

(e) a person shall not be compelled in any proceedings before any court or tribunal to produce the report, any copy of or extract from the report or to disclose any of the contents of the report.

(3) For the purposes of subsection (1) of this section, a person to whom this section applies is—

(a) any legally qualified medical practitioner;

(b) any registered dentist;

and

(c) any person, or any person of a class declared by proclamation to be a person or a class of persons to whom or to which this section applies.

(4) The Governor may by proclamation declare that this section shall apply to any person or class of persons and may by subsequent proclamation vary or revoke any such proclamation.

*Subdivision 8—Miscellaneous*

74. (1) Subject to this Act, the Director-General may grant to the foster parent, or to any other person in charge, of any child who is—

Assistance to  
foster parents,  
etc.

(a) under the care and control of the Minister;

or

(b) under the guardianship of the Director-General under the Adoption of Children Act, 1966-1971,

such financial or other assistance for the care and maintenance of the child as may be determined by the Minister.

(2) For the purposes of this section, the governing authority or person in charge of any home or place in which any such child is cared for shall be deemed to be the person in charge of the child.

75. (1) No person, other than a parent, shall care for or keep in his immediate custody any child under the age of fifteen years for a continuous period exceeding six months, or for periods aggregating more than six months in any period of twelve months, unless—

Restriction  
upon children  
living outside  
the custody of  
their parents.

(a) he is a relative of the child;

(b) he is an approved foster parent under this Part;

**PART IV**  
**DIVISION II.**

- (c) he is licensed under this Part to conduct a children's home;
  - (d) he is authorized in writing by the Director-General to care for the child or to keep the child in his immediate custody;
  - (e) he is entitled to have the care, custody or guardianship of the child in pursuance of the order of a court of competent jurisdiction;
  - (f) he is the principal or person in charge of a school or hospital, and the child is a student or patient at that school or hospital;
- or
- (g) the child is with the permission of his parent or guardian, boarding with him for the purpose of attending school or for the purpose of undergoing any medical treatment that a legally qualified medical practitioner has certified to be necessary for the sake of the health of the child.

Penalty: Two hundred dollars.

(2) In any proceedings for an offence against subsection (1) of this section it is immaterial that the parent or guardian of the child has consented to, or acquiesced in, the child being cared for, or kept in the custody of, any person in contravention of that subsection.

(3) The Director-General may, at any time, in his discretion make or revoke an authorization under paragraph (d) of subsection (1) of this section in respect of any person.

**Absconders.**

76. (1) A child under the care and control of the Minister who absconds from any home, or the custody of any person in whose custody the child has been placed by the Director-General, may be apprehended without a warrant by a member of the police force or an officer of the Department, and placed in any home nominated by the Director-General.

(2) A person of or above the age of eighteen years who is under the care and control of the Minister, and who absconds from any home or centre, or from the custody of any person in whose custody he has been placed by the Director-General, shall be guilty of an offence and liable upon conviction to be imprisoned for any period not exceeding six months.

(3) A person who is sentenced to imprisonment under this section shall, on his release from prison, continue to be under the care and control of the Minister for any unexpired portion of the period for which he was placed under the care and control of the Minister.

**PART IV**  
**DIVISION II.**  
**Unlawful**  
**taking of child**  
**from home, etc.**

**77. A person who—**

(a) without the authority of the Director-General takes a child, or induces a child to abscond, from a home, or from the custody of a foster parent before the expiration of the term for which the child was placed in the home in pursuance of this Act, or any other Act, or for which the child was placed in the custody of the foster parent;

or

(b) harbours or conceals any such child,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months.

**78. A person who—**

**Unlawful com-**  
**munication**  
**with child, etc.**

(a) without the authority of the Director-General, holds any communication with a child in a home;

(b) having entered any home or centre, or the grounds thereof, does not depart therefrom when required to do so by an officer of the Department;

or

(c) having been forbidden to do so by the Director-General, holds any communication with any child under the care and control of the Minister,

shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

**79. (1)** The Director-General, or any officer of the Department authorized in writing by the Director-General, may, where he suspects on reasonable grounds that there is a neglected or uncontrolled child in any place or premises, enter and remain in that place or premises for the purpose of inquiring into the circumstances of the child.

**Power of**  
**entry.**

**(2)** A person shall not hinder the Director-General or any such officer in the exercise of powers under subsection (1) of this section. Penalty: Two hundred dollars.

**80.** Any person who sells, lends, or gives, or offers to sell, lend or give, to any child under the age of sixteen years any tobacco, cigar or cigarette shall be guilty of an offence and liable to a penalty not exceeding twenty dollars.

**Tobacco not to**  
**be sold, etc., to**  
**child under**  
**sixteen years of**  
**age.**

**PART IV**  
**DIVISION II.**

Payment of  
moneys to the  
Director-  
General.

81. (1) The Director-General may, by notice in writing served personally or by post upon the employer of a child under the care and control of the Minister, require him to pay the whole or any portion of the wages or other remuneration that become due to the child to the Director-General.

(2) An employer shall comply with the requirement under subsection (1) of this section.

(3) The Director-General may receive moneys (whether paid pursuant to a requirement under subsection (1) of this section or not) on behalf of a child.

(4) The Director-General shall cause any moneys received on behalf of the child to be deposited in the Treasury in the name of the Director-General on account of the child or in any banking account in the name of the child.

(5) All such moneys deposited in the Treasury shall bear interest at a rate determined by the Treasurer.

(6) The whole, or any portion of, moneys deposited in the Treasury, and any interest thereon, may be expended by the Director-General for the benefit of the child when, and in such manner, as the Director-General thinks fit.

(7) All moneys deposited in the Treasury, and not expended as provided by this section, shall be payable to the child upon his ceasing to be under the care and control of the Minister, but if not claimed by the child, or any person lawfully claiming under him, before the expiration of seven years after that date, may be appropriated by the Director-General and shall not thereafter be recoverable.

Transfer of  
child to prison.

82. (1) A juvenile court constituted of a Judge or special magistrate may, on the application of the Director-General, order that a child who is under the care and control of the Minister be held in custody in a prison.

(2) No order shall be made under this section unless the court is satisfied that the conduct of the child has been such that the child cannot be properly controlled in any of the homes established by the Minister under this Act for the reception and detention of children.

(3) No order shall be made under this section in respect of a child who has not attained the age of sixteen years.

(4) Where a juvenile court makes an order under this section, the Comptroller of Prisons shall detain the child in any prison that he thinks appropriate.

(5) A child shall not be detained in a prison pursuant to an order under this section beyond the expiration of the period for which the child was placed under the care and control of the Minister.

(6) A child so detained shall, subject to the provisions of the Prisons Act, 1936-1969, be eligible for remission of portion of the period of detention and may be released upon parole, in all respects as if he had been sentenced to imprisonment for the period of that detention.

(7) A child shall not cease to be under the care and control of the Minister by reason of the fact that he is held in custody in, or released from a prison under this section.

**PART V****PART V****SPECIAL PROVISIONS RELATING TO ABORIGINAL AFFAIRS**

**Powers and functions of the Minister.**

**83.** (1) The powers and functions of the Minister under this Part shall include the following:—

- (a) to promote, in consultation and collaboration with the Aboriginal people, the cultural, social, economic and political welfare and development of the Aboriginal people;
- (b) to encourage and assist the Aboriginal people to preserve and develop their own languages, traditions and arts;
- (c) to formulate and implement programmes of research into matters relating to the Aboriginal people;
- (d) to establish, and foster the development of, Aboriginal councils and associations;
- (e) to foster or promote the establishment or conduct of any business, trade or industry by the Aboriginal people;
- (f) to provide grants of money or other assistance to advance the development of Aboriginal people;

and

- (g) to provide technical and other assistance to advance the development of the Aboriginal people.

(2) The Minister shall establish a division of the Department with the specific purpose of providing consultative, planning and advisory services in relation to the economic, social and cultural development of the Aboriginal people and to advise upon the implementation, adequacy and co-ordination of services provided, or to be provided, for the welfare or advancement of the Aboriginal people.

**Establishment of aboriginal reserves.**

**84.** (1) The Governor may, by proclamation—

- (a) declare any Crown lands to be an Aboriginal reserve;
- (b) with the consent of the owner of any land, declare that land to be an Aboriginal reserve;

or

- (c) add to, or vary, the provisions of a proclamation under this section, or the corresponding provision of the repealed Aboriginal Affairs Act.

(2) A proclamation under this section may contain such prohibitions and restrictions as to the persons, or class of persons who may be within the reserve, as the Governor considers appropriate to the reserve.

**85.** (1) Subject to this Act, the Minister shall have the management and control of all Aboriginal reserves, but not so as to alienate any portion of any such reserve from the use or benefit of Aboriginals.

(2) The Minister may grant a licence over any land, or premises, within an Aboriginal reserve—

(a) for the purpose of occupation or use as a dwelling;

or

(b) for the purpose of establishing or carrying on any industry, business or trade,

(3) A licence shall not be granted under this section unless the Minister is satisfied that the conditions of the licence are such as to ensure that the enjoyment of the rights conferred by the licence is and will remain restricted to Aboriginals, to near relatives of Aboriginals, or to persons who have habitually resided on the reserve and been accepted by the Aboriginal community.

**86.** The Minister may, subject to, and in accordance with, the provisions of the Land Acquisition Act, 1969, as amended, acquire land for occupation or use by Aboriginals.

Acquisition of  
land.

**87.** A place shall not be deprived of its character as a public place within the meaning of any Act or law by reason only of the fact that the place constitutes an Aboriginal reserve, or portion thereof.

Aboriginal  
reserve may be  
public place.

**88.** (1) A person who is within the boundaries of an Aboriginal reserve without the written permission of the Minister, except—

Exclusion of  
unauthorized  
persons from  
aboriginal  
reserve.

(a) an Aboriginal who is, in terms of the proclamation establishing the reserve, permitted to be within the reserve;

(b) any person of a class declared by instrument in writing under the hand of the Minister and published in the *Gazette* to be a class of persons permitted to be within a reserve without a permit;

(c) an officer of the Department acting in the course of his duties as such;

(d) an officer of any Department of the Government who is authorized in writing by the Director-General;

or

(e) a member of the police force acting in the course of his duties as such,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(2) The Minister may, in his discretion delegate authority to grant permission to any person to be within the boundaries of an Aboriginal reserve to any group or association of Aborigines living on the reserve, where he is of the opinion that it is in the best interests of the Aboriginal community on the reserve to do so.

(3) Any person who without any such permission, the proof of which shall lie on him, is found within the boundaries of an Aboriginal reserve shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) The Minister may after consultation with the Aborigines living on a reserve, and satisfying himself that the majority of those Aborigines desire him to do so, recommend to the Governor that a proclamation be made removing all restrictions under this Act upon access to the reserve.

(5) Where such a proclamation has been made, no offence is committed by any person by reason of the fact that he is within the reserve to which the proclamation relates without a permit.

(6) The Governor may, upon the recommendation of the Minister, make or revoke a proclamation under this section.

(7) Subject to subsection (8) of this section, the Mining Act and the Petroleum Act shall not confer any right of entry, prospecting, exploration or mining in respect of land within an Aboriginal reserve.

(8) The Governor may declare by proclamation that the rights of entry, prospecting, exploration or mining conferred by the Mining Act, or the Petroleum Act shall be exercisable, subject to such conditions and modifications (if any) as may be specified in the proclamation upon an Aboriginal reserve or any part thereof.

(9) A proclamation under this section shall have effect according to its terms, and may be varied or revoked by subsequent proclamation.

**Power of entry.**

89. (1) An officer of the Department, authorized in writing by the Director-General may at any reasonable time enter upon any pastoral lands for the purpose of inquiring into the welfare of any Aboriginal person whom he has reasonable cause to suspect to be in the place or premises.

(2) A person shall not hinder any such officer in the exercise of powers under subsection (1) of this section.

(3) In this section—

“pastoral lands” means lands subject to the provisions of the Pastoral Act, 1936-1971:

**90.** (1) Where an Aboriginal appears before a court charged with an indictable offence, and the Aboriginal is not represented by counsel and no officer of the Department is present in the court, the court shall inform the Director-General who may, if he thinks it necessary, request the adjournment of the hearing to enable him to arrange legal representation of the Aboriginal, or the presence of an officer of the Department, or an interpreter, in the court to advise and assist the Aboriginal.

Aboriginal  
charged with  
offence.

(2) Where an Aboriginal appears before a court charged with an offence that is not an indictable offence, and the Aboriginal is not represented by counsel, and no officer of the Department is present in the court, the court may inform the Director-General, who may, if he thinks it necessary, request an adjournment of the hearing to enable him to arrange legal representation of the Aboriginal or the presence of an officer of the Department, or an interpreter, in the court to assist the Aboriginal.

(3) A court to which a request is made under subsection (1) or subsection (2) of this section shall grant the adjournment requested.

**91.** (1) Where the Minister has been requested in writing to do so by an Aboriginal, he may undertake the general care, protection or management of his property, and may—

Power of  
Minister to act  
as agent of  
aboriginal.

(a) take possession of, retain, sell, or dispose of any such property, whether real or personal, and, upon any such sale or disposition, pass a valid title to the property;

(b) sue for, recover, or receive any money or other property due or belonging to, or held in trust for, any Aboriginal or damages for any conversion of, or injury to any such property;

and

(c) appoint any person to act as agent or attorney for the Aboriginal in any matter connected with the management or administration of his property, and exercise any other power that the Aboriginal might himself exercise.

(2) The Minister shall keep proper records and accounts of moneys and other property received or dealt with by him under the provisions of this section.

PART VI

PART VI

MAINTENANCE OBLIGATION

DIVISION I

DIVISION I—THE MAINTENANCE OF PERSONS IN NEED

*Subdivision I—Orders Generally*

Duty of relatives to maintain destitute persons.

92. (1) A near relative of any person who is, by reason of poverty, unable to support himself shall, at his own expense, according to his financial capacity and material resources, maintain any such person and, in default of so doing, shall be subject to the provisions of this Division.

(2) A near relative who is a married woman shall be liable to maintain or contribute to the maintenance of any such person.

(3) This section does not apply to the maintenance of any child.

Issue of summons on application of destitute person.

93. Upon complaint made by or on behalf of any person who is, by reason of poverty unable to support himself, any justice may issue a summons requiring the relative or relatives therein named to appear before a court of summary jurisdiction, at a time and place to be specified in the summons, to show cause why he or they should not maintain, or contribute to the maintenance, of that person.

Proceedings on hearing of complaint.

94. (1) At the time and place appointed for the hearing of the complaint, the court shall inquire as to the person or persons who by this Act are bound to maintain his or their relatives, and as to his or their financial capacity and material resources and the court may, if it thinks fit, adjourn the hearing of the complaint, and appoint a time and some other place for the adjourned hearing, and may summon any other persons alleged to be near relatives to appear at the time appointed for the adjourned hearing; and if it is satisfied at the original or any adjourned hearing that the persons summoned or any of them are near relatives of the person in respect of whom the proceedings are brought and are able to pay for, or contribute towards, his maintenance, may order payment to be made by those near relatives or any one or more of them of such amount or periodical amounts for the maintenance of that person as the court thinks reasonable.

(2) In making any such order the court shall fix the periods at which, the place where, and person to whom the amount allowed is payable, and in case two or more persons are ordered to contribute to the support of the person in respect of whom the proceedings are brought the court shall fix the amount or proportions payable by each.

Issue of summons to husband on application of wife.

95. (1) When any husband unlawfully deserts his wife, or leaves her without adequate means of support, any justice may, upon complaint made by or on behalf of the wife, issue a summons to the