

NATIVES (CITIZENSHIP RIGHTS).

15° and 16° Geo. VI., No. XXVII.

No. 27 of 1951.

AN ACT to amend the Natives (Citizenship Rights) Act, 1944-1950.

[Assented to 12th December, 1951.]

BE it enacted by the King'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 *Natives (Citizenship Rights) Act Amendment Act, 1951*, and shall be read as one with the Natives (Citizenship Rights) Act, 1944-1950 (Act No. 23 of 1944, as amended by No. 44 of 1950), referred to in this Act as the principal Act.

Citation of principal Act as amended by this Act.

2. The principal Act, as amended by this Act, may be cited as the Natives (Citizenship Rights) Act, 1944-1951.

Commencement.

3. This Act shall come into operation on a day to be fixed by Proclamation.

S. 3 amended.

4. Section three of the principal Act is amended by—

(a) adding before the the interpretation, "Commissioner" the following interpretation—

"Board" means a Natives (Citizenship Rights) Board constituted pursuant to the provisions of this Act;

- (b) adding after the interpretation, "Commissioner" the following interpretation—

"district" means a municipal district constituted pursuant to the provisions of the *Municipal Corporations Act, 1906-1947*, or a road district constituted pursuant to the *Road Districts Act, 1919-1948*, as the case requires.

5. The principal Act is amended by adding the following sections:—

3A. (1) The Governor may constitute Boards for the purposes of this Act.

Ss. 3A and 3B added.

Constitution of boards.

(2) A Board shall consist of a police, resident, or stipendiary magistrate, and a person nominated by the Minister as a district representative.

(3) The person nominated by the Minister as district representative shall be the mayor of the municipality or the chairman of the road board, as the case may be, of the district in which the native concerned ordinarily resides, or a person who is a member of and is nominated by that municipality or road board, or if those persons are unable or unwilling to accept office on the Board, a person who has a good general knowledge of the district and who is willing and able to accept office on the Board, and shall hold office on the Board for such time and be entitled to such allowances for expenses as the Governor shall determine.

(4) Acceptance of or acting in the office of district representative on a Board by a person shall not of itself render the provisions of the *Public Service Act, 1904-1950*, the *Superannuation Act, 1871-1947*, or the *Superannuation and Family Benefits Act, 1931-1950*, applicable to him, nor affect the application of those provisions to him if they applied to him at the time of the acceptance of or acting in the office.

3B. For the purposes of this Act, a Board shall have jurisdiction in the district in which the native concerned ordinarily resides.

Jurisdiction of Board.

S. 4
amended.

6. Section four of the principal Act is amended by—

- (a) substituting for the words, “resident or stipendiary magistrate or Government Resident in the magisterial district in which he resides” in lines four and five of subsection (1), the words, “Board having jurisdiction in the district in which he ordinarily resides in the manner prescribed by the regulations”;
- (b) repealing subsection (3).

S. 5
amended.

7. Section five of the principal Act is amended by—

- (a) substituting for the word, “magistrate” in lines two and three of subsection (1), the word, “Board”;
- (b) deleting all words in the last two lines of subsection (1);
- (c) substituting the words, “the Board” for the words, “the magistrate” in lines two and three of subsection (3), and the word, “he” in line six of subsection (3);
- (d) substituting for the word, “magistrate” in line one of subsection (4), the word, “Board”;
- (e) substituting for the word, “he” in line one of subsection (4), the words, “the Board”;
- (f) substituting for the words, “his hand” in line two of subsection (4), the words, “the hands of the members of the Board”;
- (g) substituting for the word, “magistrate” in line one of subsection (5), the word, “Board”.

Cf. No. 44 of
1950, s. 2 (b).

S. 6
amended.

8. Section six of the principal Act is amended by deleting the words, “shall be deemed to be no longer a native or aborigine and” in lines three and four.

9. Section seven of the principal Act is amended S. 7 amended.
by—

- (a) substituting for the word, "magistrate" in line two of subsection (1) the words, "Board having jurisdiction in the district in which the native concerned ordinarily resides";
- (b) substituting for the word, "he" in line three of subsection (1), the words, "the Board";
- (c) substituting for the word, "magistrate" appearing in subsection (2), the word, "Board"; Cf. No. 44 of 1950, s. 4.
- (d) substituting for the word, "magistrate" in line three of subsection (3), the words, "Board having jurisdiction in the district in which he ordinarily resides".

10. The following sections are added to the principal Act:— Ss. 7A and 7B added.

7A. In exercising the jurisdiction conferred by the provisions of this Act, a Board shall satisfy itself that the native concerned ordinarily resides in the district in which it has jurisdiction.

7B. Every decision of a Board on any matter shall be the unanimous decision of both members, but in case of disagreement, an application shall be refused, or complaint dismissed, and the decision of the Board shall be final.

11. Section nine of the principal Act is amended S. 9 amended.
by—

- (a) substituting for the word, "magistrate" in line two of paragraph (d) of subsection (2), the word, "Board";
- (b) adding the following paragraph to subsection (2)—
 - (e) prescribe fees payable for the purposes of this Act.

12. The principal Act is amended by substituting for the figures, "1941" wherever they appear in a reference to the *Native Administration Act, 1905-1941*, the figures, "1947". Reference to Native Administration Act amended.