



# Government Gazette

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[1964

### NATIVE WELFARE ACT, 1963.

Department of Native Welfare,  
Perth, 24th June, 1964.

HIS Excellency the Lieutenant-Governor in Executive Council, acting pursuant to the powers conferred on him by the Native Welfare Act, 1963, and section 11 of the Interpretation Act, 1918-1962, has been pleased to make the regulations set forth in the schedule hereunder, to have and take effect on and after the day on which the Native Welfare Act, 1963, comes into operation.

F. E. GARE,  
Commissioner of Native Welfare.

#### Schedule.

#### Regulations.

#### Citation.

1. These regulations may be cited as the Native Welfare Act Regulations, 1964.

#### Revocation.

2. The Native Welfare Regulations published in the *Government Gazette* on the 1st November, 1938, as the Native Administration Regulations, 1938, and amended from time to time thereafter by regulations amending the same duly made under the Native Welfare Act, 1905-1960, and reprinted pursuant to the Reprinting of Regulations Act, 1954, as so amended in the *Government Gazette* on the 9th October, 1962, are revoked.

#### Interpretation.

3. In these regulations unless the context requires otherwise—  
“the Act” means the Native Welfare Act, 1963;  
words and expressions used in these regulations have when so used the same respective meanings as are given to them in and for the purposes of the Act.

#### Acquisition of Land for Natives.

4. For the purpose of being disposed of under the provisions of section 9 of the Act to natives, there may be set apart by notice published in the *Government Gazette*—

- (a) areas of Crown lands;
- (b) areas of land acquired by negotiation.

#### Applications for Assistance.

5. (1) An application for assistance under section 9 of the Act shall be in writing in the Form No. 1 in the First Schedule to these regulations and may be made by a native or by an officer of the Department on his behalf.  
(2) An application under this regulation shall be forwarded to the Commissioner who shall make a recommendation in respect thereto to the Minister.  
(3) The Commissioner shall give to the applicant native notice in writing of the determination of the Minister in relation to his application.

#### Occupation and Tenure.

6. (1) The Minister may authorise in writing an approved applicant to occupy the land or premises the subject of his application subject to such conditions as the Minister may impose and to the terms of an agreement made between the approved applicant and the Minister.

(2) No person other than an approved applicant and members of his family may occupy the land or premises without the approval in writing of the Minister,

(3) The Minister may at any time order an approved applicant, or any other person whether he is authorised to occupy the land or not, to move off and remain off the land, and refusal or neglect to obey such order is a breach of these regulations.

(4) The Minister may, on the fulfilment by the approved applicant of the terms of his agreement with the Minister, arrange for him to obtain a title to the land the subject of the agreement, which title may be in the form of a grant, a conditional purchase lease, a special lease, or any other form in accordance with the provisions of the Land Act, 1933 (as amended), subject to payment by the approved applicant of all fees and charges in connection therewith.

#### Residence.

7. An approved applicant shall reside personally on the land or in the premises in respect of which his application was approved for a period of not less than nine months of each and every year unless otherwise authorised in writing by the Minister.

#### Improvements.

8. (1) The Minister may authorise the financing of improvements made or to be made by an approved applicant to his land upon and subject to such conditions as are contained in an agreement entered into for the purpose between the Minister and the approved applicant.

(2) The approved applicant shall maintain all buildings, fences and other permanent improvements in good and tenantable repair, order and condition, and the Minister or an officer of the Department may at any time enter upon the land and premises to ascertain whether the conditions of the agreement and the provisions of this regulation are being observed, performed and complied with.

(3) Where an approved applicant fails to observe and perform any term of his agreement or commits a breach of this regulation, the Minister may cancel the approval granted by him to that applicant and cause the land to be taken over and entered upon by another approved applicant or otherwise disposed of in such manner as the Minister thinks fit.

#### Advances.

9. The Minister may from time to time approve of advances to an approved applicant for the purpose of providing working capital, paying for and effecting improvements, and acquiring stock, plant and equipment, in such manner and on such conditions as the Minister may determine.

#### Transfers.

10. (1) An approved applicant shall not, without the consent in writing of the Minister first had and obtained, transfer, mortgage or encumber the land held by him under this Act or any part of that land, or enter into a contract of sale, lease, sub-lease, conveyance or other dealing in respect to that land or any part thereof.

(2) The Minister shall not give his consent to any contract of sale, transfer or conveyance of the land or any part thereof unless and until all amounts owing by the approved applicant to the Minister or any Crown instrumentality, authority or agent have been paid.

(3) If an approved applicant contravenes any of the provisions of this regulation, or in the event of his insolvency or bankruptcy, the Minister may forfeit the land held by that applicant under this Act, and cause the land to be taken over and entered upon by another approved applicant or otherwise disposed of in such manner as the Minister thinks fit.

(4) Where, within the first five years of his being authorised under the Act and these regulations to occupy land or premises, an approved applicant wishes because of ill health, or for any other reason satisfactory to the Minister, to determine his interest in the land or premises, the Minister may compensate him in respect of improvements essential to the working of the land which he has effected, but there shall be deducted from the amount of such compensation any moneys owing by the approved applicant to any Crown authority.

Purchase of Improvements.

11. An approved applicant may purchase the improvements on the land he is authorised to occupy in accordance with the terms of the agreement entered into between the applicant and the Minister.

Insurance of Improvements.

12. Until the full amount of any advance made by the Minister to the approved applicant to purchase improvements, and interest thereon, has been repaid, the Minister shall insure the improvements to their full insurable value in the name of the Minister against loss or damage by fire, and the premiums paid for such insurance and all incidental expenses shall be repaid by the approved applicant to the Minister on demand.

Assistance to Non-natives.

13. (1) An application for assistance under section 10 of the Act shall be in writing in the Form No. 2 in the First Schedule to these regulations and may be made by a person eligible for such assistance or by an officer of the Department on his behalf.

(2) An application under this regulation shall be forwarded to the Commissioner who shall make a recommendation in respect thereto to the Minister.

(3) The Commissioner shall give to the applicant notice in writing of the determination of the Minister in relation to his application.

(4) The provisions of these regulations as they apply to applications for assistance under section 9 of the Act shall apply *mutatis mutandis* to applications made under this regulation.

Representatives.

14. (1) The appointment by the Minister of a representative under section 12 of the Act shall be in writing in the Form No. 3 in the First Schedule to these regulations and shall be for a period expiring on the next following 31st day of December, unless sooner cancelled by the Minister pursuant to this regulation.

(2) The Minister shall specify in the appointment of every representative the powers and duties of that representative and shall assign to him a part or parts of the State in which those powers and duties may be exercised by him.

(3) The Minister may at his discretion cancel the appointment of a representative at any time by notice in writing to that representative.

(4) A representative, in the exercise of his powers and duties, may in any part of the State assigned to him under his appointment enter at any time into or upon any land or premises, ship or other vessel, where natives are in any circumstances or where he has reasonable cause to suspect that natives may be found.

Officers of the Department.

15. (1) The Commissioner shall determine the duties to be performed by the respective officers of the Department and shall assign such duties to those officers.

(2) An officer of the Department, in the exercise of his powers and duties, may enter at any time into or upon any land or premises where natives are in any circumstance or where he has reasonable cause to suspect that natives may be found.

(3) For the purposes of these regulations a certificate under the hand of the Commissioner in the Form No. 4 in the First Schedule to these regulations is evidence of the appointment of the person named therein as an officer of the Department.

Obstruction of Officers.

16. A person who hinders, delays or obstructs a representative or an officer of the Department in the exercise of his powers and duties under these regulations commits a breach of these regulations.

Delegation by Commissioner.

17. (1) A delegation by the Commissioner of any of his powers and functions under the Act in relation to a matter or class of matter, pursuant to section 15 of the Act, may be by written instrument under the hand of the Commissioner, addressed to the person to whom the power or function is delegated.

(2) Where the Commissioner revokes any delegation under this regulation, the revocation may be by notice in writing under the hand of the Commissioner.

(3) In a prosecution or other legal proceeding under the Act or these regulations, 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.

#### Removals.

18. (1) A recognisance required to be entered into pursuant to the provisions of section 17 of the Act shall be in the Form No. 5 in the First Schedule to these regulations.

(2) The surety prescribed in the recognisance shall be of such amount as the Commissioner may deem sufficient in the circumstances.

(3) Where the Commissioner gives authority for the removal of any native, he may require that native to be medically examined prior to departure at the expense of the person to whom the authority has been granted, and the certificate in writing of the medical officer making the medical examination shall be lodged with the Commissioner prior to execution of the recognisance referred to in this regulation.

#### Appointment of Managers.

19. The appointment by the Minister of a manager under section 19 of the Act shall be in writing in the Form No. 6 in the First Schedule to these regulations and shall specify the reserve or reserves of which the person appointed is to be the manager.

#### Authority to Enter Reserves.

20. Members of the police force, public health officials, and officers of public authorities are persons authorised under these regulations to enter or remain within the boundaries of a reserve, if and so long as any such authorised person so enters and remains for the purpose of the lawful exercise and performance of the functions and duties appertaining to his office to the degree permitted in the community in general.

#### Permission to Enter Reserves.

21. (1) Whenever any person, not being a native or a person authorised under the Act or these regulations to enter or remain within the boundaries of a reserve, desires for any stated reason to enter or remain in any reserve, he shall apply to the Commissioner for permission so to do and the Commissioner may recommend the Minister to grant such permission to enter accordingly.

(2) The Minister may in his discretion grant the permission referred to in subregulation (1) of this regulation which permission shall be in the Form No. 7 in the First Schedule to these regulations, and shall specify therein the conditions to be observed by the person to whom it is granted, but the Minister may at any time, if he thinks fit, revoke any permission so granted.

#### Management of Reserves and Native Institutions.

22. (1) The manager of a reserve or native institution is, subject to any higher authority, responsible for the welfare, administration and control of the reserve or native institution.

(2) The manager of a reserve or native institution may direct what person or persons shall be entitled to enter, occupy or remain in any building, structure or other premises thereon, and may let any such building, structure or other premises or permit the occupation thereof, subject to payment of rent (if any) payable in respect thereof and to observance of and compliance with the conditions of tenancy or occupation.

(3) The manager of a reserve or native institution, upon failure of the occupier of any building, structure or other premises thereon to pay the rent (if any) payable in respect thereof or to observe and comply with the conditions of his tenancy or occupation, may terminate that tenancy or occupation and order the person or persons in occupation to vacate and leave that building, structure or other premises, and refusal or neglect to obey such order is a breach of these regulations.

(4) Every native while upon a reserve or within a native institution shall be deemed to be an inmate thereof and shall obey all reasonable instructions and commands of the manager.

(5) Nothing in this regulation shall prevent the occupation by a native or his dependants of a building, structure or other premises which he has himself erected or caused to be erected on a reserve or native institution or has purchased or otherwise acquired.

#### Admission to Reserves and Native Institutions.

23. (1) Any native desirous of entering a native institution shall apply to the manager for admission thereto.

(2) The manager of a native institution may admit natives thereto and discharge them therefrom upon his own authority.

(3) Any native who is found entering or remaining in any native institution without the permission of the manager commits a breach of these regulations and, in addition to being liable for the prescribed penalty, may be ordered by the manager to leave the native institution.

(4) Any form of dwelling, structure or shelter erected or to be erected on a reserve shall be of a standard approved by the manager, and be erected in such place on the reserve as the manager may direct, and failure or neglect to comply with the requirements of this subregulation is a breach of these regulations.

(5) No livestock belonging to an inmate of a reserve or native institution shall be permitted to remain within the reserve or native institution without the approval of the manager, and such livestock shall be removed when the manager so directs and, if not so removed, may be turned off the reserve or destroyed.

#### Conduct on Reserves and Native Institutions.

24. (1) A person shall not bring into a reserve or native institution any intoxicating liquor or any drug to which Part VIA or VIB of the Police Act, 1892 (as amended), from time to time applies.

(2) A person who in a reserve or native institution is found under the influence of intoxicating liquor or any drug referred to in this regulation, or is found gambling, commits an offence against these regulations and is liable upon conviction to a fine not exceeding five pounds or to imprisonment for a term not exceeding twenty-one days.

25. A person who is charged with insubordination, indecent or unseemly behaviour, disorderly or immoral conduct, or the use of abusive, threatening or obscene language within a reserve or native institution is liable upon conviction to a penalty in accordance with these regulations.

26. A person who without the consent of the manager engages in trading of any sort or in distributing goods or valuables of any kind, within a reserve or native institution, commits an offence against these regulations.

27. A person who damages, destroys or interferes with any house, building, shelter, fence or other property within a reserve or native institution commits an offence against these regulations.

28. (1) A person who is convicted of any offence referred to in regulations 22 to 27 (both inclusive) of these regulations may, in addition to being liable for the prescribed penalty, be ordered by the manager to leave the reserve or native institution.

(2) A person who, after having been ordered to leave a reserve or native institution pursuant to these regulations, enters or remains in that reserve or native institution without the permission of the manager commits a breach of these regulations.

#### Care of Inmates of Native Institutions.

29. Every inmate of a native institution shall—

(a) be supplied daily with ample wholesome food and drink, to the satisfaction of the Commissioner; and

(b) have a separate bed complete with adequate bedding as the Commissioner may direct.

30. Every native who is of school age shall attend school, and the standard of education imparted shall be that which conforms to the curriculum of the Department of Education of the State.

31. If any inmate of a reserve or native institution absconds, becomes seriously ill, is injured in an accident, or dies, the manager shall immediately give notice thereof to the nearest officer of the Department.

32. All letters to and from child inmates of a reserve or native institution may at the discretion of the manager be required to pass through his hands, and the manager may withhold such letters from transmission or return to the writers, as he thinks fit.

33. A native child shall not be maintained in any institution that is not a native institution except with the consent of the Commissioner and in accordance with such conditions as he may approve.

34. (1) The discipline enforced in a reserve or native institution shall be mild and firm, and all degrading and injurious punishments shall be avoided.

(2) Every case of punishment shall be recorded in a punishment book immediately after the infliction thereof, and in respect of such punishment there shall be entered in that book the details of the offence, the date of the infliction, and the form of punishment inflicted.

(3) Every entry in the punishment book shall be signed by the manager and his signature witnessed by an adult witness.

35. (1) No native child who is under sixteen years of age shall be permitted or compelled to work or be placed out in employment, except with the consent of the Commissioner.

(2) Whenever a native child is placed in employment from a native institution, a full and correct account of the terms of that employment shall be furnished to the Commissioner forthwith.

36. A native child shall not be admitted to any native institution without the consent of the Commissioner, but in any case of emergency the manager may grant temporary admission, in which case he shall as soon as reasonably practicable thereafter furnish to the Commissioner a statement of the circumstances giving rise to the admission together with a recommendation as to such admission.

37. The manager of a reserve or native institution shall at all times give reasonable access to all inmates and buildings under his charge as and when required so to do by an officer of the Department, and shall disclose to such officer all records in his possession relating to the inmates and to all trading and accounts in relation thereto.

#### Subsidised Native Institutions.

38. A subsidy shall not be granted to any native institution unless the controlling body of that institution agrees to comply with any instruction of the Commissioner with respect to—

- (a) the standard of education of the inmates of the institution;
- (b) the measures to be taken for the treatment of sickness and the control of communicable diseases;
- (c) the diet and clothing of the inmates maintained at the institution;
- (d) the standard of accommodation and the measures to be taken to regulate the hygienic housing of the inmates; and
- (e) the maintenance of satisfactory records and the observance of other administrative requirements.

39. (1) The manager of every institution that has been declared a native institution and that is in receipt of a subsidy from the Government, or is wholly or partly supported by the Government, shall admit to that institution when required by the Commissioner to do so any native and maintain such native so long as the Commissioner may require.

(2) The manager of every institution that has been declared a native institution and that is in receipt of a subsidy from the Government, or is wholly or partly supported by the Government, shall discharge any native from that institution when required to do so by the Commissioner.

(3) Any institution that has been declared a native institution but is not subsidised by the Government may admit to the institution a native if requested to do so by the Commissioner, but if for any reason the Commissioner desires the discharge therefrom of the native then that native shall be discharged accordingly.

40. As soon as reasonably practicable after the close of each financial year, the manager of a native institution shall furnish to the Commissioner a report as to the working of the institution during the preceding year, which report shall include all relevant particulars and indicate the progress made.

#### Establishment and Control of Missions.

41. (1) No mission for the purpose of evangelisation of natives or for other like purpose shall be established or attempted to be established unless and until the governing authority, church, society or person desirous of so doing has first applied for and obtained the authority in writing of the Minister to establish such mission.

(2) The authority of the Minister referred to in this regulation shall be in the Form No. 8 in the First Schedule to these regulations, and notice of the issue thereof and of its tenor shall be published in the *Government Gazette*.

42. (1) Where in pursuance of section 4 of the Act the Governor declares a mission to be a native institution within the meaning of that section, the governing authority, church, society or person under whose auspices the mission is established shall furnish the Minister with the name of the person intended to be appointed as officer in charge of the mission to have the management and control thereof.

(2) If the Minister is satisfied that the person intended to be appointed under this regulation is suitable for the purpose, he shall issue to such person a permit in the Form No. 9 in the First Schedule to these regulations, which permit shall be applicable only in respect of the native institution specified therein and remain in force only for such period as is stated therein.

(3) Notice of every permit issued under this regulation and the tenor of such permit shall be published in the *Government Gazette*.

43. (1) No worker other than a native, but including a native missionary, appointed or engaged by any governing authority, church, society or person under whose auspices a mission is established pursuant to the Act and these regulations, to work in or for that mission (whether as an itinerant worker or otherwise) shall enter upon his duties unless and until he has been issued by the Minister with a permit in the Form No. 10 in the First Schedule to these regulations.

(2) For the purposes of this regulation, the term "worker" includes a person in charge of an authorised mission that has not been declared a native institution under the Act.

44. (1) Where the Minister desires for any reason to cancel the authority given under regulation 41, or a permit issued under regulation 42 or 43, of these regulations before its date of expiry as indicated thereon, due notice thereof shall be given to the authorities or persons concerned, and the authority or permit shall be thereupon withdrawn and the fact of its cancellation published in the *Government Gazette*.

(2) An authority or permit that has been cancelled pursuant to this regulation shall be returned immediately to the Commissioner.

45. A permit issued under the provisions of regulation 42 or 43 of these regulations is not transferable.

46. A person, not being a native, who works at any mission without having obtained the issue to him of a permit as required by these regulations commits a breach of these regulations.

#### Employment.

47. (1) Every native who is engaged in any occupation that is covered by an industrial award is subject to the provisions of that award, unless the terms of that award expressly exclude natives therefrom.

(2) A native who is engaged in any occupation that is not covered by an industrial award, or in any occupation that is covered by an industrial award the terms of which expressly exclude natives therefrom, is subject to the ordinary provisions and processes of industrial arbitration.

48. (1) Whenever requested by a native employee or by an officer of the Department, the employer of the native shall furnish that native or officer with a statement in writing of the earnings of the native during any period not exceeding twelve months, which statement shall be accompanied by receipted invoices or detailed record dockers covering all deductions made for purchases from any store (whether or not conducted by the employer).

(2) Where an employer sells goods to a native employee the prices of those goods shall not exceed the current market value thereof and shall not exceed the prices charged by the employer to other of his employees.

49. Where the Department has advanced to a native the money necessary to enable him to proceed to employment, the amount of that money may by arrangement made by the Department with the employer be made a charge against the wages to be paid to the native and be paid by the employer to the Department.

#### Estates of Deceased Natives.

50. (1) Where a native dies or has died intestate leaving real or personal estate and in accordance with the provisions of section 26 of the Act the estate is vested in the Public Trustee under the Public Trustee Act, 1941 (as amended), if—

- (a) after payment of the just debts of the deceased native there is an unexpended balance of the estate remaining in the hands of the Public Trustee; and
- (b) the deceased native had not married in accordance with the laws relating to marriage,

the persons entitled, within the meaning and for the purposes of subsection (1) of that section, to succeed to the balance of the estate of the deceased native and the order in which they are so entitled shall be as follows:—

- (i) Where the deceased native was a male and has left him surviving any female native or female natives who according to the social structure of the tribe to which he belonged was his wife or were his wives, and has also left him surviving a child or children born of the union of such deceased native with such wife or wives, that wife or those wives, and that child or those children, shall all be entitled to such balance of the estate in equal shares.
- (ii) Where the deceased native was a female, and has left her surviving a male native, who, according to the social structure of the tribe to which she belonged, was her husband whether she has also left her surviving any child or children born of the union of that deceased native with that husband, such husband shall be entitled to the whole of the balance of the estate.
- (iii) Where the deceased native was a male, and has not left him surviving any female native who, according to the social structure of the tribe to which he belonged, was his wife, but has left him surviving a child or children born of the union of the deceased native with any female native or female natives who, according to the social structure of the tribe to which he belonged, was his wife or were his wives, that child (if there be only one) shall be entitled to the whole of the balance of the estate, and those children (if there be more than one such child) shall be entitled to the balance of the estate in equal shares.
- (iv) Where the deceased native was a female and has not left her surviving any male native who, according to the social structure of the tribe to which she belonged, was her husband, but has left her surviving child or children born of the union of the deceased native with a male native who, according to the social structure of the tribe to which she belonged, was her husband, that child (if there be only one) shall be entitled to the whole of the balance of the estate, and those children (if there be more than one such child) shall be entitled to the balance of the estate in equal shares.
- (v) Where the deceased native (whether a male or a female) has not left him or her surviving any of the persons mentioned in any of subparagraphs (i), (ii), (iii) or (iv) of this subregulation, but has left him or her surviving a male native who according to the social



structure of the tribe to which he or she belonged was his or her father by reason of a tribal marriage, that father shall be entitled to the whole of the balance of the estate.

- (vi) Where the deceased native (whether a male or female) has not left him or her surviving any of the persons mentioned in any of subparagraphs (i), (ii), (iii), (iv) or (v) of this subregulation, but has left him or her surviving a female native who, according to the social structure of the tribe to which he or she belonged, was his or her mother by reason of a tribal marriage, that mother shall be entitled to the whole of the balance of the estate.
- (vii) Save and except as provided in subparagraphs (i), (ii), (iii), (iv), (v) and (vi) of this subregulation, no person claiming to be a relation of the deceased native (whether a male or a female) to which this regulation applies shall have any right to or interest whatsoever in the estate of that deceased native.

(2) Where, under the provisions of subregulation (1) of this regulation, any native (whether male or female) is entitled to the estate or to a share in the estate of a deceased native, then notwithstanding any tribal law or custom to the contrary, such firstmentioned native shall be entitled to the enjoyment for his or her own separate and personal use of the estate or the share of the estate to which he or she is so entitled, and the Public Trustee shall, so far as lies in his power, within the provisions of the Act, manage, control and administer the said estate or the share of the said estate for the personal benefit and advancement of the native so entitled thereto.

(3) The Public Trustee shall as soon as reasonably may be after the death of a native to whom this regulation applies, cause all reasonable inquiries to be made to ascertain and satisfy himself whether or not there is or are any native or natives surviving the deceased native who is or are entitled to succeed to the estate or to a share of the estate of the deceased native in accordance with the provisions of subregulation (1) of this regulation, and if, after such inquiries, the Public Trustee is satisfied that there is or are any such native or natives aforesaid, he shall, by a certificate in writing signed by him, certify accordingly and shall state in his certificate such particulars as may be necessary to identify that native or those natives and his or her or their place or places of abode.

(4) If, after making inquiries pursuant to subregulation (3) of this regulation, the Public Trustee either—

- (a) has been unable to ascertain; or
- (b) is not satisfied,

that there is any native entitled to succeed to the estate or to a share of the estate of the deceased native in accordance with the provisions of subregulation (1) of this regulation, the Public Trustee shall, by a certificate in writing signed by him, certify accordingly and shall state in his certificate the nature of the inquiries made by him, the result thereof, and the grounds upon which he has disallowed the claim (if any) under this regulation of any native to succeed to the estate or to a share of the estate of the deceased native.

(5) Where a person alleges that he has a moral claim to the proceeds or any portion thereof of the estate of a deceased native and is desirous that an order be made by the Governor pursuant to the provisions of subsection (2) of section 26 of the Act, he shall sign and forward to the Public Trustee an application in the Form No. 11 in the First Schedule to these regulations.

(6) The Public Trustee shall, as soon as reasonably practicable after receiving an application referred to in subregulation (5) of this regulation, investigate or cause to be investigated the claim of the applicant and shall report in writing the result of the investigation to the Minister who, if satisfied that the case is one in which an order referred to in that subregulation may be made, shall so recommend to the Governor.

#### Employer to Supply Medical Necessities.

51. Unless appropriate provision is made under an industrial award having application to natives, every employer of natives shall keep and make available a sufficient supply of first-aid and medical necessities to the satisfaction of the Commissioner.

Medical Attention for Native Employees.

52. (1) Where a native employee becomes ill or diseased or sustains an accident and the illness, disease or injury appears to the employer of that native to require medical attention beyond that which is available or can be efficiently or reasonably given at the place of employment, the employer shall, as soon as reasonably possible, send the native to the hospital nearest or most accessible to the place of employment.

(2) The employer shall bear the cost of the transport to and from the hospital of a native employee who is ill, diseased or injured, and expense incurred by the Commissioner in such transport shall be deemed to have been paid on behalf of the employer and shall be recoverable in full from such employer.

(3) An employer shall provide a native employee who because of illness, disease or injury is being conveyed to or returning from a hospital with sufficient food during the journey.

(4) In and for the purposes of this regulation—

“native employee” includes any dependant of the native employee and any pensioner residing on the property of the employer and supported by him or natives employed by him;

“illness, disease or injury” includes any possible illness or disease, including dental affections and childbirth or conditions resulting therefrom, and also includes any injury arising from any class of accident.

Fees for Maintenance, Etc.

53. Where the Department provides maintenance or accommodation for persons in hostels or other institutions or establishments conducted and maintained by the Department, fees and charges not exceeding the scale prescribed in the Second Schedule to these regulations may be charged by the Department against, and shall be payable to the Department by, the persons referred to in this regulation for whom that maintenance or accommodation is so provided.

Penalties.

54. A person who commits by act or omission a breach of these regulations commits an offence against these regulations and is liable upon conviction, where no penalty is expressly provided for the offence—

- (a) for a first offence to a fine not exceeding twenty pounds or imprisonment for any period not exceeding three months, or to both;
- (b) for a second offence to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months, or to both;
- (c) for a third or subsequent offence to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months, or to both.

First Schedule.

Form No. 1.

Native Welfare Act, 1963.

(Section 9.)

Reg. 5.

APPLICATION FOR ASSISTANCE.

(To be submitted to the nearest Office of the Native Welfare Department.)

I,..... (full name), of..... (address) in the State of Western Australia, being a native as defined under section 4 of the Native Welfare Act, 1963, hereby apply for assistance under section 9 of that Act.

In support of this application I furnish the particulars as set forth hereunder.

..... (Signature.)

Date.....

1. Date and place of birth.....
2. Are you in receipt of any pension? If so, state particulars.....
3. What physical disabilities do you suffer from?.....
4. How much money of your own have you?.....
5. What other assets do you have?.....
6. Provide details of your dependants.....
7. What amount of financial assistance do you require?.....
8. For what purpose?.....
9. What is your occupation?.....
10. What is your average weekly income from all sources?.....
11. Who is your employer?.....
12. How long have you been in your present position?.....
13. At what rate could you repay any assistance given?.....
14. Can you obtain financial assistance from any other person or authority?.....

Form No. 2.

Native Welfare Act, 1963.  
(Section 10.)

Reg. 13.

APPLICATION FOR ASSISTANCE.

(To be submitted to the nearest Office of the Native Welfare Department.)

I,.....(full name), of.....  
(address), in the State of Western Australia, being a person descended from the original inhabitants of Australia, but not being a native within the meaning of section 4 of the Native Welfare Act, 1963, hereby apply for assistance under section 10 of that Act.

In support of this application I furnish the particulars as set out hereunder.

.....  
(Signature.)

Date.....

1. Date and place of birth.....
2. Are you descended from the original inhabitants of Australia?.....
3. If so, provide details.....
4. How much money of your own have you?.....
5. What other assets do you have?.....
6. Provide details of your dependants.....
7. What amount of financial assistance do you require?.....
8. For what purpose?.....
9. What is your occupation?.....
10. What is your average weekly income from all sources?.....
11. Who is your employer?.....
12. How long have you been in your present position?.....
13. At what rate could you repay any assistance given?.....
14. Can you obtain financial assistance from any other person or authority?.....

Form No. 3.  
Native Welfare Act, 1963.  
(Section 12 (1).)

Reg. 14.

CERTIFICATE OF APPOINTMENT OF REPRESENTATIVE.

THIS is to certify that....., of.....  
is appointed to be my representative for the year ending 31st December, 19.....,  
unless sooner revoked, for the purpose of.....

Dated the.....day of....., 19.....

.....  
Minister for Native Welfare.

Form No. 4.  
Native Welfare Act, 1963.  
(Section 12 (2).)

Reg. 15.

CERTIFICATE OF APPOINTMENT AS AN OFFICER OF THE DEPARTMENT  
OF NATIVE WELFARE.

THIS is to certify that.....  
has been appointed by the Governor to be an officer of the Native Welfare  
Department, with authority to act in that capacity until the termination of  
such appointment.

Dated the.....day of.....19.....

.....  
Commissioner of Native Welfare.

Form No. 5.  
Native Welfare Act, 1963.  
(Section 17.)

Reg. 18.

RECOGNISANCE.

KNOW all men by these presents that I..... of.....  
hereby bind myself to the Commissioner of Native Welfare for the payment  
to him of the sum of.....pounds.

Sealed with my seal at.....this.....  
day of.....19.....

Whereas the abovenamed.....has applied to the Commissioner  
of Native Welfare for authority to remove.....(a native) from  
.....to.....

NOW the above written obligation is conditioned to be void in case the above  
bouden.....on or before the.....day of.....  
19....., returns the said.....to the place from which he (or she)  
is to be removed and defrays the expense of such return or else to stand in  
full force and virtue.

Signed, sealed, and delivered by the  
abovenamed }  
..... }  
in the presence of

Form No. 6.  
Native Welfare Act, 1963.  
(Section 19.)

Reg. 19.

CERTIFICATE OF APPOINTMENT AS A MANAGER OF A RESERVE.

THIS is to certify that.....  
is appointed by me to be Manager of the Native Reserve(s) specified hereunder,  
with authority to act in that capacity until this authority is revoked.

Dated the.....day of.....19.....

.....  
Minister for Native Welfare.

Particulars of Native Reserve(s).

Form No. 7.  
Native Welfare Act, 1963.  
(Section 20.)

Reg. 21.

PERMIT TO ENTER A RESERVE.

IN pursuance of the provisions of section 20 of the Native Welfare Act, 1963,  
and of the regulations made under that Act, I hereby grant—

permission to enter and remain on Native Reserve No..... in the  
State of Western Australia, subject to the conditions that the person(s) named  
herein shall at all times—

(Here insert conditions to be observed.)

This permit expires on the ..... day of ..... 19..... unless sooner  
revoked by the Minister.

Countersigned:

.....  
Commissioner of Native Welfare,  
Perth, W.A.

.....  
Minister

Form No. 8.

Native Welfare Act, 1963.  
(Section 37 (2) (k).)

Reg. 41.

AUTHORITY TO ESTABLISH A MISSION.

THE Governing Authority of the ..... is hereby authorised by me to establish and conduct a Mission Station, to be known as the ..... Mission, situated .....

This authority shall continue in force until it is revoked by me by notice given under my hand to the Governing Authority named herein, or the duly constituted authority in control of such Mission.

.....  
Minister.

Department of Native Welfare, Perth.

Date .....

Form No. 9.

Native Welfare Act, 1963.  
(Section 37 (2) (k).)

Reg. 42

PERMIT TO MANAGE A MISSION.

THE ..... Mission, situated ..... having been declared an Institution within the meaning of section 4 of the Native Welfare Act, 1963, and ..... having been appointed by ..... to be the Manager of such Institution, this Permit is granted by me to the said ..... to act as officer in charge of such Mission until this Permit is revoked by me.

This Permit is not transferable, and does not authorise the person named herein to have the management or control of or supervise any Institution other than that specified above. This Permit is issued subject to the following special conditions:—

.....  
Minister.

Department of Native Welfare, Perth.

Date .....

Form No. 10.

Native Welfare Act, 1963.  
(Section 37 (2) (k).)

Reg. 43

PERMIT TO MISSION WORKER.

AUTHORITY is hereby given to ..... a duly accredited worker to the ..... Mission to continue to carry out his duties in that capacity until this Permit is revoked by me.

This Permit is not transferable, and does not authorise the person herein named to work elsewhere than at the Mission specified above. This Permit is issued subject to the following special conditions—

.....  
Minister.

Department of Native Welfare, Perth.

Date .....

Form No. 11.  
Native Welfare Act, 1963.  
(Section 26.)

Reg. 50.

APPLICATION FOR ORDER FOR PAYMENT OF PROCEEDS OF  
ESTATE OF DECEASED NATIVE.

(a) Full name of claimant. I, (a) .....

(b) Address of claimant. of (b) .....

(c) Claimant's relationship to deceased native. in the State of Western Australia, being (c) .....

(d) Full name of deceased native. of (d) ....., a deceased native, hereby apply that an order be made by His Excellency the Governor pursuant to section 26 of the Native Welfare Act, 1963, that the proceeds of the estate of the said deceased native be paid to me, for the reason that I have a moral claim to such proceeds on the following grounds:—

(e) Set out the grounds on which the claim is based. (e) .....

Dated the.....day of....., 19.....

.....  
(Signature of Claimant.)

Report and Recommendation of Local Officer:

Date.....

.....  
(Signature of Officer.)

FOR HEAD OFFICE USE ONLY.

Claim is approved.  
not approved.

.....  
Public Trustee.

Date.....

Executive Council Minutes prepared.....

Executive Council Approval granted.....

Disbursement made.....

.....  
A/O

Second Schedule.

Reg. 53.

CHARGES FOR MAINTENANCE OR ACCOMMODATION.

1. A person maintained or accommodated by the Department for more than eight units per week:—

- (a) Adults and children 16 years of age and over—a daily rate calculated on thirty-three and one-third per centum of the State weekly female basic wage.
- (b) Children 12 years of age and under 16 years of age—a daily rate calculated on fifteen per centum of the State weekly female basic wage.

(c) Children 1 year of age and under 12 years of age—a daily rate calculated on seven and one-half per centum of the State weekly female basic wage;  
in the district where the institution or establishment in which the person is maintained or accommodated is situated.

(d) Children under 1 year of age—no charge.

2. A person maintained or accommodated for eight units or less per week:—

(a) Adults and children 16 years of age and over—a daily rate calculated on ten per centum of the State weekly female basic wage.

(b) Children 1 year of age and under 16 years of age—a daily rate calculated on seven and one-half per centum of the State weekly female basic wage;

in the district where the institution or establishment in which the person is maintained or accommodated is situated.

(c) Children under 1 year of age—no charge.

3. Guests approved by Commissioner—no charge.

4. Indigent natives—no charge.

5. For the purpose of this schedule the daily rate shall represent in four equal units the expenses for three meals and a bed.