

THE NORTHERN TERRITORY OF AUSTRALIA.

No. 9 of 1953.

AN ORDINANCE

To amend the *Aboriginals Ordinance 1918-1947*.

[Reserved 20th February, 1953.]*

[Assented to 25th June, 1953]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1952*, as follows:—

1.—(1.) This Ordinance may be cited as the *Aboriginals Ordinance (No. 2) 1953*. Short title and citation.

(2.) The *Aboriginals Ordinance 1918-1947*, as amended by the *Aboriginals Ordinance 1953*, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section one of the *Aboriginals Ordinance 1953* is amended by omitting sub-section (2.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Aboriginals Ordinance 1918-1953*.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*. Commencement.

3. Section three of the Principal Ordinance is amended— Definitions.
(a) by omitting the definition of “Aboriginal” and inserting in its stead the following definition:—

“ ‘Aboriginal’ means—

(a) a person who is an aboriginal native of Australia or of an island which, being subject to the laws of the Commonwealth, of a State or of the Northern Territory, is adjacent to Australia;

(b) a person who lives after the manner of, follows, adheres to or adopts the customs of persons described in paragraph (a) of this definition and at least one of whose ancestors was a person described in that paragraph;

* Reservation notified in the *Government Gazette of the Northern Territory* on 4th March, 1953.

* Assent notified in the *Government Gazette of the Northern Territory* on 8th July, 1953.

(c) a person, being under the age of eighteen years, at least one of whose ancestors was a person described in paragraph (a) of this definition, and—

(i) whose care, custody, or control has been undertaken by the Director under section six of this Ordinance before the date when the *Aboriginals Ordinance (No. 2) 1953* comes into operation; or

(ii) whom the Director has caused to be kept in a reserve or an aboriginal institution under section sixteen of this Ordinance, before the date when the *Aboriginals Ordinance (No. 2) 1953* comes into operation; or

(d) a person, at least one of whose ancestors was a person described in paragraph (a) of this definition, in respect of whom a declaration is made under section three A of this Ordinance;”;

(b) by omitting from the definition of “Aboriginal Institution” the words “the aboriginal or half-caste inhabitants of the Northern Territory” and inserting in their stead the word “aboriginals”; and

(c) by omitting the definition of “Half-caste”.

4. Section three A of the Principal Ordinance is repealed and the following sections inserted in its stead:—

“3A.—(1) The Director may, subject to the approval of the Administrator, by notice in the *Gazette* declare—

(a) that a person specified in that notice is deemed not to be an aboriginal within the meaning of this Ordinance; or

(b) that a person, at least one of whose ancestors was a person described in paragraph (a) of the definition of ‘Aboriginal’ in the last preceding section, is deemed to be an aboriginal within the meaning of this Ordinance if he considers it to be in the best interests of that person and that person requests the Director to make the declaration.

Director may exempt aboriginals or declare part aboriginals.

“(2.)—

- (a) The Director may, if he considers a person, at least one of whose ancestors was a person described in paragraph (a) of the definition of ‘Aboriginal’ in the last preceding section needs the care and control of this Ordinance, apply in writing to the Administrator for approval that the person described in the application be deemed an aboriginal within the meaning of this Ordinance.
- (b) The Administrator shall cause notice of the application to be given to that person and shall state a time and place when the application will be heard by him.
- (c) At the time and place specified in that notice, the Administrator shall consider the application and any matters which that person or his counsel may advance, and if he considers it in the best interests of that person he may grant the application.
- (d) Upon the granting of the application the Director shall, by notice in the *Gazette* declare that the person specified in the notice is deemed to be an aboriginal within the meaning of this Ordinance.

“(3.) Upon the publication of a notice in accordance with the last preceding sub-sections, the person specified in the notice is deemed not to be, or is deemed to be, as the case may be, an aboriginal within the meaning of this Ordinance.

“(4.) The Director may, subject to the approval of the Administrator, by notice in the *Gazette*, revoke a declaration made in accordance with the provisions of sub-sections (1.) or (2.) of this section.

“(5.) Upon the revocation, in accordance with the last preceding sub-section, of a declaration made under sub-section (1.) of this section—

- (a) the declaration ceases to apply to the person in respect of whom it was made; and
- (b) that person ceases to be a person who is deemed not to be, or is deemed to be, as the case may be, an aboriginal within the meaning of this Ordinance.

“3B. The Director shall keep a register in which he shall enter particulars of— Director to keep register.

- (a) the name and address of every person in respect of whom a declaration is made;
- (b) the date of the publication in the *Gazette* of a notice of a declaration having been made or revoked

under the last preceding section.

Register and certificates by Director to be evidence.

“3c.—(1.) The register kept by the Director in pursuance of the provisions of the last preceding section is *prima facie* evidence of all matters required by this Ordinance to be entered in that register.

“(2.) The Director may certify, by writing under his hand, that a person named in the certificate is, in pursuance of the provisions of section three A of this Ordinance, deemed not to be or is deemed to be, as the case may be, an aboriginal within the meaning of this Ordinance.

“(3.) A certificate signed or purporting to be signed by the Director is—

- (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.”.

Other amendments of Principal Ordinance.

5. The sections of the Principal Ordinance specified in the first column of the Schedule to this Ordinance are amended as respectively specified in the second column of that Schedule.

Director may undertake control of aboriginals.

6. Section six of the Principal Ordinance is amended by omitting the words “or half-caste” (wherever occurring).

7. Section seven of the Principal Ordinance is repealed and the following section inserted in its stead:—

“7. The Director is the legal guardian of all aboriginals.”.

Director is guardian.

Aboriginals not permitted on licensed premises.

8. Section forty-eight of the Principal Ordinance is amended—

- (a) by omitting the words “or half-caste”; and
- (b) by omitting the proviso to that section.

Tribunal may determine on its opinion whether certain persons aboriginals, &c.

9. Section sixty of the Principal Ordinance is amended—

- (a) by omitting the words “or half-caste”;
- (b) by omitting the words “or a half-caste”; and
- (c) by adding at the end thereof the following sub-section:—

“(2.) This section applies only in respect of a person whom the Court, Judge, Coroner, Magistrate, Justice or Justices considers to be a person described in paragraph (a) or (b) of the definition of ‘Aboriginal’ in section three of this Ordinance.”.

THE SCHEDULE.

Section 5.

(First Column.)	(Second Column.)
Sections.	Amendments.
11	(a) Omit " or half-caste " (wherever occurring). (b) Omit from sub-section (2.) " , or half-caste. "
13	(a) Omit from sub-section (1.) " and half-castes " . (b) Omit from sub-section (6.) " and half-caste " .
14	Omit " or half-castes, or both " .
15	(a) Omit from sub-section (1.) " , or any female half-caste, or any half-caste male child under the age of eighteen years. " . (b) Omit from sub-section (1.) " or half-caste " . (c) Omit from sub-section (4.) " or any female half-caste or any half-caste child under the age of eighteen years " .
16	Omit " or half-caste " (wherever occurring).
17	(a) Omit " or half-castes " . (b) Omit " or half-caste " .
18	Omit " or half-caste " (wherever occurring).
22	(a) Omit " or female half-caste " . (b) Omit " or half-caste " .
29	Omit " or half-caste " (wherever occurring).
30	Omit " or half-caste " .
31	Omit " or half-caste " (wherever occurring).
32	Omit " or half-caste " (wherever occurring).
33	Omit " or half-caste " (wherever occurring).
34	Omit " or half-caste " .
43	Omit " or half-caste " (wherever occurring).
44	Omit " half-caste " (wherever occurring).
46	Omit " or half-caste " (wherever occurring).
47	Omit " or half-caste " (wherever occurring).
51	(a) Omit from sub-section (1.) " or female half-castes " . (b) Omit from sub-section (3.) " or half-caste " .
52	Omit " or half-caste " .
53	(a) Omit " or half-caste " (wherever occurring). (b) Omit " or half-castes " (wherever occurring). (c) Omit " or female half-caste " (wherever occurring).
53A	Omit " or half-caste " .
53B	Omit " or half-caste " .
56	Omit " or half-caste " .
57	Omit " or half-caste " (wherever occurring).
58	Omit " or half-caste " (wherever occurring).
59	Omit " or half-caste " (wherever occurring).
67	(a) Omit from paragraph (b) of sub-section (1.) " and half-castes " . (b) Omit from paragraph (c) of sub-section (1.) the words " or half-caste child " . (c) Omit from paragraph (f) of sub-section (1.) " and half-caste " . (d) Omit from paragraph (ga) of sub-section (1.) " and female half-castes " . (e) Omit " or half-caste " (wherever occurring). (f) Omit " or half-castes " (wherever occurring).

Ordinances [electronic resource]

Corporate Author: Northern Territory

AIATSIS Library, ELECTRONIC ACCESS ONLY

vn1949075-3x_a.pdf