
TRADING WITH THE ENEMY (NO. 2).

No. 17 of 1914.

An Act to amend the *Trading with the Enemy Act* 1914.

[Assented to 26th November, 1914.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and
citation.

1.—(1.) This Act may be cited as the *Trading with the Enemy Act (No. 2)* 1914.

(2.) The *Trading with the Enemy Act* 1914 is in this Act referred to as the Principal Act.

(3.) The Principal Act and this Act shall be read together and may together be cited as the *Trading with the Enemy Acts* 1914.^(a)

(a) For copy of *Trading with the Enemy Acts* 1914 see *infra*, p. 319.

2. Section two of the Principal Act is amended by adding at the end of sub-section (1.) the following definition :—

Definition.

“ ‘ Enemy subject ’ means—

- (a) any person who is an enemy within the meaning of any Proclamation by the King or by the Governor-General, referred to in sub-section (2.) of this section ; or
- (b) any person firm or company the business whereof is managed or controlled directly or indirectly by or under the influence of enemy subjects, or is carried on wholly or mainly for the benefit or on behalf of enemy subjects, notwithstanding that the firm or company may be registered or incorporated within the King’s Dominions.”

3. Section four of the Principal Act is amended—

Power to
impound
documents.

- (a) by inserting in paragraph (a) of sub-section (1.), after the word “ inspect ”, the words “ and if thought fit impound ” ; and
- (b) by omitting paragraph (c) of that sub-section and inserting in its stead the following paragraph :—

“ (c) if accompanied by an officer of police or prescribed officer, to enter into, break open, and search any house premises or place used or believed by the Comptroller-General to be used in connexion with such business or trade, or in which the Comptroller-General believes there are any books or documents belonging to the person firm or company.”

4. Section eight of the Principal Act is amended—

Power to
appoint
controller of
certain firms
and companies.

- (a) by inserting in paragraph (1.), before the words “ firm or company ” (first, second, and last occurring) the word “ person ” ;
- (b) by inserting in paragraph (b) of sub-section (1.), after the first word “ that,” the words “ (in the case of a firm or company) ” ;
- (c) by inserting in sub-section (1.), after paragraph (b), the words : “ or
 - (c) that the business thereof is controlled or managed directly or indirectly by or under the influence of enemy subjects, or is carried on wholly or mainly for the benefit or on behalf of enemy subjects ; or
 - (d) that it is necessary for the safety of the Commonwealth that a controller of the business should be appointed ;”
- (d) by omitting from sub-section (1.) the words “ shall be those of a receiver and manager under the laws relating to bankruptcy or insolvency in force in the State in which the firm or company carries on business, with such modifications, restrictions, and extensions as the Court thinks fit ” ; and inserting in

their stead the words "may include any powers of controlling, conducting, continuing, discontinuing, extending, restricting, or varying the business and operations of the person firm or company";

(e) by adding at the end thereof the following sub-section :—

"(3.) Where the Minister is satisfied, in reference to any person firm or company, that the business thereof is managed controlled or carried on as mentioned in paragraph (c) of sub-section (1.) of this section, or that it is necessary for the safety of the Commonwealth that a controller of the business should be appointed, he may, before applying to the High Court under that sub-section, appoint an interim controller of the person firm or company with such powers and subject to such conditions as he thinks fit; but in that case he shall as soon as practicable thereafter apply to the High Court under that sub-section."

5. The Principal Act is amended by adding at the end thereof the following sections :—

Debts due to
enemy subject.

"9.—(1.) Where any person has reasonable ground for believing that any person, firm, or company to whom he owes money is an enemy subject, he may tender the money to the Comptroller-General, or to any officer of Customs authorized in that behalf by the Comptroller-General, together with a statutory declaration stating the transaction or matter in respect of which he owes the money, and his grounds for believing that the creditor is an enemy subject.

"(2.) The Comptroller-General or officer shall, if he is satisfied that the grounds of belief stated in the declaration are reasonable, receive the money, and give a receipt therefor stating the name of the creditor on whose account the money is paid.

"(3.) The receipt shall be a good and valid discharge to the debtor as against the creditor and all persons claiming through or on behalf of the creditor.

"(4.) The Comptroller-General or officer shall pay the money into a Trust Account to be established for that purpose by the Treasurer under the *Audit Act* 1901-1912.

"(5.) The Treasurer may pay the money to the creditor, his executors or administrators, on demand made after the termination of the present state of war, or before that time if he is satisfied that the creditor is not an enemy subject.

Regulations.

"10. The Governor-General may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act."