

An Ordinance to Provide for the Care and Assistance of Certain Persons.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Welfare Ordinance* 1953-1960.*
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†
3. This Ordinance is divided into Parts, as follows:—
 - Part I.—Preliminary.
 - Part II.—Administration.
 - Part III.—Wards.
 - Division 1.—Declaration of Wards.
 - Division 2.—Powers in Relation to Wards.
 - Division 3.—Duties of Director in Relation to Property of Wards.
 - Division 4.—Appeals by Wards.
 - Division 5.—Revocation of Declarations Otherwise than by Appeal.
 - Part IV.—Reserves, Institutions, Camping Grounds and Prohibited Areas.
 - Division 1.—Reserves and Institutions.
 - Division 2.—Camping Grounds.
 - Division 3.—Prohibited Areas.

Short title.
Short title amended:
No. 17, 1938,
s. 4.

Commence-
ment.

Parts.
Amended by
No. 29, 1957,
s. 2.

* The *Welfare Ordinance* 1953-1960 comprises the *Welfare Ordinance* 1953 as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date of Notification of Governor-General's Assent in Northern Territory Government Gazette.	Date of Assent by Administrator.	Date of Commencement
<i>Welfare Ordinance</i> 1953 . . .	No. 16, 1953	15th July, 1953	..	13th May, 1957
<i>Welfare Ordinance</i> 1955 . . .	No. 5, 1956	15th February, 1956	..	13th May, 1957
<i>Welfare Ordinance</i> 1957 . . .	No. 29, 1957	4th September, 1957	..	4th September, 1957
<i>Welfare Ordinance</i> (No. 2) 1957 . . .	No. 42, 1957	18th December, 1957	..	18th December, 1957
Administrator's Council Ordinance 1959 . . .	No. 22, 1959	..	7th July, 1959	28th April, 1960
<i>Welfare Ordinance</i> 1959 . . .	No. 27, 1959	9th December, 1959	..	9th December, 1959
<i>Welfare Ordinance</i> 1960 . . .	No. 10, 1960	..	2nd September, 1960	2nd September, 1960

† The date fixed was 13th May, 1957—see table above.

Part V.—Offences by and against Wards.

Part VA.—Offences in Relation to Works of Painting or Drawing done by Wards.

Part VI.—Miscellaneous.

Repeal.

4. The Ordinances specified in the First Schedule to this Ordinance are repealed.

Preservation of reserves made and recognizances entered into under repealed Ordinances.

5. Notwithstanding the repeal effected by the last preceding section—

- (a) a reserve which was set apart as a reserve within the meaning of the repealed Ordinances and which existed as a reserve, immediately before the date when this Ordinance comes into operation, shall be deemed to be a reserve for the purposes of this Ordinance until that reserve is altered or revoked; and
- (b) a recognizance entered into under the repealed Ordinances shall continue in effect and be enforceable

as though those Ordinances had not been repealed.

Definitions.

Amended by No. 22, 1959, s. 6 and First Schedule.

6. In this Ordinance, unless the contrary intention appears—

“camping ground” means a place, area, or part of the Territory declared, under this Ordinance, to be a camping ground for wards;

“district” means a part of the Territory declared, under this Ordinance, to be a district;

“institution” means a mission station, reformatory, orphanage, school, home or other establishment approved by the Administrator in Council in accordance with this Ordinance, or established by the Commonwealth as an institution for the purposes of this Ordinance;

“notice in the *Gazette*” means the publication in the *Gazette* of a copy of an instrument made and signed by the Administrator;

“police officer” means a member of the Northern Territory Police Force;

“prohibited area” means a place, area or part of the Territory declared, under this Ordinance, to be a prohibited area for wards;

“relation” includes a relation whether by blood, marriage or custom;

- “ reserve ” means land which, in accordance with the provisions of a law of the Territory, is declared to be a reserve for wards;
- “ superintendent ” means a person appointed to the position of superintendent of a reserve or institution;
- “ the Director ” means the Director of Welfare appointed under this Ordinance and includes an Acting Director so appointed;
- “ the Register ” means the Register of Wards referred to in section sixteen of this Ordinance;
- “ this Ordinance ” includes the Regulations;
- “ ward ” means a person in respect of whom a declaration, made under section fourteen of this Ordinance, is in operation;
- “ welfare officer ” means a person appointed under this Ordinance to be a welfare officer.

PART II.—ADMINISTRATION.

7.—(1.) The Minister shall appoint a Director of Welfare who, under the Administrator, is responsible for the administration of this Ordinance. **Appointment of Director.**

(2.) In the event of—

- (a) the illness of the Director;
- (b) the temporary inability of the Director to perform the duties of his office; or
- (c) the absence of the Director from the Territory,

the Minister may appoint a person to be the Acting Director of Welfare during the illness, temporary inability, or absence of the Director.

(3.) An Acting Director has all the powers and may perform all the functions of the Director.

8. It is the duty of the Director—

- (a) in relation to wards, to take steps—
 - (i) to promote their social, economic and political advancement for the purpose of assisting them and their descendants to take their place as members of the community of the Commonwealth;

Duties of Director.

Welfare Ordinance
1953-1960.

- (ii) to arrange as far as is practicable for the education of wards, including their vocational training, by collaboration with, and assistance to, the education authority and educational institutions and in other appropriate ways;
 - (iii) to promote their physical well being, to inculcate proper habits of hygiene and sanitation and to improve their standards of nutrition and housing;
 - (iv) to detect, prevent and cure disease and for that purpose to establish and maintain a liaison with the Commonwealth Department of Health;
 - (v) to arrange for their vocational training and to obtain suitable employment for them in industrial and other enterprises and for this purpose to establish and maintain a liaison with appropriate organizations;
 - (vi) to provide such relief and assistance as is necessary or appropriate; and
 - (vii) to exercise a general supervision and care over matters affecting their welfare;
- (b) subject to direction by the Administrator, to apply and apportion moneys made available for the purposes of this Ordinance in such manner as he considers proper;
- (c) to supervise and regulate the use and management of institutions, other than institutions established by the Commonwealth;
- (d) to control the management of institutions established by the Commonwealth;
- (e) to supervise and regulate the use and management of reserves;
- (f) in relation to persons other than wards, upon such conditions as the Administrator approves, and in relation to persons who are in indigent circumstances, upon such conditions as the Director sees fit—
- (i) to arrange for those persons to be accommodated in institutions where such treatment, care or attention can be provided for those persons as they require;

- (ii) to arrange for the supply to those persons of such accommodation, food, clothing or financial or other assistance as those persons require;
 - (iii) to arrange such transportation for those persons from one part of the Territory to another or to a part of the Commonwealth outside the Territory as they require;
 - (iv) to take such other steps as he considers necessary for the relief of the distress and the promotion of the welfare of those persons; and
 - (v) to arrange for the proper burial of those persons in the event of their death; and
- (g) to perform such other duties and functions as are prescribed.

9. An article issued or given to a ward or to a person in indigent circumstances by the Director in pursuance of the provisions of this Ordinance is and remains the property of the Commonwealth.

Articles remain property of Commonwealth.

10.—(1.) The Director may, by instrument in writing, delegate to a person or authority all, or any, of his powers, functions and authorities under this Ordinance (except this power of delegation) in relation to a matter or class of matters or to a district or part of the Territory so that the delegated powers, functions and authorities may be exercised by the delegate with respect to the matter or class of matters or the district or part of the Territory specified in the instrument of delegation.

Delegation by Director.

(2.) A delegation under the last preceding sub-section is revocable in writing at will and does not prevent the exercise of a power, function or authority by the Director.

11.—(1.) The Administrator may appoint such welfare officers as he considers necessary for the purposes of this Ordinance.

Appointment of welfare officers.

(2.) The Administrator may appoint a welfare officer to a particular district and may transfer him from one district to another.

(3.) A welfare officer shall exercise such powers and perform such duties and functions as he is directed and as are prescribed.

12. The Administrator may appoint such superintendents and other officers as he deems necessary for the purposes of this Ordinance.

Appointment of superintendents and other officers.

Declaration of districts, &c.
Amended by No. 22, 1959, s. 6 and First Schedule.

13. The Administrator in Council may, by notice in the *Gazette*—

- (a) declare a part of the Territory to be a district for the purpose of this Ordinance and assign a name to that district;
- (b) declare a place, area of land, or a part of the Territory to be a camping ground for wards; and
- (c) declare a place, area of land, or a part of the Territory to be a prohibited area for wards.

PART III.—WARDS.

Division 1.—Declaration of Wards.

Declaration of Wards.
Sub-section (1.) amended by No. 22, 1959, s. 6 and First Schedule.

14.—(1.) Subject to the provisions of this section, the Administrator in Council may, by notice in the *Gazette*, declare a person to be a ward if that person, by reason of—

- (a) his manner of living;
- (b) his inability, without assistance, adequately to manage his own affairs;
- (c) his standard of social habit and behaviour; and
- (d) his personal associations,

stands in need of such special care or assistance as is provided for by this Ordinance.

(2.) A person shall not be declared to be a ward if that person is—

- (a) a person who, under Part V. of the Northern Territory Electoral Regulations—
 - (i) is entitled to enrolment, subject to the provisions of Part VI. of those regulations and to vote at an election of a member of the House of Representatives for the Northern Territory;
 - (ii) would, but for his being under twenty-one years of age, be entitled to enrolment, subject to the provisions of Part VI. of those regulations and to vote at such an election; or
 - (iii) would, but for his not having resided in Australia for six months continuously, be entitled to enrolment, subject to the provisions of Part VI. of those regulations and to vote at such an election;
- (b) a person who holds a certificate of exemption issued, and in force, under section four of the *Immigration Act 1901-1949*;

Amended by No. 5, 1956, s. 3; and No. 27, 1959, s. 2.

- (c) a person who is lawfully married to any person referred to in paragraphs (a) and (b) of sub-section (2.) of this section.

(3.) The provisions of the last preceding sub-section shall not apply in the case of a person who requests the Administrator to declare him to be a ward.

Added by
No. 5, 1956,
s. 3.

15. A person who is legally in the care, custody or control, or under the guardianship of a person or authority under the provisions of any of the State Acts specified in the Second Schedule to this Ordinance, or of any of those State Acts as amended from time to time, shall, if he enters the Northern Territory, and while he remains in the Northern Territory, be deemed to be a ward for the purposes of this Ordinance.

Persons
controlled by
State Acts
become wards
on entering
Territory.

16.—(1.) The Director shall keep a Register of Wards in which he shall enter the names of persons who, under section fourteen of this Ordinance, are declared to be wards, together with such other matters and particulars as are prescribed.

Register of
wards.

(2.) The Register is *prima facie* evidence of all matters required by this Ordinance to be entered in the Register.

(3.) The Director or a person authorized by the Director to do so may certify, by writing under his hand, that a person named or described in the certificate—

Substituted by
No. 42, 1957,
s. 2.

- (a) is or is not a ward; or
(b) at a time specified in the certificate, was or was not a ward.

(4.) A certificate signed, or purporting to be signed, by the Director or a person so authorized is—

Amended by
No. 42, 1957,
s. 2.

- (a) admissible in evidence in all courts and proceedings without proof or production of the Register; and
(b) is *prima facie* evidence of the facts stated in the certificate.

Division 2.—Powers in Relation to Wards.

17.—(1.) Where the Director considers that it is in the best interests of a ward, he may—

Director may
take ward
into custody,
&c.

- (a) take the ward into his custody;
(b) authorize a person to take the ward into custody on behalf of the Director;
(c) order that the ward be removed to, and kept within, a reserve or institution;
(d) order that the ward be kept within a reserve or institution; and

(e) order that the ward be removed from one reserve or institution to another reserve or institution.

(2.) The Director shall not exercise a power under the last preceding sub-section if by so doing—

(a) a child under, or appearing to be under, the age of fourteen years would be removed from his parents; or

(b) a parent would be removed from his children,

unless the Administrator has, in writing, authorized the Director so to do.

Director may enter places and remove wards.

18. If the Director has reasonable cause to believe that a ward, in respect of whom he has made an order under the last preceding section, is in a conveyance, ship or premises, the Director may enter, or authorize a person on his behalf to enter, that conveyance, ship or premises and take the ward into his custody.

Persons to assist Director.

19.—(1.) A person who is in a conveyance, ship or premises into which the Director wishes to enter, or into which the Director has authorized a person on his behalf to enter, for the purpose of taking a ward into custody, shall take all reasonable steps to facilitate—

(a) the entry into that conveyance, ship or premises of the Director or the person authorized by the Director;

(b) the removal of the ward by the Director or the person authorized by the Director.

Penalty: One hundred pounds or imprisonment for six months.

(2.) This section applies notwithstanding that the Director may, at any time, have placed the ward under the control or management of the person in charge of the conveyance, ship or premises.

Wards to remain where placed by Director.

20. When the Director has made an order under section seventeen of this Ordinance, a ward shall not—

(a) refuse to be taken into custody by the Director or by a person authorized by the Director to take the ward into custody on behalf of the Director;

(b) refuse to be removed to, or kept within, a reserve or institution;

(c) refuse to be kept within a reserve or institution;

(d) refuse to be removed from one reserve or institution to another reserve or institution; or

(e) leave, or attempt to leave, a reserve or institution except with the permission of the Director.

Penalty: Ten pounds or imprisonment for three months.

21.—(1.) The Director or a welfare officer may authorize a person in writing in the prescribed form—

Director may authorize removal, &c., of wards.

(a) to remove a ward from a reserve, institution or district to another reserve, institution or district; or

(b) to take a ward from a place in the Territory to a place outside the Territory.

(2.) An authority shall not be granted under this section if—

(a) a child who is, or appears to be, under the age of fourteen years would be removed from his parents, against the will of those parents, or either of them; or

(b) a parent would be removed, against his will, from his child who is, or appears to be, under the age of fourteen years,

unless the Administrator has, in writing, authorized the granting of the authority.

22.—(1.) The Director or a welfare officer may, before granting an authority under the last preceding section, require the person seeking the authority to enter into a recognizance, in duplicate and in the prescribed form, for such amount and with such surety as the Director or the welfare officer, as the case may be, considers to be sufficient to pay the expenses of the return of the ward to the place from which it is intended to remove the ward.

Director, &c., may require recognizance.

(2.) When a welfare officer requires a recognizance and surety under the last preceding sub-section, he shall retain one copy of the recognizance and surety and forward the other copy to the Director.

23.—(1.) A person shall not—

(a) remove from, or cause to be removed from, or assist or induce a ward to leave, a reserve, institution or district; or

(b) remove a ward, or cause a ward to be removed, or assist or induce a ward to go, from a place in the Territory to a place outside the Territory,

Offence to remove wards without authority. Sub-section (1.) amended by No. 42, 1957, s. 3.

unless he is authorized so to do under section twenty-one of this Ordinance or, being an officer or employee of the Commonwealth Department of Health, or an agent or employee of an

agent of that Department, he is acting in the course, and for the purposes, of his duty.

Penalty:

For a first offence—One hundred pounds or imprisonment for six months, or both;

For a second offence—not more than Two hundred pounds or imprisonment for twelve months, or both, and not less than Fifty pounds or imprisonment for three months;

In other cases—not more than Five hundred pounds or imprisonment for two years, or both, and not less than One hundred pounds or imprisonment for six months.

(2.) This section does not apply to the superintendent of an institution who, for the purposes of the institution, removes, or causes to be removed, a ward from that institution to a place in the Territory, unless the Administrator causes notice to be served personally or by post on the superintendent requiring him not to remove, or cause to be removed, a particular ward specified in that notice.

24.—(1.) Subject to this Ordinance, the Director is the guardian of the person and the estate of a ward as if that ward were an infant and the Director were the guardian of that infant for all purposes except—

(a) the commencement of proceedings by a ward against—

(i) the Director; or

(ii) a person other than the Director, in respect of an act which, in the opinion of the Director, was lawfully done by that person in the course of and for the purpose of his duties under a law of the Territory;

(b) the commencement or defence of proceedings by or against a ward certified in writing by the Director to be, in the opinion of the Director, capable of commencing or defending the proceedings, as the case requires;

(c) the commencement of proceedings by a ward against another ward; and

(d) the defence by a ward of proceedings commenced against him by another ward.

(2.) Where—

(a) a ward proposes to commence proceedings against another ward; and

Director is guardian of wards.
Substituted by No. 42, 1957, s. 4.

(b) the Director is of the opinion that—

- (i) the first mentioned ward is not capable of commencing the proceedings; or
- (ii) the second mentioned ward is not capable of defending the proceedings,

the Director may apply to the Court in which the proceedings are proposed to be taken for an order appointing for the proceedings a next friend or guardian *ad litem* or both, as the case requires.

Division 3.—Duties of Director in Relation to Property of Wards.

25.—(1.) All property of a ward, whether corporeal or incorporeal, but not including property to which Part VA. of this Ordinance applies, shall be held by the Director as trustee for the ward, and the Director shall undertake the general care and management of that property.

Director to hold property of ward as trustee.
Sub-section (1.) substituted by No. 29, 1957, s. 3.

(1A.) For the purposes of the last preceding sub-section, the Director—

Inserted by No. 29, 1957, s. 3.

- (a) shall be deemed to have possession of and may retain, let, sell, mortgage or dispose of, any of that property whether real or personal;
- (b) may, in the name of the ward, receive or sue for the recovery of money or any other property due or belonging to or held in trust for the benefit of a ward and sue for damages for the conversion of, or injury to, the property of a ward; and
- (c) may, in the name of, and on behalf of, a ward exercise any power exercisable by a ward and appoint a person to act as attorney or agent for any purpose connected with the property of a ward.

(2.) Where the Director does any of the acts referred to in paragraph (a) of the last preceding sub-section, the Registrar-General for the Territory shall, upon being satisfied—

Amended by No. 29, 1957, s. 3.

- (a) that a memorandum or instrument relating to a transaction concerning real property of the ward has been signed by the Director on behalf of the ward; and
- (b) that the transaction took place during the time that a declaration, under section fourteen of this Ordinance, was in force in relation to the ward; and
- (c) that the transaction is authorized by that paragraph,

treat the memorandum or instrument as though it had been duly signed by the Director as the properly appointed attorney of the ward.

Added by
No. 29, 1957,
s. 3.

(3.) Where a ward transfers or agrees to transfer goods or articles which are in the ward's actual possession and are of a value not greater than Ten pounds, the provisions of sub-sections (1.) and (1A.) of this section shall be deemed not to apply to those goods or articles and the transfer or agreement to transfer is as effective to pass the property in the goods or articles or to create an obligation as if the transfer or agreement had been made by the Director.

Added by
No. 29, 1957,
s. 3.

(4.) Except as provided in the last preceding sub-section, a transfer, purported transfer or agreement to transfer, made by a ward with respect to property of the ward held by the Director as trustee for the ward, has no effect to transfer the property or create an obligation in relation to the property.

Director may
make certain
payments from
property of
a ward.

26. The Director may pay, or cause to be paid, out of the property or the income from the property of a ward—

- (a) any debt, judgment or costs, for the payment of which he is satisfied the ward is liable;
- (b) such payments and allowances for the support or maintenance of a dependent of the ward as the Director sees fit; and
- (c) all costs, charges and expenses incurred, in respect of the ward, by the Director in exercising any of the powers conferred by this Division.

Director to
keep accounts.

27. The Director shall keep a proper record and account of all the moneys and other property of a ward which come into his hands or are dealt with by him under this Division.

Director to
hold property
for benefit
of ward.

28. Subject to the provisions of this Division, the Director shall preserve and hold in trust all property and the income from the property of a ward for the benefit of the ward and, when he ceases to be a ward, the Director shall restore that property and the accumulated income from it to him, or in the event of his death to his executor, administrator or heirs.

Director not
liable for
omissions.

29.—(1.) The Director is not answerable to any person for any property of a ward which has not actually come into his hands by virtue of this Ordinance, nor for any loss or damage to property which does not come into his hands.

(2.) Notwithstanding the provisions of the last preceding sub-section, the Director shall, when a ward ceases to be a ward or when a ward dies, account to him or to his executor, administrator or heirs, as the case may be, in the same manner as though the Director were the trustee of the ward.

Division 4.—Appeals by Wards.

30.—(1.) There shall be a Tribunal, to be known as the Wards Appeal Tribunal, which shall hear and determine appeals by wards for the revocation of declarations made under this Ordinance.

Wards Appeal
Tribunal.

(2.) The Judge of the Northern Territory shall constitute the Tribunal established under this section.

31.—(1.) The Administrator shall appoint a Secretary to the Tribunal.

Secretary to
Tribunal.

(2.) The Secretary shall perform such duties as he is directed and as are prescribed.

32.—(1.) A ward may, in the prescribed manner, at any time appeal to the Wards Appeal Tribunal for the revocation of a declaration made under this Ordinance declaring him to be a ward.

Appeal against,
and suspension
of, declaration.

(2.) The grounds for an appeal under this section shall be that, having regard to his manner of living, his ability, without assistance, adequately to manage his own affairs, his standard of social habit and behaviour and his personal associations, he does not stand in need of the special care and assistance provided under this Ordinance.

(3.) An appellant shall serve a copy of his appeal on the Secretary to the Wards Appeal Tribunal and on the Administrator.

(4.) At any time within twenty-eight days from and including the date when a declaration is made under section fourteen of this Ordinance, a ward, who has served copies of his appeal in accordance with the last preceding sub-section, may apply to a court of summary jurisdiction, constituted by a stipendiary or special magistrate, for an order suspending the operation of that declaration.

(5.) The court of summary jurisdiction to which an application is made under the last preceding sub-section shall hear the application and, if it thinks proper, may make an order suspending the operation of the declaration until the appeal is determined by the Wards Appeal Tribunal.

(6.) The Clerk of the court of summary jurisdiction shall forthwith forward a copy of an order made under the last preceding sub-section to the Administrator and to the Director.

33. Upon receiving a notice of an appeal by a ward, the Secretary to the Wards Appeal Tribunal shall fix a place, time and date for the hearing of the appeal and notify the ward and the Administrator of that place, time and date.

Secretary to
fix date of
hearing.

Tribunal to
make
investigation.

34.—(1.) On the hearing of an appeal, the Wards Appeal Tribunal shall make a thorough investigation of the matter, without regard to legal forms and solemnities, and shall direct itself by the best evidence which it can procure, or which is laid before it, whether that evidence is such as the law would require or admit in other cases or not.

(2.) The Tribunal may direct that the hearing shall be held in public or in private.

Powers of
Tribunal.

35.—(1.) The Tribunal may—

(a) summon a person to attend and to—

(i) give evidence;

(ii) give evidence and produce a document;

or

(iii) produce a document,

by causing notice in writing, signed by the Secretary to the Tribunal, to be served either personally or by post on that person; and

(b) take evidence on oath.

(2.) A person who has been summoned to appear as a witness before the Tribunal, shall not, without reasonable excuse, and after tender of his reasonable expenses, fail to answer to the summons.

Penalty: Fifty pounds.

(3.) A person who appears before the Tribunal as a witness in answer to a summons shall not, without reasonable excuse, refuse to be sworn.

Penalty: Fifty pounds.

(4.) A person who appears before the Tribunal as a witness, otherwise than in answer to a summons, may be requested by the Tribunal to give evidence on oath and if he declines to be sworn his evidence shall not be received.

(5.) A person who has been sworn as a witness before the Tribunal shall not, without reasonable excuse, refuse to produce documents or to answer truthfully questions he is required to answer.

Penalty: Fifty pounds.

(6.) Whenever a witness to be examined by the Tribunal conscientiously objects to take an oath, he may, instead of taking an oath, make an affirmation that he conscientiously objects to take the oath and that he will state the truth, the whole truth, and nothing but the truth to all questions asked of him, and an affirmation so made shall be of the same force and effect and shall entail the same liabilities as an oath.

(7.) In this section, "reasonable excuse" means, in relation to an act or omission, an excuse that would excuse an act or omission of a similar nature by a witness or a person summoned as a witness before a court of law.

36.—(1.) If the Tribunal, having heard the evidence concerning an appeal, is satisfied that the appellant does not stand in need of such special care or assistance as is provided under this Ordinance, it may make an order revoking the declaration by which the appellant was declared to be a ward.

Tribunal may make order revoking declaration.

(2.) The Tribunal may, whether it makes an order under the last preceding sub-section or not, make such order as to the costs of the appeal as it thinks proper.

(3.) The Secretary to the Tribunal shall forthwith forward a copy of any order made by the Tribunal to the Administrator and to the Director.

(4.) The Administrator shall forthwith cause a copy of an order made under sub-section (1.) of this section to be published in the *Gazette*.

(5.) The Director shall forthwith cause particulars of an order made under sub-section (1.) of this section to be entered in the Register.

37. An order made under the last preceding section takes effect immediately upon the making of the order and from and including the date of that order the appellant is no longer a ward.

Effect of order.

Division 5.—Revocation of Declarations Otherwise than by Appeal.

38. When, with the consent of the Director, the marriage of a person who is not a ward is celebrated with a person who is a ward, the ward ceases to be a ward from and including the date of the marriage.

Effect of marriage.

39. Notwithstanding the provisions of sub-section (2.) of section fourteen of this Ordinance, the power conferred upon the Administrator under that section is not affected—

Administrator's power to make declaration not affected by revocation of previous declaration.

(a) by the fact that a declaration in respect of a particular person has been revoked by an order made by the Wards Appeal Tribunal;

Amended by No. 27, 1959, s. 3.

(b) by the fact that a declaration previously made by the Administrator has been revoked by the Administrator; or

* • * • • • *

PART IV.—RESERVES, INSTITUTIONS, CAMPING GROUNDS AND
PROHIBITED AREAS.*Division 1.—Reserves and Institutions.*

Administrator
may approve
institutions.

Amended by
No. 22, 1959,
s. 6 and First
Schedule.

40. The Administrator in Council may, subject to such conditions as are prescribed and to such further conditions as the Administrator in Council thinks fit, approve a mission station, reformatory, orphanage, school, home or other establishment, whether within the Territory or otherwise, as an institution for the purposes of this Ordinance.

Administrator
may grant
lease to
institution

41.—(1.) The Administrator may grant a lease of any unleased lands of the Crown in the Territory, including land reserved or dedicated for the use or benefit of wards but not including lands reserved or dedicated for any other purpose, to an institution for a term not exceeding twenty-one years.

(2.) A lease granted under the last preceding sub-section may provide for the renewal of the lease for a further term of twenty-one years following upon the expiration of the lease, subject to the lessee having complied with the terms and conditions of the lease and subject to the Administrator being satisfied that the land comprised in the lease is required for, and applied to, the use and benefit of wards.

Conditions of
lease.

42. A lease granted under the last preceding section shall contain—

- (a) conditions as to the minimum developmental work to be done and the minimum improvements to be made during the term of the lease;
- (b) a condition providing for the cancellation of the lease by the Administrator in the event of the lessee failing to comply with a term or condition of the lease; and
- (c) such other conditions as the Administrator thinks fit and as are prescribed.

Preservation
of leases
granted under
repealed
Ordinances.

43. Notwithstanding the repeal effected by section four of this Ordinance, a lease granted to an institution under the repealed Ordinances shall continue as though the repealed Ordinances had not been repealed.

Administrator,
&c., may enter
and authorize
entry on a
reserve.

44. The Administrator, the Director, a welfare officer and the superintendent may—

- (a) enter and remain on a reserve; and
- (b) authorize a person to enter or remain on a reserve.