



ANNO PRIMO

# GEORGII V REGIS.

A.D. 1910.

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## No. 1024.

An Act to make Provision for the better Protection and Control of the Aboriginal Inhabitants of the Northern Territory, and for other purposes.

*[Assented to, December 7th, 1910.]*

**B**E 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 Northern Territory Aborigines Act, 1910." Short title.

### *Interpretation.*

2. 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 Northern Territory. W.A., 14, 1905, s. 2.

"Chief Protector" means the Chief Protector of Aborigines appointed under this Act:

"Department" means the Northern Territory Aborigines Department:

"District" means a district declared under this Act:

*"Government*

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- “*Government Gazette*” means the *South Australian Government Gazette* published in Adelaide, or such newspaper or publication published in the Northern Territory, as the Minister, by notice in the *South Australian Government Gazette*, has heretofore or shall hereafter appoint to be the *Government Gazette* in the Northern Territory:
- “Gun” includes any firearm from which any shot, bullet, or other missile can be discharged:
- “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 3, does not, unless the context requires such a construction, include any half-caste who under the provisions of that section is deemed to be an aboriginal:
- “Justice” means Justice of Peace for the State:
- “Minister” means the Minister of the Crown to whom the administration for the time being of this Act is committed by the Governor:
- “Northern Territory” means so much of the State as lies to the north of the twenty-sixth parallel of south latitude:
- “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 Aboriginals appointed under this Act, and includes the Chief Protector:
- “Regulation” means a regulation for the time being in force under this Act:
- “Reserve” means a reserve for aboriginals declared under this Act:
- “State” means the State of South Australia:
- “Superintendent” means a superintendent appointed under this Act for a reserve:
- “This Act” includes regulations.

Who are aboriginals.  
Ibid., s. 3.

3. (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 but not both of whose parents is or was an aboriginal, and any child of any such person.

*Administration.*

4. There shall be a department under the Minister, to be called the Northern Territory Aboriginals Department, which shall be charged with the duty of controlling and promoting the welfare of the aboriginals. Department.  
Ibid., s. 4.

5. 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.

6. It shall be the duty of the 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: Duties of Department.  
Ibid., s. 6.
- (2) To distribute blankets, clothing, provisions, and other relief or assistance to the aboriginals:
- (3) To provide, as far as practicable, for the supply of food, medical attendance, medicines, and shelter for the sick, aged, and infirm aboriginals:
- (4) To provide, when possible, for the custody, maintenance, and education of the children of aboriginals:
- (5) To manage and regulate the use of all reserves for aboriginals:
- (6) 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.

7. (1) The Governor shall appoint a Chief Protector of Aboriginals for the Northern Territory. Chief Protector.  
Ibid., s. 7.

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

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

9. (1) The

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Legal guardian.

Ibid., s. 8.

Cf. S.A. 12, 1844,  
s. 5.

No. 641 of 1895.

**9.** (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 eighteen 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.

(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.

**10.** The Governor may, by Proclamation—

(a) Declare any portion of the Northern Territory 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.

**11.** (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 eighteen years from one district to another, or to any place beyond the Northern Territory, shall be guilty of an offence against this Act.

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

Recognizance before  
removal.

Ibid.

**12.** (1) Before authority is given under section 11 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 Inspector.

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

*Reserves and Institutions.*Reserves for  
aboriginals.

W.A. 14, 1905, s. 10.

N.T. Crown Lands  
Act, 1890, s. 6 (f) 1.

**13.** The Governor may, by Proclamation—

(a) Declare any Crown lands to be a reserve for aboriginals:

(b) Alter the boundaries of any reserve:

(c) Abolish

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## (c) Abolish any reserve:

and may, in the manner and subject to the conditions prescribed by "The Northern Territory Crown Lands Act, 1890," or by any Act for the time being in force in that behalf, resume any leased Crown lands for the purpose of declaring the same to be a reserve for aborigines.

**14.** The Governor may appoint such person as he deems proper to be the Superintendent of a reserve, and may appoint such (if any) other officers of a reserve as he deems necessary.

Superintendents of reserves.  
W.A. 14, 1905, s. 11.

**15.** (1) The Governor may 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 two hundred square miles of rectangular shape as nearly as practicable, and not less than one hundred miles apart.

Leases to institutions.  
Cf. N.T. Land Act, 722, 1899, s. 89.

(2) Every such lease may confer 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 aborigines or half-castes, or both.

**16.** (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.

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

(2) 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.

**17.** 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,

Exemptions from liability to removal to reserve.  
Ibid., s. 13.

shall be exempt from the provisions of section 16.

**18.** Any person who, for any purpose whatever, enters or remains or is within the boundaries of an aboriginal institution, unless he is—

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

I. An aboriginal, or

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- 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.

**19.** 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.

**20.** In any proceedings in respect of an offence under section 18 or section 19 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.

Mining not allowed  
on reserves.

Q. 1, 1901, s. 15.

No. 839 of 1903.

No. 992 of 1909.

**21.** (1) Notwithstanding the provisions of "The Northern Territory Mining Act, 1903," and "The Mining on Private Property Act, 1909," or either of those Acts, or any Act amending or substituted for either of those 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.

(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.

*Intermarriage with Aboriginals.*

Marriage of female  
aboriginals.

Q. 1, 1901, s. 9.

W.A. 14, 1906, s. 42.

**22.** (1) No marriage of a female aboriginal with any person other than an aboriginal shall be celebrated without the permission, in writing, of a Protector authorised by the Minister to grant permission in such cases.

(2) Whenever

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(2) Whenever a Protector grants such permission he shall, as soon as practicable, transmit a copy thereof to the Minister.

(3) If any such marriage is celebrated without the permission required by this section each of the parties to the marriage and the person who celebrated the marriage shall be guilty of an offence against this Act.

*Employment of Aboriginals and Female Half-castes.*

**23.** (1) No person shall, after six months from the passing of this Act, continue to employ or employ any aboriginal or any female half-caste unless such person has a licence to employ aboriginals in the prescribed form for the time being in force.

Aboriginals not to be employed by unlicensed persons.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act, and shall be liable to a penalty of not less than Two Pounds and not exceeding Twenty Pounds, or to be imprisoned for a term not exceeding two months.

Ibid., ss. 17 and 21.  
Q. 17, 1897, s. 14;  
and 1, 1901, s. 4.

(3) Nothing in this section or elsewhere in this Act shall be deemed to render unlawful the apprenticing of aboriginal or half-caste children in manner and subject to the conditions prescribed by any regulation in that behalf.

Except in case of lawful apprenticeship.  
Cf. W.A., s. 60 (f).  
Q. 17, 1897, s. 31 (8).

**24.** (1) Any person desiring to obtain a licence to employ aboriginals may apply therefor to the Protector of the district within which, or nearest to which, such person resides.

Application for licence.

(2) If the Protector is satisfied that the applicant is a fit person to be so licensed, he may, upon payment of the prescribed fees, grant to him a licence in the prescribed form.

(3) If the application is refused, the applicant may appeal to the Chief Protector, who may, if satisfied that the applicant is a fit person to be licensed as aforesaid, and upon payment of such fees as aforesaid, grant to him a licence in the prescribed form, and shall in that case inform the Protector of the granting of the licence.

(4) No licence to employ aboriginals shall be granted to any person of any Asiatic race or of any other race prohibited in that behalf by regulation.

**25.** (1) A licence to employ aboriginals shall remain in force for one year from the date thereof: Provided that the Chief Protector may at any time cancel any such licence if he deems the holder thereof an unfit person to be so licensed.

Licence granted for a year, but may be cancelled.

(2) Upon delivery to the holder of any such licence of a notice in writing by the Chief Protector cancelling the same, the licence shall cease to be in force, and shall be delivered by the holder thereof to any Protector or police officer upon demand; and in default of delivery of the same on demand the holder shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Ten Pounds.

**26.** (1) Every

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Return of employés  
to be furnished.

**26.** (1) Every holder or past holder of a licence to employ aborigines shall, within three months after the termination of each period of six months of the term for which the licence is granted, furnish a return in writing of employés during such period to the Protector in whose district such holder resides or the Protector of the district nearest to which he resides.

(2) Such return shall state the name of every aboriginal or female half-caste employed by the holder or past holder of the licence during the period of six months for which it is made, and the wages or remuneration paid to each such employé.

(3) Any holder or past holder of such a licence who fails to comply with this section, or who wilfully makes an untrue return, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Twenty-five Pounds.

Wages in case of  
death or desertion.  
Q., 1, 1901, s. 10 (5).

**27.** If any aboriginal or half-caste employed on board of or in connection with any ship, vessel, or boat, dies or deserts his employment, all wages due to him up to the time of his death or desertion shall be paid to the harbormaster at the port of discharge.

Penalty for neglect to  
convey aboriginal  
back to his place or  
district.  
W.A., 14, 1905, s. 31.

**28.** (1) Any master of a ship, vessel, or boat, or any other person who neglects or refuses to convey, or cause to be conveyed, any aboriginal or half-caste who has been party to an agreement for employment with him back, before the expiration of such agreement, to the place or district to which such aboriginal or half-caste belongs, shall be guilty of an offence against this Act.

(2) Any person convicted of such offence may be ordered by the Magistrate, Justice, or Justices, at his own expense, to convey the aboriginal or half-caste back to the place or district to which he belongs, by such route as to the Magistrate, Justice, or Justices seems fit, or may be required to pay such sum as to the Magistrate, Justice, or Justices seems sufficient to pay for the conveyance of the aboriginal or half-caste to such place or district, and such sum shall, for all purposes, be and be deemed to be added to the penalty imposed for the offence, so as to be recoverable as part thereof.

Payment of wages to  
responsible person.  
Q., 1, 1901, s. 12 (2).

**29.** (1) A Protector may direct the employer of any aboriginal or any female half-caste to pay the wages of such aboriginal or half-caste to himself or some police officer named by him, and any wages paid thereafter, otherwise than as so directed, shall be deemed not to have been paid.

(2) The Protector or police officer who receives any wages under such direction shall expend the same solely on behalf of the aboriginal or half-caste, and shall keep an account of the receipts and expenditure thereof.

Employment on  
ships and boats.  
W.A. 14, 1905, ss. 19  
and 20.

**30.** (1) No male aboriginal or half-caste under the age of eighteen years, and no female aboriginal or half-caste of whatever age, shall be employed on board of or about any ship, vessel, or boat;  
nor



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nor shall any person, without the authority in writing of a Protector, permit any such aboriginal or half-caste to be or remain upon any ship, vessel, or boat: Provided that this subsection shall not apply in the case of any female aboriginal or half-caste who is lawfully or tribally married so long as she is accompanied by her husband.

(2) No aboriginal or half-caste shall be employed on board of or about any ship, vessel, or boat trading with or voyaging to any place outside the Northern Territory: Provided that this subsection shall not apply to any ship, vessel, or boat which is for the time being in the use of the British Imperial Government or of the Government of the Commonwealth of Australia or of any State thereof.

(3) Any person who, contrary to this section, employs any aboriginal or half-caste, or permits any aboriginal or half-caste to be on any ship, vessel, or boat under his control, shall be guilty of an offence against this Act.

**31.** Every employer shall—

- I. Produce to any Protector or police officer, on demand, the permit, or permit and agreement, as the case may be, under which any aboriginal or half-caste is employed by such person; and
- II. Allow any Protector or police officer, at all reasonable times, to have access to any aboriginal or half-caste employed by such person, and to enter any house, ship, vessel, boat, or premises where such aboriginal or half-caste is or is employed, for the purposes of inspection and inquiry.

Inspection by Protector, &c.

Cf. *ibid.*, s. 28.

**32.** 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

Enticing to leave employment.

*Ibid.*, s. 44.

**33.** 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 ship, vessel, or boat, forthwith after the arrival of such vessel or boat at any port in the Northern Territory, 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 containing such particulars as will enable the deceased to be identified; 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.

Death in employment.

*Ibid.*, s. 32, altered.

*Blankets, &c., supplied to Aboriginals.*

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

Blankets, &c., issued to aboriginals to remain property of Government.

Q. 17, 1897, s. 18.

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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.

*Firearms.*

Supplying firearms to aboriginals.

W.A. 14, 1905, s. 50.

**35.** Any person who sells or delivers any gun to an aboriginal, unless such aboriginal has a licence in the prescribed form to carry firearms granted to him by a Protector, which is in force at the time of the sale or delivery, shall be guilty of an offence against this Act.

Aboriginal carrying firearms without licence.

Ibid., s. 47.

**36.** (1) Any aboriginal who uses or carries a gun without having a licence in the prescribed form to carry firearms granted to him by a Protector, which is in force at the time of using or carrying such gun, shall be guilty of an offence against this Act.

(2) Any Magistrate, Justice, or Justices may make such order as to the forfeiture or disposal of any gun found in the possession of any aboriginal contrary to this section as to him or them seems fit.

Production of licence may be demanded.

Ibid., s. 48.

**37.** (1) Any Protector or police officer may demand from any aboriginal using or carrying a gun the production of his licence to carry firearms.

Refusing to produce.

(2) Any aboriginal upon whom such demand is made who does not produce such a licence duly granted to him under this Act, and in force at the time, or does not permit such Protector or police officer to read such licence, shall be guilty of an offence against this Act.

Firearms may be taken away.

Ibid., s. 49.

**38.** It shall be lawful for any Protector or police officer to take from any aboriginal any gun found in his possession, if such aboriginal does not on demand produce a licence to carry firearms duly granted to him under this Act, and in force at the time.

Exemption where travelling in the bush. New.

**39.** Sections 35 to 38, inclusive, shall not apply where the aboriginal—

- (a) Is travelling under lawful employment; and
- (b) Is not within two miles of any town or township, or any permanent dwelling-house; and
- (c) His employer has delivered the firearm to him only for purposes of protection: Provided that the exemptions allowed by this section shall not apply—

- 1. In the case of the aboriginal, unless upon coming within two miles of any town or township, or any permanent dwelling-house, or as soon as practicable

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practicable thereafter, he delivers the firearm to his employer, or his servant, or to some Protector or police officer:

11. In the case of the employer, unless the aboriginal so delivers the firearm, or, in case of his failure so to do, the employer, as soon as practicable thereafter, reports the failure to some Protector or police officer, and renders all assistance in his power to discover the whereabouts of the firearm.

Power to cancel  
licence to carry  
firearms.  
New.

**40.** (1) Any Protector may at any time cancel a licence to carry firearms granted under this Act to an aboriginal, if he deems such aboriginal an unfit person to carry a gun.

(2) Upon delivery to such aboriginal of a notice in writing by a Protector cancelling such licence, the licence shall cease to be in force, and shall be delivered by such aboriginal to any Protector or police officer on demand; and in default of such delivery on demand such aboriginal shall be guilty of an offence against this Act.

**41.** In any prosecution under section 35 or section 36 the burden of proof that the aboriginal held a licence to carry firearms, which was in force at the time, shall lie on the defendant, and, until the contrary is shown to the satisfaction of the Magistrate, or Justice, or Justices, it shall be presumed that the aboriginal did not hold such a licence.

Proof of licence.  
W.A., 14, 1905, s. 51

*Aboriginal Camps and Prohibited Areas.*

**42.** (1) It shall not be lawful for any person, other than a Superintendent, Protector, or a person acting under the direction of a Superintendent, or under the permission in writing of a Protector, without lawful excuse, to enter, or remain, or be within or upon any place where aboriginals or female half-castes are camped.

Frequenting camps  
prohibited.  
Ibid., s. 36.

(2) Any person, save as aforesaid, who, without lawful excuse, the proof whereof shall lie upon the person accused, is found in or within five chains of any such camp, shall be guilty of an offence against this Act: Provided that no person shall be prosecuted for an alleged offence under this section except by or by the direction of a Protector.

(3) For the purposes of this section any aboriginals or half-castes shall be deemed to be camped where they for the time being have their sleeping place, and such sleeping place shall be deemed to be their camp.

**43.** (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, township, public-house, or wine and spirit store, to remove their camp or proposed camp to such distance from such municipality, town, township, public-house, or wine and spirit store, 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

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

Loitering in town-  
ships.

Ibid., s. 38.

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

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

Prohibited areas.

Ibid., s. 39.

**45.** (1) The Governor may, by Proclamation, whenever in the interest of the 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.

(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.

*Curatorship of Aboriginals' Estates.*

Chief Protector  
curator of  
aboriginals' estates.  
Ibid., s. 33

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

- i. Take possession of, retain, sell, or dispose of and give a valid title to any such property, whether real or personal;
- 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 the name and on behalf of the 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.

*Maintenance*

*The Northern Territory Aboriginals Act.—1910.**Maintenance of Half-caste Children.*

47. (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.

(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.

Summons.

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.

Variance of order.

(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 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.

Default of payment or absconding.

(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 of 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 Protector directs.

Application of payments.

*Accounts*

*The Northern Territory Aborigines Act.—1910.**Accounts of Department.*

Accounts of the  
Department and  
audit.

**48.** (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.

(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.

No. 241 of 1882.

(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.

*Regulations.*

Governor may make  
regulations.

W.A. 14, 1906, s. 60.

Q. 17, 1897, s. 31.

**49.** (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:—

- (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 aborigines and half-castes:
- (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 aborigines or half-castes in aboriginal institutions and for the supervision of such institutions:
- (e) Prescribing the conditions on which aborigines or half-caste children may be apprenticed to or placed in service with suitable people:
- (f) Regulating the granting of licences to employ aborigines, and the fees to be paid for such licences:
- (g) Prohibiting the granting of licences to employ aborigines to persons of specified races:
- (h) 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:
- (i) Providing for the control of aborigines and half-castes residing upon a reserve, and for apportioning amongst them, or for their benefit, the net produce of their labor:
- (j) For the maintenance of discipline and good order upon a reserve:
- (k) Authorising

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(k) 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:

(l) Regulating the granting of licences to carry firearms, and limiting the persons or classes of persons to whom such licences may be granted:

(m) 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:

(n) Regulating the exercise and discharge of all or any of the powers, duties, and functions of the Department:

(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.

**50.** (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) Notwithstanding any publication thereof, no regulation so made shall continue to have any force or effect if the same is disapproved by resolution of either House of Parliament within thirty days after such regulation has been laid before Parliament, if Parliament is so long in Session: Provided that, if Parliament is not in Session for thirty days after such regulation has been laid before it, then such regulation shall not continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Disapproval by Parliament.

*Obstructing Officers.*

**51.** Any person who obstructs or hinders any Protector, Superintendent, police officer, 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.*

**52.** 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

**53.** It

*The Northern Territory Aborigines Act.—1910.*

Service of summons,  
etc.; limit.

Ibid., s. 57.

**53.** 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.

Proceedings for wages  
or breach of agree-  
ment may be in name  
of Protector.

Ibid., s. 54.

**54.** Any action or other proceeding against any person for the recovery of wages due to an aboriginal or half-caste, who is or has been employed by such person, or for any breach of an agreement made with an aboriginal or half-caste, may be instituted and carried on by, or in the name of, any Protector, or any person authorised in that behalf by the Minister.

Persons appearing on  
behalf of aborigines.

Ibid., s. 59 (2).

**55.** 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.

Presumption as to  
person being  
aboriginal.

Ibid., s. 52.

**56.** 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 any sex or of or under any age therein mentioned, or the reference in the information to such person as an aboriginal or half-caste, or as being of any sex or of or under any age therein mentioned, 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 deter-  
mine on own opinion  
whether aboriginal,  
and as to sex or age.

Ibid., s. 53.

**57.** 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 any specified sex, or is or is not of or under any 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.

**58.** Any person who in any way, by act or omission, contravenes any provision of this Act, 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 Twenty Pounds, or to imprisonment with or without hard labor for any period not exceeding six months.

Supposed offender and  
vessel may be ordered  
to place of trial.

W.A. 14, 1905, s. 16.

Q. 1, 1901, s. 18.

**59.** (1) If any person appears to a Protector, or police officer, or to any person acting under the authority of a Protector, to have committed an offence against this Act, such Protector, police officer, or other person—

(a) May, by order signed by him and delivered to the supposed offender, direct the supposed offender to proceed to a place mentioned



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mentioned in such order, being the nearest convenient place at which a Special Magistrate or a Justice may probably be found; and

- (b) May also, if he deems it necessary for the purposes of any contemplated proceedings in respect of the alleged offence, by order signed by him and delivered to the master or other person in charge of any ship, vessel, or boat to which the supposed offender belongs, or on or about which the alleged offence appears to have been committed, direct that such ship, vessel, or boat, and the master or other person in charge thereof and all or any of the crew and passengers thereof, shall proceed to the place mentioned in the said order delivered under subdivision (a) hereof; and
- (c) May, if he deems it necessary for the purposes aforesaid, by the order delivered under subdivision (b) or by another order signed by him and delivered to the said master or other person in charge, direct that such ship, vessel, or boat be detained at the said place, or at any other place mentioned in the order, until the alleged offence has been adjudicated upon.

(2) Any person who disobeys any direction in any order made and delivered under this section shall be guilty of an offence against this Act.

**60.** (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. Procedure for offences.

(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.

**61.** (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. Appeal to Local Court.

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

(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 he thinks fit, although such costs exceed Ten Pounds. No. 298 of 1883-4.

**62.** (1) The

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Special case for  
opinion of Supreme  
Court.

**62.** (1) The Local Court may state a special case for the opinion of the 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 costs of the proceedings in that Court and in the Court below, as to the said Supreme Court appears just.

Act to apply only to  
Northern Territory.

**63.** This Act shall apply only to the Northern Territory.

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

DAY H. BOSANQUET, Governor.