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PERTH: WEDNESDAY, 9th MAY

[1956.

NATIVE WELFARE ACT, 1905-1954.

Department of Native Welfare,
Perth, 2nd May, 1956.

Ex. Co. No. 621.

HIS Excellency the Governor in Executive Council, acting under and in pursuance of the power contained in the Native Welfare Act, 1905-1954, has been pleased to make the regulations set out in the Schedule hereunder.

S. G. MIDDLETON,
Commissioner of Native Welfare.

Schedule.

Regulations.

1. In these regulations the Native Administration Regulations, 1938, published in the *Government Gazette* on the 1st November, 1938, and as amended by the amendments thereof published in the *Gazette* on the 8th September, 1939; the 8th December, 1939; the 2nd February, 1940; the 16th August, 1940; the 5th September, 1941; the 31st October, 1941; the 20th June, 1952; the 8th August, 1952; the 15th May, 1953, and the 25th May, 1955, are referred to as the principal regulations.
2. Regulation 1 of the principal regulations is amended by substituting for the citation "Native Administration Regulations, 1938" the citation "Native Welfare Regulations".
3. Regulation 3 of the principal regulations is amended—
 - (a) by adding before the interpretation of "Ward" the following interpretation:—
"the Act" means the Act pursuant to which the regulation containing the expression was made;
 - (b) by substituting for the word "Affairs" in line one of the interpretation of "Ward" the word "Welfare".
4. Regulation 5 of the principal regulations is amended by adding before the word "Schedule" in the last line the word "First".
5. Regulation 8 of the principal regulations is amended—
 - (a) by substituting for the words "these regulations" in line one the passage "paragraph (a) of subsection (1) of section 3 of the Act";
 - (b) by adding before the word "Schedule" in the last line the word "First".

6. Subregulation (2) of regulation 8B of the principal regulations is amended by adding before the word "Schedule" in line one the word "First".

7. The principal regulations are amended by adding after regulation 8I the following sub-headings and regulation—

Section 7.

Delegation.

8J. (1) The Commissioner may, in relation to a matter or class of matter, delegate all or any of his powers and functions under the Act except this power of delegation, by written instrument under the hand of the Commissioner, addressed to the person to whom the powers or functions or both are delegated.

(2) A delegation made pursuant to subregulation (1) of this regulation may be revoked at any time by notice in writing under the hand of the Commissioner.

(3) In a prosecution or other legal proceeding under the Act or any regulation made under the Act judicial notice shall be taken of the signature of the Commissioner on an instrument of delegation made in accordance with the provisions of this regulation.

8. Regulation 9 of the principal regulations is amended by adding before the word "Schedule" occurring first in line four and secondly in line five the word "First".

9. Regulation 11 of the principal regulations is amended by adding before the word "Schedule" being the last word in paragraph (a) the word "First".

10. Regulation 12A of the principal regulations is revoked.

11. Regulation 16A of the principal regulations is amended—

(a) by deleting the sub-heading "Section 9A";

(b) by substituting for "9A" in line one the number "10";

(c) by deleting the words "of Native Affairs" in the last line of sub-regulation (1).

12. Regulation 16C of the principal regulations is amended by deleting the words "of Native Affairs" in lines three and four.

13. Regulation 19 of the principal regulations is amended by deleting the sub-heading "Sections 14, 15 and 68."

14. Regulation 23 of the principal regulations is amended by substituting for the words "an Inspector" in line three the words "a Superintendent".

15. Regulation 24 of the principal regulations is amended by adding before the word "Schedule" in the last line the word "First".

16. Regulation 28 of the principal regulations is amended—

(a) by adding after the regulation designation "28" the subregulation designation "(1)";

(b) by adding a subregulation as follows:—

(2) A person who commits a breach of this regulation may be expelled from the institution or reserve by the Superintendent or Manager thereof.

17. Paragraph (b) of regulation 81 of the principal regulations is amended by substituting for the words "an inspector" at the end of the paragraph the words "a Protector".

18. Paragraph (a) of regulation 86 of the principal regulations is amended by substituting for the word "an Inspector" at the end of the paragraph the words "a Protector".

19. Regulation 106 of the principal regulations is amended by deleting the sub-heading "Section 35."

20. Regulation 129 of the principal regulations is amended by deleting the sub-heading "Section 66."

21. Regulation 130 of the principal regulations is amended by deleting the sub-heading "Section 68 (a)".

22. Regulation 134 of the principal regulations is amended—
- (a) by deleting the sub-heading "Section 68 (o)";
 - (b) by adding before the word "Schedule" in line four the word "First".
23. Regulation 135 of the principal regulations is amended by adding before the word "Schedule" in line six the word "First".
24. Regulation 136 of the principal regulations is amended by adding before the word "Schedule" in line five the word "First".
25. Regulation 140 of the principal regulations is amended by deleting the sub-heading "Section 71."
26. Regulation 146 of the principal regulations is amended by deleting the sub-heading "Section 71 (proviso)."
27. Paragraph (a) of regulation 151 of the principal regulations is amended by deleting the words "or an Inspector" in line two.
28. The First Schedule of the principal regulations is amended—
- (a) by substituting for the citation "Native Administration Act" or "Native Administration Act, 1905-1936" or "Native Administration Act, 1905-1941" wherever appearing in Forms No. 1, No. 2, No. 3, No. 4, No. 5, No. 8, No. 21, No. 22, No. 23, No. 24, No. 25 and No. 26 the citation "Native Welfare Act, 1905-1954";
 - (b) by substituting for the words "Commissioner of Native Affairs" wherever appearing in Forms No. 1, No. 3, No. 4, No. 5, No. 7, No. 8 and No. 24 the words "Commissioner of Native Welfare";
 - (c) by substituting for the words "Department of Native Affairs" wherever appearing in Forms No. 21, No. 22, No. 23, No. 25 and No. 26 the words "Department of Native Welfare".
29. Form No. 8 of the First Schedule to the principal regulations is amended by substituting for the passage "section 14" where it occurs the passage "section 15".
30. Forms No. 8, No. 21, No. 22 and No. 23 of the First Schedule to the principal regulations are amended by substituting for the words "Chief Secretary or Minister controlling the Department of Native Affairs" wherever they appear in the Forms the word "Minister".
31. Forms No. 21, No. 22 and No. 23 of the First Schedule to the principal regulations are amended by substituting for the sub-heading "Section 68 (o)" the following sub-heading:—"Section 69 (o)".
32. Forms No. 24, No. 25 and No. 26 of the First Schedule to the principal regulations are amended by substituting for the sub-heading "Section 9A" the following sub-heading:—"Section 10".
33. Form No. 24 of the First Schedule to the principal regulations is amended by substituting for the passage "or 3" appearing immediately above the form of Medical Report, the passage "3 or 4".
34. Form No. 25 of the First Schedule to the principal regulations is amended—
- (a) by deleting the word "for" in line three of the permit.
 - (b) by substituting for the word "Perth" in line three of the second paragraph of the permit a blank space for the insertion of the destination.

Approved by His Excellency the Governor in Executive Council, 27th April, 1956.

R. H. DOIG,
Clerk of the Council.

TRAFFIC ACT, 1919-1954.

Municipality of Wagin.

Amendment to Parking By-law.

L.G. 125/56.

The Parking by-law of the Municipality of Wagin, published in the *Government Gazette* of the 16th March, 1934, and amended in the *Government Gazette* of the 7th August, 1936, by the addition of a new by-law 3A, is hereby further amended by deleting by-law 3A and inserting a new clause 3A as follows:—

3A. The provisions of Clause 3 shall not apply to Government Railway Buses when parked upon the area marked and allotted for the purpose of picking up and setting down of passengers.

Made and passed by the Council of the Municipality of Wagin on the 12th day of March, 1956.

C. FEDERICK,
Mayor.

JAS. A. BROWN,
Town Clerk.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 27th day of April, 1956.

(Sgd.) R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906-1954.

Municipality of Northam.

By-law No. 60—A By-law re Special Roll for Loan Poll.

L.G. 1684/52.

A By-law of the Municipality of Northam made under Section 451 of the Municipal Corporations Act, 1906-1954, and numbered 60 providing for a Special Roll of Persons entitled to vote at a Loan Poll.

IN pursuance of the powers conferred by the said Act, the Mayor and Councillors of the Municipality of Northam order as follows:—

1. When demand shall have been duly made under section 450 of the Municipal Corporations Act, 1906-1954, the Town Clerk shall forthwith prepare a special roll of the names of all persons who, on the day on which demand was handed to him, appeared to be owners of rateable land within the meaning of the said section 450.

The said roll shall be in the form of Schedule A, and shall be available for inspection by any ratepayer at the Town Clerk's office, within the usual office hours, not later than 10 days before the date fixed for the holding of the poll, and shall be kept open for inspection for at least four days.

2. (a) When a corporation or joint stock company is the owner or leaseholder of rateable land, such corporation or joint stock company, may, by letter delivered to the Town Clerk 15 days or more before the date fixed for the holding of the Poll, appoint a person to be registered in place of such corporation or joint stock company.

(b) In default of any such appointment being made, the manager, secretary, or attorney of any corporation or joint stock company may be registered by the Revision Court on making application in accordance with the provisions of subparagraph (a) of paragraph 3 of this by-law.

3. On or before the fifth day before the holding of the Poll any person—
- (a) whose name has not been inserted in the roll may, by letter delivered or sent through the post, addressed to the Town Clerk, apply to have his name inserted therein, and shall give particulars of his claim;
 - (b) whose name has been inserted in the roll, and who is dissatisfied with such roll as not specifying the full rateable value of the land owner or leased by him, may, in like manner, apply to the Town Clerk to have the amount of such rateable value altered, and shall give particulars of his claim;
 - (c) whose name appears in the roll, or who claims to have his name inserted in such roll, may, in like manner, object to the name of any other person as not being entitled to have his name retained therein, or as not being entitled to have the number of votes set against his name.

Any such claims or objections shall be in the form given in Schedule B, or to the like effect, and any objection under subsection (c) shall be made in duplicate by the person objecting, and it shall be the duty of the Town Clerk to send one of such notices to the person objected to.

4. (a) The Council shall hold an open Court, to be called a Revision Court, within the Municipal District, for the purpose of revising the roll, and such revision shall take place not more than four days nor less than one day before the day fixed for the holding of the poll, and at such time and place as the Mayor shall appoint, and the Mayor shall give notice of the holding of such Court, and the time and place thereof, by placing such notice on some building within the Municipality, and by advertisement in a newspaper circulating in the district.

(b) The Court shall consist of the Mayor, or in his absence, of a chairman appointed by the other members of the Court, and of not less than one-third of the Councillors.

5. Every such Court may be adjourned, and if at any time for half an hour after the time appointed for holding such Court, or adjourned Court, a sufficient number of Councillors to form a Court, is not present, the Mayor, or, in his absence, any Councillor, or the Town Clerk shall adjourn the Court, but no such Court shall be adjourned beyond the day before the holding of the poll.

6. (a) The Town Clerk shall himself, or by some person on his behalf, if he is prevented from doing so, attend the Revision Court, and produce to the Court the roll and the lists of the persons who have sent in claims and who have been objected to.

(b) The valuer or valuers, and all collectors of rates shall also attend the said Court, and produce all books, papers and documents in their possession connected with their respective offices.

(c) The officers aforesaid shall answer, on oath or otherwise, all such questions as the Court may put to them touching any matters necessary to be ascertained for revising the roll.

7. (a) The Revision Court shall have authority to hear, receive, and examine evidence, and by summons under the hands of the Mayor, or Chairman, to require all persons as the Court may think fit to appear personally before the Court at a time and place to be named in such summons, and to produce all books, and papers in their possession or under their control as may appear necessary for the purpose of their examination.

(b) The court shall have like powers for compelling the attendance of witnesses summoned, and their examination upon and taking of oaths and affirmations, and their answering questions touching the premises as by any law in force for the time being are vested in Justices exercising summary jurisdiction, and Mayor or Chairman may issue any summons at any time after he has appointed a time for holding the said Court.

8. The Revision Court shall in open Court determine, as hereinafter provided, upon the validity of all claims and objections, and every such determination shall be by the decision of the majority, and in case of an equal division of votes, the Mayor or Chairman shall have a casting vote in addition to his vote as a member of the Court.

9. (a) The Revision Court shall insert in the roll under revision the name of every person who has claimed as aforesaid, and has proved to the satisfaction of the Court to be entitled to be inserted therein for one or more votes according to the provisions of this Act.

(b) Subject as hereinafter provided, the Court shall retain on the list the names of all persons to whom no objection has been duly made, with the number of votes unaltered.

(c) The Revision Court shall retain on the list the name of every person who has been objected to by any person, and the number of votes unaltered, unless the person objecting appears by himself or by some person on his behalf in support of the objection, and proves the service of the requisite notices.

(d) When the name of any person inserted in the roll, or the number of votes set against his name has been duly objected to, and the person objecting appears by himself, or by some person on his behalf in support of such objection, the Court shall require proof of so much of the qualifications of the person objected to as is embraced in the grounds of objection and no more.

(e) In case the qualification of such person is not proved to the satisfaction of the Court, the Court shall expunge the name of such person from the list, or shall alter and correct the number of votes set against his name, as the case may require.

(f) The Court shall expunge from the list the name of every person who is proved to be dead.

(g) The Court shall, by means of the rate book, valuation and return, correct any mistake, or supply any omission which may appear to such Court, to have been made in the roll in respect of the name, place of abode, or trade or occupation of any person who is included therein, or in respect of the local description of the rateable property, or the situation thereof, or the rateable value thereof.

(h) But no person's name shall be inserted by the Court in the roll, or, except under subsection (6), be expunged therefrom, unless notice has been given as is hereinbefore required.

10. (a) The Mayor or Chairman shall in open Court—

- (1) write his initials against every name struck out or inserted as aforesaid, and against any part of the roll in which any mistake has been corrected or omission supplied;
- (2) initial every page of the roll so settled;
- (3) cause to be written at the foot or the end of the list a certificate that the same has been revised and is correct with the date thereof.

(b) The Mayor or Chairman, and not less than two other members of the Court, shall severally sign such certificate.

11. Any owner whose name appears upon the special roll, and who does not reside within the Municipality of Northam may, at any time before the day appointed for the holding of the poll, apply personally or in writing to the Returning Officer for a postal voting paper. The Returning Officer shall thereupon supply the same, and shall make a mark against the name of the said owner on the said roll.

12. Any person who has applied for and received a postal voting paper for the purpose of voting under subsection 5 of section 451 shall not be entitled to vote otherwise.

Schedule A.

List of Persons on Special Roll of Ratepayers.

No. on Roll.	Elector's Surname.	Elector's other names.	Description of Rateable Land and whether Freehold or Leasehold interest.	Annual Rateable Value.	No. of Votes.

Schedule B.

Form 1.

APPLICATION FROM PERSON WHOSE NAME HAS BEEN OMITTED FROM THE SPECIAL ROLL OF OWNERS, TO HAVE HIS NAME INSERTED THEREIN.

To the Town Clerk of the Municipality of Northam.

Sir,

I hereby claim to have my name inserted on the Special Roll of Owners for the Municipality of Northam, in accordance with my qualifications as stated hereunder:—

Dated this..... day of.....19.....

(Sgd.).....
(Name in full)

Surname of Claimant.	Other names of Claimant.	Description and Situation of Land in respect to which Claim is made.	Whether Freehold or Leasehold Interest, and if Leasehold, number of years expired.	Annual Rateable Value.

Form 2.

NOTICE OF OBJECTION TO RATEABLE VALUE OF LAND IN RESPECT OF WHICH CLAIMANT IS ON THE ROLL.

To the Town Clerk of the Municipality of Northam.

Sir,

I beg to give you notice that I object to the annual rateable value set against my name on the Special Roll of owners, and claim that the same should be amended to.....on the following grounds:—

Dated this..... day of.....19.....

(Sgd.).....

Form 3.

NOTICE OF OBJECTION TO RETENTION OF NAME ON SPECIAL ROLL.

To the Town Clerk, Municipality of Northam.

Sir,

I beg to give you notice that I object to the retention of the name ofon the Special Roll of Owners on the following grounds:—

Dated this..... day of.....19.....

(Sgd.).....
(Name in full)

To be served in duplicate on the Town Clerk.

Form 4.

NOTICE OF OBJECTION TO RATEABLE VALUE IN RESPECT OF WHICH
PERSON OBJECTED TO IS ON THE ROLL.

To the Town Clerk, Municipality of Northam.

Sir,

I beg to give you notice that I object to the rateable value set against the name of.....on the Special Roll of Owners, on the following grounds:—

Dated this.....day of.....19.....
(Sgd.).....
(Name in full)

To be served in duplicate on the Town Clerk.

Passed by the Council of the Municipality of Northam on the 8th day of March, 1956.

[L.S.]

A. H. RUSHTON,
Mayor.
N. J. D. RIDGWAY,
Town Clerk.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 2nd day of May, 1956.

(Sgd.) R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919-1954; AND THE TOWN PLANNING AND
DEVELOPMENT ACT, 1928-1954.

Rockingham Road District.

Amendment to Safety Bay Townsite Zoning By-law.

L.G. 158/54.

IN pursuance of the powers in that behalf contained in the Road Districts Act, 1919-1954, and the Town Planning and Development Act, 1928-1954, and all other powers thereto them enabling, the Rockingham Road Board do make the following by-law:—

The by-laws published in the *Government Gazette* on the 17th August, 1951, page 2280-1 and as amended from time to time are hereby amended as follows:—

Business Areas—Second Schedule—Add after Clause 2 (g) the following:—

(h) Lots 1, 2, 3, 4, 5 and 6 of Part 108 Co/Sd. Location 16, corner of Rae Road and Safety Bay Road.

Building Line.—The building line for any building or structure for lots 1, 2, 3, 4, 5 and 6 of Part 108 Co/Sd. Location 16 shall be not less than thirty (30) feet from the alignment of the road or street on which such land abutts.

Passed by the Rockingham Road Board on the 27th day of March, 1956.

N. H. FRANCE,
Chairman.
G. E. BLACK,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 27th day of April, 1956.

(Sgd.) R. H. DOIG,
Clerk of the Council.