

Welfare Ordinance 1953, Northern Territory

1957 – 1964

URL: http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/nt/reprint_ord/wo19531960137/wo19531960137.html?context=1;query=16/1953

Details

The Welfare Ordinance 1953 (Act No. 16/1953) was assented to on 15 July 1963 and commenced on 13 May 1957. It was repealed by the Social Welfare Ordinance (Act no. 31/1964) on 15 September 1964. The Welfare Ordinance 1953 created the position of Director of Welfare and made the Director the legal guardian of all 'wards' – the term used to define Aboriginal people in this legislation. The Welfare Ordinance 1953 was passed on 15 July 1953 and became effective from 13 May 1957. Several amendments occurred until it was repealed by the Social Welfare Ordinance 1964.

The Welfare Ordinance 1953 repealed the 1918 Aboriginals Ordinance and its later amendments. The new legislation allowed for the Minister to appoint a Director of Welfare to replace the position of Director of Native Affairs which had been created under the Aboriginals Ordinance 1939.

The new Ordinance gave the Director of Welfare extensive control over the lives of Aboriginal people in the same manner as previous legislation had given power to the Director of Native Affairs and the Chief Protector. The legislation no longer used the word 'Aboriginal' but instead replaced it with the word 'ward'. By cleverly defining the categories of people who could not be declared 'wards', it made it clear that the word only encompassed Aboriginal people.

The legislation managed this by stating that no person who was entitled to vote could be declared a 'ward'. As all non-Aboriginal Australians were entitled to vote, they were excluded. The definition also made certain that younger Australians who were not entitled to vote because they were under the age of 21 were excluded. Recent migrants, not yet resident for 6 months and not entitled to enrol to vote, were also excluded. Since Aboriginal people were the only group left who were not eligible to vote, the category of 'ward' encompassed only them.

The Ordinance required the Director to keep a Register of all those declared to be 'wards'. Under the 1953 Ordinance the Director was made the legal guardian of all 'wards' and was given the power to declare a person to be a 'ward'. The Director was also given authority to manage the property of 'wards' and his consent was required for 'wards' to marry. 'Wards' were not permitted to live with a 'non-ward' unless they were related, and a male 'non-ward' was not allowed in the company of a female 'ward' after sunset.

In sections of the legislation that particularly affected children, the Director was authorised to take a 'ward' into custody for placement on a reserve or in an institution. A 'ward' could also be moved from one institution to another if the Director considered it to be in his or her best interests. He could also authorise police to search for and remove children from their parents. The Ordinance also allowed the Director, or a welfare officer, 'to take a ward from a place in the Territory to a place outside the Territory'. Although the legislation contained the condition that this did not apply to children under 14 who by removal interstate would be separated from their parents, this condition could be overridden if the Administrator authorised it. This legislation led to many children being placed

in care interstate.

This 1953 Welfare Ordinance was repealed by the Social Welfare Ordinance 1964.

More info

Chronology

- Northern Territory Aboriginals Act 1910, Northern Territory (1910 - 1918)
 - Aboriginals Ordinance 1918, Northern Territory (1918 - 1953)
- **Welfare Ordinance 1953, Northern Territory (1957 – 1964)**
 - Social Welfare Ordinance 1964, Northern Territory (1964 - 1984)
 - Community Welfare Act 1983, Northern Territory (1984 - 2008)
 - Care and Protection of Children Act 2007, Northern Territory (2008 - current)

Related Entries

Related Events

- [Interstate movement of Northern Territory children \(1930s - 1970s\)](#)

Is amended by

- [Welfare Ordinance 1961, Northern Territory \(1962 - 1964\)](#)
- [Welfare Ordinance 1955, Northern Territory \(1957 - 1964\)](#)
- [Welfare Ordinance 1957, Northern Territory \(1957 - 1964\)](#)
- [Welfare Ordinance \(No.2\) 1957, Northern Territory \(1957 - 1964\)](#)
- [Welfare Ordinance 1959, Northern Territory \(1959 - 1964\)](#)
- [Welfare Ordinance 1960, Northern Territory \(1960 - 1964\)](#)
- [Welfare Ordinance 1963, Northern Territory \(1963 - 1964\)](#)

Related Organisations

- [Welfare Branch, Northern Territory Administration, Australian Government \(1955 - 1970\)](#)

Related Concepts

- [Law in the Northern Territory \(1863 - current\)](#)

Resources

- McCorquodale, John, [The legal classification of race in Australia](#), Aboriginal History, 1986
- Day, Bill, [Aboriginal People of Darwin: the Bagot Community](#), 2012

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