

No. 6190.

ABORIGINES ACT 1958.

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

[30th September, 1958.]

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 1958* and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Short title and commencement.

2. (1) The Act mentioned in the Schedule to the extent thereby expressed to be repealed is hereby repealed accordingly.

Repeal. Schedule.

(2) Except as in this Act expressly or by necessary implication provided—

- (a) all persons things and circumstances appointed or created by or under the repealed Act or existing or continuing under that Act immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if that Act had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any regulation nomination appointment delegation consent fund committee liability or right made effected issued granted given established constituted fixed accrued incurred or acquired or existing or continuing by or under that Act before the commencement of this Act.

Interpretation.
No. 6086 s. 2.

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

“ Aboriginal
reserve.”

“ Aboriginal reserve ” means any area of Crown land reserved under the *Land Act* 1958 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.

The
Aborigines
Welfare
Board.
No. 6086 s. 3.

4. (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 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* 1958 be deemed to have accepted or hold an office or place of profit under the Crown.

5. (1) The Board shall meet at such time and place as the chairman (or in his absence the deputy-chairman) appoints.

Meetings of
Board.
No. 6086 s. 4.

(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.

6. (1) There shall subject to the *Public Service Act* 1958 be appointed a Superintendent of Aborigines Welfare who shall be the executive officer of the Board.

Super-
intendent
and officers.
No. 6086 s. 5.

(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 to the *Public Service Act* 1958 there may be appointed such officers and employées 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 employé in any Government Department.

Function of
Board.
No. 6086 s. 6.

7. (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 Act 1958*) 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 general supervision over all matters affecting the interests and welfare of aborigines.

Aborigines
Welfare
Fund.
No. 6086 s. 7.

8. (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.

9. (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. Local committees.
No. 6086 s. 8.

(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.

10. (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. Annual report.
No. 6086 s. 9.

(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.

11. (1) The Governor in Council may make regulations for or with respect to— Regulations.
No. 6086 s. 10.

- (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.

The Board to be successor in law of the Board for the Protection of Aborigines.
No. 6086 s. 12.

12. It is hereby declared that, by virtue of the *Aborigines Act 1957*, the Board constituted by that Act became the successor in law of the Board for the Protection of Aborigines which was dissolved by that Act.

SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
6086 ..	<i>Aborigines Act 1957</i>	So much as is not otherwise repealed.
