

THE NORTHERN TERRITORY OF AUSTRALIA.

No. 15 of 1955.

AN ORDINANCE

To provide for the Preservation of certain Objects of Ethnological, Anthropological, Archaeological and Historical Interest and Value.

[Reserved 8th June, 1955.]

[Assented to 10th August, 1955.]*

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 1910-1953*, as follows:—

1. This Ordinance may be cited as the *Native and Historical Objects Preservation Ordinance 1955.* Short title.
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette.* Commencement.
3. In this Ordinance, unless the contrary intention appears— Definitions.
 - “authorized officer” means a person appointed as an authorized officer for the purposes of this Ordinance under section four of this Ordinance;
 - “object” includes a carving, painting or other representation, whether on rock or otherwise;
 - “prescribed object” means—
 - (a) an object relating to the aboriginal natives of Australia which is of ethnological or anthropological interest or value;
 - (b) an object relating to the Territory which is of archaeological or historical interest or value; and
 - (c) such other objects of ethnological, anthropological archaeological or historical interest or value as are prescribed,but does not include an object, or an object included in a class of objects, specified in the regulations to be an object, or a class of objects, to which this Ordinance does not apply.

* Assent notified in the *Government Gazette of the Northern Territory*, dated 24th August, 1955.
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Authorized Officers.

4. The Administrator may, by instrument in writing under his hand, appoint a person to be an authorized officer for the purposes of this Ordinance.

Exemptions.

5. The Administrator may, by instrument in writing under his hand, exempt a person, or persons included in a class of persons, from compliance with this Ordinance or with any provision of this Ordinance.

Acquisition of prescribed objects.

6.—(1.) The Administrator may, for the purpose of preserving a prescribed object, purchase or otherwise acquire the object on behalf of the Commonwealth.

(2.) The power to make regulations conferred by this Ordinance includes the power to make regulations forbidding the acquisition (by purchase or otherwise), except by the Administrator or an authorized officer, of a prescribed object, or a prescribed object included in a class of prescribed objects, specified in the regulations.

Removal of prescribed objects from the Territory.

7.—(1.) A person shall not remove from the Territory a prescribed object without first obtaining the consent in writing of an authorized officer.

(2.) The consent of an authorized officer under the last preceding sub-section may be granted unconditionally or subject to such conditions as the authorized officer thinks desirable.

(3.) The conditions subject to which the consent of an authorized officer may be granted under sub-section (1.) of this section may include—

(a) a condition that the object shall not be removed from the Territory unless it is first offered for sale at a reasonable price to an authorized officer; and

(b) a condition that the object shall not be removed from the Territory until it is first made available to the authorized officer, or to such other person as the authorized officer directs, for the purpose of enabling the authorized officer, or that person, as the case may be, to make copies, by photography or other means, or casts, of the object on behalf of the Commonwealth.

(4.) A copy or cast of a prescribed object made under the last preceding sub-section is the property of the Commonwealth.

(5.) A person who obtains the consent of an authorized officer under sub-section (1.) of this section shall comply with any condition subject to which the consent is granted.

(6.) An authorized officer may purchase, on behalf of the Commonwealth, any prescribed object offered for sale to him in pursuance of a condition referred to in paragraph (a) of sub-section three of this section.

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8. A person shall not knowingly conceal, destroy, deface or otherwise damage a prescribed object.

Concealing, damaging, &c., prescribed objects.

9. A person who has knowledge of the place where a prescribed object is situated shall, when so requested by an authorized officer or a member of the Police Force of the Territory, inform the authorized officer or the member of the Police Force, as the case may be, of the location of that place.

Location of prescribed objects.

10. A person who contravenes or fails to comply with a provision of this Ordinance or the regulations is guilty of an offence punishable upon conviction by a fine not exceeding One hundred pounds or imprisonment for a period not exceeding three months.

Penalty for offences.

11. Where a person is convicted of an offence against this Ordinance or the regulations in relation to a prescribed object owned by him, the Court by which the person is convicted may, in addition to imposing any penalty under this Ordinance in respect of the offence, order that the object be forfeited to the Crown.

Forfeiture.

12.—(1.) Where an authorized officer or a member of the Police Force of the Territory has reasonable grounds for believing that an offence against this Ordinance or the regulations has been or is about to be committed in relation to a prescribed object, the authorized officer or the member of the Police Force, as the case may be, may, subject to the next succeeding sub-section, seize and detain that object.

Seizure of prescribed objects.

(2.) The last preceding sub-section does not authorize the detention of a prescribed object for a period exceeding four months after the date on which it was seized unless, within that period, an order for the forfeiture of the object is made under the last preceding section.

13. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Regulations.

THE NORTHERN TERRITORY OF AUSTRALIA.

Regulation 1957. No. 13.*

Regulations under the *Native and Historical Objects Preservation Ordinance 1955.*

I, JAMES CLARENCE ARCHER, the Administrator of the Northern Territory of Australia, in pursuance of the powers conferred on me by the *Native and Historical Objects Preservation Ordinance 1955*, hereby make the following Regulation.

Dated this seventh day of August, 1957.

J. C. ARCHER
Administrator.

REPEAL OF THE NATIVE AND HISTORICAL OBJECTS PRESERVATION REGULATIONS.

The Native and Historical Objects Preservation Regulations, being Repeal Regulation 1957, No. 12, are repealed.

* Notified in the *Northern Territory Government Gazette* on 14th August, 1957.

THE NORTHERN TERRITORY OF AUSTRALIA.

Regulations 1957. No. 14.*

Regulations under the *Native and Historical Objects Preservation Ordinance 1955.*

I, JAMES CLARENCE ARCHER, the Administrator of the Northern Territory, hereby make the following Regulations under the *Native and Historical Objects Preservation Ordinance 1955.*

Dated this seventh day of August, 1957.

J. C. ARCHER
Administrator.

NATIVE AND HISTORICAL OBJECTS PRESERVATION REGULATIONS.

1. These Regulations may be cited as the *Native and Historical Objects Preservation Regulations.*
2. In these Regulations, "the Ordinance" means the *Native and Historical Objects Preservation Ordinance 1955.*
3. The Ordinance does not apply to—
 - (a) objects known as "diggeridooes" made of wood;
 - (b) objects known as "nulla-nullas" made of wood;
 - (c) objects known as "pitchis" made of wood;
 - (d) objects known as "coolamons" made of wood;
 - (e) objects known as "woomeras" made of wood;
 - (f) objects known as "singing sticks" made of wood;
 - (g) spears made of wood or of wood and metal;
 - (h) barbed spears made of wood or of wood and metal;
 - (i) boomerangs;
 - (j) hooked boomerangs;
 - (k) objects known as "throwing sticks" made of wood; and
 - (l) uncarved shields made of wood.
4. A person, other than the Administrator or an authorized officer, shall not acquire (by purchase or otherwise) a prescribed object, being—
 - (a) a representation, made of wood, of a human figure;
 - (b) a painted human skull;
 - (c) an object known as a "churinga", whether made of stone or wood; or
 - (d) a pearl shell object, whether polished or carved, which was found in a part of the Northern Territory situated more than three hundred miles from the nearest point on the coastline of the Northern Territory.

Objects to which the Ordinance does not apply.

Acquisition of prescribed objects.

* Notified in the *Northern Territory Government Gazette* on 14th August, 1957.