



ANNO SECUNDO

GEORGII V REGIS.

A.D. 1911.

No. 1048.

An Act to make provision for the better Protection and Control of the Aboriginal and Half-caste Inhabitants of the State of South Australia.

[*Assented to, December 7th, 1911.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Aborigines Act, 1911." Short title.

2. The Ordinance No. 12 of 1844, being an Ordinance to provide for the protection, maintenance, and up-bringing of orphans and other destitute children of the aborigines, is hereby repealed: Repeal.
Provided that such repeal shall not alter the effect of the doing or omission of any thing before the passing of this Act, and shall not affect any right granted, obligation imposed, liability incurred, or any offence committed by, under, or against the said Ordinance, or any proceedings commenced before or after the passing of this Act with respect to any of such matters or things.

Interpretation.

3. In this Act, unless inconsistent with the context or subject matter— Definitions.

"Aboriginal institution" means and includes any mission station, reformatory, orphanage, school, home, reserve, or other institution for the benefit, care, or protection of the aboriginal or half-caste inhabitants of the State: W.A., 14, 1905, s. 2.

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- “Chief Protector” means the Chief Protector of Aborigines continued in office or appointed under this Act:
- “Contagious disease” means venereal disease, including gonorrhœa:
- “Department” means the Aborigines Department:
- “District” means a district declared under this Act:
- “Half-caste” means any person who is the offspring of an aboriginal mother and other than an aboriginal father: Provided that the term “half-caste,” wherever it occurs in this Act, except in section 4, does not, unless the context requires such a construction, include a half-caste who, under the provisions of that section, is deemed to be an aboriginal:
- “Justice” means Justice of the Peace for the State:
- “Lock-hospital” means a hospital or other institution, or the part of a hospital or other institution, declared a lock-hospital for the purposes of this Act:
- “Minister” means the Minister of the Crown to whom the administration of this Act for the time being is committed by the Governor:
- “Police officer” means any member of the Police Force:
- “Prescribed” means prescribed by this Act or regulation:
- “Proclamation” means Proclamation published in the *Government Gazette*:
- “Protector” means a Protector of Aborigines appointed under this Act, and includes the Chief Protector:
- “Reserve” means a reserve for aborigines declared under this Act:
- “Regulation” means a regulation for the time being in force under this Act:
- “Superintendent” means a Superintendent appointed under this Act for a reserve:
- “This Act” includes regulations.

Who are aborigines.
Ibid., s. 3.

4. (1) Every person who is—
- (a) An aboriginal native of Australia or of any of the islands adjacent or belonging thereto; or
- (b) A half-caste who lives with such an aboriginal native as wife or husband; or
- (c) A half-caste who, otherwise than as wife or husband of such an aboriginal native, habitually lives or associates with such aboriginal natives; or

(d) A

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(d) A half-caste child whose age does not apparently exceed sixteen years

shall be deemed to be an aboriginal within the meaning of this Act and of every Act passed before or after this Act, unless a contrary intention appears.

(2) In this section the term "half-caste" includes any person either of whose parents is or was an aboriginal, and any child of any such person.

Administration.

5. There shall be a department under the Minister, to be called the Aborigines Department, which shall be charged with the duty of controlling and promoting the welfare of the aboriginals.

Department.
W.A., 14, 1905, s. 4.

6. The Treasurer of the State shall, in every year, place at the disposal of the Department such sums as are provided by Parliament, to be applied to the purposes of the Department.

Funds to be provided
by Parliament.
Ibid., s. 5.

7. It shall be the duty of the Department—

Duties of Department.

(1) To apportion, distribute, and apply, as seems most fit, under the direction of the Minister, the moneys at the disposal of the Department:

Ibid., s. 6.

(2) In its discretion, with the approval of the Minister, to apply part of the moneys at its disposal in the purchase of stock and implements to be loaned to aboriginals to whom land has been allotted under section 18, and may supply the same accordingly either without payment or on such terms as are approved by the Minister; and no person shall, except with the approval of the Minister, acquire any title to any goods or chattels so loaned as aforesaid:

(3) To distribute blankets, clothing, provisions, and other relief or assistance to the aboriginals:

(4) To provide, as far as practicable, for the supply of food, medical attendance, medicines, and shelter for the sick, aged, and infirm aboriginals:

(5) To provide, when possible, for the custody, maintenance and education of the children of aboriginals:

(6) To manage and regulate the use of all reserves for aboriginals:

(7) To exercise a general supervision and care over all matters affecting the welfare of the aboriginals, and to protect them against injustice, imposition, and fraud.

8. (1) The Protector of Aborigines in office at the time of the passing of this Act is hereby continued in office under the title of "Chief Protector of Aborigines," and the Governor may from time to time appoint such person as he deems fit to be Chief Protector of Aborigines.

Chief Protectors.
Ibid., s. 7.

(2) The

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Protectors.

(2) The Minister may from time to time appoint such persons as he deems proper to be Protectors of Aborigines, who shall, within the districts respectively assigned to them, have and exercise the powers and duties prescribed.

Duties of Chief Protectors.

Ibid.

9. The Chief Protector shall, under the Minister, be responsible for the administration of the Department and the execution of this Act.

Legal guardian.

Ibid., s. 8.

10. (1) The Chief Protector shall be the legal guardian of every aboriginal and every half-caste child, notwithstanding that any such child has a parent or other relative living, until such child attains the age of twenty-one years, except whilst such child is a State child within the meaning of "The State Children Act, 1895," or any Act amending or substituted for that Act.

No. 641 of 1895.

(2) Every Protector shall, within his district, be the local guardian of every such child within his district.

(3) Such local guardian shall have and exercise the powers and duties prescribed.

Districts.

Q., 17, 1897, s. 5

11. The Governor may, by Proclamation—

(a) Declare any portion of the State to be a district for the purposes of this Act, and shall by such Proclamation assign a name to such district:

(b) Alter the boundaries of any district:

(c) Abolish any district.

Removal of Aborigines.

Unlawfully removing aboriginal from district.

Ibid., s. 7.

12. (1) Any person who, without the authority in writing of a Protector, removes or causes to be removed any aboriginal, or any female half-caste, or any half-caste child under the age of sixteen years from one district to another, or to any place beyond the State, shall be guilty of an offence against this Act.

(2) This section shall not apply to the removal by any person of any child, of whatever age, of such person.

Recognizance before removal.

Ibid.

13. (1) Before authority is given under section 12 the person desiring the removal shall enter into a recognizance, with such surety or sureties as the Protector approves, in a sum which the Protector considers sufficient to defray the expense of the return of the aboriginal or half-caste to the place from which he is to be removed.

(2) Every such recognizance shall be in the prescribed form, and shall be taken in duplicate by a Protector or police officer, who shall forthwith forward one part to the Chief Protector. A recognizance may be renewed from time to time, at the discretion of the Chief Protector.

(3) The

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(3) The Protector may dispense with such recognizance, in his discretion, in any particular case :

Provided that in such an event the circumstances be reported to the Chief Protector.

Reserves and Institutions.

14. The Governor may, on a resolution of both Houses of Parliament, by Proclamation—

Reserves for
aboriginals.
Ibid., s. 10.

- (a) Declare any Crown lands to be a reserve for aboriginals :
- (b) Alter the boundaries of any reserve :
- (c) Abolish any reserve.

15. The Governor may appoint such person as he deems proper to be the Superintendent of a reserve.

Superintendents of
reserves.
Ibid., s. 11.

16. (1) The Governor may, on a resolution of both Houses of Parliament, grant leases of any Crown lands to any mission or other aboriginal institution for any term not exceeding twenty-one years, at such rent and on such terms as he thinks fit, in blocks not exceeding in any case one thousand square miles.

Leases to institutions.
Cf. S.A., 722, 1899,
s. 89.

(2) Every such lease may grant a right of renewal, provided it can be shown to the satisfaction of the Minister that the lands therein described are required for and applied to the use and entirely for the benefit of aboriginals or half-castes, or both.

17. (1) The Chief Protector may cause any aboriginal or half-caste to be kept within the boundaries of any reserve or aboriginal institution, or to be removed to and kept within the boundaries of any reserve or aboriginal institution, or to be removed from one reserve or aboriginal institution to another reserve or aboriginal institution, and to be kept therein.

Aboriginals may be
removed to reserves.
W.A., 14, 1905, s. 12.

(2) No aboriginal or half-caste shall be kept within the boundaries of an aboriginal institution or removed from any such institution without the consent of the governing body of the institution concerned.

(3) Any aboriginal or half-caste who refuses to be so removed, or resists such removal, or who refuses to remain within or attempts to depart from any reserve or institution to which he has been so removed, or within which he is being kept as aforesaid, shall be guilty of an offence against this Act.

18. The Minister may on the recommendation of the Chief Protector and Surveyor-General allot to any aboriginal in a block not exceeding one hundred and sixty acres any Crown lands available for settlement, or may, on such recommendation as aforesaid, purchase land for occupation by aboriginals, and allot the same in such blocks as aforesaid, and any such allotment shall be upon such terms and subject to such conditions as may be prescribed by regulation.

Minister may allot or
purchase land.

19. Every

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Exemptions from liability to removal to reserve.

Ibid., s. 13.

19. Every aboriginal—

- (a) Who is lawfully employed by any person, or
- (b) Who is the holder of a permit to be absent from the reserve in question, or
- (c) Who is a female lawfully married to and residing with a husband who is not himself an aboriginal, or
- (d) For whom, in the opinion of the Chief Protector, satisfactory provision is otherwise made,

shall be exempt from the provisions of section 17.

Unlawfully entering reserve or institution.
Ibid., ss. 14 and 15.

20. Any person who, without valid and reasonable excuse, enters or remains or is within the boundaries of a reserve or aboriginal institution, unless he is—

- I. An aboriginal, or
- II. The Minister, or
- III. A Protector, or Superintendent, or Police Officer, or
- IV. A person authorised in that behalf by the Minister or by a Protector, or by the Superintendent of the reserve or institution in question, or
- V. A person authorised in that behalf by or under the regulations,

shall be guilty of an offence against this Act.

Unlawfully removing or enticing aboriginal from reserve.

Ibid., s. 15.

21. Any person who removes an aboriginal, or causes, assists, entices, or persuades an aboriginal to remove, from a reserve or aboriginal institution, unless such person is—

- I. The Minister, or
- II. A Protector, or
- III. The Superintendent of such reserve or institution, or
- IV. A person authorised in that behalf by the Minister or by a Protector or by the Superintendent of the reserve or institution in question, or
- V. A person authorised in that behalf by or under the regulations,

shall be guilty of an offence against this Act.

Onus of proof of authority.

22. In any proceedings in respect of an offence under section 19 or section 20 the onus of proving that the person charged was authorised as mentioned in subdivision iv. or v. of either of the said sections shall be upon such person.

23. (1) Notwithstanding

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23. (1) Notwithstanding the provisions of "The Mining Act, 1893," and "The Mining on Private Property Act, 1909," or either of the said Acts, or any Act amending or substituted for either of the said Acts, no holder of a miner's right shall be entitled to enter, or remain, or be within the limits of any reserve for aboriginals except under the written permit of a Protector.

Mining not allowed on reserves.

Q., 1, 1901, s. 15.

No. 587 of 1893.

No. 992 of 1909.

(2) In any case where such permit is refused or withdrawn the holder of the miner's right shall have the right to appeal to the Minister, who may confirm or reverse the decision of the Protector.

(3) Any such holder who, without such permit, the proof of which shall lie upon him, is found on any such reserve shall be guilty of an offence against this Act.

Hospital Accommodation.

24. The Governor may establish and maintain hospitals in such places as he deems proper for the purpose of treating sick, diseased, and infirm aboriginals and half-castes, and may appropriate any parts of any public hospitals for the said purpose, and may cause such aboriginals and half-castes to be treated therein.

Hospitals may be established for aboriginals.

Provisions for Treating Contagious Diseases.

25. (1) The Governor may, by proclamation, declare that any public hospital or other institution, or any part of any public hospital or other institution, shall be a lock-hospital for the purposes of this Act.

Proclamation of lock-hospitals.

(2) The Governor may, in like manner, vary any proclamation made under subsection (1) of this section, or close any lock-hospital; and may direct the removal of the patients in any lock-hospital so closed to any other lock-hospital, and the Governor's direction shall be sufficient authority for the removal of the patients as directed.

(3) The Governor may appoint any legally qualified medical practitioner to be the surgeon in charge of any lock-hospital: Provided that if it has been declared a lock-hospital for the purpose of any other Act, the surgeon in charge thereof under that Act shall also be the surgeon in charge thereof under this Act, unless some other person is appointed to that office under this Act.

26. (1) The Chief Protector may, by writing signed by him, authorise any legally qualified medical practitioner therein named to medically examine any aboriginal or half-caste.

Detention in lock-hospitals of aboriginals.

(2) Such writing shall be sufficient authority to the practitioner to enter any premises where such aboriginal or half-caste is, or is suspected to be, and to medically examine such aboriginal or half-caste in such manner as the practitioner deems necessary.

(3) If the practitioner on such examination finds that the aboriginal or half-caste is suffering from a contagious disease he may, by order signed by him, direct that such aboriginal or half-caste be removed to and detained in a lock-hospital until discharged therefrom as hereinafter provided.

(4) Such

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(4) Such order concerning any aboriginal or half-caste shall be sufficient authority for any Protector or any police officer to take and remove such aboriginal or half-caste to any lock-hospital, and to the surgeon thereof to receive, detain, and treat such aboriginal or half-caste therein until discharged as hereinafter provided.

(5) It shall be the duty of the surgeon in charge of a lock-hospital, as soon as any aboriginal or half-caste detained therein under this section is free from contagious disease, to report that fact to the Chief Protector, who may thereupon, by writing signed by him, discharge such aboriginal or half-caste from the lock-hospital.

(6) Any aboriginal or half-caste who refuses to be examined or to be taken or removed as aforesaid, or to enter, remain, or be treated in any lock-hospital after order made as aforesaid, or attempts to depart from any lock-hospital until discharged as aforesaid, shall be guilty of an offence against this Act.

Employment of Aborigines.

Inspection by Protector, &c.
Cf. W.A., 14, 1905,
s. 27.

27. Every person shall allow any Protector or police officer to have access to any aboriginal or half-caste employed by such person, and to enter any house, vessel, boat, or premises where such aboriginal or half-caste is or is employed, at all reasonable times, for the purposes of inspection and inquiry.

Enticing to leave employment.
Ibid., s. 44.

28. Any person who entices or persuades any aboriginal or half-caste to leave his or her lawful employment shall be guilty of an offence against this Act.

Death in employment.
Ibid., s. 32, altered.

29. If an aboriginal or half-caste dies whilst in the service of any person, such person shall forthwith, after the death, or, if the deceased was employed on any vessel or boat, forthwith after the arrival of such vessel or boat at any port in the State, transmit to the nearest Protector, if practicable, or, if not, then to the Chief Protector, notice of the death in writing signed by such person; and shall forward to such Protector or to the Chief Protector any wages due to the deceased, and any moneys in the possession of the deceased at the time of his death.

Blankets, &c., supplied to Aborigines.

Blankets, &c., issued to aborigines to remain property of Government.
Q, 17, 1897, s. 18.

30. (1) All blankets, bedding, clothing, and other articles or property issued by or under the direction of the Department to any aboriginal or aborigines shall be and remain the property of His Majesty.

Penalty for selling or receiving.

(2) Any aboriginal receiving any such blanket or other article or property who sells or otherwise disposes of the same without the sanction of a Protector, and any person who, without such sanction, takes, whether by purchase or otherwise, or is found in possession of, any such blanket or other article or property shall be guilty of an offence against this Act.

Aboriginal

*The Aborigines Act.—1911.**Aboriginal Camps and Prohibited Areas.*

31. (1) If at any time he thinks it necessary so to do, a Protector may order and cause any aboriginals or half-castes who are camped, or are about to camp, within the limits of or near any municipality, town, or township, to remove their camp or proposed camp to such distance from such municipality, town, or township as he directs; and all police officers shall assist the Protector in carrying out the provisions of this section.

Aboriginals camping in townships.

Ibid., s. 37.

(2) Any aboriginal or half-caste who neglects or refuses to obey such order shall be guilty of an offence against this Act.

32. (1) Any Justice or police officer may order any aboriginal or half-caste found loitering in any municipality, town, or township, or being therein and not decently clothed, forthwith to leave such municipality, town, or township.

Loitering in townships.

Ibid., s. 38.

(2) Any aboriginal or half-caste who neglects or refuses to obey such order shall be guilty of an offence against this Act.

33. (1) The Governor may, by Proclamation, whenever in the interest of aboriginals he thinks fit, declare any municipality, town, township, or other place to be an area in which it shall not be lawful for aboriginals or half-castes, not in lawful employment, to be or remain.

Prohibited areas.

Ibid., s. 39.

(2) Every aboriginal or half-caste who, after warning, given in writing or verbally, enters or is found within such area without the permission in writing of a Protector or police officer shall be guilty of an offence against this Act.

Female Aborigines in Male Attire.

34. If any female aboriginal or female half-caste is found dressed in male attire and in the company of any male person other than an aboriginal or half-caste, she and the person in whose company she is so found shall each be guilty of an offence against this Act.

Female aboriginals and half-castes in male attire.

New.

Curatorship of Aborigines' Estates.

35. (1) The Chief Protector may undertake the general care, protection, and management of the property of any aboriginal or half-caste, and may—

Chief Protector curator of aborigines' estates.

W.A., 14, 1905, s. 33.

- i. Take possession of, retain, sell, or dispose of any such property, whether real or personal, and on any sale or disposition as aforesaid a valid title to the property shall pass:
- ii. In his own name sue for, recover, or receive any money or other property due or belonging to or held in trust for the benefit of any aboriginal or half-caste, or damages for any conversion of or injury to any such property:
- iii. Exercise, in the name of any aboriginal or half-caste, any power which the aboriginal or half-caste might exercise for his own benefit:
- iv. In

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- iv. In the name and on behalf of an aboriginal or half-caste, appoint any person to act as attorney or agent for any purpose connected with the property of such aboriginal or half-caste :

Provided that the powers conferred by this section shall not be exercised without the consent of the aboriginal or half-caste, except so far as may be necessary to provide for the due preservation of such property.

(2) The Chief Protector shall keep proper records and accounts of all moneys and other property, and the proceeds thereof, received or dealt with by him under the provisions of this section ; and such accounts shall be audited by the Commissioner of Audit, who shall have and exercise, in respect of such records, accounts, moneys, and other property, and the persons dealing therewith, the same powers as are vested in the said Commissioner in respect of the public revenue by "The Audit Act, 1882," and any Act amending or substituted for that Act.

No. 241 of 1882.

Maintenance of Half-caste Children.

36. (1) Whenever a half-caste child whose age does not exceed eighteen years is being maintained at any aboriginal institution, or at the cost of the Government of the State, a Protector may apply to a Justice for a summons to be served on the alleged father of such child to show cause why he should not contribute towards the support of such child.

Contribution to maintenance of half-caste child.
Ibid., s. 34.

Summons.

(2) On the return of such summons any two Justices shall proceed to hear the matter of the complaint, and, if the paternity of the defendant and his ability to contribute to the support of the child are proved to the satisfaction of the Justices, they may order the defendant to pay such weekly sum, not exceeding Ten Shillings, for the maintenance of such child as such Justices think fit: Provided that no person shall be taken to be the father of such child unless the evidence of the mother be corroborated in some material particular.

Order.

Variance of order.

(3) Any two Justices, on the complaint of any such father or of a Protector, while the first or any subsequent order continues in force, may make further inquiry into such father's ability to contribute as aforesaid, and may remit or lessen the amount of the weekly payment that has been adjudged by the last preceding order, or may increase the same if they see cause to do so, but so that the amount shall not in any case exceed the weekly sum of Ten Shillings.

Default in payment or absconding.

(4) Whenever, after the making of such order as aforesaid, it is made to appear to any Justice, by a complaint in writing and upon oath, that any weekly sum or sums to be paid in pursuance of such order has or have not been paid, or that the father named in such order is about to leave the State, or to remove from his usual place of

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of residence, without having first notified his intention to the Protector for the district in which such usual place of residence is situated, or to the Chief Protector, or without having made due provision for the payment of such weekly sums, such Justice may, by warrant under his hand, cause such father to be brought before him or some other Justice to answer the complaint.

(5) On the return of such warrant the Justice shall proceed to hear the matter of the complaint, and, if the same is to his satisfaction shown to be true, shall proceed to levy or enforce payment of the weekly sums then due by distress or imprisonment for any term not exceeding three months, and may also order such father to make such provision for the payment of all such weekly sums thereafter to become due as the Justice deems sufficient.

Enforcement order.

(6) If after such order to make provision has been made such father leaves, or attempts to leave the State, or removes, or attempts to remove, from his usual place of residence, without having made such provision, he shall be guilty of an offence against this Act.

Penalty for absconding.

(7) All contributions and enforced payments under this section towards the support of a half-caste child shall be paid and expended as the Treasurer of the State directs.

Application of payments.

Accounts of Department.

37. (1) The Minister shall cause accounts to be kept of all moneys received and expended by, and all assets and liabilities of the Department, and such other accounts and records (if any) as are prescribed.

Accounts of the Department and audit.

(2) The accounts of the Department shall once at least in every year, and also whenever the Governor directs, be audited by the Commissioner of Audit.

(3) The Commissioner of Audit shall, in respect of such accounts and audit, have all the powers conferred on him by "The Audit Act, 1882," and any Act for the time being in force relating to the audit of public accounts.

No. 241 of 1882.

Regulations.

38. (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which may be necessary or convenient to be prescribed for the effectual carrying out of this Act, including regulations for the following, amongst other purposes:—

Governor may make regulations.
W.A., 14, 1905, s. 60.
Q., 17, 1897, s. 31.

(a) Prescribing the duties of Protectors and Superintendents, and any other persons appointed or employed under this Act:

(b) Providing for the care, custody, and education of the children of aboriginals and half-castes:

(c) Enabling

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- (c) Enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution or industrial school:
 - (d) For the control, care, and education of aboriginals or half-castes in aboriginal institutions and for the supervision of such institutions:
 - (e) Prescribing the conditions on which aboriginal or half-caste children may be apprenticed to or placed in service with suitable people:
 - (f) Prohibiting the apprenticing or placing in service of aboriginal or half-caste children to or with persons of specified trades, or businesses, or races:
 - (g) Prescribing the conditions on which any aboriginal or half-caste prisoner may be placed under the custody of any officer or servant of the State, and for the employment of aboriginal or half-caste prisoners undergoing sentences of imprisonment, with or without hard labor:
 - (h) Providing for the control of aboriginals and half-castes residing upon a reserve, and for apportioning amongst them, or for their benefit, the net produce of their labor:
 - (i) For the maintenance of discipline and good order upon a reserve:
 - (j) Authorising entry upon a reserve by specified persons or classes of persons for specified objects, and the conditions under which such persons may enter or remain on a reserve, and providing for the revocation of such authority in any cases:
 - (k) For the control of the receipt and payment of money, the keeping of accounts and records, expenditure of money, and all matters pertaining to the accounts and records of the Department:
 - (l) Regulating the exercise and discharge of all or any of the powers, duties, and functions of the Department:
 - (m) Imposing, and authorising a Protector to inflict, summary punishment by way of imprisonment, not exceeding fourteen days, upon aboriginals and half-castes living upon a reserve or within the district under his charge, who, in the judgment of such Protector, are guilty of any crime, serious misconduct, neglect of duty, gross insubordination, or wilful breach of any regulation.
- (2) Regulations so made may impose penalties for the breach of the same or other regulations, not exceeding for any one offence the sum of Twenty-five Pounds, or imprisonment, with or without hard labor, for any term not exceeding three months.

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39. (1) All regulations so made shall—

Publication of regulations.

- (a) Be published in the *Government Gazette* ;
- (b) Take effect from the date of such publication, or from a later date specified therein ; and
- (c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

(2) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

Disallowance by Parliament.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session of Parliament as that in which the regulation is laid before such House.

Obstructing Officers.

40. Any person who obstructs or hinders any Protector, Superintendent, police officer, medical practitioner, surgeon in charge of a lock-hospital, or other person in the exercise or execution of any power or duty under this Act, or in carrying out any provision of this Act, shall be guilty of an offence against this Act.

Obstructing officers.

Legal Proceedings and Penalties.

41. It shall be lawful for any police officer to arrest without warrant any person whom he has just cause to suspect of having committed or being about to commit any offence against this Act.

Arrest.
Police Act, 1869-70,
s. 45.
W.A., 14, 1905, s. 55.

42. It shall not be obligatory upon any police officer to serve any summons, or to execute any warrant of arrest, against an aboriginal or half-caste in respect of any offence against this Act beyond a distance of fifty miles from the place where such summons or warrant was issued, except when specially so directed by a Special Magistrate.

Service of summons,
etc. ; limit.
Ibid., s. 57.

43. At the hearing of any proceedings in respect of an offence against this Act the Magistrate or Justices may permit any person to address him or them, and examine and cross examine witnesses on behalf of any aboriginal or half-caste.

Person appearing on
behalf of aborigines.
Ibid., s. 59 (2).

44. In any proceedings for an offence against this Act, the allegation in the information that any person named or referred to therein is an aboriginal or half-caste, or is of or under an age specified therein, or the reference in the information to such person

Presumption as to
person being
aboriginal.
Cf. *ibid.*, s. 52.

as

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as an aboriginal or half-caste, or as being of or under an age specified therein, shall be sufficient evidence of the truth of such allegation or reference, unless the contrary is shown to the satisfaction of the Magistrate, Justice, or Justices.

Tribunal may determine on own opinion whether aboriginal, and as to age.
Cf. *ibid.*, s. 53.

45. In any legal proceedings or inquiry, whether under this Act or otherwise, if the Court, Judge, Coroner, Magistrate, Justice, or Justices do not consider that there is sufficient evidence to determine the question whether a person concerned in or in any way connected with the proceedings or inquiry is or is not an aboriginal or a half-caste, or whether, being or being determined to be an aboriginal or half-caste, such person is or is not of or under a specified age, such Court, Judge, Coroner, Magistrate, Justice, or Justices, having seen such person, may determine the question according to his or their own opinion.

Penalty for offences against Act.

46. Any person who in any way contravenes any provision of this Act, whether by act or omission, shall be guilty of an offence against this Act, and any person convicted of an offence against this Act shall, except in cases where a different penalty is specifically provided, be liable to a penalty not exceeding Fifty Pounds, or to imprisonment with or without hard labor for any period not exceeding six months.

Procedure for offences.

47. (1) All proceedings in respect of offences against this Act shall be by information, and shall be heard and determined in a summary way before a Special Magistrate or any Justice or Justices, under Ordinance No. 6 of 1850, or any Act for the time being in force relating to the duties of Justices of the Peace as to summary proceedings.

(2) The Magistrate or Justice or Justices may make any order as to costs which he or they think fit.

(3) All convictions and orders made by the Magistrate or Justice or Justices may be enforced as provided by the said Ordinance or any other Act.

Appeal to Local Court.

48. (1) There shall be an appeal from the Special Magistrate or Justice or Justices with respect to any conviction under this Act, or any order dismissing any information for an offence against this Act, or any other order made on any such information.

(2) Such appeal shall be to the Local Court of Full Jurisdiction nearest to the place where the conviction or order was made, or to the Local Court of Adelaide in its Full Jurisdiction.

(3) Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and "The Justices Procedure Amendment Act, 1883-4," or any Act for the time being in force regulating appeals to Local Courts: Provided that the Court on such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds.

49. (1) The

The Aborigines Act.—1911.

49. (1) The Local Court may state a special case for the opinion of the Supreme Court. Special case for opinion of Supreme Court.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to the costs of the proceedings in that Court and in the Court below, as to the Supreme Court appears just.

50. The moneys required for any purpose of this Act shall be paid out of moneys provided by Parliament for the purposes of this Act. Moneys to be provided by Parliament.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.