

# STATUTORY RULES

1918. No. 131.

## REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1916.

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.

Ed this fifteenth day of May, 1918.

R. M. FERGUSON,  
Governor-General.

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

## AMENDMENT OF THE WAR PRECAUTIONS (SHIPPING) REGULATIONS. (Statutory Rules 1918, No. 87.)

1. Regulation 4 of the War Precautions (Shipping) Regulations is amended by inserting, after paragraph (b) thereof, the following paragraph:—

“(b a) vary the rates of fares and freights to be charged on vessels which are registered in Australia or engaged in the coasting trade, other than vessels requisitioned under these Regulations:

Provided 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;”.

2. Regulation 17 of the War Precautions (Shipping) Regulations is amended by omitting sub-regulation (3.) thereof.

3. After regulation 17 of the War Precautions (Shipping) Regulations the following regulations are inserted:—

“17A.—(1.) Where the Attorney-General certifies in writing that the bringing of any action or counterclaim, or the taking of any step in relation to any action or counterclaim brought by any person, firm or company against any other person, firm or

Actions on  
contracts not to  
be brought or  
continued.

company for the non-delivery or short delivery of any goods under any contract or agreement or for damages in respect thereof is, in his opinion, unfair, by reason of any action or direction taken or given by the Commonwealth Shipping Board, the Controller of Shipping, or by any officer or instrumentality of the Commonwealth in connexion with the movements and use of vessels or the distribution of goods during the present war, the bringing of any such action or counterclaim or the taking of any step in relation to any such action or counterclaim shall be an offence.

“(2.) A copy of any certificate given by the Attorney-General in pursuance of this regulation shall be served upon the person, firm or company bringing or proposing to bring the action or counterclaim or taking or proposing to take any step in relation thereto.

“(3.) This regulation shall apply to all contracts or agreements whether made before or after the commencement of this regulation and to all claims or counterclaims whether made arising or accruing before or after such commencement.

“17B.—(1.) The Prime Minister may cancel or vary any contract or agreement for the supply of goods or the carriage of passengers the performance of which is, in his opinion, detrimental to the prosecution of the war or to the fair distribution of goods in the Commonwealth during the war.

“(2.) No action or counterclaim shall be brought or made, nor shall any step be taken in relation to any action or counterclaim brought or made, for the breach or non-observance of any contract or agreement, cancelled or varied in pursuance of this regulation, or for damages in respect of such breach or non-observance whether the claim arose or accrued before or after the commencement of this regulation:

Provided that where a contract or agreement has been varied in pursuance of this regulation, nothing in this regulation shall be deemed to prevent the bringing of any action or counterclaim for any breach or non-performance of the contract or agreement as so varied, or the taking of any step in relation to such action or counterclaim:

Provided further that nothing in this regulation shall affect the rights or obligations of the parties in relation to goods actually delivered under any contract or agreement which has been cancelled or varied:

“(3.) Any person, firm or company who or which brings any action or counterclaim, or takes any step in relation to any action or counterclaim brought, in contravention of this regulation shall be guilty of an offence.”

Cancellation or  
Variation of  
contracts.