

Cf. No. 13 of 1903 as amended, s. 85, re-numbered 65 in the 1943 reprint; and No. 10 of 1922, as amended, s. 3.

“fees” means fees prescribed by or under an Act and includes duty according to the respective interpretations given to that expression by Part V. of the Administration Act, 1903, and by section four of the Stamp Act, 1921.

(b) Where under the power conferred by subsection (1) of this section the Commissioner makes application for a grant of letters of administration or letters of administration with the will annexed, and the gross amount of the estate does not exceed two hundred pounds, fees are not payable in respect of matters relating or incidental to the application, or to the administration of the estate by the Commissioner as administrator under the grant of the letters of administration.

(4) Where by or under an Act provision is made for the administrator of a deceased person's estate to give notice calling for claims against the estate, prior to distributing the estate, the Commissioner may effectively give the notice

- (a) in such form as he thinks fit; and
- (b) by publishing the notice, alone or together with other similar notices relating to other deceased estates of which he is the administrator, in the *Gazette* and in a newspaper, twenty-eight days at least before he proceeds to the distribution of the estate.

S. 37 repealed and re-enacted.

38. Section thirty-seven of the principal Act is repealed and re-enacted as follows:—

37. (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 upon 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.

(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, notify the fact in writing to the nearest or most accessible Protector; and

(i) if it is expedient in the native's interest that he be removed to a hospital for attention,

provide free transport and send him to the nearest or most accessible hospital; or

(ii) if directed to do so by a Protector, provide free transport and send the native to the Protector, and provide free transport for conveying the native from the Protector to the nearest or most accessible hospital.

(3) Employers shall keep and use for the benefit of their 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.

S. 38
amended.

39. Section thirty-eight of the principal Act is amended by—

(a) substituting for the words, “Minister, apply to a justice of the peace for a summons to be served on the alleged father of such child” in lines seven, eight, and nine of subsection (1) the words, “Commissioner proceed pursuant to the provisions of the Child Welfare Act, 1947”;

(b) substituting for subsection (2) the following subsection:—

(2) Where contributions are made towards the support of a child mentioned in subsection (1) of this section, whether as the result of proceedings mentioned in that subsection or otherwise, the Commissioner may direct the application of the contributions in such manner as he thinks best suited for the benefit of the child, and his direction has effect according to its tenor.; and

(c) repealing subsections (3) to (6) both inclusive.

S. 40
repealed.

40. Section forty of the principal Act is repealed.

S. 41
repealed.

41. Section forty-one of the principal Act is repealed.

S. 42
repealed.

42. Section forty-two of the principal Act is repealed.

S. 43
repealed.

43. Section forty-three of the principal Act is repealed.

S. 44
repealed.

44. Section forty-four of the principal Act is repealed.

S. 45
repealed.

45. Section forty-five of the principal Act is repealed.

S. 46
repealed.

46. Section forty-six of the principal Act is repealed.

47. Section forty-seven of the principal Act is amended by— S. 47 amended.

- (a) deleting the words, "or who travels accompanied by," in lines eleven and twelve of subsection (1); and
- (b) deleting the word, "Resident" in line two of subsection (3).

48. Section forty-eight of the principal Act is repealed. S. 48 repealed.

49. Section fifty of the principal Act is amended by adding the following proviso after the word "Act" in the sixth line of the section:— S. 50 repealed.

Provided that nothing in this section shall render it unlawful for any holder of such license at his discretion to permit any native to enter and remain on his licensed premises for the purpose of having food or lodging, and for the purposes of this proviso the provisions of section one hundred and fifty-one of the Licensing Act, 1911-1953, shall not apply.

50. Section fifty-one of the principal Act is repealed. S. 51 repealed.

51. Section fifty-two of the principal Act is repealed and re-enacted as follows:— S. 52 repealed and re-enacted.

52. 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, information or indictment is a native, Courts and persons acting judicially shall presume the averment proved in absence of proof to the contrary.

Cf. No. 11 of 1902 as amended s. 42; and Criminal Code 1913, ss. 578 and 720.

S. 53
amended.

52. Section fifty-three of the principal Act is amended by—

- (a) substituting for the words, “any prosecution under this Act” in line one the words, “the charge of an offence”; and
- (b) adding after the word, “justices” in line two, the words, “, where the charge is being dealt with summarily, or the jury where the charge is not being dealt with summarily,”.

S. 56
amended.

53. Section fifty-six of the principal Act is amended by substituting for the figures, “1907-1941” in line six, the figures, “1947”.

S. 57
amended.

54. Section fifty-seven of the principal Act is amended by—

- (a) deleting the word, “resident” in line one and again in line eighteen;
- (b) deleting the words, “or the regulations thereunder” in line four;
- (c) substituting for the words, “police officer” in line ten the words, “member of the Police Force of the State”; and
- (d) substituting for the words, “police officer” in lines twelve and thirteen the words, “member of the Police Force of the State”.

Cf. No. 30 of
1918, as
amended s. 4
“This Act”.

S. 58
amended.

55. Section fifty-eight of the principal Act is amended by—

- (a) substituting for the words, “police officer” in line one the words, “member of the Police Force of the State”; and
- (b) deleting the word, “resident” in line six.

56. Section sixty of the principal Act is amended S. 60 amended.
by—

- (a) deleting the words, "or the regulations" in lines one and two; and Cf. No. 30 of 1918, as amended s. 4. "This Act"; and s. 59 ante.
- (b) deleting the word, "resident" in line three and again in line six.

57. Section sixty-one of the principal Act is S. 61 amended.
amended by—

- (a) adding after subsection (1) the following proviso:—

Provided that nothing in this subsection shall apply to natives living or domiciled in that portion of the State bounded on the north by the 26th parallel of latitude reaching from the coast to the 123rd meridian of longitude, thence by that meridian of longitude southwards to the Southern Ocean. ; and

- (b) repealing subsections (2), (3) and (4).

58. Section sixty-two of the principal Act is S. 62 repealed.
repealed.

59. Section sixty-three of the principal Act is S. 63 repealed.
repealed.

60. Section sixty-four of the principal Act is S. 64 repealed.
repealed.

61. Section sixty-five of the principal Act is S. 65 amended.
amended by transposing the word "generally" in line six of subsection (4) so as to precede the word, "for" in that line.

62. Section sixty-six of the principal Act is S. 66 repealed.
repealed.

63. Section sixty-eight of the principal Act is S. 68 repealed.
repealed.

S. 69
amended.

64. Section sixty-nine of the principal Act is amended by—

(a) adding after paragraph (a) the following paragraph:—

Cf. s. 7 (3)
ante.

(aa) prescribing how the Commissioner may delegate under subsection (3) of section seven of this Act, and how the delegation may be proved;

(b) repealing paragraph (h);

(c) deleting the words “providing for contributions by natives whether in a native institution or elsewhere” in lines one and two of paragraph (i);

(d) substituting for the word “to” the word “regulating” in line two of paragraph (i);

(e) adding after the word, “amount” in line six of paragraph (i) the words, “and method of payment”;

(f) deleting the words from and after the word, “therefrom” in line six of paragraph (i) to the end of the paragraph;

(g) repealing and re-enacting paragraph (j) as follows:—

(j) providing for the inspection of natives, employed as employees or engaged as independent contractors and their conditions of service;

(h) repealing and re-enacting paragraph (k) as follows:—

(k) providing for the control of reserves and the supervision of natives on reserves;

(i) repealing paragraph (n);

(j) adding after paragraph (o) the following paragraphs:—

(oa) prescribing fees payable for the purposes of this Act;

(ob) prescribing the form of recognisance mentioned in section nine of this Act; and

(k) repealing paragraph (q).

65. Section seventy of the principal Act is S. 70 repealed. repealed.

66. Section seventy-three of the principal Act is amended by substituting for the words, "Colonial Treasurer" in the last lines of each of subsections (1) and (2), the words, "Treasurer of the State". S. 73 amended. Cf. No. 8 of 1925.

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