

POLICE AND POLICE OFFENCES ORDINANCE 1961.

249

No. 10 of 1962.

An Ordinance to amend the *Police and Police Offences Ordinance 1923-1960*.

[Reserved 27th February, 1962.]

[Assented to 29th March, 1962.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1961*, as follows:—

1.—(1.) This Ordinance may be cited as the *Police and Police Offences Ordinance 1961*. Short title and citation.

(2.) The *Police and Police Offences Ordinance 1923-1960* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Police and Police Offences Ordinance 1923-1961*.

2 This Ordinance shall come into operation on the date on which the *Welfare Ordinance 1961* comes into operation. Commencement.

3 Section four of the Principal Ordinance is amended by omitting the words "Offences in relation to Aboriginal Ceremonial Grounds and Relics." and inserting in their stead the words "Offences by and against Wards." Parts.

4. Section twenty-one of the Principal Ordinance is amended— Power to grant general search warrants.

(a) by omitting from sub-section (1.) the word "Commissioner" and inserting in its stead the words "Senior Judge of the Northern Territory";

(b) by omitting from sub-section (2.) the word "Commissioner" and inserting in its stead the words "Senior Judge of the Northern Territory";

(c) by omitting from sub-section (3.) the word "six" and inserting in its stead the word "twelve";

Assent notified in the *Government Gazette* of the Northern Territory on 18th April, 1962 (see *Gazette* No. 17, 1962, p. 65).

- (d) by omitting from sub-section (4.) the word "Commissioner" and inserting in its stead the words "Senior Judge of the Northern Territory";
- (e) by inserting in sub-section (5.) after the word "any" (first occurring) the word "such";
- (f) by inserting in sub-section (5.) after the word "place" (first occurring) the words ", not being any house, building, premises or place within one hundred miles of the post office at Darwin, Alice Springs, Tennant Creek or Katherine,";
- (g) by omitting from sub-section (5.) the words ". Any such member" and inserting in their stead the word "and"; and
- (h) by inserting in sub-section (5.) after the word "search" (third occurring) the words "in such house, building, premises or place".

5. After Part VI. of the Principal Ordinance the following Part is inserted:—

"PART VIA.—OFFENCES BY AND AGAINST WARDS.

"45C. A person shall not habitually live with a ward unless he is a ward or a relation of the ward.

Penalty:

For a first offence—One hundred pounds or imprisonment for six months, or both;

For a second offence—not more than Two hundred pounds or imprisonment for twelve months, or both, and not less than Fifty pounds or imprisonment for three months;

In other cases—not more than Five hundred pounds or imprisonment for two years, or both, and not less than One hundred pounds or imprisonment for six months.

"45D. Notwithstanding the provisions of the last preceding section, the Director may cause notice in writing to be served personally or by post on a ward, or a relation of a ward, ordering him, either for a time specified in that notice or permanently, not to live with a ward specified in that notice or with any ward.

"45E. A person upon whom a notice is served under the last preceding section shall not, in contravention of the order contained in that notice, live with the ward specified in that notice or with any ward.

Penalty:

For a first offence—One hundred pounds or imprisonment for six months, or both;

Person not
to live with
ward unless
he is a ward.

Director
may order
ward not
to live with
another ward.

Person to
comply with
notice.

For a second offence—not more than Two hundred pounds or imprisonment for twelve months, or both, and not less than Fifty pounds or imprisonment for three months;

In other cases—not more than Five hundred pounds, or imprisonment for two years, or both, and not less than One hundred pounds or imprisonment for six months.

“ 45F.—(1.) A male person, other than a ward, shall not without lawful excuse—

Certain males
not to live,
&c. with
female wards.

- (a) habitually live with a female ward to whom he is not married;
- (b) habitually consort, keep company or associate with a female ward to whom he is not married; or
- (c) between the hours of sunset and sunrise, be in the company of a female ward to whom he is not married,

unless that person is a relation of the female ward.

(2.) A male person other than a ward shall not—

- (a) cohabit with, have or attempt to have sexual intercourse with, a ward to whom he is not married; or
- (b) invite, persuade, or attempt to persuade, a ward to whom he is not married to have sexual intercourse with him.

Penalty:

For a first offence—One hundred pounds or imprisonment for six months, or both;

For a second offence—not more than Two hundred pounds or imprisonment for twelve months, or both, and not less than Fifty pounds or imprisonment for three months;

In other cases—not more than Five hundred pounds or imprisonment for two years, or both, and not less than One hundred pounds or imprisonment for six months.

“ 45G. In this Part—

- ‘ relation ’ includes a relation whether by blood, marriage or custom;
- ‘ the Director ’ means the Director of Welfare appointed under the *Welfare Ordinance 1953-1961*;
- ‘ ward ’ means a person in respect of whom a declaration under section fourteen of the *Welfare Ordinance 1953-1961* is in operation.”

Rogues and
vagabonds.

6. Section fifty-seven of the Principal Ordinance is amended—

(a) by omitting paragraph (a) of sub-section (1.) and inserting in its stead the following paragraph:—

“ (a) having been convicted of an offence under the last preceding section commits any of the offences mentioned in that section;”;

and

(b) by omitting from paragraph (o) of sub-section (1.) the words “ cart or waggon ” and inserting in their stead the words “ cart, waggon or motor vehicle ”.

Second
Schedule.

7. The Second Schedule to the Principal Ordinance is amended—

(a) by inserting after the word “ place ” (first occurring) the words “ not being any house, building, premises or place that is within one hundred miles of the post office at Darwin, Alice Springs, Tennant Creek or Katherine;”;

(b) by inserting after the word “ search ” (third occurring) the words “ in such house, building, premises or place ”;

(c) by omitting the words “ six ” and inserting in its stead the word “ twelve ”; and

(d) by omitting the words “ Commissioner of Police ” and inserting in their stead the words “ Senior Judge of the Northern Territory ”.