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The undermentioned Regulations made under the provisions of the Native Welfare Act, 1905-1954, and amended from time to time prior to the 24th January, 1957, are reprinted, as so amended, pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

NATIVE WELFARE REGULATIONS.

(As published in the *Government Gazette* on the 1st November, 1938, incorporating the amendments thereto published in the *Government Gazette* on the 8th September, 1939; 8th December, 1939; 2nd February, 1940; 16th August, 1940; 5th September, 1941; 31st October, 1941; 20th June, 1952; 8th August, 1952; 15th May, 1953; 25th May, 1955 and 9th May, 1956, and reprinted pursuant to the Reprinting of Regulations Act, 1954.)

[Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister, dated 14th June, 1957.]

NATIVE WELFARE REGULATIONS.

Reg. 1
amended by
G.G. 9/5/56,
p. 1177.

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

2. All previous regulations made under the Aborigines Act, 1905, as amended by No. 42 of 1911, and the Native Administration Act, 1905-1936, are repealed as from the date of publication in the *Government Gazette* of these regulations.¹

Reg. 3
amended by
G.G. 25/5/55,
p. 1168;
G.G. 9/5/56,
p. 1177.

3. In these regulations—

“the Act” means the Act pursuant to which the regulations containing the expressions was made;

“Ward” means all native children of whom the Commissioner of Native Welfare is the guardian in accordance with section 8 of the Act.

4. Any person who commits by act or omission a breach of these regulations commits an offence against these regulations and shall be liable—

(a) for a first offence to a penalty not exceeding £20 or imprisonment for any period not exceeding three months, or both;

(b) for a second offence to a penalty not exceeding £50 or imprisonment for a period not exceeding six months, or both;

(c) for a third or subsequent offence to a penalty not exceeding £100 or imprisonment for 12 months, or both.

Section 3.

Subsection (1) Paragraph (a).

Declaring a Quadroon to be Classed as a Native.

Reg. 5
amended by
G.G. 9/5/56,
p. 1177.

5. Every application for an order declaring a quadroon over 21 years of age to be a native shall be in writing and be signed by the Commissioner or the Deputy Commissioner. A form of application is set out (No. 1) in the First Schedule.

Reg. 6
inserted by
G.G. 8/9/39,
p. 1548.

6. (a) The application shall be lodged with the Magistrate, who shall be the Magistrate of the district in which the quadroon resides, to whom it is desired to apply for the order, and the Magistrate shall thereupon fix a date for the hearing of the application, which shall not be less than thirty days after the day when notice is served on the quadroon as hereinafter prescribed.

(b) If for any reason the notice has not been served so as to allow the necessary time stipulated in the preceding paragraph the Commissioner shall obtain a fresh date of hearing and effect service conformably with the preceding paragraph.

(c) Service shall be effected by delivering the notice personally to the person concerned.

(d) If the quadroon fails to appear the Magistrate may on proof of service proceed to determine the matter in his absence.

7. The proceedings before the Magistrate shall be conducted as nearly as may be in accordance with the practice regulating the procedure before Justices on complaints for simple offences, but the Magistrate may, instead of hearing the matter in open Court, conduct the hearing in chambers.

Reg. 8
amended by
G.G. 9/5/56,
p. 1177.

8. Every order under paragraph (a) of subsection (1) of section 3 of the Act shall be reduced to writing and signed by the Magistrate. A form of order is set out (No. 2) in the First Schedule.

¹ i.e. 1st. November, 1938.

Section 6A.
Acquisition.

8A. For the purpose of being disposed of under the provisions 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.

Reg. 8A
inserted by
G.G. 25/5/55,
p. 1168.

Applications.

8B. (1) An application for assistance to obtain land or provide improvements to any land may be made in writing by a native or on his behalf by an Officer of the Department.

(2) The application shall be in Form No. 27 of the First Schedule and shall be forwarded to the Commissioner who shall make a recommendation in respect thereto to the Minister.

(3) The applicant shall be advised, in writing, of the approval or disapproval of his application.

Reg. 8B
inserted by
G.G. 25/5/55,
p. 1168.

Sub Reg. (2)
amended by
G.G. 9/5/56,
p. 1178.

Occupation and Tenure.

8C. (1) An approved applicant may be authorised in writing by the Minister to occupy the land or premises in respect of which he has made an application subject to any conditions the Minister may deem necessary to impose and subject to the terms of an agreement made between the approved applicant and the Minister.

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

(3) An approved applicant or any other person whether or not he is authorised to occupy the land may be ordered by the Minister to move off and remain off the land. Any refusal or neglect to obey the order constitutes a breach of these regulations.

(4) The Minister may, on the fulfilment of the terms of the agreement arrange for the approved applicant to obtain a title to the land. The title may be in the form of a grant, conditional purchase lease or special lease or any other form in accordance with the provisions of the Land Act, 1933-1954.¹ All fees and charges in connection therewith are payable by the approved applicant.

Reg. 8C
inserted by
G.G. 25/5/55,
p. 1168.

Residence.

8D. An approved applicant shall personally reside on the land or in the premises for nine months of each year and every year unless otherwise authorised in writing by the Minister.

8E. (1) The Minister may authorise the financing of improvements to any land made or to be made by an approved applicant subject to any conditions laid down in an agreement between the applicant and the Minister for the purpose.

(2) The approved applicant shall keep all buildings, fences and other permanent improvements in good and tenantable order and condition and the Minister or an officer of the Department may at any time enter upon the land and premises to ascertain if the conditions of the agreement and this regulation are being performed and observed by the approved applicant. Where the approved applicant commits a breach of this regulation or of the agreement, the Minister may cancel the approval, cause the property to be taken over by another approved applicant or otherwise dispose of it in such manner as he thinks fit.

Reg. 8D
inserted by
G.G. 25/5/55,
p. 1168.

Reg. 8E
inserted by
G.G. 25/5/55,
p. 1168.

Advances.

8F. The Minister may, from time to time, approve of advances to an approved applicant for the purpose of providing working capital, pay for and effecting improvements and acquiring stock, plant and equipment, in a manner determined by the Minister.

Reg. 8F
inserted by
G.G. 25/5/55,
p. 1168.

¹ Now Land Act, 1933-1956.

Transfers.

Reg. 8G
inserted by
G.G. 25/5/55,
p. 1168.

8G. (1) A holding shall not be transferred, mortgaged or encumbered, except with the consent in writing of the Minister being first had and obtained.

(2) Approval shall not be given to any contract of sale or transfer of any holding unless all amounts owing by the approved applicant to the Minister or other Crown instrumentality, authority or agent have first been paid.

(3) No contract of sale, sublease, conveyance or other dealing in respect to any holding shall be entered into without the written approval of the Minister being first had and obtained.

(4) Where an approved applicant commits a breach of this regulation the holding may be forfeited by the Minister.

(5) If, within the first five years of being authorised to occupy the land, an approved applicant on account of ill health or for any other good reason wishes to determine his interest in the land or premises he may be compensated by the Minister for any improvements effected by him which are essential for the working of the holding, and from the amount of compensation moneys there shall be deducted any amount owing to any Crown authority by the approved applicant.

(6) In the event of the insolvency or bankruptcy of an approved applicant the land shall be surrendered and may be re-allotted to another approved applicant or disposed of as the Minister thinks fit.

Purchase of Improvements.

Reg. 8H
inserted by
G.G. 25/5/55,
p. 1168.

8H. An approved applicant may purchase the improvements on the land he is authorised to occupy. The purchase shall be in accordance with the terms of the agreement made between the Minister and the applicant.

Insurance of Improvements.

Reg. 8I
inserted by
G.G. 25/5/55,
p. 1168.

8I. Until the full amount of any advance made by the Minister to the approved applicant to purchase improvements and interest thereon has been paid, the Minister shall insure all improvements to their full insurable value in the name of the Minister against loss or damage by fire and any premium so paid and all incidental expense shall be repaid by the approved applicant to the Minister on demand.

Section 7.

Delegation.

Reg. 8J.
added by
G.G. 9/5/56,
p. 1178.

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.

Section 8.

Delegation of Guardianship.

Reg. 9
amended by
G.G. 9/5/56,
p. 1178.

9. The Commissioner may board out any ward under 16 years of age to an approved person who is prepared to feed, clothe, educate and generally care for such ward in all respects as though the ward were his own child. A form of application in such case is set out in form No. 3 in the First Schedule and the form of permission to be issued by the Commissioner is set out in form No. 4 in the First Schedule.

10. Notwithstanding any agreement entered into in this regard, the Commissioner shall at all times be granted access to such ward, and if considered advisable by him remove with or without notice the said ward from the custody of the person with whom such ward is placed, and such person shall have no recourse against the Department for any action taken by the Commissioner in respect thereto.

Section 9.

Removals.

11. (a) The form of recognisance to be entered into is set out in No. 5 in the First Schedule.

(b) [*Revoked by G.G. 25/5/55, p. 1169.*]

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

12. Any native in respect to whom authority to remove has been given by a Protector may be required by the Protector to be medically examined prior to departure at the expense of the person to whom the authority has been granted, and the written certificate of the examining medical officer shall be handed to the Protector concerned before the execution of the recognisance.

12A. [*Revoked by G.G. 9/5/56, p. 1178.*]

13. [*Revoked by G.G. 25/5/55, p. 1170.*]

14. In any case the Commissioner may require a Protector to inform him of the circumstances surrounding the application of any person in this regard before permission to proceed is given.

15. Any person to whom permission to remove a native has been given shall upon expiry of the period covered by the recognisance notify the Protector granting permission to proceed in the first place of the return of the native to the place whence he was taken.

16. The period covered by a recognisance shall not exceed six months, but application by the person to whom permission to remove was granted may be made to the issuing Protector or to the Commissioner for an extension of the period and such extension, if approved, may be granted under such conditions as may be imposed.

Leprosy Precautions.

16A. (1) Applications under section 10 of the Act for permits for natives to pass from places north of the twentieth parallel of south latitude to places south of such latitude shall be made in writing in the Form No. 24 in the First Schedule to these regulations, shall be signed by the applicant and lodged with the Commissioner.

(2) Every such application shall be accompanied by a medical certificate in the form contained in the said Form 24.

16B. (1) A permit by the Minister for a native to pass south of the twentieth parallel of south latitude for a purpose other than the droving of stock shall be in the Form No. 25 in the First Schedule to these regulations.

(2) A permit by the Minister for a native to pass south of the twentieth parallel of south latitude for the purpose of droving stock shall be in the Form No. 26 in the First Schedule to these regulations.

16C. Every person who desires a permit from the Minister for a native to pass south of the twentieth parallel of south latitude for the purpose of droving stock, shall, before such permit is granted, duly execute and lodge with the Commissioner a recognisance in the Form No. 5 in the First Schedule to these regulations.

17. [*Revoked by G.G. 25/5/55, p. 1170.*]

18. [*Revoked by G.G. 25/5/55, p. 1170.*]

Reg. 11
amended by
G.G. 25/5/55,
p. 1169;
G.G. 9/5/56,
p. 1178.

Reg. 12
amended by
G.G. 25/5/55,
p. 1169.

Reg. 16A
added by
G.G. 31/10/41
p. 1584,
amended by
G.G. 9/5/56,
p. 1178.

Reg. 16B
added by
G.G. 31/10/41
p. 1584.

Reg. 16C
added by
G.G. 31/10/41
p. 1585,
amended by
G.G. 9/5/56,
p. 1178.

Admission to Institution and Reserves.

Reg. 19
amended by
G.G. 9/5/56,
p. 1178.

19. Every native while within an institution or reserve shall be deemed an inmate of such institution or reserve and shall obey all reasonable instructions and commands of the superintendent or manager.

Reg. 20
amended by
G.G. 5/9/41,
p. 1264,
G.G. 25/5/55,
p. 1170.

20. Managers and superintendents of institutions or reserves may admit natives thereto and discharge them therefrom upon their own authority, provided such natives are not wards.

21. Any native other than a ward who is desirous of entering an institution within a reserve must apply for admission to the superintendent or manager, who shall satisfy himself that the case is a proper one for admission, but any native who has been removed from any other institution for misconduct or other similar cause shall not be admitted without the authority of the Commissioner.

Reg. 22
amended by
G.G. 25/5/55,
p. 1170.

22. In the absence of the authority of the Commissioner a ward or a child whilst the child is a ward according to the interpretation given to that expression by section 4 of the Child Welfare Act, 1907-1954,¹ shall not leave an institution unless the circumstances are exceptional, when the permission of the superintendent or manager shall suffice, providing that a full statement of the circumstances shall be immediately forwarded to the Commissioner. A ward or the child leaving an institution without permission commits a breach of these regulations and the Court may order the return of the ward or the child to the institution from which the ward or the child had left without the permission of the superintendent or manager.

Reg. 23
inserted by
G.G. 8/9/39,
p. 1548,
amended by
G.G. 9/5/56,
p. 1178.

23. Any native who has been expelled from any institution or reserve who is found entering or remaining upon any institution or reserve without the permission of the Commissioner or a Superintendent or a Protector commits a breach of these regulations.

Reg. 24
inserted by
G.G. 8/9/39,
p. 1548;
amended by
G.G. 9/5/56,
p. 1178.

24. Whenever any person other than a native for any stated reason desires to enter a reserve, the Commissioner may require such person to enter into a bond in respect to any sum which may be named therein, or to deposit with him a like sum guaranteeing the observance during occupation of the reserve of such conditions as may be required to be included in an authority to enter. When such bond or deposit has been supplied to the satisfaction of the Commissioner he may recommend the Minister to grant an authority to enter accordingly, and the Minister may in his discretion cause the same to be issued. Any authority so issued shall stipulate a time limit agreed upon. The bond shall be according to Form 7 and the authority to enter shall be according to Form No. 8 of the First Schedule.

Institutions and Reserves.

Conduct upon and Management of.

25. No person shall bring intoxicating liquor or opium into an institution or within a reserve for natives.

26. Any person found under the influence of intoxicating liquor within an institution or reserve for natives commits a breach of these regulations.

27. No person shall damage, destroy or interfere with houses, buildings, fences, or other property within an institution or reserve for natives.

Reg. 28
inserted by
G.G. 8/9/39,
p. 1548,
amended by
G.G. 25/5/55,
p. 1170.

28. (1) Any person charged with insubordination, indecent or unseemly behaviour, disorderly or immoral conduct, or the use of abusive, threatening or obscene language within an institution or reserve for natives shall upon conviction be liable to a penalty in accordance with these regulations.

Sub Reg. (2)
added by
G.G. 9/5/56,
p. 1178.

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

¹ Now Child Welfare Act, 1907-1956.

29. Gambling within institutions and reserves is strictly prohibited. Any person found persistently gambling may be expelled from an institution or reserve, have all or any privileges curtailed and be denied sustenance, and also be charged with a breach of these regulations.

30. No live stock belonging to an inmate shall remain within any institution or reserve without the authority of the superintendent or manager. Such stock shall be removed when directed or may be turned off the reserve or destroyed.

Reg. 30
inserted by
G.G. 8/9/39,
p. 1549.

31. [*Revoked by G.G. 25/5/55, p. 1170.*]

32. [*Revoked by G.G. 25/5/55, p. 1170.*]

33. The superintendent or manager of an institution or reserve shall, subject to any higher authority, be responsible for its welfare, administration and control.

34. (a) The superintendent or manager of every native institution shall keep card indices of every native admitted to the institution or born therein. The information required to be entered upon the indices shall include as may be the previous history of the inmate, if known, the native name and alias of the inmate at the time of initial admission, baptismal name, the names of the parents, apparent age, particulars of the wives and families, records of punishment, and any subsequent disposition. Such indices shall be available for inspection by any authorised official of the department at all times when required.

(b) Any child, being a member of a family residing at an institution, shall upon attaining the age of twelve years be allotted a separate history card, but children under such age may be recorded with their parents residing at the institution. Where a child of any age has no parents residing at an institution such child shall be allotted a separate history card.

35. The inmates of all native institutions shall be supplied with ample plain wholesome food and water daily to the satisfaction of the Commissioner.

36. Every inmate shall have a separate bed, complete with necessary bedding as may be required by the Commissioner.

37. All natives of school age must attend school and the standard of education imparted shall be as far as practicable in conformity with the curriculum of the State Education Department.

Reg. 37
amended by
G.G. 25/5/55,
p. 1170.

38. In the event of any inmate of an institution or reserve becoming seriously ill, dying, absconding or meeting with an accident, information shall at once be given by the superintendent or manager to the nearest officer of the department.

Reg. 38
substituted
by
G.G. 25/5/55,
p. 1170.

39. All letters to and from the inmates of an institution shall pass through the hands of the superintendent or manager, who may in his discretion withhold them from transmission or return them to the writers.

Reg. 39
inserted by
G.G. 8/9/39,
p. 1549.

40. No ward shall be maintained in any institution other than a native institution without the consent and under such terms as may be approved by the Commissioner.

41. No subsidy shall be granted to any native institution unless the controlling body agrees to comply with any instruction of the Commissioner in respect to—

Reg. 41
amended by
G.G. 25/5/55,
p. 1170.

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

42. [*Revoked by G.G. 25/5/55, p. 1170.*]

Reg. 43
amended by
G.G. 25/5/55,
p. 1170.

43. Immediately after the close of each financial year the superintendent or manager of a native institution shall supply to the Commissioner a report with respect to the working of the institution during the preceding year, which shall include all relevant particulars and indicate the progress made.

44. The superintendent or manager of a native institution shall at all times give reasonable access to all inmates and buildings under his charge, as he may be required to do by the Commissioner or officers authorised by the Commissioner, and shall likewise disclose all records pertaining to inmates, trading, or accounts in connection therewith between the institution or inmates in his possession.

45. The governing authority of any mission shall at the request of the Commissioner supply him with any relevant information respecting any institution or mission conducted under its authority, including the inmates thereof, as he may from time to time require.

Reg. 46
amended by
G.G. 25/5/55,
p. 1170.

46. The discipline enforced within an institution or reserve shall be mild and firm. All degrading and injurious punishments shall be avoided.

47. [*Revoked by G.G. 25/5/55, p. 1170.*]

Reg. 48
amended by
G.G. 25/5/55,
p. 1170.

48. Every case of punishment must be recorded in a punishment book immediately after the infliction thereof, giving date, details of the offence, what form of punishment inflicted, and signature of superintendent or manager and witness.

49. [*Revoked by G.G. 25/5/55, p. 1170.*]

50. [*Revoked by G.G. 25/5/55, p. 1170.*]

51. [*Revoked by G.G. 25/5/55, p. 1170.*]

52. [*Revoked by G.G. 25/5/55, p. 1170.*]

53. [*Revoked by G.G. 25/5/55, p. 1170.*]

Wards at Institutions.

Reg. 54
inserted by
G.G. 8/9/39,
p. 1549.

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

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

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

Reg. 55
amended by
G.G. 25/5/55,
p. 1170.

55. (a) No ward of the Commissioner shall be admitted to any native institution without the consent of the Commissioner.

(b) In cases of emergency temporary admission may be granted by the Superintendent and a statement of the circumstances be subsequently supplied to the Commissioner, with a recommendation as to admission.

Reg. 56
inserted by
G.G. 8/9/39,
p. 1550;
amended by
G.G. 25/5/55,
p. 1170.

56. No ward under sixteen years of age shall be allowed or compelled to work or be placed out at employment except with the consent of the Commissioner.

57. Wherever a ward has been placed in employment from an institution an exact account of the terms of such employment shall be supplied to the Commissioner thereafter by the most expeditious means available or by telegram. Thereafter the Commissioner shall take charge of the matter;

58. [Revoked by G.G. 25/5/55, p. 1170.]
59. [Revoked by G.G. 25/5/55, p. 1170.]
60. [Revoked by G.G. 25/5/55, p. 1170.]
61. [Revoked by G.G. 25/5/55, p. 1170.]
62. [Revoked by G.G. 25/5/55, p. 1170.]
63. [Revoked by G.G. 25/5/55, p. 1170.]
64. [Revoked by G.G. 25/5/55, p. 1170.]
65. [Revoked by G.G. 25/5/55, p. 1170.]
66. [Revoked by G.G. 25/5/55, p. 1170.]
67. [Revoked by G.G. 25/5/55, p. 1170.]
68. [Revoked by G.G. 25/5/55, p. 1170.]
69. [Revoked by G.G. 25/5/55, p. 1170.]
70. [Revoked by G.G. 25/5/55, p. 1170.]
71. [Revoked by G.G. 25/5/55, p. 1170.]
72. [Revoked by G.G. 25/5/55, p. 1170.]
73. [Revoked by G.G. 25/5/55, p. 1170.]
74. [Disallowed by Legislative Assembly—See G.G. 27/1/39, p. 108.]
75. [Revoked by G.G. 25/5/55, p. 1170.]
76. [Revoked by G.G. 25/5/55, p. 1170.]
77. [Revoked by G.G. 25/5/55, p. 1170.]
78. [Revoked by G.G. 25/5/55, p. 1170.]
79. [Revoked by G.G. 25/5/55, p. 1170.]
80. [Revoked by G.G. 25/5/55, p. 1170.]
81. (a) Employers of native labour must provide accommodation, including such sanitary conveniences as may be deemed necessary, to the satisfaction of the Commissioner for their native employees. Reg. 81 inserted by G.G. 8/9/39, p. 1551; amended by G.G. 25/5/55, p. 1171; G.G. 9/5/56, p. 1178.
- (b) In all cases bedding and mosquito nets and ground sheets as required shall be provided to the satisfaction of the Commissioner or a Protector.
- (c) Every employer of native labour shall, if so required, supply his native employees with suitable, substantial and sufficient food and drinking and bathing water to the satisfaction of the Commissioner.
82. When an employer is required to supply his native employee with blankets and clothing and boots, such clothing shall be of good quality and in such quantity as may be approved by the Commissioner. Reg. 82 amended by G.G. 25/5/55, p. 1171.
83. Employers of native labour shall keep and make available a sufficient supply of first-aid and medical necessities to the satisfaction of the Commissioner. Reg. 83 substituted by G.G. 25/5/55, p. 1171.
84. Any goods sold by an employer of native labour to his native employees shall be sold at a rate not exceeding the rate charged in respect to white employees, or at the current market value.
85. [Revoked by G.G. 25/5/55, p. 1171.]
86. (a) A female native who is not the consort according to native custom or legal wife according to the laws of the State of a male native shall not be engaged as a house worker at any place where a white woman is not resident and in control of the domestic staff without the permission of the Commissioner or a Protector. Reg. 86 inserted by G.G. 8/9/39, p. 1551; amended by G.G. 9/5/56, p. 1178.
- (b) Wherever a native woman is required to work as a house worker where no white woman is resident and in control of such staff, such native woman shall not be parted from her native husband according to the laws of the State or consort according to native custom, and living accommodation shall be provided for both of them together by the employer of such native woman.

Reg. 87
amended by
G.G. 25/5/55,
p. 1171.

87. No ward under fourteen shall work or be hired for labour under any conditions without the consent of the Commissioner.

88. [*Revoked by G.G. 25/5/55, p. 1171.*]

89. [*Revoked by G.G. 25/5/55, p. 1171.*]

90. The costs of proceeding to any employment advanced by the Commissioner to a native may by arrangement with the employer be made a charge against the wages of the native to be paid to him by the employer.

91. [*Revoked by G.G. 25/5/55, p. 1171.*]

92. [*Revoked by G.G. 25/5/55, p. 1171.*]

93. [*Revoked by G.G. 25/5/55, p. 1171.*]

94. [*Revoked by G.G. 25/5/55, p. 1171.*]

95. [*Revoked by G.G. 25/5/55, p. 1171.*]

Reg. 96
added by
G.G. 8/9/39,
p. 1552.

96. When desired by the employee the employer shall furnish the employee with an invoice or detailed record docket covering any deduction made from his wages for purchases from the station or any other store, and the employer shall obtain the receipt of the employee for any stores or other goods whatsoever disposed of by him to the employee.

Reg. 97
added by
G.G. 8/9/39,
p. 1552.

97. An employer shall grant a ward paid holidays at convenient periods which shall be equivalent to not less than one day for each month of service, provided that where practicable an employee shall be granted the leave upon the completion of each twelve months of continuous service.

98. [*Revoked by G.G. 25/5/55, p. 1171.*]

99. [*Revoked by G.G. 25/5/55, p. 1171.*]

100. [*Revoked by G.G. 25/5/55, p. 1171.*]

101. [*Revoked by G.G. 25/5/55, p. 1171.*]

102. [*Revoked by G.G. 25/5/55, p. 1171.*]

103. [*Revoked by G.G. 25/5/55, p. 1171.*]

104. [*Revoked by G.G. 25/5/55, p. 1171.*]

105. [*Revoked by G.G. 25/5/55, p. 1171.*]

Estates of Deceased Natives.

Reg. 106
inserted by
G.G. 8/9/39,
p. 1552,
amended by
G.G. 9/5/56,
p. 1178.

106. (1) When a native has died intestate leaving any estate, and—

- (a) in accordance with the provisions of section 35¹ of the Act such estate is vested in the Commissioner; and
- (b) after payment of the just debts of the deceased native there is an unexpended balance of the said estate remaining in the hands of the Commissioner; and
- (c) the deceased native had not married in accordance with the laws of the State relating to marriage

the persons who, within the meaning and for the purposes of subsection (2) of section 35¹ of the Act shall be entitled to succeed to the said balance of the said estate, and the order in which they shall be 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, the said wife or wives, and the said child or children, shall all be entitled to the said balance of the estate in equal shares;

¹ i.e., Section 35 in 1941 reprint of the Act cited as Native Administration Act, 1905-1941 and in 1955 reprint cited as Native Welfare Act, 1905-1954,

- (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 such deceased native with such husband, such husband shall be entitled to the whole of the said 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 said 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, such child (if there be only one) shall be entitled to the whole of said balance of the estate, and such children (if there be more than one such child) shall be entitled to the said 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 a 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, such child (if there be only one) shall be entitled to the whole of the said balance of the estate, and such children (if there be more than one such child) shall be entitled to the said 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 the next preceding subparagraphs (i), (ii), (iii), or (iv), 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, such father shall be entitled to the whole of the said balance of the estate;
- (vi) 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 the next preceding subparagraphs (i), (ii), (iii) (iv) or (v), 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, such mother shall be entitled to the whole of the said balance of the estate;
- (vii) Save and except as provided in the next preceding subparagraphs (i), (ii), (iii), (iv), (v) and (vi), 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 such deceased native.

(2) Where, under the provisions of paragraph (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 first-mentioned 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 entitled as aforesaid, and the Commissioner 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 entitled thereto as aforesaid.

(3) The Commissioner shall as soon as reasonably may be after the death of a native to which 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 paragraph (1) of this regulation and if, after such inquiries, the Commissioner 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 such certificate such particulars as may be necessary to identify such native or natives and his or her or their place or places of abode.

(4) If, after making inquiries as provided for in paragraph (3) of this regulation the Commissioner either—

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

that there is or there are any native or natives entitled to succeed to the estate or to a share of the estate of the deceased native in accordance with the provisions of paragraph (1) of this regulation, the Commissioner shall, by a certificate in writing signed by him certify accordingly and shall state in such certificate the nature of the inquiries made by him as aforesaid, 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.

106A. [*Revoked by G.G. 25/5/55, p. 1171.*]

106B. [*Revoked by G.G. 25/5/55, p. 1171.*]

106C. [*Revoked by G.G. 25/5/55, p. 1171.*]

106D. [*Revoked by G.G. 25/5/55, p. 1171.*]

106E. [*Revoked by G.G. 25/5/55, p. 1171.*]

106F. [*Revoked by G.G. 25/5/55, p. 1171.*]

106G. [*Revoked by G.G. 25/5/55, p. 1171.*]

106H. [*Revoked by G.G. 25/5/55, p. 1171.*]

106I. [*Revoked by G.G. 25/5/55, p. 1171.*]

106J. [*Revoked by G.G. 25/5/55, p. 1171.*]

106K. [*Revoked by G.G. 25/5/55, p. 1171.*]

106L. [*Revoked by G.G. 25/5/55, p. 1171.*]

Reg. 106M
inserted by
G.G. 8/9/39,
p. 1554.

106M. Whenever a native falls ill, becomes diseased or sustains an accident and such illness, disease or accident appears to an employer to require medical attention or hospital treatment beyond that which can be efficiently or reasonably given at the place of employment, the employer shall as soon as is reasonably possible, send the native to the nearest or most accessible hospital or to the nearest Protector and thence to the nearest and most accessible hospital at the Protector's discretion.

Reg. 106N
inserted by
G.G. 8/9/39,
p. 1554.

106N. (a) The cost of transporting a sick, diseased or injured native to and from the Protector and/or hospital shall be borne by the employer.

(b) In the event of the Commissioner incurring expense for the transportation of a sick, diseased or injured native to or from hospital the cost shall be considered to have been paid on behalf of the employer and shall be recoverable in full from such employer.

(c) An employer shall provide a sick, diseased or injured native being conveyed to or returning from hospital with sufficient food for the journey.

Reg. 106O
substituted
by
G.G. 25/5/55,
p. 1171.

106O. Natives eligible to be covered by regulations 106M and 106N shall be natives employed, dependents of the employed natives and pensioners residing upon the employer's property and supported by him or natives employed by him,

106P. [Revoked by G.G. 25/5/55, p. 1171.]

106Q. [Revoked by G.G. 25/5/55, p. 1171.]

106R. [Revoked by G.G. 25/5/55, p. 1171.]

106S. [Revoked by G.G. 25/5/55, p. 1171.]

106T. Where in the foregoing regulations the expression "illness, disease or accident" is used it shall be deemed to include any and all possible illnesses, diseases except leprosy, and/or injuries, arising from any class of accident and shall include dental affections and childbirth or conditions resulting therefrom.

Reg. 106T
added by
G.G. 8/9/39,
p. 1555.

106U. [Revoked by G.G. 25/5/55, p. 1171.]

106V. [Revoked by G.G. 25/5/55, p. 1171.]

107. [Revoked by G.G. 25/5/55, p. 1171.]

108. [Revoked by G.G. 25/5/55, p. 1171.]

109. [Revoked by G.G. 25/5/55, p. 1171.]

110. [Revoked by G.G. 25/5/55, p. 1171.]

111. [Revoked by G.G. 25/5/55, p. 1171.]

112. [Revoked by G.G. 25/5/55, p. 1171.]

113. [Revoked by G.G. 25/5/55, p. 1171.]

114. [Revoked by G.G. 25/5/55, p. 1171.]

115. [Revoked by G.G. 25/5/55, p. 1171.]

116. [Revoked by G.G. 25/5/55, p. 1171.]

117. [Revoked by G.G. 25/5/55, p. 1171.]

118. [Revoked by G.G. 25/5/55, p. 1171.]

119. [Revoked by G.G. 25/5/55, p. 1171.]

120. [Revoked by G.G. 25/5/55, p. 1171.]

121. [Revoked by G.G. 25/5/55, p. 1171.]

122. [Revoked by G.G. 25/5/55, p. 1171.]

123. [Revoked by G.G. 25/5/55, p. 1171.]

124. [Revoked by G.G. 25/5/55, p. 1171.]

125. [Revoked by G.G. 25/5/55, p. 1171.]

126. [Revoked by G.G. 25/5/55, p. 1171.]

127. [Revoked by G.G. 25/5/55, p. 1171.]

128. [Revoked by G.G. 25/5/55, p. 1171.]

Tribal Practices.

129. Whenever it is deemed expedient by the Minister upon the recommendation of the Commissioner to instruct that any tribal practice considered injurious to the natives shall be discontinued in any district, he shall cause notices to be posted throughout the district accordingly and it shall be the duty of Protectors for such district to instruct natives accordingly, and take action against any native persistently disobeying such instruction.

Reg. 129
amended by
G.G. 9/5/36,
p. 1178

Reg. 130
amended by
G.G. 25/5/55,
p. 1171;
G.G. 9/5/56,
p. 1178.

Duties of Protectors.

130. (1) It shall be the duty of a Protector:—

to make himself thoroughly acquainted with the Native Welfare Act, 1905-1954, and regulations made thereunder;

to take a friendly and, as far as practicable, a personal interest in the natives throughout his district and make himself known to them;

to report to the Commissioner on all matters as required by the Act and regulations;

to report promptly to the Commissioner any matter in which he considers legal or other special action of a like nature desirable or which in his opinion may require reference to the Courts;

to issue as may be required by the Commissioner such documents as are necessary under the Act and regulations;

to issue relief, clothing, blankets and medicines to aged, indigent and destitute natives, report any cases requiring prolonged assistance as may be required by the Commissioner, and cause the sick to be supplied with medical attention;

to insure that all working natives or natives under contract are employed in accordance with the Act and regulations, having special regard to the position of wards;

to take special interest in all native children and the rescue of females from immoral and vicious surroundings, including widows and orphans, and any who may be destitute;

generally to exercise benevolent supervision and interest in and over all matters affecting the interests and welfare of natives and to protect them from injustice, imposition and fraud.

Sub Reg. (2)
added by
G.G. 25/5/55,
p. 1171.

(2) A Protector may appear in Court in defence or to assist in the defence of natives on trial or to watch the interests of aggrieved natives or represent the Commissioner in any legal action as may be directed by the Commissioner.

131. [*Revoked by G.G. 25/5/55, p. 1171.*]

Reg. 132
substituted
by
G.G. 25/5/55,
p. 1171.

132. A Protector in the execution of his duty may enter any place whatsoever where natives may be in any circumstance.

133. Any person who obstructs a Protector in the execution of his duty as aforesaid commits a breach of these regulations.

Establishment of Mission Stations and the issue of Permits to Mission Workers.

Reg. 134
inserted by
G.G. 8/9/39,
p. 1555;
amended by
G.G. 9/5/56,
p. 1179.

134. No mission for the evangelisation of the natives or for other kindred purpose shall be established or attempted to be established until the governing authority, church, or society, or individual concerned is first in possession of the authority of the Minister to establish such mission. Such authority shall be in Form No. 21 in the First Schedule, and notification of its issue and tenor shall be published in the *Government Gazette*.

Reg. 135
inserted by
G.G. 8/9/39,
p. 1555;
amended by
G.G. 9/5/56,
p. 1179.

135. Whenever a mission has been declared by the Governor to be a native institution within the meaning of section 2 of the Act, and a manager or superintendent is to be appointed thereto, the governing body or church shall supply to the Commissioner the name of the person desired to be appointed in the capacity of manager or superintendent. If the Minister is satisfied that the person so appointed is suitable, he shall issue to him a permit in the Form No. 22 in the First Schedule accordingly, applicable only to the institution concerned and covering such period as shall be named therein, and notification of its issue and tenor shall be published in the *Government Gazette*.

136. No worker other than a native, but including native missionaries, appointed by any governing body or church authority, superintendent, manager or missionary, to work in any mission, itinerant or otherwise, shall enter upon his duties unless he has been granted in like manner a permit, in the Form No. 23 in the First Schedule. For the purposes of this regulation "worker" shall include any person in charge of any authorised mission which has not been declared an institution under the Act.

Reg. 136
inserted by
G.G. 8/9/39,
p. 1555;
amended by
G.G. 9/5/56,
p. 1179.

137. (a) Wherever a permit in accordance with regulations Nos. 134, 135 and 136 has been issued and the Minister desires for any reason to revoke such permit before its date of expiry as indicated thereon, due notice thereof shall be given to the authorities or persons concerned and the permit shall be thereupon withdrawn and the fact of its revocation published in the *Government Gazette*.

Reg. 137
inserted by
G.G. 8/9/39,
p. 1556.

(b) When a permit as aforesaid has been revoked it shall be returned immediately to the Commissioner.

138. Any person, other than a native, working at any mission without being in possession of any permit aforesaid, commits a breach of these regulations. Permits issued in respect to superintendents, managers or workers are not transferable.

Reg. 138
inserted by
G.G. 8/9/39,
p. 1556.

139. [*Revoked by G.G. 25/5/55, p. 1171.*]

139A. Where any person has been refused a permit as a superintendent or manager of a mission or mission worker, or, being the holder of a permit as a superintendent or manager of a mission or mission worker, has received notification of the revocation of such permit, then, notwithstanding anything to the contrary contained in regulations 135 to 138, both inclusive, of these regulations, such person shall, subject to this regulation, have a right of appeal to a Board of Reference against such refusal or revocation and the following provisions shall apply:—

Reg. 139A
inserted by
G.G. 8/9/39,
p. 1556.

- (a) The person desiring to appeal shall, within one month after the refusal of the permit or after the receipt by him of the notification of the revocation of his permit, as the case may be, serve upon the Commissioner in writing under his hand notice of appeal stating therein the grounds of such appeal.
- (b) Upon receipt of such notice of appeal the Commissioner shall forthwith inform the Minister thereof, and the Minister shall as soon as reasonably may be cause a Board of Reference to be constituted to hear and determine such appeal.
- (c) A Board of Reference for the purposes of this regulation shall consist of five persons, namely—
 - (i) The Commissioner of Native Affairs or his deputy;
 - (ii) One person nominated by the governing body of the Church of England in Perth;
 - (iii) One person nominated by the governing body of the Roman Catholic Church in Perth;
 - (iv) One person nominated by the governing body of the Presbyterian Church in Perth; and
 - (v) One person nominated by the governing bodies of all the nonconformist churches in Perth acting together as one body for the purposes of making such nomination.
- (d) The method of making the nomination of persons to be members of the Board of Reference shall in every case be left to the determination of the governing bodies authorised by this regulation to make such nominations respectively.
- (e) As and when persons are nominated as members of the Board of Reference, the names and addresses of such persons shall be communicated to the Commissioner.

- (f) When by nomination of members as aforesaid the Board of Reference has been constituted, the Commissioner shall appoint a date, being not less than 14 days and not more than one month after the constitution of the Board of Reference and a place and a time for the hearing by such Board of the appeal for the hearing and determination of which it has been constituted, and shall cause not less than seven days' notice of such date, place and time to be served in writing upon the appellant and each member of the Board of Reference.
- (g) The Board of Reference shall meet on the date and at the place and time appointed as aforesaid and then and there proceed to hear and determine the appeal.
- (h) The appellant shall attend and conduct his appeal in person and shall not be entitled to be represented by a solicitor or counsel.
- (i) If the appellant fails, without reasonable excuse, to attend before the Board of Reference at the time appointed for the hearing of the appeal, such appeal shall be forthwith dismissed; but if the Board of Reference is satisfied that the failure of the appellant to attend at the time appointed for the hearing of the appeal is excusable, the Board may adjourn the hearing of the appeal as it may think fit.
- (j) The Board of Reference may—
- (i) appoint any one of its members to be chairman;
 - (ii) make its own rules for the conduct of its business; and
 - (iii) determine the manner in which and the procedure by which the appeal shall be heard and determined.
- (k) On the hearing of the appeal the Board of Reference may either allow or dismiss the appeal, and in every case the decision of the Board shall be final and binding upon the appellant and the Minister.
- (l) Where the Board of Reference allows an appeal the Minister shall forthwith give effect to the decision of the Board in accordance with the terms thereof; and where the Board of Reference has dismissed an appeal against the revocation of a permit, the Minister shall forthwith thereafter publish notification of such revocation in the *Government Gazette* as required by regulation 137.

Certificates of Exemption—Issue of.

140. (a) An application for a Certificate of Exemption must be addressed to the Minister and be in the applicant's own handwriting. If the applicant is unable to write he may procure someone else to make the application for him.

141. [*Dissallowed by Legislative Assembly; see G.G. 27/1/39, p. 108.*]

142. [*Revoked by G.G. 25/5/55, p. 1171.*]

143. [*Revoked by G.G. 25/5/55, p. 1171.*]

144. [*Revoked by G.G. 25/5/55, p. 1171.*]

145. [*Revoked by G.G. 25/5/55, p. 1171.*]

Certificates of Exemption.

Appeal against refusal to grant or revocation of.

146. Whenever a Certificate of Exemption held by a native is revoked by the Minister, the native shall be so advised by the Commissioner, who at his discretion may or may not indicate the reason for such revocation.

Reg. 140
inserted by
G.G. 8/9/29,
p. 1557;
amended by
G.G. 25/5/55,
p. 1171 and
G.G. 9/5/56,
p. 1179.

Reg. 146
amended by
G.G. 9/5/56,
p. 1179.

147. Every Certificate of Exemption of which notice of revocation by the Minister has been given shall be given up upon demand to the officer authorised by the Commissioner to obtain it, and such officer shall thereupon despatch the certificate to the Commissioner, who shall cancel it.

148. (a) Within one month of a native being advised by the Commissioner that the Minister has refused to grant him a Certificate of Exemption or has revoked a Certificate of Exemption previously issued in his favour, he may appeal in writing to the Magistrate of the magisterial district in which he resides. Such appeal shall clearly set out the name, alias, and address of the appellant, and shall be signed by him or bear his mark witnessed by a responsible person.

Reg. 148
inserted by
G.G. 8/9/39,
p. 1557.

(b) A copy of the appeal shall be simultaneously supplied to the Commissioner by the appellant.

149. The Magistrate with whom an appeal has been lodged shall fix a date and time for the hearing of the appeal provided that such hearing shall not take place until the expiration of at least one month from the date of the appeal having been received by him, and the appellant and the Commissioner shall be entitled to receive one month's notice from the Magistrate of the date and time fixed for the hearing of the appeal.

Reg. 149
inserted by
G.G. 8/9/39,
p. 1557.

150. The proceedings before the Magistrate shall be conducted as nearly as may be in accordance with the practice regulating the procedure before Justices on complaints for simple offences, but the Magistrate may, instead of hearing the matter in open Court, conduct the hearing in Chambers.

151. (a) At any hearing of any appeal the appellant shall attend in person, and the Commissioner may be represented by a Protector and/or a legal practitioner, and the appellant may be assisted by an agent who may be a legal practitioner. Nothing in the foregoing shall prevent the Commissioner from himself appearing and opposing any appeal.

Reg. 151
added by
G.G. 8/9/39,
p. 1557;
amended by
G.G. 9/5/56,
p. 1179.

(b) Witnesses may be produced by either side and may be examined and cross-examined by the appellant, his agent, or the representatives of the Department. The appellant may be called upon to give evidence and be subject to examination and cross-examination likewise.

152. A copy of the Magistrate's decision in the hearing shall be conveyed to the appellant and the Commissioner simultaneously by the Clerk of the Court.

153. [*Revoked by G.G. 25/5/55, p. 1171.*]

154. [*Revoked by G.G. 25/5/55, p. 1171.*]

155. [*Revoked by G.G. 25/5/55, p. 1171.*]

156. [*Revoked by G.G. 25/5/55, p. 1171.*]

Fees and Charges for Hospital Treatment, Maintenance, etc.

157. Where the department provides medical treatment, hospital treatment, maintenance, or other accommodation for natives or other persons in native hospitals and clinics and other institutions or establishments conducted and maintained by the department, fees and charges not to exceed 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 natives or other persons aforesaid for whom such treatment or other accommodation is provided as aforesaid.

Reg. 157
added by
G.G. 16/8/40,
p. 1507;
amended by
G.G. 15/5/53,
p. 936.

Schedule amended by G.G. 16/8/40, p. 1507. Form No. 1 amended by G.G. 9/5/56, p. 1179.

First Schedule. Form No. 1.

The Native Welfare Act, 1905-1954.

APPLICATION FOR AN ORDER CLASSING A QUADROON OVER 21 YEARS OF AGE AS A NATIVE.

(Section 3 (1) (a).)

To..... Esq. Magistrate at.....

I,, of, Commissioner of Native Welfare, hereby apply for an order declaring that..... be classed as a native under the abovementioned Act.

The said..... customarily lives at..... and his age is about..... years. (Here state circumstances under which the quadroon lives and short particulars showing the reason for the application.)

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

Commissioner.

I,, Magistrate, do hereby require you the abovementioned..... to appear before me on the..... day of..... 19....., at the hour of..... in the..... noon, at the Court of Petty Sessions, and then and there answer the application to be made to me by the above named..... and take notice that if you fail to attend in accordance with the requirements of this summons I may proceed to determine the matter in your absence.

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

Magistrate.

Form No. 2.

The Native Welfare Act, 1905-1954.

ORDER CLASSING A QUADROON OVER 21 YEARS OF AGE AS A NATIVE UNDER THE ACT.

Form No. 2 amended by G.G. 9/5/56, p. 1179.

Application having been made to me the undersigned..... of..... a Magistrate for the Magisterial District of..... sitting at the Petty Sessional Court House at..... for an order that..... of..... quadroon over 21 years of age should be classed as a native and it being proved to my satisfaction that such quadroon was personally served with notice of such application as required under the rules made in that behalf and having heard the Commissioner (or having heard..... a protector appointed by the Commissioner to appear on his behalf) and also the said..... (or the said..... not appearing), I hereby order that the said..... be classed as a native within the meaning of the said Act.

As witness my hand this..... day of..... 19.....

Magistrate.

Form No. 3.
The Native Welfare Act, 1905-1954.
Section 8.

Form No. 3
amended by
G.G. 9/5/56,
p. 1179.

The Commissioner of Native Welfare,
Perth.

I, of hereby request
that you will place in my care your ward known as
..... now said to be years of age,
the child of the native woman
In the event of this permission being granted, I undertake to feed,
clothe, educate, and generally care for in all respects as
though were my own child, until reaches the
age of 16 years, and I also undertake to provide with
medical and hospital attendance and medicines as may be necessary.

I also declare that I have my husband's consent to my taking
wife's
charge of the child, and that he she has signified his her assent by
signing this document.

Should you at any time desire to remove this ward from my care
and custody, I agree, on the presentation of a written order signed
by you, to deliver up immediately to you or your agent,
and I understand that I shall have no claim whatever against the
Department at any time in respect to maintenance.

I also agree not to leave the State, or change my abode, without
advising you, and undertake to submit to you a report in writing
in the month of January of each year, advising as to the child's
well-being.

I further agree not to transfer the ward to the care of any other
person or persons whatsoever without first obtaining your approval.

I understand that upon attaining the age of sixteen
years I require to conform with the provisions of the Native Welfare
Act, 1905-1954, in respect to any subsequent period during which
..... may be employed by me with the consent of the
Commissioner of Native Welfare.

Signed at this day of 19...

Witness

I consent to my husband accepting the care of this ward, and
wife
agree to share full responsibility in accordance with the foregoing.

Witness

Form No. 4.
The Native Welfare Act, 1905-1954.
Section 8.

Form No. 4
amended by
G.G. 9/5/56,
p. 1179.

Dear Sir,
Madam,

In reference to your application of the requesting that
the child the child of the native
woman be placed in your care, I now beg
to advise you that in pursuance of the powers conferred upon me by
section 8 of the Native Welfare Act, 1905-1954, I agree to the child
..... above referred to remaining in your charge until
attains the age of years, under the conditions laid down
in your request to me.

Permit me to draw your particular attention to the last para-
graph of your letter in respect to reporting as to the child's well-being
in the month of January in each year.

Yours faithfully,

Commissioner of Native Welfare.

Perth, W.A.

Form No. 5
amended by
G.G. 9/5/56,
p. 1179.

Form No. 5.
The Native Welfare Act, 1905-1954.
Section 9.

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 bounden.....on or before the.....
day of19....., returns the said.....
to the place from whichhe 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. *Revoked by G.G. 25/5/55, p. 1172.*

Form No. 7
amended by
G.G. 9/5/56,
p. 1179.

Form No. 7.
Admission to Reserve.

BOND.

KNOW ALL MEN BY THESE PRESENTS THAT
I
of..... am bound to.....
....., the Commissioner of Native
[L.S.] Welfare in the State of Western Australia in the
sum of.....hundred pounds for the
due payment whereof I bind myself by these
presents.

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

The conditions of the above written bond or obligation are
such that if the above-bounden..... and each
and every member of his party of.....persons with
whom he desires to enter and remain on Native Reserve No.....,
in the State of Western Australia, for the purpose of.....
....., shall at all times—

(Here insert conditions to be observed.)

then the said bond shall be void; otherwise it shall be of full force
and effect.

IT IS HEREBY AGREED AND DECLARED that any action on this
bond may be brought in any court of competent jurisdiction in the
State of Western Australia.

SIGNED, SEALED AND DELIVERED
by the said.....
.....in the
presence of:—

.....
Justice of the Peace.

I hereby certify that the names and identities of the several persons who it is intended shall enter the above Reserve as mentioned in the preceding bond are:—

.....
.....
.....
.....

Witness.....

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

Form No. 8.

AUTHORITY TO ENTER A RESERVE.

Form No. 8
amended by
G.G. 9/5/56,
p. 1179.

To all Protectors of Natives and Police Officers in the State of Western Australia.

Exercising the authority contained in section 15 of the Native Welfare Act, 1905-1954, and in pursuance of the regulations issued under that Act, and after the acceptance by me of bonds for the due observance of this authority, I hereby grant—

permission to enter and remain on Native Reserve No....., in the State of Western Australia, provided that the persons named herein shall at all times—

(Here insert conditions to be observed.)

This permit expires on the..... day of....., 19 .
Countersigned:

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

.....
Minister.

- Form No. 9 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 10 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 11 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 12 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 13 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 14 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 15 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 16 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 17 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 18 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 18A Revoked by G.G. 25/5/55, p. 1172.
- Form No. 18B Revoked by G.G. 25/5/55, p. 1172.
- Form No. 19 Revoked by G.G. 25/5/55, p. 1172.
- Form No. 20 Revoked by G.G. 25/5/55, p. 1172.

Form No. 21
amended by
G.G. 9/5/56,
p. 1179.

Form No. 21.
The Native Welfare Act, 1905-1954.
Section 69 (o).

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 is to 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. 22
amended by
G.G. 9/5/56,
p. 1179.

Form No. 22.
The Native Welfare Act, 1905-1954.
Section 69 (o).

PERMIT TO MANAGE OR SUPERINTEND A MISSION.

The.....Mission, situated
having been declared an Institution within the meaning of section 2
of the Native Welfare Act, 1905-1954, and.....
having been appointed by.....to be
the Manager or Superintendent of such Institution, this Permit is
granted by me to the said.....to act
as Manager or Superintendent of such Mission until
.....unless this Permit is sooner revoked by me.

.....
Minister.

Department of Native Welfare, Perth.

Date.....

This Permit is not transferable, neither does it authorise the
person to whom it is issued to manage or supervise any Institution
other than that named hereon.

Form No. 23
amended by
G.G. 9/5/56,
p. 1179.

Form No. 23.
The Native Welfare Act, 1905-1954.
Section 69 (o).

PERMIT TO MISSION WORKER.

Authority is hereby given to..... a duly
accredited worker to the.....Mission to con-
tinue to carry out his duties in that capacity until
unless this Permit is sooner revoked by me.

.....
Minister.

Department of Native Welfare, Perth.

Date

This Permit is not transferable, neither does it authorise the
person to whom it is issued to work elsewhere than at the Mission
named hereon.

Form No. 24.
 Native Welfare Act, 1905-1954.
 Section 10.
 LEPROSY PRECAUTION PERMIT—APPLICATION FOR.
 (Regulation 16A.)

Form No. 24
 added by
 G.G. 31/10/41
 p. 1585;
 amended by
 G.G. 25/5/55,
 p. 1172;
 G.G. 9/5/56,
 p. 1179.

To the Commissioner of Native Welfare,
 Perth.

Application is hereby made for a permit to pass from.....
 to.....a place south of
 the twentieth parallel of South latitude, for the following purpose:

- (1) Specialist medical attention.....
- (2) For a legal action, cause or proceeding.....
- (3) Droving of stock.....
- (4)

(Any other purpose approved in writing by the Minister)

Particulars of Native for whom Pass is desired.

Name..... Caste.....
 Sex..... Age.....
 Address.....
 Place.....
 Date

Signature.....

(Delete 1, 2, 3 or 4, whichever does not apply.)

Medical Report.

I certify that the abovenamed.....
 is free of signs of leprosy and is not suffering from any communicable
 disease.

(Further remarks).....

Place.....
 Date

.....
 Medical Practitioner.

Form No. 25.
 Native Welfare Act, 1905-1954.
 Section 10.
 LEPROSY PRECAUTION PERMIT.
 (Regulation 16B (1).)

Form No. 25
 added by
 G.G. 31/10/41
 p. 1585;
 amended by
 G.G. 25/5/55,
 p. 1172;
 G.G. 9/5/56,
 p. 1179.

Permission is hereby given to.....
 of.....to pass from.....
 to.....a place south of the twentieth parallel
 of south latitude to have effect from the.....19....
 to.....19...., unless this permit is sooner revoked
 by me.

This permission is subject to the condition that the native shall
 submit himself for medical examination to a Medical Officer within
 one month of arrival at....., and at monthly
 intervals thereafter during the currency of this authority.

.....
 Minister Controlling the Department
 of Native Welfare.

Department of Native Welfare,
 Perth.

Date.....19.....

Form No. 26
added by
G.G. 31/10/41
p. 1585;
amended by
G.G. 25/5/55,
p. 1172;
G.G. 9/5/56,
p. 1179.

Form No. 26.
Native Welfare Act, 1905-1954.
Section 10.
LEPROSY PRECAUTION PERMIT.
(Regulation 16B (2).)
Droving of Stock.

Permission is hereby given to.....
of..... to take.....
South of the twentieth parallel of South latitude, subject to the
observance of the following conditions:—

- (1) This authority shall expire on the.....
19....., unless it is sooner revoked by me.
- (2) The native shall be returned to a place North of the
twentieth parallel of South latitude within 14 days after
completion of the droving journey for which the native
was engaged.
- (3) The holder of this permit shall cause the native to be
examined by a medical practitioner before departure
from North of the twentieth parallel of South latitude.

.....
Minister Controlling the Department of
Native Welfare.

Department of Native Welfare,
Perth.

Date.....19....

Form No. 27
added by
G.G. 25/5/55,
p. 1172.

Form No. 27.
Native Welfare Act, 1905-1954.
Section 6A.
APPLICATION FOR ASSISTANCE.

I,.....(full name)
of.....(address) in the State
of Western Australia, being a native as defined under section 2 of the
Native Welfare Act, 1905-1954, hereby apply for assistance under
section 6A of the Native Welfare Act, 1905-1954.

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

.....
(Signature)

Date.....

- 1. Date of Birth?.....
- 2. Are you in receipt of any pension? If so, state par-
ticulars.....
- 3. What physical disabilities do you suffer from?.....
- 4. How much money of your own have you?.....
- 5. How much property do you own?.....
- 6. What assistance do you require?.....
- 7. Where is the property you want? (Full address).....
- 8. Describe the property.....
- 9. Can anyone else help you with money?.....
- 10. Are you single, married or a widower? If married state
number of children dependant upon you.....

(See over)

Overleaf to "Form No. 27."

For Head Office Use Only.

Personal File No.....

Caste.....

Copy of field officer's report attached.....(date).

Details of request:

The Hon. Minister for Native Welfare.

Recommendation:

Commissioner of Native Welfare.

Commissioner of Native Welfare.

Application approved/disapproved.

Minister for Native Welfare.

Second Schedule.

Regulation 157.

Charges for Maintenance or other Accommodation as from the 15th day of May, 1953.

1. A person maintained or accommodated by the Department for more than 8 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 8 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.

Second
Schedule
added by
G.G. 16/8/40,
p. 1508,
substituted
by
G.G. 8/8/52,
p. 1910,
amended by
G.G. 15/5/53,
p. 936.