



ANNO DECIMO QUARTO

GEORGII V REGIS.

A.D. 1923.

No. 1565.

An Act to make Better Provision for the Care, Control, and Training of Aboriginal Children, for placing Aboriginal Children under the Control of the State Children's Council, to amend the Aborigines Act, 1911, and for other purposes.

[Assented to, November 14th, 1923.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Aborigines (Training of Children) Act, 1923." Short titles.

(2) The Aborigines Act, 1911 (hereinafter referred to as "the principal Act"), and this Act may be cited together as the "Aborigines Acts, 1911 and 1923." No. 1048 of 1911.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation with principal Act.

3. Section 22 of the principal Act is amended by striking out the figures "19" in the first line thereof, and "20" in the second line thereof, and substituting therefor the figures "20" and "21" respectively. Amendment of principal Act, s. 22.

4. Section 4 of the principal Act is amended by substituting for the word "sixteen" in subdivision (d) thereof the word "eighteen". Amendment of principal Act, s. 4 — Chief Protector to be legal guardian of all half-caste children until eighteen years of age.

5. (1) In

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Act to apply to full-blooded aborigines and others.

5. (1) In this Act “aboriginal child” means every person who is under the age of eighteen years, and who is—

- (a) An aboriginal native of Australia or of any of the islands adjacent or belonging thereto; or
- (b) A half-caste.

(2) In this section the term “half-caste” includes any person any of whose progenitors (whether male or female) was an aboriginal and who in the opinion of the Chief Protector ought to be dealt with under this Act.

Chief Protector may place aboriginal child under control of State Children’s Council.

6. (1) The Chief Protector may, with the approval of the State Children’s Council constituted under the State Children Act, 1895, commit any aboriginal child to any institution within the meaning of the State Children Act, 1895, under the control of the said Council, to be there detained or otherwise dealt with under the said Act until such child attains the age of eighteen years.

(2) Such approval and commitment shall be in writing in the form of the Transfer of Control contained in the Schedule to this Act, or in a form to the like effect.

Upon execution of Transfer of Control, child to become State child.

7. (1) Upon the execution of the said Transfer of Control with respect to any aboriginal child, such child shall become a State child within the meaning of the State Children Act, 1895, and all the provisions of the said Act shall apply to and in respect of such child as if such child were a neglected child committed under the said Act to the institution specified in the said Transfer, and as if the said Transfer were the mandate issued under the said Act for the taking of such child to such institution and for the detention of such child until such child attains the age of eighteen years, subject to the said Act.

(2) Nothing in this Act shall be so construed as to derogate from the power of the Governor, upon the recommendation of the Council, to order that the period of supervision of any female aboriginal child shall be extended until such child attains the age of twenty-one years, or for any shorter period.

School course to be completed, or age of fourteen years attained before control of child transferred, except in case of illegitimate children.

8. Unless the Minister otherwise directs with respect to any particular aboriginal child, the provisions of this Act shall apply only to—

i. Legitimate aboriginal children who have either—

- (a) obtained a qualifying certificate within the meaning of the Education Act, 1915; or
- (b) attained the age of fourteen years; and

ii. Illegitimate

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11. Illegitimate aboriginal children who, irrespective of their age are, in the opinion of the Chief Protector and the State Children's Council, neglected or otherwise proper persons to be dealt with under this Act.

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

TOM BRIDGES, Governor.

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THE SCHEDULE.

Section 6.

TRANSFER OF CONTROL OF ABORIGINAL CHILD FROM THE CHIEF PROTECTOR OF ABORIGINES TO THE STATE CHILDREN'S COUNCIL.

To _____, Esquire, Commissioner of Police, and all constables in the State of South Australia, and to the Superintendent (*or* Matron) of the Industrial School at Magill [*or other institution, as the case may be*], in the said State :

Whereas the undersigned _____, Chief Protector of Aborigines, is desirous of committing _____, a _____ child of whom he is the legal guardian, to the institution hereafter mentioned, being an institution under the control of the State Children's Council constituted under the State Children Act, 1895, to be there detained or otherwise dealt with as a neglected child under the said Act, until the said child attains the age of eighteen years : And whereas the said Council has approved of the said child being committed as aforesaid, and whereas the said child is of the age of _____ years and _____ months, and of the _____ religion : Now therefore I, the said Chief Protector of Aborigines, with the approval of the said State Children's Council (which approval the said Council hereby gives) do hereby commit the said child to the Industrial School at Magill [*or other institution*], to be there detained or otherwise dealt with as a neglected child under the State Children Act, 1895, until he (*or* she) attains the age of eighteen years :

These are therefore to require you, to whom this Transfer of Control is directed, to take the said child to the said institution and there to deliver him (*or* her) to the Superintendent (*or* Matron) thereof, together with the duplicate of this Transfer, and the said Superintendent (*or* Matron) is hereby required to receive the said child into the said school, there to be detained or otherwise dealt with as if such child were a neglected child under the State Children Act, 1895, until he (*or* she) attains the age of eighteen years, unless he (*or* she) shall in the meantime be discharged in due course of law.

In witness whereof the said Chief Protector of Aborigines has hereunto set his hand, and the seal of the State Children's Council has been hereunto affixed.

Signed by the said Chief Protector of Aborigines on the _____ day of _____ 19 _____ in the presence of _____)

The seal of the State Children's Council was hereunto affixed on the _____ day of _____ 19 _____ in the presence of _____) (L.S.)

..... President.
..... Member of the Council.