

# STATUTORY RULES.

1916. No. 49.

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## PROVISIONAL 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 certify that, on account of urgency, the following Regulations under the *War Precautions Act* 1914-1915 should come into immediate operation, and make the Regulations to come into operation forthwith as Provisional Regulations.

Dated this tenth day of April, 1916.

R. M. FERGUSON,  
Governor-General.

By His Excellency's Command,  
G. F. PEARCE,  
Minister of State for Defence.

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### WAR PRECAUTIONS (COMPANIES) REGULATIONS.

1. These Regulations may be cited as the War Precautions (Companies) Regulations 1916. short title.

2. If any person, without the consent in writing of the Treasurer of the Commonwealth, makes application for the registration of any company, or firm, or of any society, club or association having for its object, or one of its objects, the pecuniary profit or gain of its members, he shall be guilty of an offence. Formation of companies, &c.

3. (1) If—

(a) any company or firm; or

(b) any society, club or association formed for the purpose of pecuniary profit or gain, which is registered in the Commonwealth or which carries on business or operates in the Commonwealth, though not registered therein; or

(c) any person acting for, or on behalf of, any such company, firm, society, club or association  
without the consent in writing of the Treasurer of the Commonwealth,

Increase in capital, &c., of companies.

- (d) increases the nominal capital of the company, firm, society, club or association, or
- (e) makes an issue of authorized capital of the company, firm, society, club or association, or
- (f) makes a call upon shares issued by the said company, firm, society, club or association,

such company, firm, society, club or association, or such person, shall be guilty of an offence.

(2) This Regulation shall not apply to calls made in respect of the unpaid shares of a no-liability mining company, or in respect of the sale of any forfeited shares of any such company.

Consent of  
Treasurer, how  
obtained.

4. (1) Before the consent of the Treasurer of the Commonwealth is given to any application for:—

- (a) the registration, or
- (b) the increase of the nominal capital, or
- (c) the issue of any authorized capital, or
- (d) any call upon shares,

of any company, firm, society, club or association there shall be furnished to the Treasurer in writing particulars of the proposal for the registration, or the reasons for the proposed increase in the capital, or for the issue of authorized capital, or for the making of any call upon shares, of the company, firm, society, club or association, and such further information as the Treasurer requires.

(2) The Treasurer may, in his absolute discretion, consent to the application, or refuse to consent to it.

(3) The consent of the Treasurer to any application shall not be made use of by the company, firm, society, club or association, or by any person on its behalf, in furtherance of the objects of the company, firm, society, club or association, and any public notification of the fact of such consent shall include a statement in the following terms:—

“The fact that the Treasurer of the Commonwealth has consented to (*here insert* the registration of the company, firm, society, club or association, *or* the increase in the capital of the company, firm, society, club or association, *as the case may be*) is not to be taken in any way as a guarantee of the actual or probable financial stability or success of the company, firm, society, club or association.”

Issue of  
debentures by  
companies.

5. It shall not be lawful for any company or firm, or any society, club or association, having for its object, or one of its objects, the pecuniary profit or gain of its members, without the written consent of the Treasurer, to raise money by means of the issue of debentures or bonds, or other securities.

Delegation by  
Treasurer.

6. (1) The Treasurer may, in relation to any particular State or part of the Commonwealth, by writing under his hand delegate all or any of his powers and functions under these Regulations (except this power of delegation) so that the delegated powers and functions may be exercised by the delegate with respect to the State or part of the Commonwealth specified in the instrument of delegation.

(2) Every delegation under this Regulation shall be revocable at will, and no delegation shall prevent the exercise of any power by the Treasurer.

7. Every officer having duties connected with applications made under these Regulations shall, before entering upon his duties, make before a Justice of the Peace, or a Commissioner for taking Affidavits, or a Commissioner for Declarations, a Declaration of Secrecy in the following form:—

Officers' declaration of secrecy.

*War Precautions Act 1914-1915 and Regulations Thereunder.  
Declaration by Officer.*

I, ....., of .....,  
being an officer having duties connected with applications made under the War Precautions (Companies) Regulations, do solemnly and sincerely promise and declare that except in the course of my duty, or to an officer who has made this Declaration, I will not divulge any information which is furnished to me or to the Department in connexion with the duties referred to.

.....Signature of Officer.

Declared at ..... this .....day of  
....., 191 , before me,

(Justice of the Peace, Commissioner for taking Affidavits,  
or Commissioner for Declarations, as the case may be.)

8. Any person who makes to the Treasurer, or to any officer having duties connected with applications under these Regulations, any statement, whether verbal or in writing, which is untrue in any particular, shall be guilty of an offence against the Act.

Penalty for making untrue statement.

9. Regulations 49A, 49B, 49C, 49D, 49D2, and 49D3 of the War Precautions Regulations are hereby repealed save as to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Repeal.