

STATUTORY RULES.

1916. No. 47.

REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1915.

WAR PRECAUTIONS REGULATIONS 1915—REGULATIONS 2, 15A, 19A, 23, 23A, 25A, 28A, 28B, 28C, 41A, 42A, 46, 47A, 50, 50A, 52, 53, 54A, 56A, 56B, 56C, 59A, 59B, 63, 64A, AND 64B.

I, THE GOVERNOR OF VICTORIA, acting as the Deputy of 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 following Provisional Regulations (except Provisional Regulation 28A made by Statutory Rule No. 228 of 1915, dated 25th November, 1915) made under the said Act. viz.:—

No. of Statutory Rule.	Made.
No. 105 of 1915	23rd June, 1915.
No. 119 of 1915	14th July, 1915.
No. 135 of 1915	4th August, 1915.
No. 184 of 1915	27th September, 1915.
No. 191 of 1915	6th October, 1915.
No. 228 of 1915	25th November, 1915.
No. 229 of 1915	29th November, 1915.
No. 238 of 1915	8th December, 1915.
No. 253 of 1915	15th December, 1915.
No. 260 of 1915	22nd December, 1915.
No. 1 of 1916	12th January, 1916.
No. 12 of 1916	26th January, 1916.
No. 15 of 1916	2nd February, 1916.

Dated this fifth day of April, One thousand nine hundred and sixteen.

A. L. STANLEY,
Deputy of the Governor-General.

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

WAR PRECAUTIONS REGULATIONS 1915.

Amendments and Additions.

That portion of Regulation 2 which reads as follows:—

“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, Definitions.

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."

is cancelled, and the following substituted:—

"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 Captain 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."

The following new Regulations are inserted:—

"15A. (1) If in the opinion of the officer in command or in charge of any place of internment for prisoners of war or of any camp, fort, hospital, or post at which any troops are stationed on duty, the presence of any person in the vicinity of any such place of internment, camp, fort, or post is prejudicial to the discipline or administration of the prisoners of war interned in any such place, or to the health, training, discipline, or administration of the troops at any such place, camp, fort, hospital, or post, the officer in command or in charge, and any officer authorized by him, may by order given in writing, or by word of mouth, require any such person to depart forthwith from the vicinity of such place, camp, fort, hospital, or post.

(2) Any person who fails to comply with an order given to him under this paragraph may be arrested forthwith by the officer by whom such order is given, or by any person authorized by him, and removed from the vicinity of the place of internment, camp, fort, hospital, or post.

(3) For the purpose of this paragraph the vicinity of any place of internment, camp, fort, hospital, or post shall be deemed to include any place within 2 miles of such place of internment, camp, fort, hospital, or post, and also any place to which troops stationed at such place, camp, fort, hospital, or post resort, and which is more than 2 miles but within 5 miles of such place of internment, camp, fort, hospital, or post."

"19A. Where a person without lawful authority or excuse has been in communication or has attempted to communicate with a spy, he shall be guilty of an offence against these Regulations unless he proves that he did not know, and had no reason to suspect, that the person with whom he so communicated or attempted to communicate was a spy.

For the purpose of this Regulation—

(a) A person shall, unless he proves the contrary be deemed to be in communication with a spy if the name or address or any other information regarding a spy is found in his possession, or is supplied by him to any other person, in such circumstances as to give reasonable ground for suspecting that he is in communication with the spy.

Power to
remove persons
from the
vicinity of
camps, &c.

Prohibition
against
communication
with spies.

(b) The expression "spy" includes—

- (i) any person who has committed or attempted to commit an offence under Regulation 19 and who is reasonably suspected of having done so with the intention of assisting the enemy; and
- (ii) any person out of the Commonwealth who is or is reasonably suspected of being a person to whom information has been communicated or attempted to be communicated in contravention of that Regulation.

(c) Any address, whether within or without the Commonwealth, reasonably suspected of being an address used for the receipt of communications intended for the enemy shall be deemed to be the address of a spy, and communications addressed to that address shall be deemed to be communications with a spy."

Regulation 23 (1) is amended as follows:—

For the words "Postmaster-General" substitute "Minister for the Navy or of some person authorized by him."

The following new Regulations are inserted:—

" 23A. (i) If any person, without lawful authority or excuse, uses or has in his possession or under his control any cipher, code, or other means adapted for secretly communicating naval or military information, he shall be guilty of an offence against these Regulations, unless he proves that the cipher, code, or other means of secret communication is intended and used solely for commercial or other legitimate purposes.

Prohibition on user, possession, or non-disclosure of key to cipher or code.

(ii) Any person who has in his possession or under his control any cipher, code, or other means of secret communication shall, if required by the competent naval or military authority, or any person authorized by him, or by any police constable, supply the key or other means for deciphering it, and if he fails to do so shall be guilty of an offence against these Regulations."

" 25A. (i) If any person conveys to or receives from any person interned or detained in any Camp or place for the internment or detention of prisoners of war or of persons detained under these Regulations, any letter, post-card, letter-card, written communication, or written message, newspaper or periodical, or other printed matter without the authority of the Officer Commanding such Camp or place, he shall be guilty of an offence against the Act.

Prohibition against conveyance of letters, &c., to or from interned persons.

(ii) The Officer Commanding such Camp or place, or any person authorized by him, may arrest without warrant any person who is known or suspected to have committed an offence under this Regulation, and may search such person and seize anything which he is found to be conveying in contravention of this Regulation."

" 28B. (1) If, in the opinion of the Minister, it is necessary, in the interests of the public safety, or the defence of the Commonwealth, to prohibit the publication in the Commonwealth of any newspaper,

Suppression of newspapers published in foreign languages.

periodical, or book printed in a foreign language, the Minister may, by order in writing addressed to the editor, or author, or printer, or publisher of such newspaper, periodical, or book, prohibit the publication thereof.

(2) Any person who, after the service of such an order, publishes or distributes, or assists in publishing or distributing, copies of such a newspaper, periodical, or book, shall be guilty of an offence against the Act."

Alterations, &c.,
made by
Censorship not
to be shown in
printed matter.

" 28c. The printer or publisher of any newspaper, periodical, or other publication, shall not without the permission of an officer of the Censorship Staff—

- (1) Print or publish any statement to the effect, or from which it can be inferred, that any alteration, addition, or omission has been made by the Censorship in any matter; or
- (2) Print any matter in such a way as to show or suggest that any alteration, addition, or omission has been made by the Censorship; or
- (3) Print or publish any statement to the effect that publication of any matter has been forbidden."

Prohibition
against
intoxicating
liquor in camps,
&c.

" 41A. Any person who—

- (i) has any intoxicating or spirituous liquor in his possession except for purely medical purposes at any camp, fort, hospital, or post at which members of the Australian Imperial Force are being trained or are stationed on duty or at which members of the Citizen Forces called out for military service are stationed on duty; or
- (ii) supplies or sells any such liquor to any member of the Australian Imperial Force or of the Citizen Forces who is being trained or is stationed on duty at any camp, fort, hospital, or post while such member is within the boundaries or is in the precincts or immediate vicinity of such camp, fort, hospital, or post, or to any inmate in or patient of any military hospital, without the permission of the officer in charge or in command.

shall be guilty of an offence against the Act."

Regulation 42A is *cancelled*, and the following *substituted* therefor:—

Prohibition of
sale, &c., of
uniforms, &c.,
without
authority.

" 42A. (1) If any person shall, without the written authority of a competent naval or military authority, sell, barter, exchange, trade in, give away, or in any manner whatsoever dispose of or deal in, any uniform of the Defence Force, or any badge, accoutrement or equipment, or regimental or other distinctive mark, or any colorable imitation of such uniform, badge, accoutrement or equipment, or regimental or other distinctive mark, he shall be guilty of an offence against the Act.

(2) Any person who offers, or exposes for sale, any article as aforesaid, shall be guilty of an offence against the Act."

Regulation 46 is *cancelled*, and the following *substituted* therefor:—

“ 46. If any person—

Forging and personation.

- (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.”

The following new Regulation is inserted:—

“ 47A. (1) No person shall under a bill of sale, or writ of execution, or other process issued by a Court, or by way of distress seize or take possession of—

Protection from distress, &c., of means of livelihood, &c., of female dependants of soldiers.

- (a) any chattels which are used by any female dependant of any member of a force raised for service beyond Australia to support or assist in supporting herself or any of the family of such member; or
- (b) any furniture or wearing apparel belonging to any such member or female dependant; provided that if the furniture and wearing apparel belonging to such member and his female dependants exceed in value £50, any articles may be seized and taken possession of under due authority of law if the articles remaining are not less in value than £50.

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

(3) For the purpose of this paragraph female dependant shall mean any female who is wholly or partly dependent for her support upon the pay of a member of a force raised for service beyond Australia.”

Regulation 50 is *cancelled*, and the following *substituted* therefor:—

“ 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

Power to search premises, &c.

Act is being or has been committed thereon or therein, or that there is thereon or therein anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any such offence, or anything as to which there is reasonable ground for believing that it is intended to be used for the purpose of committing any such offence—

- (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 search any male person found therein, and may require any female person found therein to submit to search by a female searcher; and
- (c) may seize anything found upon any such search 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), or anything which he has reasonable grounds to believe will afford evidence as to the commission of any such offence as aforesaid; and
- (d) may order anything so seized to be destroyed or otherwise disposed of.”

The following new Regulation is *inserted*:—

Power to seize prohibited documents.

“ 50A. (i) If a justice of the peace is satisfied by information in writing upon oath laid before him by a competent naval or military authority, or any person duly authorized by him, that any document containing any information, report, or statement, the publication whereof would be an offence against Regulation 19 or Regulation 28, is about to be issued for publication or dispersion from, or that copies thereof are upon any premises, or that preparations are being made on any such premises for the publication of any such information, report, or statement, the justice may issue a warrant authorizing a constable to enter at any time, and, if need be, by force, to search the premises and to seize any such document and any written or printed copies thereof, and any type or other appliance which has been or is being used, or is intended to be used, or is in a condition adapted for use in the production of such copies, and bring them before a Court of summary jurisdiction.

(ii) The Court before which they are brought may issue a summons calling upon the owner to show cause why the articles so seized should not be destroyed, and if he does not appear in obedience to the summons, or if on appearance he does not satisfy the Court that the articles in question are not of such a character or so adapted as in this Regulation hereinbefore mentioned, the Court may order them to be destroyed or otherwise disposed of, and in any other case shall order them to be restored after the expiration of seven clear days to the owner.

(iii) For the purposes of this Regulation a summons shall be deemed to be duly served if addressed to the owner of the articles without further name or description, and left at or sent by registered post to the premises on which the articles were seized.

(iv) If, in the course of any proceedings under this Regulation, application is made by or on behalf of the informant that in the public interest all or any portion of the public should be excluded during any part of the hearing, the Court may make an order to that effect."

Paragraph 52, sub-paragraph (2) (a) is *cancelled*, and the following substituted therefor:—

"(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."

Regulation 53 is *amended* as follows:—

After the word "Commonwealth" in the second line thereof, *insert* the words, "and any person who by reason of his occupation or habits has special opportunities of communicating with the crews and passengers of vessels".

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

Insert the following new Regulations:—

"54A. (i) If the behaviour of any person 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, the competent naval or military authority, or any person authorized by him, or any officer of police or Customs may, by order in writing, forbid such person to leave the Commonwealth or to enter on board any vessel about to leave the Commonwealth.

Embarkation of suspected persons may be prohibited.

(ii) Any person who leaves, or attempts to leave, the Commonwealth, or enters or attempts to enter on board any vessel in contravention of an order given under this Regulation, shall be guilty of an offence against the Act.

(iii) Any person to whom an order is given under this Regulation shall be informed that any representations that he may make against the order will be transmitted to and duly considered by the Minister."

"56A. (1) Where in the opinion of the Minister, for securing the public safety and the defence of the Commonwealth, it is expedient in view of the hostile origin or associations of any person that he should be detained in military custody, the Minister 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 war:

Arrest of persons of hostile origin or association.

Provided that the order shall, in the case of any person who is not a subject of a State at war with His Majesty, include express

provision for the due consideration by the Minister of any representations he may make against the order.

(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.

(3) Nothing in this Regulation shall be construed to restrict or prejudice the application and effect of Regulations 55 and 56, or any power of internment of aliens who are subjects of any State at war with His Majesty."

British subjects leaving the Commonwealth.

" 56B. (1) No male British subject whose age exceeds seventeen years and does not exceed forty-five years shall leave or attempt to leave the Commonwealth unless a passport has been issued to him by the Department of External Affairs.

(2) 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 who attempts to leave the Commonwealth in contravention of this Regulation."

Interned persons subject to same rules of discipline as prisoners of war.

" 56C. All persons detained in military custody under a warrant of the Minister issued under the authority of these Regulations shall be deemed to be subject to the Royal Warrant with respect to the maintenance of discipline among prisoners of war dated the third day of August, One thousand nine hundred and fourteen, and to any other Royal Warrant or Prerogative Order issued in addition to or in substitution therefor, and to all Regulations and Rules attached to or made under the authority of any such Warrant or Order, in the same manner and to the same extent as if they were prisoners of war."

Burden of proof of lawful authority or excuse on accused.

" 59A. Where under these Regulations any act is done without lawful authority or without lawful authority or excuse is an offence against these Regulations, the burden of proving that the act was done with lawful authority or with lawful authority or excuse shall rest on the person accused."

Evidence of orders of competent naval or military authority.

" 59B. Every document purporting to be an order or other instrument issued by a competent naval or military authority and to be signed by such an authority shall be received in evidence and be deemed to be such an order or instrument without further proof unless the contrary is shown."

Appointment of competent authority.

Regulation 63 is *cancelled*, and the following *substituted* therefor:—

" 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 Captain 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."

Insert the following new Regulations:—

Payment of money due to interned person.

" 64A. (1) Where any person, being the subject of a State at war with the King, or a naturalized British subject of enemy origin, is detained in military custody, under the warrant of the Minister issued in pursuance of any regulations made under the Act, no

money shall be paid to him or to his credit or to any other person for his benefit without the written permission of the Minister for Defence or of the Secretary or Acting Secretary of the Department of Defence.

(2) Any money which, in pursuance of the last preceding sub-regulation, the Minister refuses to permit to be paid to any person may be paid to the Comptroller-General of Customs, or to any officer of Customs authorized in that behalf by the Comptroller-General, together with a statutory declaration stating the name of the person on whose behalf or in whose interest the money is being paid, and the transaction or matter (if any) in respect of which it is being paid.

(3) The Comptroller-General or officer shall, if he is satisfied that the person in whose interest the money is being paid is a subject of a State at war with the King or a naturalized British subject of enemy origin, and is detained in military custody in pursuance of any regulation made under the Act, receive the money, and give a receipt therefor, stating the name of the person by whom it was paid and the name of the person in whose interest it was paid.

(4) If the payment is made by a debtor in the interest of a creditor 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.

(5) 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.

(6) The Treasurer may pay the money to the person in whose interest it was paid, his executors or administrators, on demand made after the termination of the present state of war, or before that time if the person is released from military custody."

" 64B. Any person who without the written permission of the Minister for Defence or of the Secretary or Acting Secretary of the Department of Defence, remits or attempts to remit money from the Commonwealth—

Remittances
from the
Commonwealth
to enemy
subjects and
others.

(a) to any enemy subject (wherever resident), or

(b) to any naturalized British subject (wherever resident) who has at any time been the subject of a State which is at war with the King,

shall be guilty of an offence."