

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 July, 1936.*

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. 32, 1936.

An Act to make further provisions as to the protection and care of aborigines; to amend the Aborigines Protection Act, 1909, and certain other Acts, in certain respects; and for purposes connected therewith. [Assented to, 10th July, 1936.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Aborigines Protection (Amendment) Act, 1936." Short title.

(2) The Aborigines Protection Act, 1909, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3)

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Aborigines Protection (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Aborigines Protection Act, 1909-1936.

Amendment
of Act No. 25,
1909.

Sec. 3.
(Interpreta-
tion.)

Sec. 7.
(Duties of
board.)

New secs.
8A, 8B, 8C.

Removal to
reserves, etc.

2. (1) The Principal Act is amended—

- (a) (i) by omitting from the definition of "Aborigine" in section three the words "New South Wales" and by inserting in lieu thereof the words "Australia and who is temporarily or permanently resident in New South Wales";
- (ii) by inserting at the end of the definition of "Liquor" in the same section the words "and also includes methylated spirits";
- (b) by inserting in paragraph (e) of section seven after the word "care" the words "over all aborigines and";
- (c) by inserting next after section eight the following new sections:—

8A. (1) Where an aborigine or a person apparently having an admixture of aboriginal blood is, in the opinion of the board, living in insanitary or undesirable conditions, a stipendiary or police magistrate may, on the application of the board, order such aborigine or person to remove to a reserve or place controlled by the board, or, if such aborigine or person is but temporarily resident in this State, to return to the State whence he came within a time specified in the order.

(2) Any such order may on a like application be cancelled or varied by the same or another stipendiary or police magistrate.

(3) Until such an order is cancelled every aborigine or other person named therein in that behalf shall be and remain under the control of the board while he is in this State.

(4) The manner of making application under this section and the procedure to be adopted thereon and in connection therewith shall be as prescribed by regulations made under this Act.

Aborigines Protection (Amendment).

8b. Whosoever, without lawful authority or excuse the proof whereof shall lie on him, removes an aborigine or causes, assists, entices or persuades an aborigine to remove from a reserve shall be guilty of an offence against this Act.

Enticing
aborigine to
remove from
reserve.

8c. (1) Whosoever, without the written consent of the board, removes or causes to be removed from New South Wales to any place outside New South Wales any aborigine shall be guilty of an offence against this Act.

Removing
aborigine
from New
South Wales.

This subsection shall not apply to the removal by any person of any child, of whatever age, of such person.

(2) The board, before giving its consent to the removal of an aborigine from New South Wales, may require that a bond be entered into with it in such sum as it considers sufficient by the person seeking the consent and two sufficient sureties approved by the board, conditioned to secure the proper supervision, care and treatment of the aborigine during his absence from New South Wales and his return to New South Wales within a specified time or within such time as the board may from time to time fix, and to secure the performance of such other conditions in the interest of the aborigine as the board may in its discretion impose as a condition of giving its consent.

(d) by omitting from section nine the words and figures "Liquor (Amendment) Act, 1905," and by inserting in lieu thereof the words and figures "Liquor Act, 1912, as amended by subsequent Acts";

Sec. 9.
(Liquor.)
(Revision.)

(e) by omitting from section 11B the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

Sec. 11B.
(Children
absconding.)
(Revision.)

(f) by omitting from section twelve the words and figures "Neglected Children and Juvenile Offenders";

Sec. 12.
(Appren-
ticeship.)
(Revision.)

Aborigines Protection (Amendment).

Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

Sec. 13.
(Enticing child to leave apprenticeship or school.)

(g) by inserting at the end of section thirteen the following new subsection:—

(2) Any person who takes away a child apprenticed as aforesaid from his lawful service or who, without the consent of the board, takes away the child of any aborigine from any school, home or institution, shall, whether such taking away was or was not with the consent of the child, be guilty of an offence against this Act.

Sec. 13A.
(Custody.)
(Revision.)

(h) by omitting from section 13A the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

New secs.
13B, 13C,
13D.

(i) by inserting next after section 13A the following new sections:—

In case of unfair treatment, board to remove aborigine.

13B. In any case where an aborigine is living with, or employed by, any other person, and the board has reason to believe that such aborigine is not receiving fair and proper treatment, and is not being paid a reasonable wage, or the board is of opinion that his moral or physical well-being is likely to be impaired by continuance in such employment, or that he is being influenced to continue in such employment, the board shall have the power to terminate same and remove the aborigine concerned to such reserve, home or other place as it may direct. For the purposes of this section any officer of the board, or member of the police force, shall have access to such aborigine at all reasonable times for the purpose of making such inspection and inquiries as he may deem necessary.

Employer to pay wages to secretary in certain cases.

13C. In any case where it appears to the board to be in the best interests of the aborigine concerned the board may direct employers or any employer to pay the wages of the aborigine to the

Aborigines Protection (Amendment).

the secretary or some other officer named by him, and any employer who fails to observe such directions shall be deemed to have not paid such wages. The wages so collected shall be expended solely on behalf of the aborigine to whom they were due, and an account kept of such expenditure.

13D. All actions and other proceedings against any person for the recovery of wages due to an aborigine who is, or has been, employed by such person, or for any breach of an agreement made with an aborigine, may be instituted and carried on by, or in the name of, an officer of the board, a member of the police force, or any other person authorised by the board.

Actions—
by whom
instituted.

- (j) by inserting next after section fourteen the following new section:—

New s. 14A.

14A. The board may authorise the medical examination of any aborigine or person having apparently an admixture of aboriginal blood and may have such aborigine or person so examined, removed to and kept in a public hospital or other institution for appropriate curative treatment, or may require such aborigine or person to undergo such treatment as and where provided.

Medical
examination
and treat-
ment.

Any such examination shall be performed only by a medical practitioner authorised in that behalf either generally or in a particular case by the Chief Medical Officer of the Government.

- (k) (i) by omitting from subsection two of section sixteen the words and figures " Infant Protection Act, 1904, or the Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures " Child Welfare Act, 1923 ";

Sec. 16.
(Mainten-
ance.)
(Revision.)

(ii) by omitting from subsection three of the same section the words and figures " Part II of the Infant Protection Act, 1904," and by inserting in lieu thereof the words and figures " Part X of the Child Welfare Act, 1923 ";

(iii)

Aborigines Protection (Amendment).

(iii) by omitting from subsection four of the same section the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

New secs.
18A, 18B.

Proof.

(l) by inserting next after section eighteen the following new sections:—

18A. In any proceeding for an offence against this Act or upon a breach of a regulation made thereunder, the averment in the information or complaint that any person therein named or referred to is an aborigine or the reference in the information or complaint to such person as an aborigine shall be sufficient evidence of the truth of such averment or reference unless the contrary is shown to the satisfaction of the court.

Tribunal
may
determine
whether
person is
aborigine
or not.

18B. 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 whether a person concerned or in any way connected with the proceedings or inquiry is or is not an aborigine, such court, judge, coroner, magistrate, justice or justices having seen such person may determine the question according to his or their own opinion.

Sec. 19.
(Inspection of
aboriginal
stations, etc.)

(m) by inserting in section nineteen after the word "therein" the words "or any home or institution in which any aborigine is resident";

Sec. 20.
(Regulations.)

(n) (i) by inserting in subsection one of section twenty after the words "The Governor may" the words "make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act,
and

Aborigines Protection (Amendment).

- and in particular and without prejudice to the generality of the foregoing power may";
- (ii) by omitting paragraph (k) of the same subsection;
 - (iii) by inserting in paragraph (iii) of subsection two of the same section after the word "fourteen" wherever occurring the word "sitting";
 - (iv) by inserting in the same paragraph after the word "resolution" the words "notice whereof has been given";
 - (v) by inserting in the same paragraph after the word "regulation" where firstly occurring the words "or part thereof";
 - (vi) by inserting in the same paragraph after the word "regulation" where secondly occurring the words "or part."

(2) The Aborigines Protection Amending Act, 1915, is amended by omitting subsection two of section two.

Amendment
of Act No.
2, 1915,
s. 2 (2).
(Revision.)

*In the name and on behalf of His Majesty I assent
to this Act.*

P. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 10th July, 1936.*

I certify that the figures here stated are correct in the
Executive Accounts and that the Executive Council and
the Executive Committee are responsible therefor.

W. W. HARRIS,
Chairman of the Executive Council.

I hereby certify that the figures here stated are correct in the
Executive Accounts and that the Executive Council and
the Executive Committee are responsible therefor.

(1) The total amount of the Executive Council's
accounts for the year ending 31st March 1900 is

(2) The total amount of the Executive Council's
accounts for the year ending 31st March 1901 is

(3) The total amount of the Executive Council's
accounts for the year ending 31st March 1902 is

(4) The total amount of the Executive Council's
accounts for the year ending 31st March 1903 is

(5) The total amount of the Executive Council's
accounts for the year ending 31st March 1904 is

(6) The total amount of the Executive Council's
accounts for the year ending 31st March 1905 is

(7) The total amount of the Executive Council's
accounts for the year ending 31st March 1906 is

(8) The total amount of the Executive Council's
accounts for the year ending 31st March 1907 is

(9) The total amount of the Executive Council's
accounts for the year ending 31st March 1908 is

(10) The total amount of the Executive Council's
accounts for the year ending 31st March 1909 is

(11) The total amount of the Executive Council's
accounts for the year ending 31st March 1910 is

(12) The total amount of the Executive Council's
accounts for the year ending 31st March 1911 is

(13) The total amount of the Executive Council's
accounts for the year ending 31st March 1912 is

(14) The total amount of the Executive Council's
accounts for the year ending 31st March 1913 is

(15) The total amount of the Executive Council's
accounts for the year ending 31st March 1914 is

(16) The total amount of the Executive Council's
accounts for the year ending 31st March 1915 is

(17) The total amount of the Executive Council's
accounts for the year ending 31st March 1916 is

(18) The total amount of the Executive Council's
accounts for the year ending 31st March 1917 is

(19) The total amount of the Executive Council's
accounts for the year ending 31st March 1918 is

(20) The total amount of the Executive Council's
accounts for the year ending 31st March 1919 is

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.

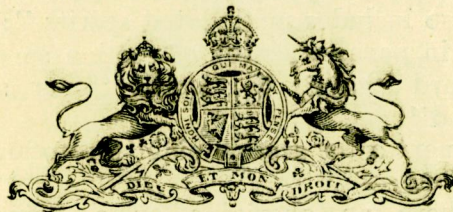
*Legislative Assembly Chamber,
Sydney, 23 June, 1936.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, July, 1936.*

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to make further provisions as to the protection and care of aborigines; to amend the Aborigines Protection Act, 1909, and certain other Acts, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Aborigines Protection (Amendment) Act, 1936." Short title.

(2) The Aborigines Protection Act, 1909, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

81387

27—

(3)

NOTE.—The words to be inserted are printed in black letter.

Aborigines Protection (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Aborigines Protection Act, 1909-1936.

2. (1) The Principal Act is amended—

Amendment of Act No. 25, 1909.

5

(a) (i) by omitting from the definition of "Aborigine" in section three the words "New South Wales" and by inserting in lieu thereof the words "Australia and who is temporarily or permanently resident in New South Wales";

Sec. 3. (Interpretation.)

10

(ii) by inserting at the end of the definition of "Liquor" in the same section the words "and also includes methylated spirits";

15

(b) by inserting in paragraph (e) of section seven after the word "care" the words "over all aborigines and";

Sec. 7. (Duties of board.)

20

(c) by inserting next after section eight the following new sections:—

New secs. 8A, 8B, 8C.

25

8A. (1) Where an aborigine or a person apparently having an admixture of aboriginal blood is, in the opinion of the board, living in insanitary or undesirable conditions, a stipendiary or police magistrate may, on the application of the board, order such aborigine or person to remove to a reserve or place controlled by the board, or, if such aborigine or person is but temporarily resident in this State, to return to the State whence he came within a time specified in the order.

Removal to reserves, etc.

30

(2) Any such order may on a like application be cancelled or varied by the same or another stipendiary or police magistrate.

35

(3) Until such an order is cancelled every aborigine or other person named therein in that behalf shall be and remain under the control of the board while he is in this State.

40

(4) The manner of making application under this section and the procedure to be adopted thereon and in connection therewith shall be as prescribed by regulations made under this Act.

8B.

Aborigines Protection (Amendment).

5 8B. Whosoever, without lawful authority or excuse the proof whereof shall lie on him, removes an aborigine or causes, assists, entices or persuades an aborigine to remove from a reserve shall be guilty of an offence against this Act. Enticing aborigine to remove from reserve.

10 8C. (1) Whosoever, without the written consent of the board, removes or causes to be removed from New South Wales to any place outside New South Wales any aborigine shall be guilty of an offence against this Act. Removing aborigine from New South Wales.

This subsection shall not apply to the removal by any person of any child, of whatever age, of such person.

15 (2) The board, before giving its consent to the removal of an aborigine from New South Wales, may require that a bond be entered into with it in such sum as it considers sufficient by the person seeking the consent and two sufficient sureties approved by the board, conditioned to secure the proper supervision, care and treatment of the aborigine during his absence from New South Wales and his return to New South Wales within a specified time or within such time as the board may from time to time fix, and to secure the performance of such other conditions in the interest of the aborigine as the board may in its discretion impose as a condition of giving its consent.

30 (d) by omitting from section nine the words and figures "Liquor (Amendment) Act, 1905," and by inserting in lieu thereof the words and figures "Liquor Act, 1912, as amended by subsequent Acts"; Sec. 9. (Liquor.) (Revision.)

35 (e) by omitting from section 11B the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923"; Sec. 11B. (Children absconding.) (Revision.)

40 (f) by omitting from section twelve the words and figures "Neglected Children and Juvenile Offenders"; Sec. 12. (Apprenticeship.) (Revision.)

Aborigines Protection (Amendment).

- Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- 5 (g) by inserting at the end of section thirteen the following new subsection:—
- (2) Any person who takes away a child apprenticed as aforesaid from his lawful service or who, without the consent of the board, takes away the child of any aborigine from any school, home or institution, shall, whether such taking away was or was not with the consent of the child, be guilty of an offence against this Act.
- 10
- (h) by omitting from section 13A the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- 15
- (i) by inserting next after section 13A the following new sections:—
- 20 13B. In any case where an aborigine is living with, or employed by, any other person, and the board has reason to believe that such aborigine is not receiving fair and proper treatment, and is not being paid a reasonable wage, or the board is of opinion that his moral or physical well-being is likely to be impaired by continuance in such employment, or that he is being influenced to continue in such employment, the board shall have the power to terminate same and remove the aborigine concerned to such reserve, home or other place as it may direct. For the purposes of this section any officer of the board, or member of the police force, shall have access to such aborigine at all reasonable times for the purpose of making such inspection and inquiries as he may deem necessary.
- 25
- 30
- 35
- 40 13c. In any case where it appears to the board to be in the best interests of the aborigine concerned the board may direct employers or any employer to pay the wages of the aborigine to the

Sec. 13.
(Enforcing child to have apprenticeship or school.)

Sec. 13A.
(Custody.)
(Revision.)

New secs.
13B, 13C,
13D.

In case of unfair treatment, board to remove aborigine.

Employer to pay wages to secretary in certain cases.

Aborigines Protection (Amendment).

5 the secretary or some other officer named by him, and any employer who fails to observe such directions shall be deemed to have not paid such wages. The wages so collected shall be expended solely on behalf of the aborigine to whom they were due, and an account kept of such expenditure.

10 13D. All actions and other proceedings against any person for the recovery of wages due to an aborigine who is, or has been, employed by such person, or for any breach of an agreement made with an aborigine, may be instituted and carried on by, or in the name of, an officer of the board, a member of the police force, or any other person
15 authorised by the board.

Actions—
by whom
instituted.

(j) by inserting next after section fourteen the following new section:—

New s. 14A.

20 14A. The board may authorise the medical examination of any aborigine **or person having apparently an admixture of aboriginal blood** and may have such aborigine **or person** so examined, removed to and kept in a public hospital or other institution for appropriate curative treatment, or may require such aborigine **or person**
25 to undergo such treatment as and where provided.

Medical
examination
and treat-
ment.

30 Any such examination shall be performed only by a medical practitioner authorised in that behalf either generally or in a particular case by the Chief Medical Officer of the Government.

(k) (i) by omitting from subsection two of section sixteen the words and figures " Infant Protection Act, 1904, or the Neglected Children and Juvenile Offenders Act, 1905," and by
35 inserting in lieu thereof the words and figures " Child Welfare Act, 1923 ";

Sec. 16,
(Mainten-
ance.)
(Revision.)

(ii) by omitting from subsection three of the same section the words and figures " Part II of the Infant Protection Act, 1904," and by inserting in lieu thereof the words and figures " Part X of the Child Welfare Act, 1923 ";

40 (iii)

Aborigines Protection (Amendment).

5 (iii) by omitting from subsection four of the same section the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

(l) by inserting next after section eighteen the following new sections:— New secs. 18A, 18B.

10 18A. In any proceeding for an offence against this Act or upon a breach of a regulation made thereunder, the averment in the information or complaint that any person therein named or referred to is an aborigine or the reference in the information or complaint to such person as an aborigine shall be sufficient evidence of the truth of such averment or reference unless the contrary is shown to the satisfaction of the court. Proof.

20 18B. 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 whether a person concerned or in any way connected with the proceedings or inquiry is or is not an aborigine, such court, judge, coroner, magistrate, justice or justices having seen such person may determine the question according to his or their own opinion. Tribunal may determine whether person is aborigine or not.

30 (m) by inserting in section nineteen after the word "therein" the words "or any home or institution in which any aborigine is resident"; Sec. 19. (Inspection of aboriginal stations, etc.)

35 (n) (i) by inserting in subsection one of section twenty after the words "The Governor may" the words "make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and

Aborigines Protection (Amendment).

and in particular and without prejudice to the generality of the foregoing power may”;

- (ii) by omitting paragraph (k) of the same subsection;
- 5 (iii) by inserting in paragraph (iii) of subsection two of the same section after the word “fourteen” wherever occurring the word “sitting”;
- 10 (iv) by inserting in the same paragraph after the word “resolution” the words “notice whereof has been given”;
- (v) by inserting in the same paragraph after the word “regulation” where firstly occurring the words “or part thereof”;
- 15 (vi) by inserting in the same paragraph after the word “regulation” where secondly occurring the words “or part.”

(2) The Aborigines Protection Amending Act, 1915, is amended by omitting subsection two of section 20 two.

Amendment of Act No. 2, 1915, s. 2 (2). (Revision.)

This Public Bill introduced in the LEGISLATIVE ASSEMBLY, and having been passed, is now ready for presentation to the LEGISLATIVE COUNCIL.

16. THE PROTECTION OF PERSONS (WELSH) BILL

The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

(1) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

(2) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

(3) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

(4) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

(5) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

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(10) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

(11) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

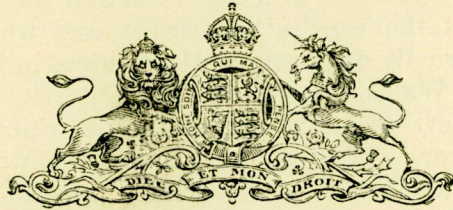
(12) The Bill is divided into 10 sections and 2 schedules. It is intended to give effect to the recommendations of the Commission on the Law of Wales and to provide for the protection of persons in Wales in certain circumstances.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 June, 1936.*

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to make further provisions as to the protection and care of aborigines; to amend the Aborigines Protection Act, 1909, and certain other Acts, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the “Aborigines Short title. Protection (Amendment) Act, 1936.”

(2) The Aborigines Protection Act, 1909, as amended by subsequent Acts, is in this Act referred to
10 as the Principal Act.

Aborigines Protection (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Aborigines Protection Act, 1909-1936.

2. (1) The Principal Act is amended—

Amendment of Act No. 25, 1909.

5 (a) (i) by omitting from the definition of "Aborigine" in section three the words "New South Wales" and by inserting in lieu thereof the words "Australia and who is temporarily or permanently resident in New South Wales";

Sec. 3. (Interpretation.)

10 (ii) by inserting at the end of the definition of "Liquor" in the same section the words "and also includes methylated spirits";

15 (b) by inserting in paragraph (e) of section seven after the word "care" the words "over all aborigines and";

Sec. 7. (Duties of board.)

(c) by inserting next after section eight the following new sections:—

New secs. 8A, 8B, 8C.

20 8A. (1) Where an aborigine or a person apparently having an admixture of aboriginal blood is, in the opinion of the board, living in insanitary or undesirable conditions, a stipendiary or police magistrate may, on the application of the board, order such aborigine or person to remove to a reserve or place controlled by the board, or, if such aborigine or person is but temporarily resident in this State, to return to the State whence he came within a time specified in the order.

Removal to reserves, etc.

30 (2) Any such order may on a like application be cancelled or varied by the same or another stipendiary or police magistrate.

35 (3) Until such an order is cancelled every aborigine or other person named therein in that behalf shall be and remain under the control of the board while he is in this State.

40 (4) The manner of making application under this section and the procedure to be adopted thereon and in connection therewith shall be as prescribed by regulations made under this Act.

Aborigines Protection (Amendment).

5 8B. Whosoever, without lawful authority or excuse the proof whereof shall lie on him, removes an aborigine or causes, assists, entices or persuades an aborigine to remove from a reserve shall be guilty of an offence against this Act.

Enticing
aborigine to
remove from
reserve.

10 8c. (1) Whosoever, without the written consent of the board, removes or causes to be removed from New South Wales to any place outside New South Wales any aborigine shall be guilty of an offence against this Act.

Removing
aborigine
from New
South Wales.

This subsection shall not apply to the removal by any person of any child, of whatever age, of such person.

15 (2) The board, before giving its consent to the removal of an aborigine from New South Wales, may require that a bond be entered into with it in such sum as it considers sufficient by the person seeking the consent and two sufficient sureties approved by the board, conditioned to secure the proper supervision, care and treatment of the aborigine during his absence from New South Wales and his return to New South Wales within a specified time or within such time as the board may from time to time fix, and to secure the performance of such other conditions in the interest of the aborigine as the board may in its discretion impose as a condition of giving its consent.

20 (d) by omitting from section nine the words and figures "Liquor (Amendment) Act, 1905," and by inserting in lieu thereof the words and figures "Liquor Act, 1912, as amended by subsequent Acts";

Sec. 9.
(Liquor.)
(Revision.)

35 (e) by omitting from section 11B the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

Sec. 11B.
(Children
absconding.)
(Revision.)

40 (f) by omitting from section twelve the words and figures "Neglected Children and Juvenile Offenders

Sec. 12.
(Appren-
ticeship.)
(Revision.)

Aborigines Protection (Amendment).

- Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- 5 (g) by inserting at the end of section thirteen the following new subsection:—
- (2) Any person who takes away a child apprenticed as aforesaid from his lawful service or who, without the consent of the board, takes away the child of any aborigine from any school, home or institution, shall, whether such taking away was or was not with the consent of the child, be guilty of an offence against this Act.
- 10 (h) by omitting from section 13A the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- 15 (i) by inserting next after section 13A the following new sections:—
- 20 13B. In any case where an aborigine is living with, or employed by, any other person, and the board has reason to believe that such aborigine is not receiving fair and proper treatment, and is not being paid a reasonable wage, or the board is of opinion that his moral or physical well-being is likely to be impaired by continuance in such employment, or that he is being influenced to continue in such employment, the board shall have the power to terminate same and remove the aborigine concerned to such reserve, home or other place as it may direct. For the purposes of this section any officer of the board, or member of the police force, shall have access to such aborigine at all reasonable times for the purpose of making such inspection and inquiries as he may deem necessary.
- 25 30 13c. In any case where it appears to the board to be in the best interests of the aborigine concerned the board may direct employers or any employer to pay the wages of the aborigine to the

Sec. 13.
(Enticing child to leave apprenticeship or school.)

Sec. 13A.
(Custody.)
(Revision.)

New secs.
13B, 13C,
13D.

In case of unfair treatment, board to remove aborigine.

Employer to pay wages to secretary in certain cases.

(iii)

Aborigines Protection (Amendment).

the secretary or some other officer named by him, and any employer who fails to observe such directions shall be deemed to have not paid such wages. The wages so collected shall be expended solely on behalf of the aborigine to whom they were due, and an account kept of such expenditure.

13D. All actions and other proceedings against any person for the recovery of wages due to an aborigine who is, or has been, employed by such person, or for any breach of an agreement made with an aborigine, may be instituted and carried on by, or in the name of, an officer of the board, a member of the police force, or any other person authorised by the board.

Actions—
by whom
instituted.

(j) by inserting next after section fourteen the following new section:—

New s. 14A.

14A. The board may authorise the medical examination of any aborigine and may have such aborigine so examined, removed to and kept in a public hospital or other institution for appropriate curative treatment, or may require such aborigine to undergo such treatment as and where provided.

Medical
examination
and treat-
ment.

Any such examination shall be performed only by a medical practitioner authorised in that behalf either generally or in a particular case by the Chief Medical Officer of the Government.

(k) (i) by omitting from subsection two of section sixteen the words and figures " Infant Protection Act, 1904, or the Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures " Child Welfare Act, 1923 ";

Sec. 16.
(Mainten-
ance.)
(Revision.)

(ii) by omitting from subsection three of the same section the words and figures " Part II of the Infant Protection Act, 1904," and by inserting in lieu thereof the words and figures " Part X of the Child Welfare Act, 1923 ";

(iii)

Aborigines Protection (Amendment).

- 5 (iii) by omitting from subsection four of the same section the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- (l) by inserting next after section eighteen the following new sections:— New secs. 18A, 18B.
- 10 18A. In any proceeding for an offence against this Act or upon a breach of a regulation made thereunder, the averment in the information or complaint that any person therein named or referred to is an aborigine or the reference in the information or complaint to such person as an aborigine shall be sufficient evidence of the truth of such averment or reference unless the contrary is shown to the satisfaction of the court. Proof.
- 15 18B. 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 whether a person concerned or in any way connected with the proceedings or inquiry is or is not an aborigine, such court, judge, coroner, magistrate, justice or justices having seen such person may determine the question according to his or their own opinion. Tribunal may determine whether person is aborigine or not.
- 20 25 (m) by inserting in section nineteen after the word "therein" the words "or any home or institution in which any aborigine is resident"; Sec. 19. (Inspection of aboriginal stations, etc.)
- 30 35 (n) (i) by inserting in subsection one of section twenty after the words "The Governor may" the words "make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and

Aborigines Protection (Amendment).

- and in particular and without prejudice to the generality of the foregoing power";
- (ii) by omitting paragraph (k) of the same subsection;
- 5 (iii) by inserting in paragraph (iii) of subsection two of the same section after the word "fourteen" wherever occurring the word "sitting";
- 10 (iv) by inserting in the same paragraph after the word "resolution" the words "notice whereof has been given";
- (v) by inserting in the same paragraph after the word "regulation" where firstly occurring the words "or part thereof";
- 15 (vi) by inserting in the same paragraph after the word "regulation" where secondly occurring the words "or part."
- (2) The Aborigines Protection Amending Act, 1915, is amended by omitting subsection two of section 20 two.

Amendment
of Act No.
2, 1915,
s. 2 (2).
(Revision.)

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber.

ABORIGINES PROTECTION (AMENDMENT) BILL.

Schedule of Amendments referred to in Message of 1st July, 1936.

- No. 1.—Page 5, clause 2, line 19. *After "aborigine" insert "or person having apparently an admixture of aboriginal blood"*
- No. 2.—Page 5, clause 2, line 21. *After "aborigine" insert "or person"*
- No. 3.—Page 5, clause 2, line 24. *After "aborigine" insert "or person"*

81387

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows:—

1. (1) This Act may be cited as the "Aborigines Short title,
Protection (Amendment) Act, 1936."

(2) The Aborigines Protection Act, 1909, as
amended by subsequent Acts, is in this Act referred to
as the Principal Act.

81387

27—

(3)

NOTE.—The words to be inserted are printed in black letter.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 23 June, 1936.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

C. H. H. CALVERT,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 1st July, 1936.

New South Wales.



ANNO PRIMO

EDWARDI VIII REGIS.

Act No. , 1936.

An Act to make further provisions as to the protection and care of aborigines; to amend the Aborigines Protection Act, 1909, and certain other Acts, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Aborigines Short title, Protection (Amendment) Act, 1936."

(2) The Aborigines Protection Act, 1909, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

81387

27—

(3)

NOTE.—The words to be inserted are printed in black letter.

Aborigines Protection (Amendment).

(3) The Principal Act, as amended by this Act, may be cited as the Aborigines Protection Act, 1909-1936.

2. (1) The Principal Act is amended—

Amendment
of Act No. 25,
1909.

- 5 (a) (i) by omitting from the definition of "Aborigine" in section three the words "New South Wales" and by inserting in lieu thereof the words "Australia and who is temporarily or permanently resident in New South Wales";
- 10 (ii) by inserting at the end of the definition of "Liquor" in the same section the words "and also includes methylated spirits";
- 15 (b) by inserting in paragraph (e) of section seven after the word "care" the words "over all aborigines and";
- 20 (c) by inserting next after section eight the following new sections:—
- 25 8A. (1) Where an aborigine or a person apparently having an admixture of aboriginal blood is, in the opinion of the board, living in insanitary or undesirable conditions, a stipendiary or police magistrate may, on the application of the board, order such aborigine or person to remove to a reserve or place controlled by the board, or, if such aborigine or person is but temporarily resident in this State, to return to the State whence he came within a time specified in the order.
- 30 (2) Any such order may on a like application be cancelled or varied by the same or another stipendiary or police magistrate.
- 35 (3) Until such an order is cancelled every aborigine or other person named therein in that behalf shall be and remain under the control of the board while he is in this State.
- 40 (4) The manner of making application under this section and the procedure to be adopted thereon and in connection therewith shall be as prescribed by regulations made under this Act.

Sec. 3.
(Interpretation.)

Sec. 7.
(Duties of board.)

New secs.
8A, 8B, 8C.

Removal to reserves, etc.

Aborigines Protection (Amendment).

5 8b. Whosoever, without lawful authority or excuse the proof whereof shall lie on him, removes an aborigine or causes, assists, entices or persuades an aborigine to remove from a reserve shall be guilty of an offence against this Act.

Enticing
aborigine to
remove from
reserve.

10 8c. (1) Whosoever, without the written consent of the board, removes or causes to be removed from New South Wales to any place outside New South Wales any aborigine shall be guilty of an offence against this Act.

Removing
aborigine
from New
South Wales.

This subsection shall not apply to the removal by any person of any child, of whatever age, of such person.

15 (2) The board, before giving its consent to the removal of an aborigine from New South Wales, may require that a bond be entered into with it in such sum as it considers sufficient by the person seeking the consent and two sufficient sureties approved by the board, conditioned to secure the proper supervision, care and treatment of the aborigine during his absence from New South Wales and his return to New South Wales within a specified time or within such time as the board may from time to time fix, and to secure the performance of such other conditions in the interest of the aborigine as the board may in its discretion impose as a condition of giving its consent.

20 (d) by omitting from section nine the words and figures "Liquor (Amendment) Act, 1905," and by inserting in lieu thereof the words and figures "Liquor Act, 1912, as amended by subsequent Acts";

Sec. 9.
(Liquor.)
(Revision.)

25 (e) by omitting from section 11B the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

Sec. 11B.
(Children
absconding.)
(Revision.)

30 (f) by omitting from section twelve the words and figures "Neglected Children and Juvenile Offenders

Sec. 12.
(Appren-
ticeship.)
(Revision.)

Aborigines Protection (Amendment).

Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

5 (g) by inserting at the end of section thirteen the following new subsection:—

Sec. 13.
(Enticing child to leave apprenticeship or school.)

(2) Any person who takes away a child apprenticed as aforesaid from his lawful service or who, without the consent of the board, takes away the child of any aborigine from any school, home or institution, shall, whether such taking away was or was not with the consent of the child, be guilty of an offence against this Act.

10 (h) by omitting from section 13A the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";

Sec. 13A.
(Custody.)
(Revision.)

15 (i) by inserting next after section 13A the following new sections:—

New secs.
13B, 13C,
13D.

20 13B. In any case where an aborigine is living with, or employed by, any other person, and the board has reason to believe that such aborigine is not receiving fair and proper treatment, and is not being paid a reasonable wage, or the board is of opinion that his moral or physical well-being is likely to be impaired by continuance in such employment, or that he is being influenced to continue in such employment, the board shall have the power to terminate same and remove the aborigine concerned to such reserve, home or other place as it may direct. For the purposes of this section any officer of the board, or member of the police force, shall have access to such aborigine at all reasonable times for the purpose of making such inspection and inquiries as he may deem necessary.

In case of unfair treatment, board to remove aborigine.

30 13C. In any case where it appears to the board to be in the best interests of the aborigine concerned the board may direct employers or any employer to pay the wages of the aborigine to the

Employer to pay wages to secretary in certain cases.

Aborigines Protection (Amendment).

the secretary or some other officer named by him, and any employer who fails to observe such directions shall be deemed to have not paid such wages. The wages so collected shall be expended solely on behalf of the aborigine to whom they were due, and an account kept of such expenditure.

5

13b. All actions and other proceedings against any person for the recovery of wages due to an aborigine who is, or has been, employed by such person, or for any breach of an agreement made with an aborigine, may be instituted and carried on by, or in the name of, an officer of the board, a member of the police force, or any other person authorised by the board.

(1) Actions—
by whom
instituted.

10

(j) by inserting next after section fourteen the following new section:—

New s. 14A.

14A. The board may authorise the medical examination of any aborigine or person having apparently an admixture of aboriginal blood and may have such aborigine or person so examined, removed to and kept in a public hospital or other institution for appropriate curative treatment, or may require such aborigine or person to undergo such treatment as and where provided.

Medical
examination
and treat-
ment.

20

Any such examination shall be performed only by a medical practitioner authorised in that behalf either generally or in a particular case by the Chief Medical Officer of the Government.

30

(k) (i) by omitting from subsection two of section sixteen the words and figures " Infant Protection Act, 1904, or the Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures " Child Welfare Act, 1923 ";

Sec. 16.
(Mainten-
ance.)
(Revision.)

35

(ii) by omitting from subsection three of the same section the words and figures " Part II of the Infant Protection Act, 1904," and by inserting in lieu thereof the words and figures " Part X of the Child Welfare Act, 1923 ";

(iii)

40

Aborigines Protection (Amendment).

- (iii) by omitting from subsection four of the same section the words and figures "Neglected Children and Juvenile Offenders Act, 1905," and by inserting in lieu thereof the words and figures "Child Welfare Act, 1923";
- (l) by inserting next after section eighteen the following new sections:—
- 18A. In any proceeding for an offence against this Act or upon a breach of a regulation made thereunder, the averment in the information or complaint that any person therein named or referred to is an aborigine or the reference in the information or complaint to such person as an aborigine shall be sufficient evidence of the truth of such averment or reference unless the contrary is shown to the satisfaction of the court.
- 18B. 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 whether a person concerned or in any way connected with the proceedings or inquiry is or is not an aborigine, such court, judge, coroner, magistrate, justice or justices having seen such person may determine the question according to his or their own opinion.
- (m) by inserting in section nineteen after the word "therein" the words "or any home or institution in which any aborigine is resident";
- (n) (i) by inserting in subsection one of section twenty after the words "The Governor may" the words "make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and

New secs.
18A, 18B.

Proof.

Tribunal
may
determine
whether
person is
aborigine
or not.

Sec. 19.
(Inspection of
aboriginal
stations, etc.)

Sec. 20.
(Regula-
tions.)

Aborigines Protection (Amendment).

- and in particular and without prejudice to the generality of the foregoing power";
- (ii) by omitting paragraph (k) of the same subsection;
- 5 (iii) by inserting in paragraph (iii) of subsection two of the same section after the word "fourteen" wherever occurring the word "sitting";
- 10 (iv) by inserting in the same paragraph after the word "resolution" the words "notice whereof has been given";
- (v) by inserting in the same paragraph after the word "regulation" where firstly occurring the words "or part thereof";
- 15 (vi) by inserting in the same paragraph after the word "regulation" where secondly occurring the words "or part."

(2) The Aborigines Protection Amending Act, 1915, is amended by omitting subsection two of section 20 two.

Amendment
of Act No.
2, 1915,
s. 2 (2).
(Revision.)

30 1900

(Section)
No. 2 (3)
of the Act
amendment

1919 is intended to amend the provisions of section

(2) of the Agricultural Pesticides Act

enacted in the year 1907

12

(1) It is hereby provided that the words "and also"

shall be inserted at the end of the words "and also"

(2) It is hereby provided that the words "and also"

shall be inserted at the end of the words "and also"

10

(3) It is hereby provided that the words "and also"

shall be inserted at the end of the words "and also"

8

(4) It is hereby provided that the words "and also"

shall be inserted at the end of the words "and also"

(5) It is hereby provided that the words "and also"

shall be inserted at the end of the words "and also"

Agricultural Pesticides (Amendment) Act