

I.
PUBLIC ACTS
OF THE
PARLIAMENT OF QUEENSLAND,
25th GEORGE V.

ABORIGINAL INDUSTRIES BOARD.

See ABORIGINALS.

ABORIGINALS.

An Act to Amend the Aborigines Protection and Restriction of the Sale of Opium Acts in certain particulars, and to Enable the Establishment and Carrying on of an Aboriginal Industries Board; and for other purposes.

25 Geo. V.
No. 33.
THE
ABORIGINES
PROTECTION
AND
RESTRICTION
OF THE SALE
OF OPIUM
ACTS
AMENDMENT
ACT OF 1934.

[ASSENTED TO 20TH DECEMBER, 1934.]

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

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. This Act may be cited as "*The Aborigines Protection and Restriction of the Sale of Opium Acts Amendment Act of 1934*," and shall be read as one with *"*The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1901*," †"*The Aborigines Protection and Restriction of the Sale of Opium Acts Amendment Act of 1927*," and ‡"*The Aborigines Protection and Restriction of the Sale of Opium Act Amendment Act of 1928*," hereinafter collectively referred to as the Principal Act.

Short title
and
construction.

* 61 Vic No. 17, 2 Edw. VII. No. 1, *supra*, pages 3 and 10.

† 18 Geo. V. No. 24, *supra*, page 11839.

‡ 19 Geo. V. No. 20, *supra*, page 12107.

PART I.—
PRELIMINARY. *Aboriginals Protection, Etc., Amendment Act.* 25 GEO. V. No. 38,

Collective title. The Principal Act and this Act may be collectively cited as “*The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934.*”

Commencement of Act. 2. *Subject as otherwise provided, this Act shall come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*.

Parts of Act. 3. This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF THE PRINCIPAL ACT ;

PART III.—ABORIGINAL INDUSTRIES BOARD.

PART II.—
AMENDMENTS
OF THE
PRINCIPAL
ACT.

PART II.—AMENDMENTS OF THE PRINCIPAL ACT.

Amendment of s. 3 of the Act 61 Vic. No. 17. 4. Section three of †“*The Aboriginals Protection and Restriction of the Sale of Opium Act, 1897*” (as amended by ‡“*The Aboriginals Protection and Restriction of the Sale of Opium Act of 1901*”) is hereby amended, as follows :—

(a) The following definitions are inserted before the definition “Reserve” :—

Authorised person.

“ “Authorised person”—A person authorised by the Minister by writing under his hand to perform any duty or exercise any power under this Act or which may be prescribed.

Chief Protector.

“ Chief Protector”—The Chief Protector of Aboriginals appointed under the provisions of this Act : and the term Deputy Chief Protector shall have a corresponding meaning.”

(b) The definition of “Half-caste” is repealed and the following definition is inserted in lieu thereof :—

Half-caste.

“ “Half-caste”—Any person being—

(i.) The offspring of parents one of whom is an aboriginal, or both of whom are half-castes ;
or

(ii.) Any person being the grandchild of grandparents one of whom is an aboriginal, or both of whom are half-castes, who lives or associates with aboriginals, or who lives

* Proclaimed in force as from 22nd December, 1934 (*Gazette*, 22nd December, 1934, page 1869).

† 61 Vic. No. 17, *supra*, page 3.

‡ 2 Edw. VII. No. 1, *supra*, page 10.

as an aboriginal, or who in the opinion of the Chief Protector is in need of the control or protection of this Act ;

- (iii.) Any person of aboriginal or Pacific Island extraction who lives or associates with aboriginals, or who lives as an aboriginal, or who in the opinion of the Chief Protector is in need of the control or protection of this Act :

Provided that the term “ half-caste,” whenever it occurs in this Act elsewhere than in section four, shall, unless the context otherwise requires, be construed to exclude every half-caste who, under the provisions of the said section, is deemed to be an aboriginal.”

(c) The following definitions are inserted after the definition of the word “ District ” :—

“ “ Inmate of a reserve ”—Any aboriginal or half-caste inmate or resident of a settlement or institution upon a reserve, or any other person, not being an official or authorised person, permitted to reside upon a reserve with or as an aboriginal; Inmate of a reserve.

“ Institution ”—Any hospital, reformatory, orphanage, school, home, or other institution used for the benefit, protection, or care of aboriginals or half-castes, or any institution approved by the Minister for the purposes of this Act.” Institution.

(d) The definition of “ Liquor ” is repealed and the following new definition is inserted in lieu thereof :—

“ “ Liquor ”—Liquor within the meaning of * “ *The Liquor Acts, 1912 to 1932.* ” ” Liquor.

(e) The following definitions are inserted after the definition of the word “ Minister ” :—

“ “ Poison ”—Any poison, other than opium, within the meaning of † “ *The Health Acts, 1900 to 1931,* ” or any regulations made thereunder. Poison.

* 3 Geo. V. No. 29 and amending Acts, *supra*, pages 5527 *et seq.*

† 64 Vic. No. 9 and amending Acts, *supra*, pages 7735 *et seq.*

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OF THE
PRINCIPAL
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Contagious
disease.

Aboriginals Protection, Etc., Amendment Act. 25 GEO. V. No. 38,

“Contagious disease”—Venereal disease within the meaning of **The Health Acts, 1900 to 1931*,” and any disease which the Governor in Council from time to time on the recommendation of the Commissioner of Public Health declares by Order in Council to be a contagious disease for the purposes of this Act.”

(f) The following words are added to the said section :—

Meaning of
terms.

“For the purposes of “*The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934*,” the terms herein defined shall have the meanings respectively assigned to them by this Act.”

Amendment
of s. 4 of
the Act
61 Vic.
No. 17.

5. Section four of †“*The Aboriginals Protection and Restriction of the Sale of Opium Act of 1897*” (as amended by ‡“*The Aboriginals Protection and Restriction of the Sale of Opium Act of 1901*”) is hereby repealed and the following new section is inserted in lieu thereof :—

Persons
deemed
aboriginals.

“[4.] Every person who is—

- (a) An aboriginal inhabitant of Queensland, or an aboriginal native of any other State or any Territory of the Commonwealth resident in Queensland ; or
- (b) A half-caste living with an aboriginal as husband or wife ; or
- (c) A half-caste habitually living or associating (otherwise than as husband or wife) with aboriginals ; or
- (d) A half-caste who in the opinion of the Minister has not sufficient intelligence to manage his own affairs ; or
- (e) A half-caste who in the opinion of a Protector is not of the full age of twenty-one years.

shall be and be deemed to be an aboriginal within the meaning of this Act.”

* 64 Vic. No. 9 and amending Acts, *supra*, pages 7735 *et seq.*

† 61 Vic. No. 17, *supra*, page 3.

‡ 2 Edw. VII. No. 1, *supra*, page 10.

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6. Section six of **The Aboriginals Protection and Restriction of the Sale of Opium Act of 1897*” is hereby amended by the addition thereto of the following provision :—

Amendment
of s. 6 of
the Act
61 Vic.
No. 17.

“ Provided that he may appoint two of such persons to be respectively the Chief Protector of Aboriginals and the Deputy Chief Protector of Aboriginals, both of whom shall throughout the State have and exercise the powers and duties prescribed. In addition to such other powers and duties as may be prescribed the Deputy Chief Protector may exercise and perform (but subject to such conditions and restriction, if any, as the Minister may impose) all or any of the powers and duties of the Chief Protector.

The persons in office at the passing of †*The Aboriginals Protection and Restriction of the Sale of Opium Acts Amendment Act of 1934*” as Chief Protector and Deputy Chief Protector shall be the Chief Protector and Deputy Chief Protector respectively.”

7. Sections nine and ten of **The Aboriginals Protection and Restriction of the Sale of Opium Act of 1897*” (as amended by †*The Aboriginals Protection and Restriction of the Sale of Opium Act of 1901*”) are hereby repealed and the following new sections are inserted in lieu thereof :—

New ss. 9
and 10.

“ [9.] The Minister may from time to time cause any aboriginal or half-caste, save and except an aboriginal or half-caste to whom this section does not apply, to be removed to any reserve, institution, or district and kept there, or to be removed from any reserve, institution, or district to any other reserve, institution, or district, and kept there.

Aboriginals
may be
removed
from
reserves.

[10.] Section nine shall not apply to any aboriginal or half-caste who is—

Aboriginals
excepted
from liability
to removal
to a reserve.

(a) Lawfully married to and residing with any person who is not an aboriginal or half-caste or otherwise subject to this Act ; or

(b) A half-caste child living with and supported by a parent of such child who is not subject to this Act.”

* 61 Vic. No. 17, *supra*, page 3.

† This Act.

‡ 2 Edw. VII. No. 1, *supra*, page 10.

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ACT.**

Amendment
of s. 15 of
the Act
2 Edw. VII.
No. 1.

Aboriginals Protection, Etc., Amendment Act. 25 GEO. V. No. 38,

8. Section fifteen of **The Aboriginals Protection and Restriction of the Sale of Opium Act of 1901*” is hereby amended by the insertion therein, after the word “Protector,” where such word first occurs, of the following provision—

“Before the Protector gives any such permit he shall refer the matter to the superintendent of the reserve concerned, who may make any objection thereto.”

Offences :
carnal
knowledge,
&c.

9. (1.) Any male person, other than an aboriginal or half-caste, who—

- (a) Cohabits with or has or attempts to have carnal knowledge of any female aboriginal, or half-caste ; or
- (b) Consorts for immoral purposes with any female aboriginal or half-caste ; or
- (c) Procures or induces or attempts to procure or induce any female aboriginal or half-caste to have carnal knowledge either with such person or any other person ; or
- (d) Solicits or importunes for immoral purposes on behalf of any female aboriginal or half-caste,

shall be guilty of an offence and liable to a penalty of not more than fifty pounds or to imprisonment for any period not exceeding six months.

(2.) It shall be a defence to a charge of an offence against either paragraph (a) or (b) of subsection one of this section for the person charged to prove that he is lawfully married (otherwise than by tribal marriage) to the female aboriginal or half-caste concerned.

(3.) Proceedings shall not be instituted for a breach of this section except upon the direction of the Chief Protector.

Soliciting,
&c., by
female
aboriginal or
half-caste.

10. Any female aboriginal or half-caste who—

- (a) Is a prostitute, or known as or reputed to be a prostitute ; or
- (b) Solicits or importunes for immoral purposes any person,

shall be guilty of an offence and liable to a penalty of not more than two pounds.

* 2 Edw. VII. No. 1, *supra*, page 10.

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11. Any male aboriginal or male half-caste who—

- (a) Solicits or importunes for immoral purposes on behalf of any female aboriginal or half-caste ; or
- (b) Offers or gives for immoral purposes any female aboriginal or half-caste ; or
- (c) Procures or induces, or attempts to procure or induce any female aboriginal or half-caste to have carnal knowledge of any person,

Soliciting,
&c., by male
aboriginal or
half-caste.

shall be guilty of an offence and liable to a penalty of not more than five pounds.

12. If a Protector suspects that any aboriginal or half-caste is infected with any contagious disease he may order such aboriginal or half-caste to submit himself or herself to medical examination.

Contagious
disease.

If any aboriginal or half-caste fails or refuses to comply with such order he shall be guilty of an offence and liable to a penalty of not more than five pounds.

13. A Protector may order any aboriginal or half-caste who upon medical examination is found to be infected with a contagious disease to personally attend or cause himself or herself to be attended by a medical practitioner until he or she has received a certificate of cure or apparent freedom from disease. Such attendances shall be made as instructed by the medical practitioner.

Medical
attention.

For any failure to attend as ordered by a Protector or medical practitioner the offender shall be liable to a penalty of not more than five pounds.

14. Every aboriginal or half-caste who leaves his native place or place of abode for the purpose of being employed in any ship, vessel, or boat shall before he returns to his native place or place of abode submit himself for medical examination to the Government Medical Officer at the place of his discharge or such other medical officer as a Protector may direct, and shall receive a certificate of freedom from contagious disease.

Certain
aboriginals
and
half-castes
to be
medically
examined.

The captain or other the person in charge of a ship, vessel, or boat on which any aboriginal or half-caste is employed away from his native place or place of abode shall before such captain or other such person

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in charge returns or allows to return such aboriginal or half-caste to his native place or place of abode cause such aboriginal or half-caste to submit himself for examination to such Government Medical Officer or other medical officer as aforesaid and to obtain a certificate of freedom from contagious disease.

Any aboriginal or half-caste who fails to comply with this section shall be guilty of an offence and shall be liable to a penalty of not more than two pounds, and the captain or other the person in charge of a ship, vessel, or boat who fails to comply with this section shall be guilty of an offence and shall be liable to a penalty of not more than fifty pounds.

**Agreement
to employ
aboriginals**

15. A Protector may at any time—

(1.) By notice in writing cancel any written agreement to employ any aboriginal or half-caste, and such notice shall forthwith determine the contract of hiring as between employer and employee :

Provided that no such agreement authorised by the Chief Protector shall be cancelled except by him or the Minister.

(2.) Investigate any complaint made by either the employer or the employee of any breach of an agreement to employ any aboriginal or half-caste, or any complaint made by any employee under such agreement of ill-treatment.

If upon such investigation the Protector is satisfied that the employer is at fault he may cancel such agreement in the manner set out in paragraph one of this section and remove the employee, but if he is satisfied that the employee is at fault he shall order such employee to return to work and to properly observe the conditions of such agreement.

(3.) Any employer who continues to employ any aboriginal or half-caste after the cancellation of his agreement to employ shall be guilty of an offence and liable to a penalty of not more than fifty pounds ; and any employee who fails to comply with the order of a Protector made pursuant to subsection two hereof shall be guilty of an offence and shall be liable to a penalty of not more than two pounds.

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(4.) In sections fifteen, sixteen, and seventeen of **The Aboriginals Protection and Restriction of the Sale of Opium Act of 1897*” the word “female,” wherever it occurs in such sections. is repealed.

16. Notwithstanding any Act or law to the contrary, no testamentary instrument or deed of gift or transfer of any land or other property executed by an aboriginal or half-caste shall be valid or of any effect whatsoever unless it shall have been approved and witnessed by the Chief Protector, or a Protector or officer authorised in that behalf by the Chief Protector.

Consent of
Protector to
wills, &c.

Any person who knowingly causes or induces an aboriginal or half-caste to execute any such document otherwise than in accordance with this section shall be guilty of an offence and liable to a penalty of not more than one hundred pounds.

17. No person shall have any right or remedy to or against any property or money held by a Protector or superintendent for or on behalf of any aboriginal or half-caste on account of any debt due and owing to such person by such aboriginal or half-caste for or on account of any money lent or goods supplied to him on credit unless such money or goods have been so lent or supplied with the prior consent of a Protector or superintendent.

Debts.

18. Any person who sells or gives or attempts to sell or give any poison to an aboriginal or half-caste shall be guilty of an offence and liable to a penalty of not more than fifty pounds.

Supply of
poison to
aboriginal.

It shall be a defence to a charge of an offence against this section for the person charged to prove that he possessed the authority of a written prescription of a medical practitioner, or the written order of a Protector, superintendent, police magistrate, or officer of police responsible to a Protector.

19. Any aboriginal or half-caste who knowingly receives or has in his possession any opium or liquor, or who knowingly buys or gets any poison contrary to the provisions of this Act, shall be guilty of an offence and liable to a penalty of not more than five pounds.

Opium or
liquor, &c.,
in possession.

* 61 Vic. No. 17, *supra*, page 3.

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Pleas by
aboriginal.

Aboriginals Protection, Etc., Amendment Act. 25 GEO. V. No. 38,

20. (1.) Except as in subsection two hereof provided, no court, judge, or justice shall accept or allow to be recorded or entered any plea of guilty when pleaded by or on behalf of an aboriginal to any indictment, complaint, or charge for or of any crime, misdemeanour, or offence, indictable or otherwise, preferred against such aboriginal; and in the event of any aboriginal pleading guilty to any such indictment, complaint, or charge, the court, judge, or justice before which or before whom the plea is pleaded shall reject the same, and order a plea of not guilty to be recorded or entered, and thereupon the trial shall proceed as if the accused aboriginal had pleaded not guilty in the first instance; and no reference or comment shall be made or permitted during the course of the proceedings and trial to or upon the fact that the accused aboriginal originally pleaded guilty to the indictment, complaint, or charge.

(2.) Notwithstanding subsection one hereof, a plea of guilty by or on behalf of an aboriginal may, subject to a note in writing of the circumstances being made by the presiding judge or justice, be accepted and acted upon if the same is pleaded in the presence and hearing of a Protector, and the Protector satisfies such judge or justice that the accused aboriginal understands the nature of the accusation against him and is aware of his right to trial and, without duress or pressure of any sort, desires to plead guilty, and that the Protector approves of such plea of guilty being pleaded.

(3.) Any Protector may address the court or the jury on behalf of an aboriginal indicted for or charged with any crime, misdemeanour, or offence, and examine and cross-examine the witnesses.

Uncon-
trollable
aboriginals
or half-castes.

21. If the Minister is of the opinion that any aboriginal or half-caste is uncontrollable he may, by writing under his hand, order such aboriginal or half-caste, as the case may be, to be kept in some institution, and either for such time as he shall think fit or until he shall direct that such aboriginal or half-caste shall be released.

For the purposes of this section the term "Institution" shall also mean and include any prison within the meaning of **The Prisons Act of 1890.*"

* 54 Vic. No. 17, *supra*, page 2800.

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Any such order as aforesaid shall be sufficient authority for the Chief Protector, or any Protector, or any person acting under the authority of the Chief Protector or of a Protector, or any officer of police to arrest such aboriginal or half-caste and to remove him to the institution named in such order, and for the superintendent or other the person in charge of such institution to keep him there during the period directed by such order.

For the purposes of this section the word "uncontrollable" when used with reference to an aboriginal or half-caste shall mean and include, in addition to but without limiting the generality of its ordinary meaning, any aboriginal or half-caste who—

- (a) Has been convicted of an offence included in the offences mentioned in Chapters XXII. and XXXII. of **"The Criminal Code"*; or
- (b) Is a menace to the peace, order, and proper control and management of an institution.

22. Every person who—

- (a) Does or omits to do, or attempts to do or to omit to do any act for the purpose of enabling or aiding an aboriginal or half-caste to commit an offence against the Principal Act or this Act; or
- (b) Aids or attempts to aid an aboriginal or half-caste in committing an offence against the Principal Act or this Act; or
- (c) Counsels or procures, or attempts to counsel or procure, or by any threat or promise induces or attempts to induce any aboriginal or half-caste to commit an offence against the Principal Act or this Act: or
- (d) Assaults, resists, intimidates, or obstructs, or counsels, procures, or incites any other person (whether an aboriginal or half-caste or not) to assault, resist, intimidate, or obstruct any Protector, officer of police, medical practitioner, or other person in the exercise of his powers or in the discharge of his duties under the Principal Act or this Act, or attempts so to do,

Aiding and abetting offenders or obstructing Protectors and others.

* 63 Vic. No. 9, Schedule, *supra*, page 344.

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shall be guilty of an offence and liable to a penalty of not more than fifty pounds, or in the discretion of the court to imprisonment for any period not exceeding six months.

Application
of s. 26 of
the Act of
1897.

23. The provisions of section twenty-six of **The Aboriginals Protection and Restriction of the Sale of Opium Act, 1897* shall apply to all proceedings under †*The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934.*

Conditions
as to
exemption.

24. If any half-caste is exempted from the provisions of this Act and the Principal Act, the Minister may make such exemption subject to such conditions as he shall think fit, including a condition that all money or property belonging to such half-caste and held in trust for such half-caste by a Protector shall remain subject to the control of a Protector.

Power of
Minister to
detain
convicted
aboriginals
or
half-castes.

25. The Minister may by writing under his hand order any aboriginal or half-caste who is convicted of an offence against the Principal Act or this Act to be kept in some institution, and either for such time as he shall think fit or until he shall direct that such aboriginal or half-caste shall be released.

Any such order as aforesaid shall be sufficient authority for the Chief Protector or any Protector, or any person acting under the authority of the Chief Protector or of a Protector, or any officer of police to arrest such aboriginal or half-caste and to remove him to the institution named in such order, and for the superintendent or other the person in charge of such institution to keep him there during the period directed by such order.

Regulations.

26. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of †*The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934,* or that may be necessary or expedient to carry out the objects and purposes of such Acts and,

* 61 Vic. No. 17, *supra*, page 3.

† 61 Vic. No. 17, 2 Edw. VII. No. 1, 18 Geo. V. No. 24, and 19 Geo. V. No. 20, *supra*, pages 3, 10, 11839, 12107. and this Act.

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where there may be in such Acts no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to such Acts, providing for and supplying such omission or insufficiency.

Without limiting the generality of the foregoing provisions regulations may be made for all or any of the following purposes, that is to say—

- (1) Prescribing the mode of removing any aboriginal or half-caste to a district, reserve, or institution, and from one district, reserve, or institution to another district, reserve, or institution, as the case may be; and measures to ensure his detention in any such place. Mode of removal, &c.
- (2) Providing for the control, financing, and management of settlements and institutions; the establishment of industries thereon; the control, disposal, and distribution of the produce of reserves, and of the labour of aboriginals, half-castes, and all other persons living upon a reserve, and of all stock and other property thereon; and the control and supervision of all trading transactions of aboriginals and half-castes, whether upon a reserve or not. Control, finance, &c., of institutions.
- (3) Providing for the control and supervision of all aboriginals and half-castes in or upon any reserve, including their employment thereon in necessary maintenance work; licensing the recruiting of aboriginals and half-castes for employment on vessels or elsewhere; regulating the employment of aboriginals and half-castes generally; the inspection of all reserves, settlements, and institutions; the supervision of all aboriginals and half-castes employed under **“The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934.”* Control and supervision.
- (4) Providing for contributions by aboriginals or half-castes whether upon a reserve or elsewhere to a fund for the general welfare and relief of aboriginals, half-castes, and other authorised inmates of reserves; the Welfare Fund.

* 61 Vic. No. 17, 2 Edw. VII. No. 1, 18 Geo. V. No. 24, and 19 Geo. V. No. 20, *supra*, pages 3, 10, 11839, 12107, and this Act.

establishment, management, and control of such fund, including eligibility for and the amount of benefits therefrom; and for the payment by aboriginals, half-castes, and other authorised inmates of reserves for medical treatment and other relief (but so that no such regulation shall prevent any aboriginal or half-caste or other authorised inmate of a reserve who is unable to pay for any such treatment or relief from obtaining same).

Estates.

- (5) Notwithstanding the provisions of any Act or law to the contrary, regulating, in the absence of a will made in accordance with this Act, the succession to and the administration of the estate of any deceased or missing aboriginal or half-caste other than a half-caste exempted from the provisions of **The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934*”:

Provided that, where under such rules there is no person entitled to succeed to the estate of any deceased or missing aboriginal or half-caste, such estate shall vest in the Chief Protector for the benefit of aboriginals and half-castes generally:

Provided further, that a certificate under the hand of the Chief Protector shall be conclusive evidence as to the person or persons entitled to succeed to the estate of any deceased or missing aboriginal or half-caste, or that there is no such person or persons so entitled.

Discipline.

- (6) Maintaining discipline and good order upon reserves, and authorising the establishment of native courts on reserves; prescribing how such courts may be constituted; defining the powers of such courts, including the imposition of penalties not exceeding one pound or sentences of imprisonment not exceeding three weeks for breaches of the regulations relating to the maintenance of discipline and good order on a reserve; prescribing the procedure to be followed by

* 61 Vic. No. 17, 2 Edw. VII. No. 1, 18 Geo. V. No. 24, and 19 Geo. V. No. 20, *supra*, pages 3, 10, 11833, 12107, and this Act.

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such courts, and providing for appeals from their decisions; and authorising the establishment of aboriginal police on reserves.

- (7) Authorising and regulating the establishment of native gaols and reformatories on reserves, and the carrying out therein or in any other gaol or prison of sentences of imprisonment or detention imposed upon aboriginals or inmates of a reserve by a Protector, a superintendent, or visiting justice, or any police court, or any duly appointed native court on a reserve. Gaols, &c.

(2.) Regulations may be made on the passing of this Act.

27. All Orders in Council and regulations made or purporting to be made under **"The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934,"* shall upon being published in the *Gazette* have the same effect as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever. Orders in Council and regulations.

The publication in the *Gazette* of any such Order in Council or regulation shall be conclusive evidence of the matters contained therein, and of the power and authority to make such Order in Council or regulation, as the case may be.

All such Orders in Council and regulations shall be laid before Parliament forthwith, if then sitting; and, if not then sitting, within fourteen days after the commencement of the next ensuing session.

If the Legislative Assembly, within the next fourteen sitting days after any Order in Council or regulations have been so laid before such House, resolves that such Orders in Council or regulations or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such Orders in Council or regulations or to the making of any new Order in Council or regulations.

For the purpose of this section the term "sitting days" shall mean days on which the House actually sits for the despatch of business.

* 61 Vic. No. 17, 2 Edw. VII. No. 1, 18 Geo. V. No. 24, and 19 Geo. V. No. 20, *supra*, pages 3, 10, 11839, 12107, and this Act.

PART III.—ABORIGINAL INDUSTRIES BOARD.

Operation of Part III. **28.** This Part of this Act shall come into operation on the passing of **“The Aboriginals Protection and Restriction of the Sale of Opium Acts Amendment Act of 1934.”*

Interpretation. **29.** In this Part of this Act, unless the context otherwise requires, the following terms shall have the meanings set against them respectively, that is to say :—

Board. “Board”—The Aboriginal Industries Board as constituted by this Part of this Act ;

Prescribed. “Prescribed”—Prescribed by this Part of this Act ;

Regulations. “Regulations”—Regulations made under the authority of this Part of this Act ;

and for the purposes of this Part, the terms “aboriginal,” “half-caste,” “Minister,” “Chief Protector,” “Protector,” and any other terms shall have the meanings respectively assigned to them by †*“The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1934.”*

Part to be administered subject to Minister. **30.** The administration of this Part of this Act shall be subject to the Minister, and the Board shall exercise all and any of its powers, duties, and authorities subject to the direction of the Minister.

Constitution of Board. **31. (1.)** For the purposes of this Part of this Act there shall be a Board to be called “The Aboriginal Industries Board.”

Such Board shall consist of three members, and such members shall be appointed by the Governor in Council by notification in the *Gazette*, and shall be appointed for such time as the Governor in Council shall deem fit and proper, and shall hold office at the pleasure of the Governor in Council.

The members shall be eligible for reappointment for such period as the Governor in Council thinks fit and proper, and when so reappointed shall continue to hold office at the pleasure of the Governor in Council.

* This Act.

† 61 Vic. No. 17, 2 Edw. VII. No. 1, 18 Geo. V. No. 24, and 19 Geo. V. No. 20, *supra*, pages 3, 10, 11839, 12107, and this Act.

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(2.) The Board shall be a corporation by the name of "The Aboriginal Industries Board," and by that name shall have perpetual succession and an official seal which shall be judicially noticed, and shall be capable in law of suing and being sued, and shall have power to take, purchase, sell, exchange, lease, and hold land, goods, chattels, wharves, boats, and other property.

Board to be a corporation.

(3.) In the event of any vacancy arising at any time upon the Board, either through the effluxion of time or by reason of the death, disqualification, or removal of any member, such vacancy shall be filled by the appointment by the Governor in Council of another member to such vacancy.

Vacancies.

Any member appointed to any such vacancy shall be appointed and shall be eligible for reappointment for such period as the Governor in Council thinks fit and proper, and shall when so appointed or reappointed, as the case may be, hold office at the pleasure of the Governor in Council.

32. (1.) The Board, subject to the direction of the Minister, shall appoint a secretary, and may appoint such administrative and technical officers, clerks, and other officers as may be considered necessary for the due administration of this Part of this Act.

Appointment of officers.

(2.) The secretary shall have power to execute documents on behalf of the Board and affix the official seal thereto, and also shall have such other powers and perform such other duties as are from time to time appointed by the Board.

Secretary may affix seal.

(3.) The Board shall, subject to the direction of the Minister, employ such employees and/or agents as may be necessary for carrying out the provisions of this Part of this Act.

Employment of other employees and agents.

(4.) Subject to the direction of the Minister, every officer, agent, or employee other than an officer of the Public Service shall hold office during pleasure only, and shall be paid such salary or other remuneration as may be fixed by the Board, and the Board may dismiss any such agent or employee, and may discontinue the offices of or appoint other persons in the place of agents and employees who are dismissed, or die, or resign, or otherwise vacate their employment.

Employee to hold office during pleasure.

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Acquisition
of land and
property.

33. (1.) Subject to the direction of the Minister, the Board may acquire by purchase, lease, grant, or otherwise and hold land for carrying out any of the purposes of this Part of this Act, and may also purchase, construct, maintain, and alter such buildings, warehouses, ships, vessels, boats, wharves, tramways, plant, machinery, and other works, improvements, and things as it shall deem necessary or advisable for the purposes of this Part of this Act.

Powers with
respect to
property.

(2.) The Board shall, subject to the direction of the Minister, with respect to any of its real or personal property and any estate or interest therein, have the power—

- (a) To sell, lease, exchange, or make partition ;
- (b) To accept or make surrender of leases ;
- (c) To assign, reconvey, or discharge mortgages, securities, or other obligations, either wholly or in part ;
- (d) To enter into, modify, or alter any contract or agreement with any person for all or any of the purposes of this Part of this Act ; and
- (e) Generally to exercise all other rights, powers, functions, and authorities thereover.

(3.) Any such property may from time to time be sold or disposed of upon such terms and conditions in all respects as the Board, subject to the direction of the Minister, thinks proper.

Other
powers of
the Board.

34. Subject to this Part of this Act and to the provisions contained in the Schedule hereto, the Board shall, subject to the direction of the Minister, have and may exercise all of the rights, powers, duties, and obligations set out in the Schedule hereto.

Any of the provisions of the said Schedule may from time to time be altered, added to, or amended by the Governor in Council by Order in Council, and such Schedule as so altered, added to, or amended shall thereupon become and be the Schedule to this Part of this Act.

A copy of all such alterations, additions, or amendments shall be laid before the Legislative Assembly within fourteen days from the publication thereof if the Legislative Assembly is then sitting ; and if not then sitting, then within fourteen days from the commencement of the next session thereof.

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35. The following acts, matters, and things are hereby authorised, ratified, and confirmed to the extent that with reference to and for the purposes of all such acts, matters, and things this Part of this Act shall be deemed to have come into operation before the first day of July, one thousand nine hundred and thirty, and to the extent that the Chief Protector and other the person or persons acting or purporting to act as the Aboriginal Industries Board in the doing of any such act, matter, or thing shall be deemed to have been the Aboriginal Industries Board duly constituted under and for the purposes of and duly exercising the provisions of this Part of this Act, that is to say:—

Ratification
of certain
acts of the
Chief
Protector
and others.

- (i.) The acquiring by the Chief Protector on or about the first day of July, one thousand nine hundred and thirty, of the business, including the lands, buildings, premises, wharves, plant, equipment, stock-in-trade, and goodwill of the corporation known as "Papuan Industries Limited" and generally all such acts, matters, and things as may have been done or executed by or on behalf of the said the Chief Protector in, about, or in connection with the acquiring by him of the said business; and
- (ii.) The conduct of such business by the Chief Protector or other the person or persons acting or purporting to act as the Aboriginal Industries Board on and after the first day of July, one thousand nine hundred and thirty, and the acquiring or incurring by the Chief Protector or any such person in, about, or in connection with the conduct of such business on or after the aforesaid date of all property (whether real or personal, and including all buildings, premises, wharves, ships, vessels, plant, equipment, stock-in-trade, rights of fishery, and goodwill) and all other assets and liabilities of whatever description, and all titles, easements, leases, bills of sale, mortgages, policies of insurance, rights, liabilities, obligations, contracts, agreements, engagements, and book debts.

36. As and from the coming into operation of this Part of this Act, the Chief Protector and other the person or persons acting or purporting to act as the

Transfer of
certain
property to
the Board.

Aboriginal Industries Board shall cease to carry on in the name of the Aboriginal Industries Board the business acquired from the said Papuan Industries Limited, or any other business whatsoever, and thereupon the following provisions, stipulations, and conditions shall enure, that is to say:—

(a) All the property (whether real or personal, and including all buildings, premises, wharves, ships, vessels, plant, equipment, stock-in-trade, rights of fishery, and goodwill) and all other assets and liabilities of whatever description, and all titles, easements, leases, bills of sale, mortgages, policies of insurance, rights, liabilities, obligations, contracts, engagements, and book debts acquired by the Chief Protector or other the person or persons acting or purporting to act as the Aboriginal Industries Board by or through the activities of and in the name of such Board prior to and existing at the coming into operation of this Part of this Act (and either through the acquiring of the business of the said corporation known as “Papuan Industries Limited,” or through the carrying on of such business or any other business, whether connected with or ancillary to such business or not, in the name of the Aboriginal Industries Board) shall, without any transfer, assignment, conveyance, or notice other than this Part of this Act be diverted from the Chief Protector or other the person or persons aforesaid, and shall be vested in and attached to, and may be enforced by and against the Aboriginal Industries Board constituted under this Part of this Act.

(b) All proceedings and things had and done by the Chief Protector and other the person or persons so acting or purporting to act as the Aboriginal Industries Board prior to the coming into operation of, and authorised, ratified, and confirmed by, this Part of this Act shall be and continue to be in full force and effect to all intents and purposes as if the same had been had and done by the Aboriginal Industries Board constituted under this Part of this Act, and if the same are not completed may be continued and completed by the said Board.

(c) Subject to this Part of this Act, all actions and proceedings pending at the coming into operation of this Part of this Act by or against the Chief Protector or other the person or persons so acting or purporting to act as the Aboriginal Industries Board prior to the

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coming into operation of this Part of this Act, and authorised, ratified, and confirmed by this Part of this Act, may be carried on and prosecuted by or against the Aboriginal Industries Board constituted under this Part of this Act, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Part of this Act contained.

37. The books and accounts of the Board shall be audited by the Auditor-General.

38. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Part of this Act, or that may be necessary or convenient to carry out the objects and purposes of this Part of this Act, and where there may be in this Part of this Act no provision or no sufficient provision in respect of any matter or thing adequate, necessary, or expedient to give effect to this Part of this Act, providing for and supplying such omission or insufficiency.

Regulation
making
power.

Without limiting the generality of the foregoing power to make regulations, regulations may be made prescribing—

- (a) The times of holding and the conduct of business at meetings of the Board.
- (b) Forms of records, books, documents, and accounts to be kept by the Board either generally or in connection with any particular business, trade, or occupation; and specifying, where necessary, what officers, employees, or agents of the Board shall be responsible for the keeping of any such records, books, documents, and/or accounts.
- (c) The manner in which the Board may do any act, matter, or thing authorised or permitted to be done by it under this Part of this Act; and more particularly the manner in which the Board may conduct any business, trade, or occupation (and whether in person or by or through any agent)
- (d) The conduct of officers, employees, and agents of the Board and of other persons who are

in, about, or upon the property of the Board; and for preventing trespass, damage, or injury to any such property.

- (e) Penalties for the breach of any regulation, which may be recovered by complaint in a summary way under **"The Justices Acts, 1886 to 1932"* :

Provided that no such penalty shall exceed twenty pounds.

(2.) All regulations made or purporting to have been made under this Part of this Act shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were enacted in this Part of this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

SCHEDULE.

- (1.) The Board, subject to the direction of the Minister, may—
- (1) Carry on the business, trade, or occupation, as the case may be, of banker, blacksmith, builder, carpenter, commission agent, common carrier (whether by land or water), dealer (wholesale or retail), engineer, exporter, factor, farmer, fisherman (including fishing for pearl-shell, trochus-shell, and bêche-de-mer), forwarding agent, freight contractor, general merchant, grazier, importer, iron-worker, joiner, labour agent, lighterman, manufacturer, mineowner, money-lender, plumber, shipping agent, ship's chandler, shipbroker, shipbuilder, shipowner, shopkeeper, stevedore, storekeeper, timber merchant, tinsmith, trustee, warehouseman, wharfinger, or any other trade or business incidental or ancillary to any such business, trade, or occupation as aforesaid, or which in the opinion of the Board can be effectually carried on in connection with any such business, trade, or occupation.
 - (2) Acquire from time to time and at all times and either by construction, purchase, lease, or otherwise all such buildings, premises, plant, machinery, equipment, and stock as may in the opinion of the Board be necessary or desirable for the carrying on by the Board of any such business, trade, or occupation as aforesaid.
 - (3) Acquire and distribute information relating to or as to the best manner of carrying on any such business, trade, or occupation as aforesaid; and undertake the education instruction, and training of aboriginals, half-castes, or other persons in any such business, trade, or occupation, and for that purpose establish, maintain, and conduct

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

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all such schools and classes as the Board may deem necessary ; and enter into contracts of apprenticeship with any such person as aforesaid.

- (4) For the purpose of carrying on any such business, trade, or occupation as aforesaid, have and exercise all such powers, authorities, and discretions, and do all such acts and things as a private person carrying on business in Queensland might have or exercise or do.
- (5) Cause investigations to be made, and from time to time report and make recommendations to the Chief Protector, upon all or any of the following matters :—
 - (a) Any question relating to any trade, commerce, or business carried on by or in which aboriginals or half-castes are interested or engaged ;
 - (b) Markets for goods produced or manufactured by aboriginals or half-castes, and trade with other countries in, and the method of marketing, such goods ;
 - (c) Generally as to how the trade, industries, and commerce of aboriginals and half-castes can be best encouraged, developed, and protected.
- (6) Finance any such business, trade, or occupation as aforesaid, and for that purpose raise money on loan from the Governor in Council, the Treasurer, the Chief Protector, the corporation of the Agricultural Bank, or any bank or financial institution or person, and to mortgage or assign property of the Board (including contracts between the Board and aboriginals, half-castes, or other persons relating to or arising out of any such business, trade, or occupation as aforesaid).

(2.) Any surplus profits of the Board shall be allocated or appropriated for the general welfare of aboriginals and in such manner as the Governor in Council shall from time to time determine.

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