No. 6086.

An Act relating to the Aboriginal Natives of Victoria, and for other purposes.

[11th June, 1957.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the Aborigines Act 1957 and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2. In this Act unless inconsistent with the context or subject-matter—

"Aboriginal reserve" means any area of Crown land reserved under the Land Acts for the use or benefit of the aboriginal inhabitants and any other land acquired by the Board and designated by the Board as an aboriginal reserve.

"Board"
"Board" means the Aborigines Welfare Board under
this Act.

3. (1) For the purposes of this Act there shall be an
Aborigines Welfare Board consisting of—

(a) the Chief Secretary, or such other Minister as is
for the time being nominated by the Chief
Secretary, who shall be the chairman of the
Board;

(b) the Under-Secretary;

(c) one member appointed by the Governor in Council
on the nomination of the Minister of Education;

(d) one member appointed by the Governor in Council
on the nomination of the Minister of Housing;

(e) one member appointed by the Governor in Council
on the nomination of the Minister of Health;

(f) five other members appointed by the Governor in
Council of whom (if there are such persons
suitable available and willing to be appointed)
two shall be aborigines and one shall be an
expert in anthropology or sociology.

(2) The Board shall from time to time appoint one
of the members of the Board to be the deputy-chairman
thereof.

(3) The Board shall be a body corporate under the
name of the "Aborigines Welfare Board" and shall have
perpetual succession and a common seal and be capable
in law of suing and being sued and, subject to and for the
purposes of this Act, of acquiring holding and disposing
of property and of doing and suffering all such other acts
and things as bodies corporate may by law do and suffer.

(4) The appointed members shall be appointed for a
term of not more than three years and shall be eligible
for re-appointment, but the Governor in Council may at
any time remove any such member.

(5) In the event of a vacancy however occurring in the
office of any appointed member the Governor in Council
may, subject to this Act, appoint another in his stead
for the unexpired period of his office.

(6) The
(6) The members of the Board shall receive such travelling and other allowances as are from time to time fixed by the Governor in Council.

(7) Where a member of Parliament is or is appointed a member of the Board, or as a member of the Board receives any travelling or other allowances under this Act, he shall not for the purposes of Division two of Part II. of The Constitution Act Amendment Act 1956 be deemed to have accepted or hold an office or place of profit under the Crown.

4. (1) The Board shall hold its first meeting at such time and place as the Minister appoints and thereafter shall meet at such time and place as the chairman (or in his absence the deputy-chairman) appoints.

(2) At any meeting of the Board the chairman or in his absence the deputy-chairman shall preside, and in the absence of both the chairman and the deputy-chairman the members present shall appoint one of their number to preside at the meeting.

(3) Six members of the Board shall form a quorum, and the Board may act notwithstanding any vacancy in its numbers so long as there are not less than six members of the Board.

(4) All questions shall be decided by a majority of those present at any meeting of the Board at which there is a quorum.

(5) In the event of equality of votes on any question the chairman of the meeting shall have a second or casting vote.

(6) Subject to this Act and the regulations thereunder the Board may regulate its own proceedings.

5. (1) There shall subject to the Public Service Acts be appointed a Superintendent of Aborigines Welfare who shall be the executive officer of the Board.

(2) With the consent of the Minister the Board may delegate to the Superintendent any of its powers and functions under this Act and may at any time revoke any such delegation.

(3) Subject
(3) Subject to the Public Service Acts there may be appointed such officers and employees as are required for the administration of this Act.

(4) For the purposes of this Act the Board may with the consent of the Minister administering the Department concerned make use of the services of any officer or employee in any Government Department.

6. (1) It shall be the function of the Board to promote the moral intellectual and physical welfare of aborigines (which term for the purposes of this Act includes not only full-blooded aboriginal natives of Australia but also any person of aboriginal descent) with a view to their assimilation into the general community.

(2) Subject to this Act the Board may do all acts and things necessary to implement its functions and, in particular, may do all things necessary or expedient for or in relation to—

(a) with the consent of the Minister, apportioning distributing and applying as may seem most fitting any moneys appropriated by Parliament and any other funds or property in its possession or control for the relief or benefit of aborigines or for the purpose of assisting aborigines to become assimilated into the general life of the community;

(b) at the discretion of the Board, providing or arranging for the supply of clothing bedding rations relief and medical or other attention of a similar nature needed by aborigines;

(c) managing and regulating the use of aboriginal reserves, and, with the consent of the Minister and (in the case of Crown lands) with the consent also of the Board of Land and Works, leasing for a period not exceeding three years (notwithstanding anything in the Land Acts) any aboriginal reserve or part thereof which is not for the time being required for the use of aborigines;

(d) with the consent of the Minister, purchasing or otherwise acquiring land, erecting buildings, and selling or leasing or granting licences to occupy land with or without buildings thereon to aborigines on such terms as the Board determines:

(e) exercising
(e) exercising general supervision over all matters affecting the interests and welfare of aborigines.

7. (1) There shall be established and kept in the Treasury a fund to be called the "Aborigines Welfare Fund".

(2) Into the Fund shall be paid all moneys appropriated by Parliament for the purpose, all moneys received by the Board in connexion with aboriginal reserves, and all other moneys whatsoever received by the Board in the administration or for the purposes of this Act.

(3) Moneys to the credit of the Fund shall be applied to the payment of expenses of the Board and the members thereof and the administration of this Act.

8. (1) For the purposes of this Act the Minister may constitute a local committee of not more than nine members in any locality where aborigines reside.

(2) The Minister may at any time remove any member of a local committee or disband any such committee.

(3) The functions of a local committee shall be such as the Minister from time to time directs in any particular case.

(4) With the consent of the Minister the Board may make grants of money to a local committee to be applied for the welfare of aborigines in the locality in which the committee carries out its functions.

9. (1) As soon as may be after the thirtieth day of June in each year the Board shall cause to be prepared and delivered to the Minister a report setting out the activities of the Board and the results thereof during the year ended on such day.

(2) The Minister shall cause such report to be laid before both Houses of Parliament within twenty-eight days after it is delivered to him or, if Parliament is not then sitting, then within twenty-eight days after the next meeting of Parliament.

10. (1) The
10. (1) The Governor in Council may make regulations
for or with respect to—

(a) regulating the business and proceedings of the
Board;

(b) prescribing the mode of distribution and expenditure
of moneys appropriated by Parliament and any
other funds in the possession or control of the
Board for the relief or benefit of aborigines;

(c) prescribing conditions of employment (including
housing) of aborigines in any area but not in
relation to any matter which is subject to an
industrial award or determination applicable to
the employment concerned;

(d) providing for the control of aboriginal reserves
and aborigines and other persons thereon,
including the maintenance of discipline and good
order thereon, the issue of permits to reside
thereon and the exclusion or removal therefrom
of persons not authorized to enter thereon;

(e) providing for the mode of supply to aborigines
of clothing bedding and rations and the provision
of relief and medical or other attention of a
similar nature needed by aborigines;

(f) prescribing penalties not exceeding Fifty pounds
for the breach of any regulation under this Act;

(g) generally, prescribing any matters or things
by this Act authorized or required to be
prescribed or necessary or expedient to be
prescribed for carrying this Act into effect.

(2) All such regulations shall be published in the
Government Gazette and shall be laid before both Houses of
Parliament within fourteen days after the making thereof
if Parliament is then sitting and if Parliament is not then
sitting then within fourteen days after the next meeting
of Parliament; and a copy of all such regulations shall be
posted to each member of Parliament.

11. (1) The Aborigines Act 1928 is hereby repealed.

(2) Paragraph (a) of section one hundred and
seventy-seven of the Licensing Act 1928 is hereby repealed.

(3) Paragraph
12. As on the day on which this Act comes into operation, by virtue of this Act—

(a) the Board for the Protection of the Aborigines appointed under the Aborigines Act 1928 shall be dissolved and the members thereof shall go out of office;

(b) the Aborigines Welfare Board shall become and be the successor in law of the said Board for the Protection of the Aborigines;

(c) the trust fund known as the "Aborigines Board Produce Fund" shall be closed and all moneys standing to the credit thereof shall be transferred to the credit of the Aborigines Welfare Fund established under this Act.