

NATIVE ADMINISTRATION.

5° GEO. VI., No. IV.

No. 4 of 1941.

AN ACT to make provision in the Native Administration Act, 1905-1940, for restrictions against the travelling of certain natives within the State in order to limit the spread of leprosy within the State.

[Assented to 25th September, 1941.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western

Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Native Administration Act Amendment Act*, 1941, and shall be read as one with the *Native Administration Act*, 1905-1940 (No. 14 of 1905, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1936 and amended by the Act No. 37 of 1940), hereinafter referred to as the principal Act.

New section.

2. A section is inserted in the principal Act after section nine as follows:—

**Restrictions
against
natives travel-
ling within
the State.**

9A. In order that the spread of leprosy within the State may be limited the following provisions shall operate and have effect, that is to say—

- (1) The provisions of this section shall operate and have effect notwithstanding any other provision to the contrary contained elsewhere in this Act: and where any provision contained elsewhere in this Act is or may be deemed to be or is capable of being construed as being inconsistent with or repugnant to any provision contained in this section, the last-mentioned provision shall prevail, and the provision contained elsewhere in this Act as aforesaid shall be subject to and be construed and have effect as being subject to the provision contained in this section.
- (2) The expression “the boundary line,” as used in this section, means the twentieth parallel of south latitude or such other boundary as may from time to time be declared by the Governor by proclamation.
- (3) Subject as hereinafter otherwise provided, no native who at the time of the commencement of this section is living north of the boundary line, or who at any time thereafter shall have passed to that part of the State north of the boundary line, shall pass to any part of the State south of the boundary line,

by land, sea or air, save and except in any of the circumstances following, namely—

(a) where as the result of mental infirmity or insanity the transfer of the native to a mental treatment hospital or to a hospital for the insane, or to another institution, in a place south of the boundary line is, after a medical examination of the native, deemed to be necessary and the native will be under the regular supervision of a medical officer whilst in such mental treatment hospital or hospital for the insane or other institution aforesaid; or

(b) where the native is found on medical examination to require specialist medical attention which is available only at a place south of the boundary line and the native has obtained from the Minister a permit authorising him to travel to such place in order to obtain such specialist medical attention:

Provided that every permit issued by the Minister to a native under this paragraph shall be so issued upon and subject to the following conditions:—

- (i) that the permit shall operate only for the period, not exceeding three months, specified in the permit, unless such period is extended by the Minister; and
- (ii) that the native shall return to a place north of the boundary line immediately after the termination of the specialist medical attention for which he received the permit; and
- (iii) that if the native fails or refuses to submit himself to the specialist medical attention for which he received the permit for a period, which in the opinion of the Minister is unreasonable, the Minister may cancel the permit and cause the native to be apprehended and conveyed to a place north of the boundary line; and

(iv) that whilst the native is in a place south of the boundary line he shall regularly submit himself for medical examination by a medical practitioner nominated by the Minister at such place and at such intervals of time as the Minister may direct and require; and

(v) that the Minister may, at any time and without giving any reason, cancel the permit and require the native to return to a place north of the boundary line forthwith, if in the opinion of the Minister, it is desirable, having regard to the objects of this section, that the native should not be permitted to continue to remain in any part of the State south of the boundary line; or

(c) where in accordance with law the attendance of a native is required at a place south of the boundary line in connection with any action, cause, proceeding, or other legal matter and the native cannot lawfully refuse to attend as required: provided that, where a native attends at a place south of the boundary line under the authority of this paragraph, he shall forthwith, after such attendance is no longer necessary, return to a place north of the boundary line: and if he fail or refuse so to do for a period, which in the opinion of the Minister is unreasonable, the Minister may cause him to be apprehended and taken to a place north of the boundary line; or

(d) where the native travels in a part of the State south of the boundary line as the employee of or in company with any person droving stock, who holds a permit issued by the Minister authorising such person to employ or take with him the said native south of the boundary line: Provided that every

permit issued by the Minister under this paragraph shall, as well as including any other conditions required to be included therein under the Act, include the following conditions:

- (i) that the permit shall operate only for the period specified in the permit; and
- (ii) that the holder of the permit will undertake to return, or cause the native to be returned, to a place north of the boundary line immediately after the droving for which the native is employed or upon which the native accompanies the holder of the permit has been completed;
- (iii) that if the holder of the permit fail or make default in his undertaking under paragraph (ii) of this proviso, the Minister may make good such default at the expense of the holder of the permit; and
- (iv) that whilst the native is in a place south of the boundary line, the holder of the permit will not permit or suffer the native to consort with other natives living south of the boundary line and will, if so required by the Minister, cause the native to submit himself for medical examination by a medical practitioner nominated by the Minister at such place and at such intervals of time as the Minister may direct and require; and
- (v) that the Minister may at any time, and without giving any reason, cancel the permit and require the holder of the permit to return or cause the native to be returned at the expense of the holder of the permit to a place north of the boundary line if, in the opinion of the Minister, it is desir-

able, having regard to the objects of this section, that the native should not be permitted to continue to remain in any part of the State south of the boundary line.

- (4) If any native to whom subsection (3) of this section applies is found south of the boundary line in contravention of the provisions of the said subsection (3), he shall be guilty of an offence.

Penalty: Fifty pounds.

- (5) No person shall cause a native to whom subsection (3) of this section applies, to travel from a place north of the boundary line to any place south of the boundary line, or shall aid, abet, encourage, or induce such a native so to do in contravention of the provisions of subsection (3) of this section.

Penalty: One hundred pounds.

- (6) Any native to whom subsection (3) of this section applies who is found south of the boundary line in contravention of the provisions of subsection (3) of this section may be apprehended by any member of the police force, or any protector or other officer appointed for the purposes of this Act, and be removed to a place north of the boundary line at the expense of the native.

Citation of
principal Act
as amended.

3. The principal Act as amended by this Act may be cited as the Native Administration Act, 1905-1941.