



# Government Gazette

OF

## WESTERN AUSTRALIA.

[Published by Authority at 3.30 p.m.]

[REGISTERED AT THE GENERAL POST OFFICE, PERTH, FOR TRANSMISSION BY POST AS A NEWSPAPER.]

No. 44.]

PERTH : WEDNESDAY, 25th MAY

[1955.

## BRANDS ACT, 1904-1952.

Department of Agriculture,  
Perth, 18th May, 1955.

THE Minister for Agriculture, under the provisions of the Brands Act, 1904-1952, has been pleased to make the regulations set forth in the Schedule hereunder.

G. K. BARON HAY,  
Director of Agriculture.

## Schedule.

1. These regulations may be cited as the Woolbranding Regulations.
2. In these regulations—  
“Act” means the Brands Act, 1904-1952;  
“registrar” means the registrar of brands appointed under the Act.
3. (1) Every woolbrand registered under the Act shall consist of two letters and a numeral in alignment and not conjoined.  
(2) The arrangement of the letters and numeral shall be fixed and determined by the registrar in such order and position as he may decide.
4. A woolbrand may be registered for use in any colour allotted by the registrar with the exception of black.
5. (1) The registrar may cancel the registration of any woolbrand and in place of the brand so cancelled, may register without charge a woolbrand for use in such position and such colour, excepting black as he may determine.  
(2) The registrar may amend any certificate of registration of a woolbrand issued in accordance with the provisions of the Act in order to conform with these regulations.
6. From the date of the coming into operation of these regulations a woolbrand or cullmark woolbrand used under the Act shall not be marked in black material.
7. Every branding material used for marking a woolbrand shall be of a kind approved by the registrar but the registrar shall not approve of any material being so used unless it has been examined by the Commonwealth Scientific and Industrial Research Organisation and certified by that organisation as being suitable for woolbranding and in respect of which a current certificate to that effect has been issued.
8. A person who commits a breach of these regulations is liable to a penalty of not less than five pounds (£5) nor more than fifty pounds (£50).

Dated this 18th day of May, 1955.

L. F. KELLY,  
Acting Minister for Agriculture.

## NATIVE WELFARE ACT, 1905-1954.

Department of Native Welfare,  
Perth, 19th May, 1955.

HIS Excellency the Governor in Executive Council, under the provisions of the Native Welfare Act, 1905-1954, has been pleased to amend, in the manner mentioned in the Schedule hereunder, the Native Administration Regulations, 1938, made under the Native Administration Act, 1905-1947, and published in the *Government Gazette* on the 1st day of November, 1938, and amended from time to time thereafter.

S. G. MIDDLETON,  
Commissioner of Native Welfare.

## Schedule.

The abovementioned regulations are amended as follows:—

1. The regulations are amended by substituting for the small letter "p" wherever it appears in the word "protector," the capital letter "P."
2. Regulation 3 is amended by deleting the definition "Hospital."
3. Insert after regulation 8 new regulations numbered 8A to 8I as follows:—

## 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.

## 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 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.

## 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. All fees and charges in connection therewith are payable by the approved applicant.

## 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.

#### 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.

#### Transfers.

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.

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.

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.

4. Regulation 11 is amended by revoking paragraph (b).

5. Regulation 12 is amended by deleting the word "employer" in line three and substituting the words "at the expense of the person to whom the authority has been granted."

6. Insert after regulation 12 a new regulation 12A as follows:—

Delegation.

12A. (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.

7. Regulation 13 is revoked.
8. Revoke regulations 17 and 18.
9. Regulation 20 is amended by deleting all words after the word "wards" in line three.
10. Regulation 22 is amended—
- (a) by inserting after the word "ward" in line one the words "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";
  - (b) by inserting after the word "ward" in line four the words "or the child"; and
  - (c) by adding after the word "regulations" in line five the following "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."
11. Regulation 28 is amended by deleting the words "or being in possession of firearms or poison" in lines three and four.
12. Revoke regulations 31 and 32.
13. Regulation 37 is amended by deleting the words "All inmates under fourteen years of age must attend school, if so required by the superintendent or manager," in lines one and two and substituting the words "All natives of school age must attend school,".
14. Regulation 38 is revoked and the following regulation is substituted:—
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.
15. Regulation 41 is amended by adding a further paragraph (f) as follows:—
- (f) The maintenance of satisfactory records and observance of other administrative requirements.
16. Regulation 42 is revoked.
17. Regulation 43 is amended by deleting all words in the regulation appearing after the word "made" in line four.
18. Regulation 46 is amended by deleting all words in the regulation appearing after the word "avoided" in line two.
19. Regulation 47 is revoked.
20. Regulation 48 is amended by deleting all words in the regulation appearing after the word "witness" in line three.
21. Regulations 49, 50, 51, 52, 53 are revoked.
22. Regulation 55, paragraph (b), is amended by deleting the words "the district protector" in lines one and two and substituting the words "the Superintendent."
23. Regulation 56 is amended by deleting the word "fourteen" in line one and substituting the word "sixteen."
24. Regulations 58 to 80 inclusive are revoked.

25. Regulation 81, paragraph (c), is amended—
- (i) by substituting for the word "Minister" in line three the word "Commissioner"; and
  - (ii) by deleting the words "Saccharine shall not be substituted for sugar except with the consent of the Commissioner" in lines three and four.
26. Regulation 82 is amended by deleting the words "in lieu of or in part payment of wages" in line two.
27. Regulation 83 is revoked and the following regulation substituted:—
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.
28. Regulation 85 is revoked.
29. Regulation 87 is amended by deleting the word "child" in line one and substituting the word "ward."
30. Regulations 88, 89, 91, 92, 93, 94, 95, 98, 99, 100, 101, 102, 103, 104, 105 and 106A to 106L inclusive are revoked.
31. Regulation 106 O is revoked and the following regulation substituted:—
- 106 O. Natives eligible to be covered by regulations 106M and 160N 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.
32. Regulations 106P to 106S inclusive, 106U, 106V and 107 to 128 inclusive are revoked.
33. Regulation 130 is amended—
- (a) by inserting after the figures "130" the figure "1" in brackets, thus "(1)";
  - (b) by deleting the words and figures "Native Administration Act, 1905-1936" in lines two and three and substituting the words and figures "Native Welfare Act, 1905-1954";
  - (c) by deleting the words "to report to the nearest Police Officer or senior protector of his district any sudden illness of, accident to or emergency affecting a native demanding immediate attention," in lines six, seven and eight;
  - (d) by deleting the words "or any inspector" in line eleven;
  - (e) by deleting the words "to 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";
  - (f) by inserting a subregulation as follows:—
- (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.
34. Regulation 131 is revoked.
35. Regulation 132 is revoked and the following regulation substituted:—
132. A Protector in the execution of his duty may enter any place whatsoever where natives may be in any circumstance.
36. Regulation 139 is revoked
37. Regulation 140, paragraph (a), is amended—
- (i) by deleting the words "and be signed by him in the presence of a responsible witness" in lines two and three;
  - (ii) by substituting for the word "prepare" in line four the word "make"; and
  - (iii) by deleting the words "but must himself affix his mark to such application in the presence of a responsible witness" in lines four and five.
38. Regulation 140, paragraph (b), is revoked.
39. Regulations 142 to 145 inclusive are revoked.
40. Regulations 153 to 156 inclusive are revoked.

41. Forms 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18A, 18B, 19 and 20 are revoked.

42. Form No. 24 is amended by adding in the purposes enumerated, the following:—

(4) .....  
(Any other purpose approved in writing by the Minister).

43. Form No. 25 is amended—  
(i) by deleting all the words between "for" and "to" in lines three and four; and  
(ii) by deleting all words between "to" in line seven and "within" in line eight and substituting the words "a Medical Officer."

44. Form No. 26 is amended by deleting condition (3).

45. By adding after Form No. 26 a new Form No. 27 as follows:—

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 here-  
under.

Date.....  
(Signature)

- 1. Date of birth?.....
- 2. Are you in receipt of any pension? If so, state particulars.....
- 3. What physical disabilities do you suffer from?.....
- 4. How much money of your own have you?.....
- 5. 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.