

STATUTORY RULES.

1918. No. 87.

REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1916.

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* 1914-1916 to come into operation forthwith.

Dated this twenty-sixth day of March, 1918.

R. M. FERGUSON,
Governor-General.

By His Excellency's Command,

LITTLETON E. GROOM,
for the Minister of State for Defence.

WAR PRECAUTIONS (SHIPPING) REGULATIONS.

1. These Regulations may be cited as the War Precautions (Shipping) Regulations 1918.

2. For the purposes of these Regulations a vessel shall be deemed to be engaged in the coasting trade if she takes on board passengers or cargo at any port in a State, or a Territory which is part of the Commonwealth, to be carried to, or landed at, any other port in the same State or Territory, or in any other State or other such Territory:

Vessels engaged
in coasting
trade.

Provided that a vessel shall not be deemed to be engaged in the coasting trade by reason of the fact that she carries—

- (a) Passengers who hold through tickets to or from a port beyond Australia and the Territories under the authority of the Commonwealth; or
- (b) Cargo consigned on a through bill of lading to or from a port beyond Australia and those Territories and which is not transhipped to or from any vessel trading exclusively in Australian waters; or
- (c) Mails between any ports in Australia or in any of those Territories.

3. There shall be—

- (a) a Controller of Shipping;
- (b) a Deputy Controller of Overseas Shipping; and
- (c) a Deputy Controller of Coastal Shipping,

Appointment of
Controller of
Shipping, &c.

to be appointed by the Prime Minister.

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Powers of
Controller of
Shipping.

4. The Controller of Shipping may—

(a) at the rates set out in the Schedule and for such periods as are approved by the Committee, requisition any vessels which are registered in Australia or engaged in the coasting trade;

(b) vary the rates of fares and freights to be charged on vessels requisitioned under these Regulations:

Provided that in exercising his powers under this paragraph the Controller shall have regard to the earnings of the vessels so requisitioned to the intent that those earnings shall be sufficient merely to cover the expenses incurred in relation to the vessels:

Provided further that where, by reason of any proposed increase, the mean rates existing at the date of the commencement of these Regulations would be increased by more than ten per centum the proposed increase shall be subject to the approval of the Prime Minister;

(c) determine which vessels may be made available for the oversea shipping service; and

(d) demand from any owner of any vessel registered in Australia or engaged in the coasting trade full particulars with regard to such vessel and the trade on which it is employed.

Form of
requisition.

5. All vessels requisitioned by the Controller of Shipping shall be requisitioned on a standard charter party approved by the Committee.

Establishment
of Inter-State
Central
Committee.

6. (1) With the object of utilizing to the best advantage vessels engaged in the coasting trade in order to make more vessels available for the oversea shipping service, there shall be an Inter-State Central Committee (in these Regulations referred to as "the Committee"), consisting of the Controller of Shipping, the Deputy Controller of Coastal Shipping, and six other members.

(2) The other members of the Committee shall be appointed by, and shall hold office during the pleasure of the Prime Minister.

(3) The Controller of Shipping shall be *ex officio* Chairman of the Committee, and in his absence the Deputy Controller of Coastal Shipping shall act as Chairman. In the absence of both the Controller of Shipping and the Deputy Controller of Coastal Shipping, the members present shall elect one of their number to act as Chairman at the meeting.

(4) No decision of the Committee shall have any force or effect until approved by the Controller of Shipping.

(5) Four members of the Committee shall form a quorum.

Committee
may engage
premises.

7. The Committee may enter into contracts or agreements for the occupation of such premises for the purpose of the administration of these Regulations as it thinks necessary.

Appointment of
staff.

8. The Committee may appoint or employ such persons to assist in the execution of these Regulations as it thinks necessary, and every person so appointed or employed shall hold office during pleasure only.

9. (1) The Committee shall give such directions as it thinks fit in relation to the movements and use of vessels requisitioned by the Controller of Shipping and in relation to the carriage of passengers and cargo by those vessels. Committee to control requisitioned vessels.

(2) All expenses in relation to the movements and use of the vessels and the carriage of passengers and cargo shall be paid out of the revenue of those vessels.

10. The net profits (if any) which have accrued at the expiration of the period for which the vessels are requisitioned under these Regulations shall be paid into the Consolidated Revenue Fund. Profits to be paid to Consolidated Revenue Fund.

11. (1) The master, owner, agent and charterer of every vessel requisitioned under these Regulations shall severally comply with every direction given by the Committee in relation to the movements and use of the vessel and the carriage of passengers and cargo. Owners, &c., of vessels to comply with directions of Committee.

(2) Every direction given or to be given by the Committee in relation to the movements and use of vessels and the carriage of passengers and cargo, shall be deemed to be a direction lawfully given and enforceable and compliance therewith shall excuse any person for any non-performance of any contractual obligation which by reason of such compliance could not be performed.

(3) The Prime Minister may cancel or vary any contract which involves the carriage of passengers or cargo by any vessel requisitioned under these Regulations.

(4) Any direction purporting to be signed by the Controller of Shipping or the Deputy Controller of Coastal Shipping by authority of the Committee, shall, until the contrary is shown, be deemed to have been given by the Committee.

12. The vessels shall be employed in trades approved by the Committee under such agencies as the Controller may determine. Vessels to be employed in approved trades.

13. (1) The owners of vessels requisitioned under these Regulations if required to act as agents shall place at the disposal of the Committee their organization including management officers and staff. Duties of owners.

(2) The agent shall prepare for each voyage of each vessel under his agency a voyage statement in a form approved by the Committee.

14. The agent of any vessel requisitioned under these Regulations shall be paid such commission as may be determined by the Controller not exceeding five per centum on the gross revenue earned by that vessel. Commission to be paid to owners.

15. From and after the date of these Regulations no vessel registered in Australia or engaged in the coasting trade or any share therein shall be transferred, and no contract or agreement for the transfer of any such vessel or share therein shall be entered into unless the consent in writing of the Prime Minister has first been obtained. No transfer of vessels to take place without consent of the Prime Minister.

16. No acquisition of any ship, or of the property therein, or of the right to control the movement, use, control or disposal of any ship, made or purporting to be made by virtue of the power contained in any State Act, and no proclamation or instrument providing or purporting to provide for any such acquisition (whether made before or after the commencement of these Regulations) shall be of any force or effect unless and until the consent in writing thereto of the Prime Minister of the Commonwealth has been obtained. Acquisition or control of ships by authority of State law ineffective.

Shipping Board
to control
vessels not
requisitioned
under these
regulations.

17. (1) The master, owners, agents and charterers of every vessel registered in Australia, or engaged in the coasting trade, other than vessels requisitioned under these Regulations, shall severally comply with every direction given by the Commonwealth Shipping Board in relation to the movements and use of the vessel and the carriage of cargo.

(2) Every direction given, or to be given, by the Commonwealth Shipping Board, whether before or after the commencement of these Regulations, in relation to the movements and use of vessels, and the carriage of passengers and cargo, shall be deemed to be a direction lawfully given and enforceable, and compliance therewith shall excuse any person for any non-performance of any contractual obligation which, by reason of such compliance, could not be performed.

(3) The Prime Minister may cancel or vary any contract which involves the carriage of passengers or cargo by any vessel to which this regulation applies.

(4) Any direction purporting to be signed by the Chairman or Deputy Chairman, or by the Secretary of the Commonwealth Shipping Board, by authority of the Board, shall, until the contrary is shown, be deemed to have been given by the Board.

Vessels not to
leave Common-
wealth without
a licence.

18. (1) No vessel to which this regulation applies shall ~~leave~~ any port in the Commonwealth for any destination beyond the Commonwealth unless she has been licensed so to do by the Comptroller-General of Customs or by some person thereto authorized by him, and the master, owners, agents and charterers of any vessel which leaves any port in the Commonwealth in contravention of this regulation shall be guilty of an offence against the Act.

(2) An application for a licence under this regulation must be made in writing at least three days before the proposed time of departure of the vessel, or in the case of vessels carrying any cargo loaded at a previous port, at least seven days before the proposed time of departure of the vessel, and must set forth—

- (a) the name of the vessel;
- (b) the proposed destination of the vessel;
- (c) the proposed time of departure of the vessel;
- (d) the principal cargo proposed to be carried in the vessel; and
- (e) the proposed date of return of the vessel to Australia.

(3) Subject to sub-regulation (4), this regulation applies to the following vessels:—

- (a) Vessels owned or registered in the Commonwealth or vessels of any nationality under time charter to any person, firm or company, resident or carrying on business in the Commonwealth; and
- (b) British vessels now in any port in the Commonwealth or hereafter arriving in any such port, and proposing to leave the Commonwealth for any destination abroad with more than ten per centum of cargo space unfiled.

(4) The provisions of this regulation shall not apply to vessels engaged in regular trade between the Commonwealth and New Zealand, or between the Commonwealth and the Islands of the Pacific.

(5) The Comptroller-General of Customs may, at his discretion, grant or refuse any licence applied for under this regulation or grant it subject to such conditions restrictions and limitations as he thinks fit.

(6) Any person making any false statement in an application for a licence under this regulation shall be guilty of an offence against the Act.

19. No person shall ship goods at any port of the Commonwealth unless a permit in writing of an officer of Customs has first been obtained. Goods not to be shipped without permit.

20. An officer of Customs may, in relation to any goods delivered for shipment, require the shipper and the supplier of the goods and any person who has been employed in connexion with the handling or packing of the goods, to furnish statutory declarations stating that the goods have been packed under efficient and trustworthy supervision. Statutory declarations as to goods shipped.

21. All expenditure involved in the execution of these Regulations shall be defrayed out of revenue derived from the operations of the vessels controlled by the Committee, and no charge shall be made on the Consolidated Revenue Fund in respect of that expenditure. Expenditure to be defrayed out of revenue of vessels.

22. (1) The accounts, books and documents of every person, firm or company who or which acts as the agent of the Commonwealth under these Regulations shall be audited at least once in every twelve months. Audit of accounts of companies.

(2) The audit shall be carried out by an Auditor appointed by the Prime Minister.

(3) The certificate issued by that Auditor shall be final and conclusive.

23. The War Precautions (Shipping) Regulations 1916 (S.R. 1916, No. 63, as amended by S.R. 1917, Nos. 245, 263, and 294, and S.R. 1918, Nos. 37 and 47) are hereby repealed. Repeal.

THE SCHEDULE.

RATES PAYABLE FOR REQUISITIONED VESSELS.

				Rates of hire per ton gross register per month.
				<i>s. d.</i>
<i>For Passenger Steamers—</i>				
15 knots and under 17 knots	..	..	..	20 6
14 knots and under 15 knots	..	..	..	19 6
13 knots and under 14 knots	..	..	..	18 6
12 knots and under 13 knots	..	..	..	17 6
Under 12 knots	..	..	..	16 6
<i>For Colliers and Cargo Vessels—</i>				
5,000 tons deadweight and over	..	..	..	14 0
4,000 to 5,000 tons deadweight	..	..	..	14 6
3,000 to 4,000 tons deadweight	..	..	..	15 0
2,200 to 3,000 tons deadweight	..	..	..	15 6
1,800 to 2,200 tons deadweight	..	..	..	16 0
1,300 to 1,800 tons deadweight	..	..	..	16 6
1,000 to 1,300 tons deadweight	..	..	..	} To be decided by the Committee in each case on its merits.
800 to 1,000 tons deadweight	..	..	..
600 to 800 tons deadweight	..	..	..
400 to 600 tons deadweight	..	..	..
200 to 400 tons deadweight	..	..	..

Printed and Published for the GOVERNMENT of the COMMONWEALTH of AUSTRALIA by ALBERT J. MULLETT, Government Printer for the State of Victoria.