

# Aborigines Act 1897, Western Australia

1898 – 1906

URL: [https://www.legislation.wa.gov.au/legislation/statutes.nsf/law\\_a3291.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a3291.html)

## Details

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The Aborigines Act 1897 (Act no. 1897 (61 Vict. No.5)) was proclaimed on 28 March 1898. Its long title was 'An Act to further amend the Constitution Act of 1889, and for the better Protection of the Aboriginal Race of Western Australia.' It abolished the Aborigines Protection Board and established the Aborigines Department. The Act enabled the Governor to appoint new Protectors of Aborigines and limited the expenditure on Aboriginal welfare to a fixed sum rather than the one percent of revenue that was required under the Constitution. This made the Act invalid; an issue that was not resolved until the Aborigines Act 1897 was repealed by the Aborigines Act 1905 on 23 April 1906.

The major change in the Aborigines Act 1897 was the abolition of the Aborigines Protection Board, which was replaced by the Aborigines Department on 1 April 1898. The Australian Institute of Aboriginal and Torres Strait Islander Studies' *To Remove and Protect* website gives some history about this Act:

*The Aborigines Act 1897, abolished the Aborigines Protection Board and the powers and duties of existing protectors of Aborigines. The Act created the WA Aborigines Department with similar duties to the former Board as well as to provide for the custody, maintenance and education of the children of Aborigines. The Department was given an annual budget of five thousand pounds sterling instead of one percent of the annual government revenue as specified in the 1889 WA Constitution. (One percent was a much larger amount after the discovery of gold boosted government revenue. As this provision was inconsistent with the WA Constitution, an Act of the British Parliament, the Act was actually invalid. The invalidity was realised in 1904 and retrospectively validated in the Aborigines Act 1905.) The Aborigines Act 1897 was repealed by the Aborigines Act 1905.*

## More info

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### Chronology

- Aborigines Protection Act 1886, Western Australia (1887 - 1906)
  - **Aborigines Act 1897, Western Australia (1898 – 1906)**
    - Aborigines Act 1905, Western Australia (1906 - 1964)
      - Native Welfare Act 1963, Western Australia (1963 - 1972)
        - Aboriginal Affairs Planning Authority Act 1972, Western Australia (1972 - current)

### Related Entries

#### Related Organisations

- [Aborigines Department, State of Western Australia \(1 April 1898 - 31 December 1908\)](#)

The *Aborigines Act 1897* created the Aborigines Department, which came into operation from 1 April 1898.

- [Chief Protector of Aborigines \(1898 - 1936\)](#)

The Aborigines Act 1897 created the role of Chief Protector.

- [Aborigines Protection Board, Colony of Western Australia \(1890 - 1898\)](#)

The *Aborigines Act 1897* abolished the Aborigines Protection Board

### Related Concepts

- [Aboriginal Protection in Western Australia \(c. 1832 - c. 1972\)](#)

## Resources

- McCorquodale, John, [The legal classification of race in Australia](#), Aboriginal History, 1986
- [AU WA A67 - Aborigines Department \[1\]](#), State Records Office of Western Australia - Organisations & People, 2015
- [Aboriginal History](#), State Records Office of Western Australia website, 2012
- Tilbrook, Lois, [Nyungar Tradition : glimpses of Aborigines of south-western Australia 1829-1914](#), 1983

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