

## NATIVE WELFARE.

12° Elizabeth II., No. LXXIX.

---

No. 79 of 1963.

---

**AN ACT to consolidate and amend the law relating to and providing for the Welfare of the Native Inhabitants of Western Australia; and for incidental and other purposes.**

*[Assented to 19th December, 1963.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Native Welfare Act, 1963*.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

3. (1) The Acts specified in the Schedule to this Act are repealed to the extent therein mentioned. Repeal and savings.

(2) The provisions of sections fifteen and sixteen of the Interpretation Act, 1918, apply in respect of the repeals effected by subsection (1) of this section, but this express inclusion of the application of the provisions of those sections does not exclude the application to this Act of the other provisions of the Interpretation Act, 1918.

(3) Where in any other Act reference is made to an Act repealed by this section or to any provision thereof, the reference shall be taken, unless the context indicates or requires otherwise, to be a reference to this Act, or as the case requires, to the corresponding provision of this Act, and that reference shall be read and construed accordingly.

4. In this Act unless the context requires otherwise— Interpretation.

“Commissioner” means the Commissioner of Native Welfare appointed under this Act, and includes any person for the time being discharging the duties of the office of Commissioner;

“Department” means the Department of Native Welfare established under this Act;

“manager” means a manager appointed under this Act for any reserve;

“native” means—

(a) any person of the full blood descended from the original inhabitants of Australia; and

(b) any person of less than full blood who is descended from the original inhabitants of Australia or from their full blood descendants, except a person so descended who is only one-fourth or less than one-fourth of the original full blood;

but notwithstanding the provisions of this interpretation, any person of the full blood or of less than the full blood descended from the original inhabitants of Australia who—

(i) has served in the Territory of New Guinea or beyond the limits of the Commonwealth as a member of the Naval, Military or Air Forces of the Commonwealth; or

(ii) has served a period of not less than six months' full time duty as a member of the Naval, Military or Air Forces of the Commonwealth,

and has received or is entitled to receive an honourable discharge, has all the rights, privileges and immunities and is subject to the duties and liabilities of a natural born subject of Her Majesty who is of the same age;

“native institution” means a school, home, hostel, station, farm, reserve, mission, or other institution for the benefit or care of the native inhabitants of the State, declared by proclamation to be a native institution for the purposes of this Act;

“representative” means a person appointed by the Minister pursuant to the provisions of section twelve of this Act;

“reserve” means a reserve for natives proclaimed under this Act.

Department  
of Native  
Welfare.

5. (1) There shall be established a Department to be called the Department of Native Welfare, which Department shall be under the Minister and be charged with the duty of promoting the welfare of natives.

(2) Without limiting the operation of section three of this Act, the Department of Native Welfare established under the Acts repealed by this Act, as that Department existed immediately prior to the coming into operation of this Act, shall be deemed to be and shall be the Department of Native Welfare established pursuant to this section.

6. (1) The Treasurer of the State shall in every year place at the disposal of the Department a sum of ten thousand pounds out of the Consolidated Revenue Fund, and such further moneys as may be provided by Parliament, to be applied to the purposes of the Department.

Annual sum  
to be placed  
at disposal of  
Department.

(2) If in any year the whole of the annual sum placed at the disposal of the Department is not expended, the unexpended balance shall be retained by the Department and expended in the performance of the duties of the Department in any subsequent year.

7. It shall be the duty of the Department—

Duties of  
Department.

- (a) to apportion, distribute and apply, as may seem most fit, the moneys placed at its disposal pursuant to this Act;
- (b) to provide and distribute relief to natives at the discretion of the Department;
- (c) to provide for the custody, maintenance and education of the children of natives;
- (d) to provide, as far as practicable, for the supply of medical attendance, medicines, rations and shelter to natives who are sick, aged or infirm;
- (e) to manage and regulate the use of all reserves set apart for the benefit of natives; and

- (f) to exercise such general supervision and care in respect to all matters affecting the interests and welfare of natives as the Minister in his discretion considers most fit to assist in their economic and social assimilation by the community of the State, and to protect them against injustice, imposition and fraud.

Minister for  
Native  
Welfare  
a body  
corporate.

8. (1) The Minister shall for the purposes of this Act be and continue to be a body corporate under the name of the "Minister for Native Welfare" with perpetual succession and a common seal; and by that name shall be capable of suing and being sued and of acquiring, holding, exchanging, leasing, and disposing of real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Minister affixed to a document and shall presume that it was duly affixed.

Authority  
to acquire  
land and  
to dispose  
thereof to  
natives.

9. (1) The Minister may—

- (a) acquire, whether by purchase, exchange, lease or otherwise, land with or without improvements referred to in paragraph (b) of this subsection for the purpose of sale or lease in accordance with the provisions of this subsection; and
- (b) effect to or upon the land acquired such improvements, including clearing, drainage, fencing, sowing, and the provision of livestock, machinery, houses and buildings, and until the land is sold or leased maintain and repair such improvements, including those already effected to or upon the land at the time of the acquisition thereof, as the Minister thinks fit; and

(c) lease the land with the improvements to a native, at such rental, for such term and upon such covenants and conditions as the Minister thinks fit; or

(d) sell the land with the improvements to a native—

(i) for cash; or

(ii) under contract of sale upon such terms and conditions as the Minister thinks fit including, if the Minister thinks fit, a condition that upon payment by the purchaser of a sum specified in the contract in part payment of the purchase price and upon execution by the purchaser of such securities as the Minister may require to secure payment of the balance of the purchase price and interest at such rate as the Minister thinks fit on that balance remaining unpaid from time to time, the Minister shall cause the fee simple in the land to be transferred or conveyed to, and the ownership of such of the improvements as comprise livestock, machinery or other chattels to be vested in, the purchaser subject to the securities.

(2) The Minister may, in addition to the powers conferred on him by subsection (1) of this section, lend money to a native to enable him to improve and develop any land owned or held by him, or to acquire further land, but no such loan shall be made except upon the security of a mortgage to the Minister, for such term, at such rate of interest and upon such terms and conditions as the Minister thinks fit, of the native's estate and interest in the land and the improvements thereon, with or without such additional security as the Minister thinks fit.

(3) The provisions of the Land Act, 1933, and the regulations made under that Act, that are capable of being applied with or without adaptation for the purpose of giving effect to subsection (1) of this section, may be applied with or without adaptation for that purpose; but the Governor may, nevertheless, make such regulations as he thinks necessary or convenient for the purpose of giving effect to that subsection.

(4) The powers conferred on the Minister by this section may be exercised by him for or in respect of agricultural, pastoral, industrial, commercial or domestic purposes, or such other purposes, whether of the same kind as, or a different kind from, those specified in this subsection, as the Minister thinks fit.

Minister  
may extend  
this Act to  
persons of  
less than  
full blood  
who are not  
natives.

10. Notwithstanding any other provision of this Act, the Minister may at any time extend in his discretion all or any of the benefits and privileges conferred on natives under this Act to any person who establishes to the satisfaction of the Minister that he is a person of less than full blood descended from the original inhabitants of Australia or from their full blood descendants but is not a native within the meaning of section four of this Act.

Commis-  
sioner of  
Native  
Welfare  
to be  
appointed.

11. (1) The Governor shall appoint a person to be Commissioner of Native Welfare who shall, under the Minister, be responsible for the administration of this Act and of the Department throughout the State.

(2) The Governor may appoint a person to be the deputy of the Commissioner and that person when so appointed is authorised to exercise any power and perform any duty that the Commissioner may exercise or is required to perform under this Act, whether the Commissioner is absent or not; but the appointment of a deputy does not affect the exercise or discharge by the Commissioner himself of any power or duty.

(3) Without limiting the operation of section three of this Act, the persons who immediately prior to the coming into operation of this Act were respectively the Commissioner of Native Welfare and the deputy of the Commissioner, under the provisions of the Acts repealed by this Act, shall be deemed to have been appointed in accordance with this Act the Commissioner of Native Welfare and the deputy of the Commissioner respectively.

12. (1) The Minister may from time to time appoint fit and proper persons to be representatives who shall, within the parts of the State respectively assigned to them by the Minister, have and exercise the powers and duties prescribed.

Representatives and other officers may be appointed.

(2) The Governor may at any time and from time to time appoint such other persons to such other offices, and with such powers and functions, as he considers necessary or convenient for effectually carrying out the provisions of this Act.

(3) Without limiting the operation of section three of this Act the persons who immediately prior to the coming into operation of this Act occupied the offices of Protector under the Acts repealed by this Act shall upon the coming into operation of this Act become, without further appointment, the occupants of the offices of representative in accordance with and for the purposes of this Act.

13. The provisions of sections eleven and twelve of this Act do not render the provisions of the Public Service Act, 1904, the Superannuation and Family Benefits Act, 1938, or the Government Employees (Promotions Appeal Board) Act, 1945, applicable to a person if those Acts did not apply to him on the coming into operation of this Act, or affect the application to him of the provisions of any of those Acts if they applied to him before the coming into operation of this Act.

Application of Public Service Act, 1904, and other Acts.



Delegation  
by Minister.

14. (1) The Minister may by writing signed by him delegate all or any of the powers and functions conferred upon him by this Act, with the exception of this power of delegation, to the Commissioner or to any other officer of the Department, and the person to whom the power or function is so delegated may exercise that power or function in the same manner and with the same effect as if it were directly conferred upon him by this Act and not by delegation.

(2) Where the exercise of the power or function is dependent upon the opinion, belief, satisfaction or other state of mind of the Minister in relation to any matter, that power or function when delegated may be exercised by the delegate upon his opinion, belief, satisfaction or state of mind in relation to the matter.

(3) A person who purports to exercise a power or function pursuant to a delegation conferred under the provisions of this section is presumed to do so in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation made pursuant to this section may be revoked wholly or in part by the Minister at any time, but no delegation shall prevent the Minister from exercising personally any power or function delegated by him under this section.

Delegation  
by Com-  
missioner.

15. (1) The Commissioner may, in relation to a matter or class of matter, delegate in accordance with the regulations all or any of his powers and functions under this Act, with the exception of this power of delegation, so that the powers and functions delegated may be exercised by the delegate in the whole or a part of the State in accordance with the delegation.

(2) In relation to any delegation by the Commissioner pursuant to this section, the provisions of subsections (2), (3) and (4) of section fourteen of this Act apply as if repeated in this section but as if any reference in those subsections to the Minister were a reference to the Commissioner.

16. A person who occupies or has occupied the office of Minister, Commissioner, deputy of the Commissioner, representative, manager or officer of the Department, or who otherwise exercises or performs or has exercised or performed any power or function conferred or any duty imposed by this Act, is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any power or function conferred or purported to be conferred, or the performance of any duty imposed or purported to be imposed, by this Act.

Exemption  
from personal  
liability.

17. (1) Any person who without the authority in writing of the Commissioner removes or causes to be removed any native to any place beyond the State commits an offence against this Act.

Prohibition  
of removal  
of natives.

(2) The Commissioner shall not give the authority referred to in subsection (1) of this section unless and until the person desiring the removal beyond the State of a native enters into a recognisance with a surety or sureties, at the discretion of the Commissioner, in a sum that the Commissioner considers sufficient to defray the expense of the return of the native to the place from which he is to be removed.

(3) A recognisance under this section shall be in the prescribed form and may be renewed from time to time at the discretion of the Commissioner.

(4) The Commissioner may, in his discretion, dispense with such recognisance in any particular case.

18. (1) The Governor may, by proclamation—

Reserves for  
natives.

- (a) declare any Crown lands to be reserves for natives;
- (b) alter the boundaries of a reserve;
- (c) abolish a reserve;

but notwithstanding the provisions of paragraph (a) of this subsection, not more than two thousand acres of land held under lease or license from the Crown shall be the subject of proclamation under that paragraph in any one magisterial district.

(2) A proclamation made under this section may be cancelled or from time to time varied, or an error in any such proclamation may be rectified, by a subsequent proclamation.

Managers of reserves.

19. (1) The Minister may appoint fit and proper persons to be managers of reserves.

(2) Without limiting the operation of section three of this Act, any person who immediately prior to the coming into operation of this Act occupied the office of superintendent of a reserve under the Acts repealed by this Act shall upon the coming into operation of this Act become, without further appointment, the occupant of an office of manager of a reserve in accordance with and for the purposes of this Act.

Entering of reserves prohibited.

20. (1) It is an offence against this Act for any person other than a native to enter or remain or be within the boundaries of a reserve for any purpose whatsoever, unless he is a manager or an officer of the Department, or a member of either House of the Federal or State Parliaments, or a person authorised in that behalf under the regulations.

(2) No complaint shall be made under this section without the authority of the Commissioner.

Commissioner to have access to natives in employment.

21. A person who employs as an employee or engages as an independent contractor a native, shall allow the Commissioner, or a person authorised to do so by the Commissioner, to have access to the native and to any house, ship, boat or premises where the native may happen to be, at all reasonable times, for such inspection and inquiry as he may deem necessary.

22. (1) A person who engages a native, whether as an employee or an independent contractor, under circumstances that require the native to perform services at a place more than fifty miles distant from where the native is engaged, shall at his own expense provide, when the native has completed the services, for the return of the native to the place where he was engaged.

Employer  
to return  
native  
employee  
to place of  
engagement.

(2) A person who contravenes the provisions of subsection (1) of this section commits an offence against this Act.

(3) A court of summary jurisdiction, whether it imposes or does not impose a penalty upon an offender under this section, may—

- (a) order him to provide for the return of the native to the place where he was engaged by such route and manner as the court thinks fit and orders; and
- (b) if the court thinks fit, order him to pay to the clerk of the court such sum as the court considers proper for, and to be applied in, payment of the cost of the return of the native to that place.

(4) No complaint shall be made under this section without the authority of the Commissioner.

23. (1) The Commissioner may undertake the general care, protection and management of the property of any native, and may—

Commis-  
sioner  
to manage  
property of  
natives.

- (a) take possession of, retain, sell or otherwise dispose of, any such property, whether real or personal;
- (b) in his own name sue for, recover or receive any money or other property due or belonging or held in trust for the benefit of a native, or damages for any conversion of or injury to any such property;

- (c) exercise in the name of a native any power that the native might exercise for his own benefit;
- (d) in the name and on behalf of a native appoint any person to act as attorney or agent for any purpose connected with the property of the native;
- (e) require from any person who has had any contractual transaction or financial dealing or dealings in property with a native, a statement in writing of any such transaction or dealing during the period of one year immediately preceding such requisition;

but the powers conferred by this subsection shall not be exercised, except in the case of minors, without the consent of the native.

(2) A person who fails to supply a statement when required by the Commissioner to do so pursuant to paragraph (e) of subsection (1) of this section, or who wilfully gives or supplies any false information in any such statement, commits an offence against this Act.

(3) The Commissioner shall keep proper records and accounts of all moneys and other property, and the proceeds thereof, received and dealt with by him under the provisions of this section, and for such purpose shall be deemed to be a public accountant within the meaning of the Audit Act, 1904.

(4) The Commissioner may expend or apply any money in his possession or standing to the credit of any native for his maintenance, education, advancement or benefit.

Establish-  
ment of  
"Natives"  
Trading  
Fund."

24. (1) For the purpose of enabling and assisting natives to engage in the production and sale of artifacts and any other articles, or to undertake, engage in and carry out any contract or other work when working as a group or by community effort for the benefit generally of that group or

community, the Minister may establish and cause to be kept in the Treasury an account to be called the "Natives' Trading Fund" which shall be controlled by the Commissioner and which may be administered and operated upon in such manner as from time to time the Treasurer approves and is hereby authorised to approve.

(2) The fund shall consist of—

- (a) all moneys received by or for the Commissioner in respect of the sale of artifacts and other articles acquired from natives;
- (b) all moneys received from the Treasurer under the authority of section twenty-five of this Act; and
- (c) any other moneys paid to the Commissioner for payment to the fund.

(3) The Commissioner shall cause to be kept proper records relating to operations on the fund in such manner and form as the Treasurer approves.

(4) Subject to this Act, the moneys in the fund shall be applied in payment to natives for artifacts and other articles, and in the purchase of materials to enable natives to produce for sale artifacts and other articles, and in the purchase of vehicles, plant, machinery and tools to enable natives working as a group or by community effort to undertake, engage in and carry out contract or other work.

25. (1) The Treasurer shall establish the Natives' Trading Fund by advancing from the Public Account and crediting to the fund such sum as the Governor approves and is hereby authorised to approve, and thereafter if at any time the moneys standing to the credit of the fund are insufficient for the purposes of section twenty-four of this Act, the Treasurer may with the approval of the Governor advance to the fund from the Public Account moneys sufficient for the time being to make up the deficiency.

Treasurer  
to make  
advances  
to Fund.

(2) The amounts of any advances made under this section shall subsequently be repaid to the Treasurer from the fund by the Commissioner as and when moneys are available to make the repayment, and until so repaid are a charge on the fund.

(3) Any moneys in the fund until required for the purposes of section twenty-four of this Act may with the approval of the Minister be dealt with by the Commissioner in such manner as the Treasurer may authorise and is hereby empowered to authorise.

Distribution  
of estate of  
intestate  
native.

26. (1) All property and rights of property vested in any native who dies intestate shall, notwithstanding the provisions of any Act or law to the contrary regulating in the absence of a will any succession to and the administration of the estate of any deceased or missing native, vest in the Public Trustee under and subject to the provisions of the Public Trustee Act, 1941, upon trust to pay the just debts of the deceased and to distribute the balance amongst the persons entitled thereto according to the laws of the State relating to the administration of estates of persons dying intestate, if any of the persons so entitled can be ascertained, otherwise amongst those persons who may by regulation be prescribed as the persons entitled to succeed to the property of the deceased.

(2) Where there is no person entitled to succeed to the property of the deceased native under the regulations, and no valid claim is made to the proceeds of the estate of the deceased within two years after the date of his death, the Governor may, on an application being made in that behalf and notwithstanding the provisions of any other Act, order that the whole or any part of the proceeds be paid in such proportions and manner and upon such terms and conditions to such person or persons having a moral but no legal or equitable claim thereto, to be held by that person or persons for his or their own use, as the Governor may in each case deem advisable; but where no such order is made,

the Public Trustee shall pay the proceeds of the estate to the Commissioner who may thereupon utilise such proceeds for the benefit of any native or for the benefit of natives generally.

(3) A certificate under the hand of the Commissioner shall be conclusive evidence as to the person or persons entitled under the regulations to succeed to the estate of any deceased or missing native or that there is no person so entitled.

(4) After an order is made by the Governor pursuant to the provisions of subsection (2) of this section, a person shall not make a claim against the Public Trustee, the Treasurer, the Commissioner, or any person in whose favour the order is made, for or in respect of the proceeds that are the subject of the order or any property from which those proceeds were obtained, and any such claim that the person may have against all or any of the persons referred to in this subsection shall be deemed on and from the date of the order to be extinguished and forever determined.

27. (1) In this section—

“employee” means a native who is employed as an employee, or who is engaged as an independent contractor, by an employer; and includes a native who ordinarily lives on the property of the employer and is wholly or partially dependent upon the earnings of the employee, or who would but for the receipt of a pension, be so dependent;

“employer” means a person who employs a native as an employee, or who engages a native as an independent contractor.

Duties of  
employer  
of sick or  
injured  
native  
employee.

(2) Where an employee becomes sick, or affected by disease, or suffers an injury, his employer shall, as soon as possible after he becomes aware of the sickness, disease or injury, if it is expedient in the interest of the native that he be removed to a hospital for attention, provide free transport and send him to the nearest or most accessible hospital.



(3) Every employer shall keep and use for the benefit of his employees such drugs, dressings, and instruments for rendering first aid, as are prescribed by the regulations.

(4) The provisions of this section do not relieve an employer of any of his obligations under the Workers' Compensation Act, 1912.

**Presumption  
of proof.**

28. (1) Where in a complaint made under the Justices Act, 1902, or in an indictment or information presented under the Criminal Code, 1913, for an offence, there is an averment that a person referred to in the complaint, indictment or information is a native, courts and persons acting judicially shall presume the averment proved in the absence of proof to the contrary.

(2) Where in a complaint made under the Justices Act, 1902, there is an averment that the complaint is made with the authority of the Commissioner, courts and persons acting judicially shall presume the averment proved in the absence of proof to the contrary.

**Penalties.**

29. Any person who commits an offence against this Act is, except as otherwise provided in this Act, liable upon conviction—

- (a) in the case of a first offence, to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for a term not exceeding six months;
- (b) in the case of a second offence, to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding twelve months;
- (c) in the case of a third or subsequent offence, to a fine not exceeding two hundred pounds, or to imprisonment with or without hard labour for a term not exceeding two years.

30. (1) All offences against this Act may be prosecuted in a summary way before any magistrate or, in his absence, any two justices of the peace.

Offences  
to be  
prosecuted  
summarily.

(2) At the hearing of any prosecution under this Act against a native, the magistrate or justices may permit any person to address him or them, and examine and cross-examine witnesses, on behalf of such native.

31. (1) No admission of guilt or confession before trial shall be sought or obtained from any native charged or suspected of any offence punishable by death or imprisonment in the first instance, and if any such admission or confession is obtained it shall not be admissible or received in evidence.

Admission  
of guilt  
before trial  
not  
admissible.

(2) Nothing in this section shall apply to natives living or domiciled in that portion of the State bounded on the north by the twenty-sixth parallel of south latitude reaching from the coast to the one hundred and twenty-third meridian of east longitude, thence by that meridian to the Southern Ocean.

32. Any officer of the Department or any representative, authorised by the Minister for the purpose, may on behalf of a native who is a party in any legal proceedings in any court, or who is indicted for or charged with any crime, misdemeanour or offence, address the court or the jury on behalf of the native, and examine and cross-examine witnesses.

Depart-  
mental  
officer or  
representa-  
tive may  
address Court  
on natives'  
behalf.

33. (1) Any wages due to or property known to belong to a native who cannot be found, and any estate or other moneys to which a native is entitled, either as a beneficiary or otherwise, shall forthwith be paid or delivered by the employer, trustee, debtor, or other person liable to pay or deliver the same to the Commissioner, and failure to do so is an offence against this Act.

Payment of  
moneys to  
trust  
account for  
natives.

(2) The Commissioner may recover any such wages or property by action in his name in any court of competent jurisdiction.

(3) On receipt of such wages or property the Commissioner shall, in the case of money, place that money to the credit of a special trust account, and where the property does not consist of money the Commissioner shall as soon as practicable convert that property into money and place the money to the credit of that account.

(4) Subject to the provisions of this Act, the moneys placed to the credit of the special trust account referred to in subsection (3) of this section may in the case of a native who cannot be found, and in the event of no claim for the money being made by the native within a period of three years, be applied by the Commissioner for the benefit of any native or for the benefit of natives generally.

Property of  
deceased  
native  
to be paid  
and delivered  
to executor  
or adminis-  
trator.

34. (1) Any wages due to or property known to belong to a native who is deceased, and any estate or other moneys to which such native was entitled howsoever, shall forthwith, be paid or delivered by the employer, trustee, debtor or other person liable to pay or deliver the same to the executor of the will or the administrator of the estate of the deceased native, and failure to do so is an offence against this Act.

(2) The estate of the deceased native, if he died testate, shall be distributed in accordance with the terms of his will, and if he died intestate, shall be distributed in accordance with the provisions of section twenty-six of this Act.

Accounts of  
Department  
to be  
prepared and  
audited  
annually.

35. (1) A separate account of the moneys placed at the disposal of the Department shall be opened and kept at the Treasury as a Trust Account, in the manner prescribed by the Treasurer, and the Commissioner or such other officers as the Minister may

appoint from time to time shall operate upon that account, in such manner as the Treasurer may prescribe.

(2) The Minister shall cause accounts to be kept by the Department of all moneys received and expended by the Department.

(3) Within two months after the close of each financial year the Minister shall cause to be prepared a statement of receipts and payments for that year, and such other statements as he may direct.

(4) Within three months after the close of each financial year the Minister shall cause the statement of receipts and payments and other statements in connection with the accounts for that year to be submitted to the Auditor General for audit, and when so audited and reported upon by the Auditor General shall cause those statements to be published in the *Government Gazette*.

(5) The statement of receipts and payments and other statements, referred to in this section, duly audited, together with a report by the Commissioner on the condition and welfare of the natives, and of the transactions of the Department for the year, shall be laid before both Houses of Parliament within twenty-eight days after completion of the audit if Parliament is then in session, otherwise within twenty-eight days after the commencement of the session next following.

36. The Auditor General has and may exercise, with respect to the audit of accounts of the Department, all the powers that are conferred upon him by the Audit Act, 1904.

Powers of  
Auditor  
General.

37. (1) The Governor may make regulations prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

Regulations.

(2) Without limiting the generality of the powers conferred by subsection (1) of this section, the Governor may make regulations for or with respect to—

- (a) prescribing the duties of officers of the Department, representatives, managers, and any other persons employed to carry into effect the provisions of this Act;
- (b) prescribing the manner in which the Commissioner may delegate under subsection (1) of section fifteen of this Act, and the manner in which the delegation may be proved;
- (c) providing for the control of the receipt and payment of money, classification of accounts, authorisation of expenditure, and all matters pertaining to the management of the accounts of the Department;
- (d) providing for the care, custody and education of the children of natives;
- (e) providing for the control, care and education of natives in native institutions, and for the supervision of native institutions;
- (f) regulating a fund for the general welfare and relief of natives; and for the establishment, management and control of that fund, including eligibility for and the amount and method of, payment of benefits from that fund;
- (g) regulating the use, management and control of the Natives' Trading Fund established under section twenty-four of this Act;
- (h) providing for the inspection of natives employed as employees or engaged as independent contractors, and their conditions of service;

- (i) providing for the control of reserves and the supervision of natives on reserves;
- (j) authorising entry upon a reserve by specified persons or classes of persons for specified objects, and the conditions under which those persons may enter or remain upon a reserve, and providing for the revocation of such authority in any case;
- (k) the establishment of mission stations and the issue of permits to mission workers;
- (l) prescribing fees payable for the purposes of this Act;
- (m) prescribing the form of recognisance referred to in section seventeen of this Act;
- (n) for all other purposes relating to the administration of this Act.

38. Regulations made pursuant to the powers conferred by section thirty-seven of this Act may impose for any breach thereof—

Penalties  
for breach of  
regulations.

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

## Section 3.

## THE SCHEDULE.

No. of Act.	Title of Act.	Extent of Repeal.
No. 14 of 1905	Aborigines Act, 1905	The whole.
No. 42 of 1911	Aborigines Act Amendment Act, 1911	The whole.
No. 43 of 1936	Aborigines Act Amendment Act, 1936	The whole.
No. 37 of 1940	Native Administration Act Amendment Act, 1940	The whole.
No. 4 of 1941	Native Administration Act Amendment Act, 1941	The whole.
No. 42 of 1947	Native Administration Act Amendment Act, 1947	The whole.
No. 60 of 1954	Native Administration Act Amendment Act, 1954	The whole.
No. 64 of 1954	Native Welfare Act, 1954	The whole.
No. 3 of 1960	Native Welfare Act Amendment Act, 1960.	The whole.