PART IV.—PRESERVATION AND PROTECTION OF  
ABORIGINALS—

- Section 14—*Employment Generally,*  
 Section 15—*Employment on Vessels,*  
 Section 16—*Care of Property,*  
 Section 17—*Maintenance of Children,*  
 Section 18—*Guardianship of Minors,*  
 Section 19—*Marriages,*  
 Section 20—*Contagious Disease,*  
 Section 21—*Removal of Camps,*  
 Section 22—*Removal of Aboriginals to Reserves,*  
 Section 23—*Injurious Customs,*  
 Section 24—*Opium and Liquor ;*

PART V.—OFFENCES BY PERSONS OTHER THAN  
ABORIGINALS—

- Section 25—*Harbouring and Illegal Employment  
of Aboriginals,*  
 Section 26—*Illegal Removal from District or  
State,*  
 Section 27—*Possession of Blankets,*  
 Section 28—*Supplying Liquor,*  
 Section 29—*Carnal Knowledge of Females,*  
 Section 30—*Illegally Frequenting Camps,*  
 Section 31—*Trespass on Reserves,*  
 Section 32—*Unauthorised Mining on Reserves,*  
 Section 33—  
     (1) *Illegal Removal of Products of Reserves,*  
     (2) *Illegal Trading,*  
 Section 34—*Legal Proceedings,*  
 Section 35—*Jurisdiction of Justices,*  
 Section 36—*Penal Proceedings,*  
 Section 37—*Aiding and Abetting Offences,*  
 Section 38—*Institution of Proceedings ;  
Averment as Evidence.*

## SCHEDULE.

Repeals  
and savings.  
(Schedule).

**3.** Subject to the provisions hereinafter contained, the Acts specified in the Schedule to this Act are repealed to the extent in that Schedule indicated :

Provided that, but without prejudice to \* “ *The Acts Shortening Acts* ”—

- (a) All districts, reserves, settlements, and institutions for aboriginals existing at the commencement of this Act and not situated upon a Torres Strait island within the meaning of † “ *The Torres Strait Islanders Act of 1939*,” shall remain as such and be subject to this Act in all respects ;
- (b) All protectors, superintendents, and other officers appointed under and for the purposes of the Acts hereby repealed, and still in office, shall be deemed to have been appointed under and for the purposes of this Act ;
- (c) All contracts and agreements entered into, permits and certificates of exemption granted, and removal orders issued pursuant to the Acts hereby repealed, or any of them shall be of the same validity as if they had been entered into, granted, and issued under the analogous provisions of this Act, and shall be subject to this Act in all respects ;
- (d) All penalties incurred under the Acts hereby repealed or any of them and recoverable at the commencement of this Act may be recovered as if the Act concerned had not been repealed.

Meanings  
of terms.

**4.** In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say :—

Aboriginal.

“ Aboriginal ”—Any person defined by this Act to be an aboriginal ;

Contagious  
disease.

“ Contagious disease ”—Venereal disease within the meaning of ‡ “ *The Health Act of 1937* ” (or any Act amending or in substitution for that Act), and any disease which the Governor in Council from time to time on the recommendation of the Director-General of Health

\* 31 Vic. No. 6 and amending Acts, *supra*, pages 15 *et seq.*

† 3 Geo. VI. No. 7, *infra* page 17801.

‡ 1 Geo. VI. No. 31, *supra*, page 16597.

and Medical Services declares by Order in Council to be a contagious disease for the purposes of this Act ;

“ Director of Native Affairs ” or “ Director ”—Director of Native Affairs or Director.  
The Director of Native Affairs appointed under the provisions of this Act: the term shall also include the Deputy Director of Native Affairs and the officer (if any) appointed as Assistant Director of Native Affairs so far as may be necessary to enable either such officer to duly do or execute any power, authority, function, or jurisdiction of the Director which may be legally done or executed by him ;

“ District ”—A district proclaimed under the District. provisions of this Act ;

“ Half-blood ”—A person— Half-blood.

- (i.) One of whose parents was an aboriginal and whose other parent had no strain of the blood of an aboriginal or aboriginals ; or
- (ii.) Both of whose parents have a strain of aboriginal blood, and who himself has a strain of more than twenty-five per cent. of aboriginal blood but who has not a preponderance of such blood :

In this definition the term “ aboriginal ” relates to an aboriginal native of the mainland of Australia or of any islands in the territorial jurisdiction of Australia, but such term does not include an islander ;

“ Islander ”—An islander within the meaning of Islander.  
\* “ *The Torres Strait Islanders Act of 1939* ” ;

“ Liquor ”—Liquor within the meaning of † “ *The Liquor. Liquor Acts, 1912 to 1935* ” (or any Act amending or in substitution for those Acts) ;

“ Minister ”—The Secretary for Health and Home Minister. Affairs or other Minister of the Crown charged for the time being with the administration of this Act ;

“ Prescribed ”—Prescribed by this Act ; Prescribed.

\* 3 Geo. VI. No. 7, *infra*, page 17801.

† 3 Geo. V. No. 29 and amending Acts, *supra*, pages 5527 *et seq.*

PART I.—  
PRELIMINARY.*Aboriginals Preservation and Protection Act.* 3 GEO. VI. No. 6.

Protector.	“ Protector ”—A protector of aboriginals appointed under this Act: the term shall include the Director, the Deputy Director of Native Affairs, the Assistant Director of Native Affairs, or any person authorised to act in the absence of the Director ;
Regulations.	“ Regulations ”—Regulations made under this Act ;
Reserve.	“ Reserve ”—Any reserve heretofore or hereafter granted in trust or reserved from sale or lease by the Governor in Council for the benefit of the aboriginals of the State under the provisions of any law in force in Queensland relating to Crown lands ;
Shipping master.	“ Shipping master ”—A person purporting to have been appointed whether before or after the commencement of this Act by the Governor in Council as a shipping master ;
Superintendent.	“ Superintendent ”—A superintendent appointed under the provisions of this Act for any reserve ;
This Act.	“ This Act ”—This Act and all Proclamations, Orders in Council, and regulations thereunder ;
Vessel.	“ Vessel ”—Any ship, boat, or other vessel used in navigation ;
Vessel trading in Queensland waters.	“ Vessel trading in Queensland waters ”—A vessel sailing from any port in Queensland and engaged in any fishery, or in trading between Queensland ports, or between any Queensland port and any island or islands belonging to or dependent on Queensland.

PART II.—  
PURPOSES OF  
THIS ACT.

## PART II.—PURPOSES OF THIS ACT.

**5. (1.)** The purposes of this Act shall be the preservation and protection of aboriginals in the State of Queensland.

**Definition of aboriginals.** (2.) The following persons shall be and be deemed to be “ aboriginals ” within the meaning of this Act, namely—

- (i.) Any aboriginal native of the mainland of Australia or of any islands in the territorial jurisdiction of Australia ;

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- (ii.) Any person who has a preponderance of the blood of aboriginals as defined in paragraph (i.) hereof ;
- (iii.) Any half-blood declared by a judge or police magistrate or two or more justices after trial to be in need of the protection of this Act, and who is ordered to be so protected ;
- (iv.) Any half-blood who lives as wife or husband with an aboriginal as hereinbefore defined, or who habitually associates with aboriginals as so defined ; Half-bloods.
- (v.) Any resident of a reserve other than an official or person authorised by the protector ;
- (vi.) A child living on a reserve with a mother who is an aboriginal as hereinbefore defined :

Provided that an islander shall not be deemed to be an “ aboriginal ” within the meaning of this Act unless he is residing on a reserve.

(3.) The Director may, by writing under his hand in the prescribed form grant exemption from the provisions of this Act to any aboriginal who in his opinion, ought no longer to be subject to this Act, and thereupon such aboriginal shall no longer be subject to this Act : Exemption.

Provided that such exemption may be granted subject to such conditions as the Director may impose, including a condition that all money or property belonging to such aboriginal and held in trust by a protector shall continue to be held in trust by such protector for such time as may be determined by the Director.

(4.) The Director may at any time revoke any exemption, and thereupon the provisions of this Act shall apply to such aboriginal as if no exemption had ever been granted.

PART III.—ADMINISTRATION.

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ADMINIS-  
TRATION.

6. (1.) The Governor in Council may from time to time appoint a Director of Native Affairs who, subject to the Minister, shall be charged with the administration of this Act. Appoint-  
ment and  
powers of  
Director of  
Native  
Affairs.

The Chief Protector of Aboriginals appointed under the repealed Acts shall without any further or other appointment be the Director of Native Affairs.

Annual  
report.

(2.) The Director shall as soon as practicable, after the expiration of each calendar year, make a report in writing to the Minister respecting the administration of this Act, and such report shall forthwith be laid before Parliament if it be then sitting; and if not then sitting, within fourteen days after the commencement of the next session thereof.

Inquiries.

(3.) (a) The Director may make or cause to be made such inspections, investigations, and inquiries as he thinks fit in relation to any matters respecting the administration of this Act and shall make or cause to be made such inspections, investigations, and inquiries as are directed by the Minister or by this Act.

(b) When any inspection, investigation, or inquiry is made by the Director he shall for the purposes of making such inspection, investigation, or inquiry have and may exercise all the powers, authorities, protection, and jurisdiction of a commission under \**"The Official Inquiries Evidence Acts, 1910 to 1929,"* and may enter and inspect any building, premises, or place the entry or inspection whereof appears to him requisite for the purposes of such inspection, investigation, or inquiry.

(c) When any inspection, investigation, or inquiry is directed to be made by the Minister or the Director, the person directed to make the same shall for the purposes of making such inspection, investigation, or inquiry have and may exercise all the powers, authorities, protection, and jurisdiction conferred upon the Director by this subsection.

(d) Where the Minister has directed an inspection, investigation, or inquiry, the Director shall as soon as possible furnish a full report of such inspection, investigation, or inquiry to the Minister.

(e) The person directed by the Director to make any inspection, investigation, or inquiry shall as soon as practicable furnish a full report of such inspection, investigation, or inquiry to the Director.

Deputy  
Director of  
Native  
Affairs.

7. (a) The Governor in Council may from time to time appoint a Deputy Director of Native Affairs and/or an Assistant Director of Native Affairs.

\* 1 Geo. V. No. 26 and amending Act, *supra*, pages 748 *et seq.*

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TRATION.

The Deputy Chief Protector of Aboriginals appointed under the repealed Acts shall without any further or other appointment be the Deputy Director of Native Affairs.

(b) The Deputy Director of Native Affairs or, in his absence the Assistant Director of Native Affairs, may subject to the Minister and the Director do and execute any power, authority, function, or jurisdiction of the Director.

(c) Any act, matter, or thing which the Director has power under this Act to do or omit to do shall, when done or omitted to be done by the Deputy Director of Native Affairs or the Assistant Director of Native Affairs, be deemed to be a lawful act or omission until the contrary is proved.

8. (1.) The Governor in Council may by Proclamation declare any portion or portions of the State to be a district or districts for the purposes of this Act, and may in like manner abolish or vary the boundaries of any district, or join any two or more districts together to form one district.

Proclama-  
tion of  
districts.

(2.) The Governor in Council may from time to time appoint fit and proper persons to be severally called "protectors of aboriginals" who shall, subject to the Director, have and exercise such powers and duties as may be prescribed and be responsible to the Director for the administration of this Act in the districts to which they are respectively assigned or, in the case of a protector specially authorised by the Director, in the district or districts to which such special authority relates.

Protectors of  
aboriginals.

9. (1.) Every reserve shall be subject to this Act.

Reserves.

(2.) The Governor in Council may appoint a superintendent for each reserve within which such superintendent shall have and exercise the powers and duties prescribed, and such superintendent shall be a protector of aboriginals for his own reserve.

Appoint-  
ment of  
super-  
intendents.

(3.) The Governor in Council may by Order in Council place any reserve under the management and control of a religious organisation.

Religious  
organ-  
isations.

Settlements.

(4.) The Governor in Council may establish on any reserve a settlement for the preservation and protection of aboriginals, and in addition to the superintendent may appoint such resident or visiting medical officers and such other officers as may be necessary.

Appoint-  
ment of  
visiting  
justice to  
reserve.

10. (1.) The Governor in Council may appoint a justice of the peace to be a visiting justice to a reserve for the inspection of the condition of aboriginals thereon.

(2.) The visiting justice shall at least once every three months visit the reserve to which he has been appointed and shall—

- (a) Inspect the villages and all schools, hospitals, dormitories, gaols, houses, and other buildings in which aboriginals are accommodated on such reserve ;
- (b) Investigate complaints by aboriginals upon the reserve ;
- (c) Inspect the records of punishments inflicted upon aboriginals by the aboriginal court or by the protector ;
- (d) Deal in a summary manner with complaints against aboriginals on reserves where no aboriginal court is established ;
- (e) Furnish a report to the Director within seven days after his inspection of the condition of all buildings, sanitation of the village and accommodation, discipline of aboriginals, conduct of staff and general welfare of the aboriginals upon the reserve, and on such other matters as the Director may require.

Reserves for  
swim-divers.

11. The Governor in Council may from time to time by Proclamation set apart areas within the territorial waters of Queensland and reserve the same for aboriginals and/or islanders for getting by swim-diving pearl-shell, bêche-de-mer, or trochus shell from any port, bank, channel, reef, or cluster of reefs, or any part of the same within any such area. Any person other than an aboriginal and/or islander who gets pearl-shell, bêche-de-mer, or trochus shell from any area so reserved shall be liable to a penalty not exceeding fifty pounds, and in addition any pearl-shell, bêche-de-mer, or trochus shell so got and found in his possession shall be forfeited to the Crown by the court which convicts him.

**12.** The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act, or that may be necessary or expedient to further and carry out the objects and purposes of this Act and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency. Regulations.

Without limiting the generality of the foregoing provisions regulations may be made for all or any of the following purposes, that is to say—

- (1) Defining the duties and powers of superintendents.
- (2) Providing for the preservation, detention, control, and employment of aboriginals on reserves ; discipline and good order upon and the inspection of reserves. Control and supervision.
- (3) Providing for the establishment of aboriginal courts on reserves and the constitution and civil and/or criminal jurisdiction of such aboriginal courts and the procedure in respect of their jurisdiction, either civil or criminal : Aboriginal courts.  

Provided that the maximum pecuniary penalty which may be inflicted by any such court for any offence or breach of duty shall not exceed one pound and the maximum term of imprisonment which may be imposed by any such court (either in lieu of or on default in payment of a pecuniary penalty or on default in payment of a sum of money) shall not exceed three weeks.
- (4) Authorising the establishment of aboriginal police on reserves, and prescribing the powers and duties of such police. Police.
- (5) Providing for the establishment of aboriginal gaols on reserves, and the carrying-out therein of sentences of imprisonment imposed upon aboriginals by an aboriginal court. Gaols, &c.
- (6) Regulating the employment of aboriginals on vessels and elsewhere.
- (7) Providing for the care, custody, and education of the children of aboriginals.

- (8) Prescribing the conditions on which aboriginal children may be apprenticed or placed in service.
- Welfare fund. (9) Providing for the establishment of a welfare fund for the general benefit of aboriginals and the maintenance of such fund by the payment thereto of moneys earned by the sale of produce of reserves under the control of the State, proceeds of undertakings conducted on such reserves, contributions by aboriginals as may from time to time be prescribed, unclaimed moneys, and such other moneys as may from time to time be prescribed; the management, control, and disbursement of such fund.
- Trust funds. (10) Providing for the establishment of such trust funds as may be necessary for the control of the savings of aboriginals, estates of deceased and missing aboriginals and unclaimed moneys.
- (11) Prescribing a penalty not exceeding in any case twenty pounds for any breach of a regulation:
- Provided that a different maximum penalty may be prescribed according as to whether such offence is committed by an aboriginal or some other person.
- General. (12) All matters required or permitted by this Act to be prescribed.
- Proclamations, Orders in Council, and regulations. **13.** All Proclamations, Orders in Council, and regulations made or purporting to be made under this Act shall upon being published in the *Gazette* have the same force and effect as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

The publication in the *Gazette* of any such Proclamation, Order in Council, or regulation shall be conclusive evidence of the matters contained therein and of the power and authority to make such Proclamation, Order in Council, or regulation, as the case may be.

All such Proclamations, Orders in Council, and regulations shall be laid before Parliament forthwith if then sitting; and, if not then sitting, within fourteen days after the commencement of the next ensuing session.

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PART III.—  
ADMINISTRATION.

If the Legislative Assembly, within the next fourteen sitting days after any Proclamation, Order in Council, or regulation has been so laid before such House, resolves that such Proclamation, Order in Council, or regulation ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new Proclamation, Order in Council, or regulation, as the case may be.

For the purpose of this section the term "sitting days" shall mean days on which the House actually sits for the despatch of business.

PART IV.—PRESERVATION AND PROTECTION OF  
ABORIGINALS.

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*Employment Generally.*

14. (1.) No person shall employ an aboriginal without the permission of a protector. Permit to employ.

(2.) A protector may refuse to permit any person to employ an aboriginal. Protector may refuse permit.

(3.) Every person employing an aboriginal under the provisions of this Act shall forthwith upon permission being granted by a protector enter into a written agreement with such aboriginal in the presence of such protector, a person authorised by him, a justice of the peace, a member of the Police Force, or an officer of the Public Service. Every agreement relating to the employment of aboriginals under this Act shall be in the prescribed form and shall contain particulars of the names of the parties thereto, the nature of the service to be rendered by such aboriginal, the period during which such employment is to continue, the wages or other remuneration to be paid or given by the employer for such service, the nature of the food and accommodation to be provided for such aboriginal, and any other conditions which may be prescribed. To be employed under written agreement.

Every such agreement shall be attested by the protector or person authorised by him before whom it is entered into.

(4.) Every permit to employ an aboriginal shall remain in force for such period not exceeding twelve months as the protector may fix. Maximum period of employment.

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OF  
ABORIGINALS.

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**Minimum  
wages and  
conditions.**

(5.) Unless otherwise approved by the Director, the wages payable to an aboriginal employed under this Act shall be not less than prescribed, nor shall the food, accommodation, and other necessaries be of lower standard than is prescribed.

**Payment of  
wages to  
responsible  
person.**

(6.) A protector may direct employers or any employer to pay the whole or any portion of the wages of aboriginals to himself or some other person on his behalf, and any employer who fails to observe such direction shall be deemed to have not paid such wages.

**Aboriginals  
in  
employment  
to be subject  
to  
supervision.**

(7.) The employer of an aboriginal shall permit any protector, or such other person as may be authorised by a protector, to have access to such aboriginal at all reasonable times for the purpose of making such inspection and inquiries as the protector may deem necessary.

**Cancellation  
of  
agreement.**

(8.) Any permit and/or agreement to employ an aboriginal may be cancelled at any time by a protector by writing under his hand :

Provided that no such agreement authorised by the Director shall be cancelled except by him.

**Effect of  
cancellation  
of agree-  
ment.**

(9.) The cancellation of an agreement shall not entitle an employer to claim or recover any compensation for the loss of the services of the aboriginal concerned or to maintain any action in respect of any alleged loss or damage that may be occasioned by such cancellation.

**Investiga-  
tion of  
complaint.**

(10.) A protector may investigate any complaint made by either the employer or the employee of any breach of an agreement to employ any aboriginal or any complaint made by any employee under such agreement of ill-treatment by his employer.

If upon such investigation the protector is satisfied that the employer is at fault he may cancel such agreement in the manner set out in subsection eight of this section and remove the employee, but if he is satisfied that the employee is at fault he shall order such employee to return to work and to properly observe the conditions of such agreement.

**Breaches by  
employer or  
employee.**

(11.) Any employer who continues to employ any aboriginal after the cancellation of his agreement to employ shall be guilty of an offence and liable to a penalty of not more than fifty pounds ; and any employee

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who fails to comply with the order of a protector made pursuant to subsection ten hereof shall be guilty of an offence and shall be liable to a penalty of not more than two pounds.

(12.) Any person who causes or induces, or attempts to cause or induce, an aboriginal to leave any lawful employment without the consent of a protector shall be guilty of an offence. Inciting to desert.

(13.) If any aboriginal who is employed under this Act dies during the period of his employment, the employer within thirty days after the death, or if the deceased was employed on board of or in connection with a vessel within thirty days after the arrival of such vessel at any port in Queensland, shall transmit to the nearest protector notice in writing of such death under the hand of the employer, and containing such particulars as will enable the deceased to be identified. Death of employed aboriginals.

(14.) A protector shall not authorise the removal of any aboriginal from one district to another district, or to any place beyond Queensland, for any period exceeding twelve months, nor until the person desiring such removal enters into a recognisance with a surety, or sureties at the discretion of the protector, in a sum which the protector considers sufficient to defray all expenses of the return of such aboriginal to the place from which such aboriginal is to be removed, and to pay all wages due to such aboriginal during the period of absence : Recognisance on removal of aboriginal.

Provided that the Director of Native Affairs may, subject to this Act, grant a permit to remove an aboriginal to a place outside Queensland for a longer period than twelve months.

(15.) Every recognisance may be taken by a protector or officer in charge of police, and shall be in the prescribed form. Form recognisance.

(16.) Nothing in subsections fourteen and fifteen of this section shall apply to aboriginals employed on vessels whose conditions of employment for which they were engaged compel them to go from one district to another district. Saving.

(17.) In any proceeding under section fourteen or section fifteen of this Act the averment in the plaint, complaint, information, or statement of claim that any person named therein is an aboriginal shall be sufficient proof thereof until the contrary is proved. Onus of proof.

*Employment on Vessels.*

To be carried  
on articles.

15. (1.) No aboriginal shall be employed or carried on board of any vessel trading in Queensland waters unless he is carried on the ship's articles in like manner as one of the crew of the vessel, and has been engaged to serve in accordance with the provisions of this Act.

Not to be  
engaged  
except in  
the presence  
of the  
shipping  
master.

(2.) No aboriginal shall be engaged to serve on board of or in connection with any such vessel for any voyage or period of time by any person other than the master thereof, nor shall any aboriginal be so engaged except in the presence and with the sanction of the shipping master of the port at or nearest to which such engagement is made.

Particulars  
to be  
entered in  
register.

(3.) The shipping master shall enter particulars of every such engagement in a register book to be kept by him for that purpose, and the aboriginal and the master engaging him shall respectively sign their names in the book in testimony of such engagement.

Agreement  
to be  
explained  
and attested.

(4.) Every agreement of hiring of an aboriginal for employment on a vessel shall be signed by him in the presence of the shipping master, who shall carefully explain the agreement to him or otherwise ascertain that he understands the same before he signs it, and shall attest the signature of such aboriginal.

Contents of  
agreement.

(5.) Every such agreement shall contain particulars of the nature of the intended voyage or engagement and all particulars set out in subsection three of section fourteen of this Act.

Penalties.

(6.) If any vessel trading in Queensland waters carries any aboriginal with respect to whom the provisions of this Act have not been observed, the master and owner shall each be liable to a penalty not exceeding one hundred pounds.

To be  
discharged  
and paid  
before  
shipping  
master.

(7.) Every aboriginal employed on board of or in connection with a vessel trading in Queensland waters, whether he was engaged before or is engaged after the commencement of this Act, shall be discharged in the presence of a shipping master, who shall collect all wages due to such aboriginal and pay such wages to a protector.

Master to  
bring  
aboriginal  
back to port.

(8.) If any such vessel arrives in any port in Queensland having a less number of aboriginals on board than are carried on the ship's articles, the master and owner shall each be liable to a penalty not exceeding