

STATUTORY RULES.

1915. No. 130.

REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1915.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *War Precautions Act* 1914-1915, to come into operation forthwith:—

Such Regulations shall supersede the Provisional Regulations (Statutory Rules 1915, No. 77) under the said Act, made on the 19th day of May, 1915; the Provisional Regulations (Statutory Rules 1915, No. 81) under the said Act, made on the 26th day of May, 1915; the Provisional Regulations (Statutory Rules 1915, No. 105) under the said Act, made on the 23rd day of June, 1915; and the Provisional Regulations (Statutory Rules 1915, No. 119) under the said Act, made on the 14th day of July, 1915.

Dated this twenty-eighth day of July, One thousand nine hundred and fifteen.

R. M. FERGUSON,
Governor-General.

By His Excellency's Command,
G. F. PEARCE.

THE WAR PRECAUTIONS REGULATIONS 1915.

Introductory.

1. These Regulations may be cited as the War Precautions Regulations 1915. Short title.

2. In these Regulations—

“Competent naval or military authority” means any commissioned officer of His Majesty's Naval or Military Forces, or of the Commonwealth Naval or Military Forces, not below the rank of Lieutenant-Commander in the Navy or Field Officer in the Army, appointed by the Naval Board or the Military Board under Regulation 63 of these Regulations, or by the Admiralty or Army Council, as the case may be, to perform in any place the duties of such an authority, and includes any person to whom the powers of the competent naval or military authority are delegated in accordance with that regulation. Definitions

“His Majesty's Naval and Military Forces” include the Commonwealth Naval and Military Forces; and “Naval or Military Forces” and “Forces” include both His Majesty's Forces and the Commonwealth Forces.

“The Act” means the *War Precautions Act* 1914-1915.

“The Minister” means the Minister of State for Defence.

Directions as to non-interference with persons and property.

3. (1) The ordinary avocations of life and the enjoyment of property shall be interfered with as little as may be permitted by the exigencies of the measures required to be taken for securing the public safety and the defence of the Commonwealth, and ordinary civil offences dealt with by the civil tribunals in the ordinary course of law.

(2) **Nothing in these Regulations shall be construed as affecting the right to trial by a civil court of persons, other than alien enemies or persons subject to the Naval Discipline Act or to military law, for offences against the Act.**

(3) The Naval and Military Boards, and members of the Naval and Military Forces, and other persons executing the following Regulations shall, in carrying those Regulations into effect, observe these general principles.

Powers in regard to Land, Buildings, &c.

Power to take possession of land, &c.

4. It shall be lawful for the competent naval or military authority and any person duly authorized by him, where for the purpose of securing the public safety or the defence of the Commonwealth it is necessary so to do—

- (a) to take possession of any land and to construct naval or military works, including roads, thereon, and to remove any trees, hedges, and fences therefrom;
- (b) to take possession of any buildings or other property, including works for the supply of gas, electricity, or water, and of any sources of water supply;
- (c) to take such steps as may be necessary for placing any buildings or structures in a state of defence;
- (d) to cause any buildings or structures to be destroyed, or any property to be moved from one place to another, or to be destroyed;
- (e) to take possession of any arms, ammunition, explosive substances, equipment, or warlike stores (including lines, cables, and other apparatus intended to be laid or used for telegraphic or telephonic purposes); and
- (f) to do any other act involving interference with private rights of property which is necessary for the purpose aforesaid.

Access to land, &c.

5. The competent naval or military authority, and any person duly authorized by him, shall have right of access to any land or buildings or other property whatsoever.

Power to use land for training.

6. The competent naval or military authority may by order authorize the use of land, within such limits as may be specified in the order, for the training of any part of His Majesty's Naval or Military Forces.

Stopping up of roads.

7. The competent naval or military authority may by order, if he considers it necessary so to do for the purposes of any work of defence or other defended naval or military work, or of any work for which it is deemed necessary in the interests of public safety or the defence of the Commonwealth to afford military protection, stop up or divert any road or pathway over or adjoining the land on which such work is situate for so long as the order remains in force:

Provided that where any such road or pathway is so stopped up or diverted, the competent naval or military authority shall publish notice thereof in such manner as he may consider best adapted for informing

the public, and where any road or pathway is stopped up by means of any physical obstruction, he shall cause lights sufficient for the warning of passengers to be set up every night whilst the road or pathway is so stopped up.

Powers in regard to Vehicles, Goods, &c.

8. (1) The competent naval or military authority may by order require all or any vehicles, boats, vessels, aircraft, transport animals, live stock, foodstuffs, fuel, tools, and implements of whatever description, and all or any forms of equipment and warlike stores, within any area specified in the order, to be removed from that area within such time as may be so specified, or in the case of warlike stores incapable of removal to be destroyed.

Power to require removal of vehicles, &c.

(2) If any person, being the owner or having control of any such vehicles or other things, fails to comply with the requisition, he shall be guilty of an offence against the Act, and the competent naval or military authority may himself cause them to be removed, or in the case of warlike stores to be destroyed.

9. (1) Where a competent naval or military authority makes an order for the purpose, all persons residing, or owning or occupying lands houses or other premises, in such area as is specified in the order, or such of those persons as are specified, shall, within such time as is specified, furnish a list of all goods, animals, and other commodities of any nature or description so specified, which are in their custody or under their control within the specified area on the date on which the order is issued, stating their nature and quantity, and the place in which they are severally situate, and giving any other details which may reasonably be required.

Power to require census of goods; &c.

(2) If any person fails to comply with any such order, or attempts to evade this Regulation by destroying, removing, or secreting any goods, animals, or commodities to which an order issued under this Regulation relates, he shall be guilty of an offence against the Act.

Powers in regard to Factories.

10. (1) The Minister may by order require the occupier of any factory or workshop in which arms, ammunition, or any warlike stores or equipment, or any articles required for the production thereof, are manufactured, to place at his disposal the whole or any part of the output of the factory or workshop as may be specified in the order, and to deliver to him the output or such part thereof as aforesaid in such quantities and at such times as are specified in the order.

Power to requisition output of factories manufacturing arms, ammunition &c.

(2) The occupier of the factory or workshop shall be entitled to receive in respect thereof such price as, in default of agreement, may be decided to be reasonable, having regard to the circumstances of the case, by the arbitration of a Justice of the High Court.

(3) If the occupier of the factory or workshop fails to comply with the order, or without the leave of the Minister delivers to any other person any part of the output of the factory or workshop to which the order relates, he shall be guilty of an offence against the Act.

11. (1) The Minister may take possession of any such factory or workshop as aforesaid, or of any plant belonging thereto, without taking possession of the factory or workshop itself, and may use the same for His Majesty's naval or military service at such times and in such manner as he considers necessary or expedient.

Power to take possession of factories manufacturing arms, ammunition, &c.

(2) The occupier, and every officer and servant of the occupier, and, where the occupier is a company, every director of the company, shall obey the directions of the Minister as to the user of the factory, or workshop, or plant, and if he fails to do so, he shall be guilty of an offence against the Act.

Powers in regard to Licensed Houses.

Power to close licensed premises.

12. (1) The competent naval or military authority may by order require any premises licensed for the sale of intoxicating liquor to be closed, except during such hours and for such purposes as may be specified in the order, to the members of any of His Majesty's Forces mentioned in the order.

(2) If the holder of the licence in respect of any such premises fails to comply with the order, he shall be guilty of an offence against the Act, and the competent naval or military authority may cause such steps to be taken as may be necessary to enforce compliance with the order.

Powers in regard to Lights.

Power to require extinguishment of lights.

13. (1) The Minister, or any person authorized by him, may by order direct that all or any lights, or lights of any class or description, shall be extinguished or obscured in such manner and between such hours as the order directs, within any area specified in the order, and during such period as may be so specified.

(2) If the person having control of any such light fails to comply with the order, he shall be guilty of an offence against the Act; and the Minister may cause the light to be extinguished or obscured, as the case may be, and for that purpose any person authorized by the Minister in that behalf, or any police constable, may enter the premises in which the light is displayed, and do any other act which may be necessary.

(3) Any such order as aforesaid may provide that vehicles or vehicles of any class or description shall, when travelling within the area specified in the order during the period between sunset and sunrise, carry such lamps as may be specified in the order, properly trimmed, lighted, and attached; and any police officer may stop and seize any vehicle which does not carry lamps in compliance with the order, and the person in charge or having control of the vehicle shall be guilty of an offence against the Act.

(4) The powers conferred by this Regulation shall be in addition to, and not in derogation of, the powers conferred on the competent naval or military authority by Regulation 14, and the competent naval or military authority may, notwithstanding anything in an order under this Regulation, on any occasion when he may consider lights necessary for any naval or military purpose, require any lights to be lighted or kept lighted.

Extinguishment of lights.

14. The competent naval or military authority may by order direct that all or any lights, other than lights not visible from the outside of any house, shall be kept extinguished or obscured between such hours and within such area as may be specified in the order; and if any person within that area fails to comply with the order, he shall be guilty of an offence against the Act.

Powers in regard to Persons.

15. (1) The competent naval or military authority may by order require the whole or any part of the inhabitants of any area specified in the order to leave that area, if the removal of such inhabitants from that area is necessary for naval or military reasons.

Power to clear areas of inhabitants.

(2) If any person to whom the order relates fails to comply with the order, he shall be guilty of an offence against the Act, and the competent naval or military authority may cause such steps to be taken as may be necessary to enforce compliance therewith.

16. The competent naval or military authority may by order require every person within any area specified in the order to remain within doors between such hours as may be specified in the order, and in such case, if any person within that area is or remains out between such hours without a permit in writing from the competent naval or military authority, or some person duly authorized by him, he shall be guilty of an offence against the Act.

Power to require inhabitants to remain indoors

17. (1) Where a person is suspected of acting, or of having acted, or of being about to act in a manner prejudicial to the public safety or the defence of the Commonwealth, and it appears to the competent naval or military authority that it is desirable that that person should be prohibited from residing in or entering any locality, the competent naval or military authority may by order prohibit him from residing in or entering any area or areas which may be specified in the order.

Power to remove suspects from specified areas.

(2) Upon the making of such an order, the person to whom the order relates shall, if he resides in any specified area, leave that area within such time as is specified by the order, and shall not subsequently reside in or enter any area specified in the order, and if he does so, he shall be guilty of an offence against the Act.

(3) Any such order may further require the person to whom the order relates to report to the competent naval or military authority for approval his proposed place of residence, and to proceed thereto and report his arrival to the police within such time as may be specified in the order, and not subsequently to change his place of residence without leave of the competent naval or military authority, and in such case, if he fails to comply with the requirements of the order, he shall be guilty of an offence against the Act.

Schemes of Destruction of Harbor Works, &c.

18. (1) The competent naval or military authority may by order require the authority or person controlling any harbor, dock, wharf, waterworks, gasworks, electric light or power station, or other structure, to prepare a scheme for destroying or rendering useless the equipment or facilities of the harbor, dock, wharf, waterworks, gasworks, station, or structure, or such part thereof as may be specified in the order.

Schemes of destruction of harbor works, &c.

(2) If the authority or person fails to prepare such a scheme within such time as may be specified in the order, he shall be guilty of an offence against the Act.

Provisions respecting the Collection and Communication of Information, &c.

Prohibition against obtaining and communicating naval and military information.

19. (1) No person shall without lawful authority collect, record, publish, communicate, or attempt to elicit—

(a) any information with respect to—

- (i) the movement, numbers, description, condition, or disposition of any of the Forces, ships, or war materials of His Majesty, or any of His Majesty's allies; or
- (ii) the plans or conduct, or supposed plans or conduct, of any naval or military operations by any such Forces or ships; or
- (iii) any works or measures undertaken for or connected with or intended for the fortification or defence of any place; or

(b) any information intended to be communicated to the enemy, or of such a nature as is calculated to be or might directly or indirectly be useful to the enemy.

(2) If any person contravenes the provisions of this Regulation, or without lawful authority or excuse has in his possession any document containing any such information as aforesaid, he shall be guilty of an offence against the Act.

Prohibition against photographing, &c., naval and military works.

20. (1) No person shall, without the permission of the competent naval or military authority, make any photograph, sketch, plan, model, or other representation of any naval or military work, or of any dock or harbor work or, with intent to assist the enemy, of any other place or thing.

(2) No person in the vicinity of any such work shall, without lawful authority or excuse, have in his possession any photographic or other apparatus, or other material or thing suitable for use in making any such representation.

(3) If any person contravenes the provisions of this Regulation, or without lawful authority or excuse has in his possession any representation of any such work of such a nature as is calculated to be or might be directly or indirectly useful to the enemy, he shall be guilty of an offence against the Act.

(4) For the purpose of this Regulation, the expression "harbor work" includes lights, buoys, beacons, marks, and other things for the purpose of facilitating navigation in or into a harbor.

21. (1) No person shall without lawful authority—

- (a) injure, or tamper or interfere with, any wire or other apparatus for transmitting telegraphic or telephonic messages, or any apparatus or contrivance intended for or capable of being used for a signalling apparatus, either visual or otherwise; or
- (b) prevent or obstruct, or in any manner whatsoever interfere with the sending, conveyance, or delivery of any communication by means of telegraph, telephone, or otherwise; or
- (c) be in possession of any apparatus intended for or capable of being used for tapping messages sent by wireless telegraphy or otherwise.

(2) If any person contravenes the provisions of this Regulation, he shall be guilty of an offence against the Act.

Prohibition against tampering with telegraphic apparatus, &c.

22. (1) No person shall, in any area which may be prescribed by order of the competent naval or military authority, keep or have in his possession, or carry, or liberate, or bring into the Commonwealth any carrier or homing pigeons, unless he has obtained from the senior officer of police of the district a permit for the purpose.

Prohibition against possession of carrier pigeons.

(2) If any person without lawful authority contravenes the provisions of this Regulation, he shall be guilty of an offence against the Act; and the senior officer of police, or any officer of Customs, or any person authorized in that behalf by the competent naval or military authority, may, if he considers it necessary or expedient to do so, cause any pigeons kept or brought into the Commonwealth in contravention of this Regulation, to be liberated, detained, or destroyed, or, in the case of pigeons brought into the Commonwealth, to be immediately returned in the ship in which they came.

(3) Any person found in possession of, or found carrying or liberating, any carrier pigeons, in any area which may be prescribed by order of the competent naval or military authority, shall, if so required by any naval or military officer, or by any sailor or soldier engaged on sentry patrol or other similar duty, or by any officer of police, produce his permit, and if he fails to do so, may be arrested.

23. (1) No person shall, without the written permission of the Postmaster-General, make, buy, sell, or have in his possession or under his control, any apparatus for the sending or receiving of messages by wireless telegraphy, or any apparatus intended to be used as a component part of such apparatus; and no person shall sell any such apparatus to any person who has not obtained such permission as aforesaid; and if any person contravenes the provisions of this Regulation, he shall be guilty of an offence against the Act.

Prohibition against possession of wireless telegraphic apparatus, &c.

(2) If the competent naval or military authority has reason to suspect that any person having in his possession any apparatus for sending or receiving messages by telegraphy, telephony, or other electrical or mechanical means, is using or about to use the same for any purpose prejudicial to the public safety or the defence of the Commonwealth, he may, by order, prohibit that person from having any such apparatus in his possession, and may take such steps as are necessary for enforcing the order; and if that person subsequently has in his possession any apparatus in contravention of the order, he shall be guilty of an offence against the Act.

(3) For the purposes of this Regulation, any apparatus ordinarily used as a distinctive component part of apparatus for the sending or receiving of messages by wireless telegraph, shall be deemed to be intended to be so used unless the contrary is proved.

24. (1) Where the competent naval or military authority, or any person duly authorized by him, has reason to suspect that any person who is about to embark on any ship, vessel, or aircraft is attempting to leave the Commonwealth for the purpose of communicating directly or indirectly with the enemy, or with any subject of any sovereign or State at war with His Majesty, he may prevent the embarkation of that person.

Power to prevent embarkation of persons suspected of communicating with the enemy.

(2) Where the embarkation of any person has been so prevented, the case shall be reported to the Minister, and the Minister may, if he thinks fit, by order, prohibit that person at any time subsequently from leaving the Commonwealth so long as the order is in force; and if any person leaves or attempts to leave the Commonwealth in contravention of such an order, he shall be guilty of an offence against the Act.

Prohibition
against oversea
non-postal
communications.

25. (1) No person shall without lawful authority transmit, otherwise than through the post, or convey to or from the Commonwealth, or receive or have in his possession for such transmission or conveyance, any letter, post-card, letter-card, written communication, or written message.

(2) No person shall send from the Commonwealth, whether by post or otherwise, any letter or other document containing any matter written in any medium which is not visible unless subjected to heat or some other treatment.

(3) This Regulation is in addition to, and not in derogation of, any provisions contained in the enactments relating to the Post Office, and shall not prejudice any right to take proceedings under those enactments in respect of any transaction which is an offence against those enactments.

Prohibition
against
signalling.

26. (1) No person shall without lawful authority be in possession of any searchlight, semaphore, or other apparatus intended for signalling, whether visual or otherwise, or display, erect, or use any signal, and if any person contravenes this provision he shall be guilty of an offence against the Act.

(2) The competent naval or military authority may require any flagstaff or other erection capable of being used as a means of signalling to be removed, and if the owner thereof fails to comply with the requirement, he shall be guilty of an offence against the Act, and the competent naval or military authority may cause the flagstaff or other erection to be removed.

Prohibition
against the use
of fireworks, &c.

27. No person shall, without the permission of the competent naval or military authority, or some person authorized by him, display any light, or ignite, or otherwise make use of, any fireworks or other similar device, or any fire, in such a manner as could serve as a signal, guide, or landmark, and if he does so, he shall be guilty of an offence against the Act.

Prohibition
against the
spread of
alarming
reports.

28. No person shall, by word of mouth, or in writing, or in any newspaper, periodical, book, circular, or other printed publication—

(a) spread false reports or make false statements or reports, or statements likely to cause disaffection to His Majesty, or public alarm, or to interfere with the success of His Majesty's Forces by land or sea, or to prejudice His Majesty's relations with foreign powers; or

(b) spread reports or make statements likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's Forces;

and if any person contravenes this provision, he shall be guilty of an offence against the Act.

Provisions against Injury to Railways, Military Works, &c.

29. (1) No person shall trespass on any railway, or loiter on under or near any tunnel, bridge, viaduct, or culvert, or on or in any road, path, or other place, being a road, path, or place to which access has been forbidden by order of the competent naval or military authority, and if he does so shall be guilty of an offence against the Act. Prohibition against trespass on and injury to railways, &c.

(2) If any person does any injury to any railway, or is upon any railway, or on under or near any tunnel, bridge, viaduct, or culvert, or loiters on or in any road or path, or other place near a railway, tunnel, bridge, viaduct, or culvert, with intent to do injury thereto, he shall be guilty of an offence against the Act.

30. The competent naval or military authority may, by order, prohibit any person from approaching within such distance as may be specified in the order of any camp, work of defence, or other defended naval or military work, or any work to which it is deemed necessary, in the interest of the public safety or the defence of the Commonwealth, to afford military protection; and if any person contravenes any such order, he shall be guilty of an offence against the Act. Prohibition against approaching defence works, &c.

Provisions as to Arms and Explosives.

31. (1) The competent naval or military authority may, by order, prohibit the manufacture or sale of firearms, ammunition, or explosive substances, or any class thereof, within the area specified in the order, either absolutely or except subject to such conditions as may be specified in the order. Power to prohibit sale of firearms, &c.

(2) If any person without a permit from the competent naval or military authority manufactures, sells, or has in his possession for sale within the area so specified any arms, ammunition, or explosive substances in contravention of the order, or fails to comply with the conditions imposed by the order, he shall be guilty of an offence against the Act.

32. (1) No person shall bring into the Commonwealth any firearms, military arms, or ammunition, or any explosive substance, without a permit from the competent naval or military authority, and if he does so he shall be guilty of an offence against the Act. Prohibition of importation of arms, &c.

(2) Any person authorized for the purpose by the competent naval or military authority, and any police constable, or officer of Customs, may examine, search, and investigate any ship or vessel for the purpose of the enforcement of this provision, and may seize any arms or ammunition, or any explosive substance which are being or have been brought into the Commonwealth without such permit as aforesaid.

33. If any person, by the discharge of firearms or otherwise, endangers the safety of any member of any of His Majesty's Forces, he shall be guilty of an offence against the Act. Prohibition against discharging firearms.

34. No person, without the written permission of the competent naval or military authority, shall, on or in the vicinity of any railway, or in or in the vicinity of any dock, harbor, or in or in the vicinity of any area which may be specified in an order made by the competent naval or military authority, be in possession of any explosive substance, or any highly inflammable liquid, in quantities exceeding the immediate requirements of his business or occupation, or of any firearms or ammunition (except such shotguns, and ammunition therefor, as are ordinarily used for sporting purposes), and if any person contravenes this provision, he shall be guilty of an offence against the Act. Prohibition against the possession of firearms, &c.

Provisions as to the storage of petroleum, &c.

35. (1) Every place, in any area which may be specified in an order made by the competent naval or military authority, used for the storage of petroleum, turpentine, methylated spirit, wood naphtha, or any other highly inflammable liquid, exceeding in the aggregate 100 gallons, shall be surrounded by a retaining wall or embankment so designed and constructed as to form an enclosure which will prevent, in any circumstances, the escape of any part of the petroleum or other inflammable liquid.

(2) This requirement shall not apply to any storage place sunk below the level of the ground so as to form a pit, nor to any storage place so situated that the overflow of the petroleum or liquid from the vessel or vessels in which it is contained could not, in case of fire, seriously endanger life, or cause material damage to property.

(3) If any person uses, or permits to be used, for the storage of petroleum or other such inflammable liquid, any premises which do not comply with the requirements of this Regulation, he shall be guilty of an offence against the Act.

(4) Nothing in this Regulation shall prejudice the effect of any requirements as to the storage of petroleum or other inflammable liquid lawfully imposed by any local authority, or the taking of any proceedings in respect of the violation of such requirements.

(5) For the purpose of this Regulation "petroleum" includes any of the following oils and products, having a flashpoint below 150°F (Abel), namely:—Rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the abovementioned oils.

Provisions as to celluloid and cinematograph films.

36. (1) No person shall, in any prescribed area, have in his possession, or in premises in his occupation or under his control, any celluloid or any cinematograph film exceeding the prescribed amount, unless he has obtained the prescribed permit and observes all the prescribed requirements, and if any person contravenes this provision, he shall be guilty of an offence against the Act.

(2) Any police constable, or any person authorized in writing by the senior officer of police of the district, may enter, if need be by force, and search any premises in which he has reasonable cause to believe that celluloid or cinematograph film is kept or stored; and, if the prescribed permit has not been obtained, or if any of the prescribed requirements are not complied with, may remove and destroy any such celluloid or film.

(3) For the purpose of this Regulation, "celluloid" includes the substances known as celluloid or xylonite, and other similar substances containing nitro-cellulose or other nitrated product, but does not include celluloid which has been subjected to any manufacturing process; and "cinematograph film" means any film which is intended for use in cinematograph or similar apparatus, and contains nitro-cellulose or other nitrated product; and "prescribed" means prescribed by order made by the Minister.

Provisions as to Navigation.

Duty of complying with navigation regulations in harbors.

37. If the master of a ship, or any other person, disobeys or neglects to observe any regulations or directions relating to the navigation or mooring of ships in a harbor, or the approaches thereto, or any signals from, or any orders, whether verbal or written, of the competent naval or military authority of the harbor, or any examining or other officer acting under his authority, relating to such navigation or mooring, he shall be guilty of an offence against the Act.

38. (1) Every vessel shall comply with such directions as to the navigation of vessels as may be issued by the Naval Board, and shall obey any orders given, whether by way of signal or otherwise, by any officer in command of any of His Majesty's ships, or by any naval or military officer engaged in the defence of the coast. Duty of vessels to comply with navigation regulations and orders.

(2) If any vessel fails to comply with any such directions, or to obey any such orders, the master, or other person in command or charge of the vessel, shall be guilty of an offence against the Act, and if the vessel is at any time subsequently found at a port of, or within the territorial waters adjacent to, the Commonwealth, the competent naval or military authority may cause the vessel to be seized and detained.

(3) This Regulation shall not apply to a vessel, not being a British vessel, where the non-compliance with the directions or disobedience to the orders takes place on the high seas outside the territorial waters adjacent to the Commonwealth.

39. (1) The Naval Board may by order prohibit any vessel, or any vessel of any class or description specified in the order, from entering any area which they may consider it is necessary to keep clear of vessels, or vessels of that class or description, in the interests of the public safety or the defence of the Commonwealth; and if any vessel, or any vessel of that specified class or description, enters any such area, the master or other person in command or charge of the vessel shall be guilty of an offence against the Act. Power to prohibit vessels entering dangerous areas.

(2) This Regulation shall not apply to a vessel not being a British vessel so far as the area specified in the order extends beyond the territorial waters adjacent to the Commonwealth.

40. (1) The Naval Board, or any port or harbor or pilotage authority acting under its instructions, may make orders as to the pilotage of vessels entering, leaving, or making use of any port or navigating within any part of the territorial waters adjacent to the Commonwealth. Provision as to the pilotage of vessels.

(2) Any such order may provide for pilotage being compulsory for all or any class of such vessels within such limits as may be specified in the order, for the granting of special pilotage licences, and the suspension of existing pilotage licences and certificates, and for the supply, employment, and payment of pilots.

(3) Any enactment, order, charter, custom, by-law, regulation, or provision in force for the time being in any area to which any such order relates, shall have effect, subject to the provisions of the order.

(4) If any person fails to comply with the provisions of any such order, he shall be guilty of an offence against the Act.

Miscellaneous Offences.

41. (1) If any person—

- (a) gives or sells to a member of any of His Majesty's Forces any intoxicant with the intent of eliciting information for the purpose of communicating it to the enemy, or for any purpose calculated to assist the enemy; or
- (b) gives or sells to a member of any of His Majesty's Forces any intoxicant when not on duty, with intent to make, or with the effect of making, him drunk or less capable of the efficient discharge of his duties; or
- (c) gives or sells to a member of any of His Majesty's Forces any intoxicant when on sentry or other duty, either with or without any such intent;

he shall be guilty of an offence against the Act.

(2) For the purpose of this Regulation, the expression "intoxicant" includes any intoxicating liquor, and any sedative, narcotic, or stimulant drug or preparation.

Prohibition against unauthorized use of naval and military uniforms, &c.

42. If any unauthorized person wears any naval, military, police, or other official uniform or badge, or any uniform or badge so nearly resembling any such uniform or badge as aforesaid as to be calculated to deceive, or if any person without lawful authority supplies a naval or military uniform or badge to any person not being a member of His Majesty's Forces, or any such badge as aforesaid to any person not authorized to wear the same, he shall be guilty of an offence against the Act.

Prohibition against causing mutiny, &c.

43. If any person attempts to cause mutiny, sedition, or disaffection among any of His Majesty's Forces, or among the civilian population, he shall be guilty of an offence against the Act.

Obstruction of officers, &c., in performance of duties.

44. No person shall obstruct, knowingly mislead, or otherwise interfere with or impede, or withhold any information in his possession which he may reasonably be required to furnish from, any officer or other person who is carrying out the orders of the competent naval or military authority, or who is authorized in that behalf by the Minister, or who is otherwise acting in accordance with his duty under these Regulations, and if he does so, shall be guilty of an offence against the Act.

Falsification of reports, &c.

45. If any person, verbally or in writing, in any report, return, declaration, or application, or in any document signed by him or on his behalf, of which it is his duty to ascertain the accuracy, knowingly makes or connives at the making of any false statement or any omission, with intent to mislead any officer, or other person acting under the orders of any officer, in the execution of his duties, he shall be guilty of an offence against the Act.

Forging and personation.

46. If any person—

- (a) forges, alters, or tampers with any naval, military, or police pass, permit, or other document, or any passport, certificate of naturalization, letter of safe conduct, consular certificate or other official document evidencing the nationality of the person named in it; or
- (b) uses or has in his possession any such forged, altered, or irregular pass, or other document; or
- (c) personates any person to whom such a pass or other document has been duly issued; or
- (d) allows any other person to have possession of any such pass or other document issued to him; or
- (e) applies to any building, structure, premises or vehicle any lights, letters or marks, for the time being used to indicate that buildings, structures, premises, or vehicles, to which they are applied are used for naval or military purposes, or any lights, letters or marks, so nearly resembling the same as to be calculated to deceive,

he shall be guilty of an offence against the Act.

False passports.

47. If any person is found in possession of a false passport or letter of safe conduct, or, being a subject of a Sovereign or State at war with His Majesty, passes under an assumed name, he shall be guilty of an offence against the Act.

Duty of compliance with orders.

48. It shall be the duty of every person affected by any order issued by the competent naval or military authority, or other person, in pursuance of these Regulations, to comply with that order, and if he fails to do so, he shall be guilty of an offence against the Act.

49. Any person who—

- (a) attempts to commit, or procures, aids, or abets, or does any act preparatory to, the commission of, any act prohibited by these Regulations; or
- (b) harbours any person whom he knows, or has reasonable grounds for supposing, to have acted in contravention of these Regulations,

Aiding and abetting.

shall be guilty of an offence against the Act.

Powers of Search, Arrest, &c.

50. The competent naval or military authority, or any person duly authorized by him, if he has reason to suspect that any house, building, land, vehicle, vessel, aircraft, or other premises, or any things therein, are being or have been constructed, used, or kept for any purpose or in any way prejudicial to the public safety or the defence of the Commonwealth, or that an offence against the Act is being or has been committed thereon or therein—

Power to search premises, &c.

- (a) may enter, if need be by force, the house, building, land, vehicle, vessel, aircraft, or premises at any time of the day or night, and examine, search, and inspect the same, or any part thereof; and
- (b) may seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid, or is being kept or used in contravention of these Regulations (including, where a report or statement in contravention of Regulation 28 has appeared in any newspaper or other printed publication, any type or other plant used or capable of being used for the printing or production of the newspaper or other publication); and
- (c) may order anything so seized to be destroyed or otherwise disposed of.

51. Any officer, or any soldier or sailor engaged on sentry, patrol or other similar duty, and any police officer, may stop any vehicle travelling along any public highway, and, if he has reason to suspect that the vehicle is being used for any purpose or in any way prejudicial to the public safety or the defence of the Commonwealth, may search and seize the vehicle, and seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid.

Power to stop and search vehicles.

52. (1) It shall be the duty of any person, if so required by an officer of His Majesty's Forces, or by a soldier or sailor engaged on sentry, patrol, or other similar duty, or by a police constable, to stop and answer, to the best of his ability and knowledge, any questions relative to any matter affecting the public safety or the defence of the Commonwealth which may be reasonably addressed to him, and if he refuses or fails to do so he shall be guilty of an offence against the Act.

Powers of questioning.

(2) (a) The Minister or any competent naval or military authority may, by order, require any corporation or person of any class or description to furnish him, either verbally or in writing, with such information, and to produce to him such documents, books and papers, relative to any matter affecting the public safety or the defence of the Commonwealth, as may be specified in the order, and the Minister or the competent naval or military authority may take copies of or extracts from such documents, books and papers, and may impound and retain such documents, books and papers, for such time as he thinks necessary.

(b) The order may require any person to attend at such time and such place as may be specified in the order for the purpose of furnishing such information.

(c) If any person fails to comply with the order, he shall be guilty of an offence against the Act.

Prevention of conveyance of letters, &c., out of or into the Commonwealth.

53. (1) Any person landing or embarking at any place in the Commonwealth shall, on being required to do so by the competent naval or military authority, or any person authorized by him, or by an officer of Customs or police, make a declaration as to whether or not he is carrying or conveying any letters or other written messages intended to be transmitted by post or otherwise delivered, and, if so required, shall produce to the person making the requisition any such letters or messages.

(2) The competent naval or military authority, or person authorized by him, or Customs or police officer, may search any such person and any baggage with a view to ascertaining whether such person, or the person to whom the baggage belongs, is carrying or conveying any such letters or messages.

(3) The competent naval or military authority, or persons authorized by him, or Customs or police officer, may examine any letters or other messages so produced to him or found on such search, and unless satisfied that they are of an innocent nature, may transmit them to an officer appointed to censor postal correspondence.

(4) Any person who knowingly makes any false declaration under this Regulation, or on being required to produce any such letters or messages as aforesaid refuses or neglects to do so, shall be guilty of an offence against the Act.

Powers of arrest.

54. (1) Any person authorized for the purpose by the competent naval or military authority, or any police constable, or officer of Customs, may arrest without warrant any person—

- (a) whose behaviour is of such a nature as to give reasonable grounds for suspecting that he has acted, or is acting, or is about to act, in a manner prejudicial to the public safety or the defence of the Commonwealth; or
- (b) upon whom may be found any article, book, letter, or other document, the possession of which gives grounds for such a suspicion; or
- (c) who is known or suspected to have committed an offence against the Act.

(2) The Military Board may authorize a competent military authority to intern as a prisoner of war any alien enemy arrested under this Regulation.

(3) If any person assists or connives at the escape of any person who is in custody under this Regulation, or knowingly harbours or assists any person who has so escaped, he shall be guilty of an offence against the Act.

Arrest of naturalized persons on warrant of Minister.

55. (1) Where the Minister has reason to believe that any naturalized person is disaffected or disloyal, he may, by warrant under his hand, order him to be detained in military custody in such place as he thinks fit during the continuance of the present state of war.

(2) The Minister may telegraph a copy of any such warrant to the competent naval or military authority, and action may be taken on such telegraphed copy as if it were the original.

56. (1) Where the Minister has reason to believe that any natural-born British subject, one at least of whose parents was or is a subject of a State which is at war with the King, is disaffected or disloyal, he may, by warrant under his hand, order him to be detained in military custody, in such place as he thinks fit, during the continuance of the present state of war:

Arrest of certain natural-born British persons on warrant of Minister.

Provided that if any person so detained satisfies a Justice of the High Court that he is not disaffected or disloyal, the Justice may order him to be released and he shall be released accordingly.

(2) The Minister may telegraph a copy of any such warrant to the competent naval or military authority, and action may be taken on such telegraphed copy as if it were the original.

Trial and Punishment of Offences.

57. (1) Any alien enemy and any person subject to the Naval Discipline Act or to military law who is alleged to be guilty of an offence against the Act may be tried either by a court martial or before a civil court.

Trial of offences

(1A) As soon as practicable after the arrest of a person not an alien enemy or a person subject to the Naval Discipline Act or to Military Law, who is alleged to be guilty of an offence against the Act, notice in writing shall be given to him in the following form:—

Notice under War Precautions Act 1914-1915, Section 6.

I, [name and rank] Commandant of the Military District [or officer deputed by the Commandant] hereby give notice to you [name, residence, and designation of person alleged to be guilty of offence] that you are charged with [here insert description of offence, as: The following contravention of the War Precautions Regulations 1915; that is to say—without lawful authority injuring a wire used for the transmission of telegraph messages]. And I give you notice that for such offence you are liable to be prosecuted in a Court of civil jurisdiction either summarily or upon indictment, but not by Court-martial.

[Signature].....

(1B) As soon as practicable after the arrest of any alien enemy or of any person subject to the Naval Discipline Act or to Military Law, or (in the event of a proclamation by the Governor-General under subsection (7) of section 6 of the Act, which extends to the area in which the offence is alleged to have been committed) as soon as practicable after the arrest of any person, who is alleged to have committed an offence against the Act, notice in writing shall be given to him in the following form:—

Notice under War Precautions Act 1914-1915, Section 6.

I, [name and rank] Commandant of the Military District [or officer deputed by the Commandant] hereby give notice to you [name, residence, and designation of person alleged to be guilty of offence] that you are charged with [here insert description of offence, as: The following contravention of the War Precautions Regulations 1915; that is to say—without lawful authority injuring a wire used for the transmission of telegraph messages]. And I give you notice that for such offence you are liable to be prosecuted in a Court of civil jurisdiction either summarily or upon indictment or to be tried by Court-martial.

[Signature].....

(2) Where a person triable by court martial is alleged to be guilty of an offence against the Act the case shall be referred to the Chief of the General Staff, who shall investigate the case and recommend to the

Minister whether it shall be tried by a civil court or by court martial, shall not be proceeded with; and if the alleged offender is in custody, he shall, if he is to be tried by court martial, be kept in or handed over to military custody, and if he is to be tried by a civil court, be handed over to or kept in civil custody.

Trial by
court martial

58. (1) A court martial having jurisdiction to try offences against the Act shall be a general court martial convened by the Governor-General, or a district court martial convened by an officer authorized to convene district courts martial within the limits of whose command the offender may for the time being be; but nothing in this Regulation shall be construed as authorizing a district court martial to impose a sentence of more than two years' imprisonment.

(2) Any person tried by court martial under these Regulations shall, for the purposes of the provisions of the Army Act relating to offences, be treated as if he belonged to the unit in whose charge he may be, but no such person shall be liable to summary punishment by a commanding officer.

(3) Any sentence passed by a court martial under these Regulations upon a person not subject to the Naval Discipline Act or to military law shall be placed before the Governor-General for his approval, confirmation, mitigation, or remission of the sentence.

Forfeiture of
goods.

59. When a person is found by a civil court or court martial to be guilty of an offence against the Act the court may, in addition to any other punishment, order that any goods in respect of which the offence has been committed be forfeited.

59A & 59B ad. 18/1/28
16/2/27

Supplemental.

Saving of other
powers.

60. The powers conferred by these Regulations are in addition to, and not in derogation of, any powers exercisable by members of His Majesty's Naval and Military Forces, and other persons, to take such steps as may be necessary for securing the public safety and the defence of the Commonwealth, and nothing in these Regulations shall affect the liability of any person to trial and punishment for any offence or war crime otherwise than in accordance with these Regulations.

Notices.

61. (1) The competent naval or military authority, or any other person by whom an order is made in pursuance of these Regulations, shall publish notice of the order in such manner as he may consider best adapted for informing persons affected by the order.

(2) No person shall, without lawful authority, deface or otherwise tamper with any notice posted up in pursuance of these Regulations, and if he does so, he shall be guilty of an offence against the Act.

Provisions as to
permits.

62. (1) Any person claiming to act under any permit or permission granted under or for the purposes of these Regulations shall, if at any time he is required to do so by the competent naval or military authority, or any person authorized by him, or by any naval or military officer, or by any sailor or soldier engaged on sentry, patrol or other similar duty, or by any officer of Customs or police, produce the permit or permission for inspection, and if he refuses to do so, he shall be guilty of an offence against the Act.

(2) Any permit or permission granted under or for the purposes of any provision of these Regulations may at any time be revoked.

63. The Naval Board or the Military Board may appoint any commissioned officer of His Majesty's Naval or Military Forces, not below the rank of lieutenant-commander in the Navy, or field officer in the Army, to be a competent naval or military authority, and may authorize any competent naval or military authority thus appointed to delegate, either unconditionally or subject to such conditions as he thinks fit, all or any of his powers under these Regulations to any officer qualified to be appointed a competent naval or military authority.

Appointment of competent authority.

64. Any person born in the British Dominions who by birth became by the law of any State which is at war with the King a subject of that State, whether he remains a subject of that State or not, shall be subject to the same restrictions with respect to departure from Australia as are imposed on naturalized persons by any order made under the Act.

Restrictions on naturalized subjects applied to certain British subjects

65. The following Regulations under the *War Precautions Act* 1914, namely:—Statutory Rules 1914, No. 154, and 1915, Nos. 28, 47, and 65, are hereby repealed:

Repeal.

Provided that the repeal of such Regulations shall not—

- (a) affect the previous operation of such Regulations or anything duly done or suffered thereunder; or
- (b) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under such Regulations; or
- (c) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against such Regulations; or
- (d) affect any proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid:

and any permission or direction given, or order, requirement, or appointment made, authority issued, or other action taken under such Regulations, shall be deemed to have been given, made, issued, or taken under the corresponding provision of these Regulations.