

NATIVE WELFARE.

9° Elizabeth II., No. III.

No. 3 of 1960.

AN ACT to amend the Native Welfare Act, 1905-1954.

[Assented to 6th October, 1960.]

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:—

1. (1) This Act may be cited as the *Native Welfare Act Amendment Act, 1960.* Short title and citation.

(2) In this Act the Native Welfare Act, 1905-1954, is referred to as the principal Act. Vol. 9 of the Reprinted Acts approved for reprint 22nd August, 1955.

(3) The principal Act as amended by this Act may be cited as the Native Welfare Act, 1905-1960.

s. 2
amended.

2. The interpretation, "Native" in section two of the principal Act is amended—

- (a) by adding after the passage, "Australia," in line three of paragraph (a), the word, "and";
- (b) by substituting for the passage contained in the first seven lines of paragraph (b), and for subparagraphs (i), (ii) and (iii) of that paragraph, the passage, "any person of less than full blood who is descended from the original inhabitants of Australia or from their full blood descendants, except a quadroon or person of less than quadroon blood"; and
- (c) by substituting for the words, "shall be deemed to be no longer a native for the purpose of this or any other Act" in the last two lines of the proviso to paragraph (b), the passage, "has all the rights, privileges and immunities and is subject to the duties and liabilities of a natural born or naturalised subject of Her Majesty who is of the same age."

s. 3
repealed.

3. Section three of the principal Act is repealed.

s. 6A
amended.

4. Section six A of the principal Act is amended by adding after subsection (3) the following 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 for or in respect of such other purposes, whether of the same kind as, or a different kind from, those here specified, as the Minister thinks fit.

5. Section seven of the principal Act is amended by adding after subsection (1) the following subsection:—

S. 7
amended.

(1a) The Governor may appoint a person to be the deputy of the Commissioner and the person when so appointed is authorised to exercise any power, and to carry out any duty, which the Commissioner may exercise or is required to carry out 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.

6. The principal Act is amended by adding after section seven the following section:—

S. 7A
added.

7A. A person who occupies or has occupied the office of Minister, Commissioner, Deputy Commissioner, or officer of the Department, or who otherwise carries out or has carried out any duty or function under 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 conferred or which purports to be conferred, or the carrying out of any duty imposed or which purports to be imposed, by this Act.

Exemption
from
personal
liability.

7. Section thirty-six of the principal Act is amended—

S. 36
amended.

(a) by substituting for the passage, "be utilised by the Commissioner generally for the benefit of natives:" in lines five and six of the first proviso to subsection (2), the passage, "if within twelve months of the date of the payment to that account, no valid claim is made to the proceeds, the Governor may notwithstanding the provisions of any other Act order, on an application being made in that behalf, that the proceeds or any portion thereof, shall

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 those persons for his or their own use as the Governor may in each case deem advisable but where no such order is made the Commissioner may utilise the proceeds for the benefit of natives generally.”; and

- (b) by adding after subsection (2) the following subsection:—

(2a) (a) On and after the date on which an order is made by the Governor under subsection (2) of this section, a person shall not make a claim against the Commissioner, the Treasurer or any person in whose favour the order is made, for or in respect of the proceeds which are the subject of the order or any property from which the proceeds were obtained.

(b) Any such claim which the person may have against all or any of the persons referred to in paragraph (a) of this subsection, shall be deemed on and from the date of the order to be extinguished and forever determined.

S. 65
amended.

8. Subsection (4) of section sixty-five of the principal Act is amended by adding after the word, “thirty-six” in the last line, the passage, “or an order made by the Governor under subsection (2) of section thirty-six of this Act, but where the proceeds are not paid under the regulations or an order, they may be utilised by the Commissioner for the benefit of natives generally.”

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