

WAR PRECAUTIONS ACT REPEAL.

No. 54 of 1920.

An Act to repeal the *War Precautions Act 1914-1918* and to provide for certain matters arising out of such repeal, and for other purposes.

[Assented to 2nd December, 1920.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *War Precautions Act Repeal Act 1920*. Short title.

2. The *War Precautions Act 1914-1918* is hereby repealed.

Repeal of War Precautions Act.

COAL.

3.—(1.) In this section unless the contrary intention appears—

“the War Precautions (Coal) Regulations” means the Regulations comprised in Statutory Rules 1917, No. 195, as amended by Statutory Rules 1917, Nos. 240 and 252; by Statutory Rules 1919, Nos. 103, 119, 141, 147, 182, 183 and 224; and by Statutory Rules 1920, Nos. 171, 174, 216 and 224, and includes the Regulations comprised in Statutory Rules 1916, Nos. 289, 298, 301, 303 and 328, and in Statutory Rules 1917, Nos. 12 and 94, so far as those Regulations relate to coal and to any matters consequential upon any action taken in respect to coal.

Continuance of War Precautions (Coal) Regulations.

(2.) Subject to this section, the War Precautions (Coal) Regulations shall continue in force until the thirty-first day of December, One thousand nine hundred and twenty-one.

(3.) During the continuance of the War Precautions (Coal) Regulations, the Governor-General may make regulations, not inconsistent with this section, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this section, and in particular for repealing, altering or adding to any of those regulations.

(4.) Any person who contravenes, or fails to comply with, any provision of the War Precautions (Coal) Regulations, or of any regulation made in pursuance of this section, shall be guilty of an offence against this section.

Penalty: One hundred pounds, or imprisonment for six months, or both.

(5.) An offence against this section shall not be prosecuted without the written consent of the Attorney-General or a person authorized in writing by the Attorney-General.

(6.) For the purpose of the trial of a person for an offence against this section, the offence shall be deemed to have been committed either at the place in which it actually was committed or at any place in which the person is.

(7.) The expiration of any of the War Precautions (Coal) Regulations, or of any regulation made in pursuance of this section, shall not—

- (a) affect any right, privilege, obligation or liability acquired, accrued or incurred under any such regulation ; or
- (b) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such regulation ; or
- (c) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the regulation had not expired.

WHARVES.

Claims and
functions as to
wharves.

4. With regard to any wharf possession of which has, before the commencement of this Act, been taken in pursuance of the War Precautions (Wharf) Regulations (Statutory Rules 1917, No. 79) those Regulations shall be deemed to remain in force—

- (a) in relation to claims by any person arising out of anything done under those Regulations ; and
- (b) as regards functions exercisable under those Regulations.

PRIMARY PRODUCTS.

Agreements
with and
guarantees to
Banking
Corporations.

5.—(1.) The Prime Minister may on behalf of the Commonwealth—

- (a) enter, in conjunction with representatives of the Governments of the States, into agreements with Banking Corporations carrying on business in Australia for providing for the financial requirements of the States to enable them to operate any scheme for the transportation and marketing of Australian Primary Products ;
- (b) give to those Banking Corporations a guarantee that the Government of each of those States will repay to each Bank the advances made by the Bank to it under the agreements.

(2.) The Prime Minister may, on behalf of the Commonwealth, arrange with representatives of the Governments of the States for the undertaking by the Commonwealth of a proportion of the liability in respect of advances made at the request of or by arrangement with the Government of the Commonwealth to primary producers under any such scheme.

(3.) Any agreement, guarantee, or arrangement entered into, given or made, or purporting to have been entered into, given or made, by the Prime Minister, on behalf of the Commonwealth, before the commencement of this Act, for any of the purposes specified in this section, shall be deemed to have been entered into, given or made in pursuance of this section.

SUGAR.

6. Section three of the *Commercial Activities Act 1919* is amended by omitting the words "thirtieth day of September, One thousand nine hundred and twenty" and inserting in their stead the words "thirtieth day of June, One thousand nine hundred and twenty-three".

Price of sugar.

COMPANIES, FIRMS AND BUSINESSES.

7.—(1.) In this section unless the contrary intention appears—"the War Precautions (Companies, Firms and Businesses) Regulations" means the Regulations comprised in Statutory Rules 1916, No. 49, as amended by Statutory Rules 1917, Nos. 35, 289, and 328, by Statutory Rules 1919, No. 96, and by Statutory Rules 1920, No. 2.

Continuance of War Precautions (Companies, firms and businesses) Regulations.

(2.) Subject to this section, the War Precautions (Companies, Firms and Businesses) Regulations shall continue in force until the thirty-first day of December, One thousand nine hundred and twenty-one.

(3.) During the continuance of the War Precautions (Companies, Firms and Businesses) Regulations, the Governor-General may make regulations, not inconsistent with this section, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this section, and in particular for repealing, altering or adding to any of those regulations.

(4.) Any person who contravenes, or fails to comply with, any provision of the War Precautions (Companies, Firms and Businesses) Regulations, or of any regulation made in pursuance of this section, shall be guilty of an offence against this section.

Penalty: One hundred pounds, or imprisonment for six months, or both.

(5.) An offence against this section shall not be prosecuted without the written consent of the Attorney-General or a person authorized in writing by the Attorney-General.

(6.) For the purpose of the trial of a person for an offence against this section, the offence shall be deemed to have been committed either at the place in which it actually was committed or at any place in which the person is.

(7.) The expiration of any of the War Precautions (Companies, Firms and Businesses) Regulations, or of any regulation made in pursuance of this section, shall not—

- (a) affect any right, privilege, obligation or liability acquired, accrued or incurred under any such regulation; or
- (b) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such regulation; or

(c) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the regulation had not expired.

Shares held by
aliens.

8.—(1.) No company in which more than one-third of the shares are held by aliens shall, without the consent in writing of the Treasurer, acquire any mine or interest in a mine, or carry on any mining or metallurgical business.

(2.) No alien shall, without the consent in writing of the Treasurer, acquire any share in any company incorporated in the Commonwealth.

ENTRY INTO THE COMMONWEALTH.

Oath to be
taken by
British subjects
entering
Commonwealth.

9.—(1.) When any British subject arrives from overseas at any port in the Commonwealth, a prescribed officer may require him, before he is permitted to land in the Commonwealth, to make and subscribe an oath or affirmation in the form in the Schedule to this Act.

(2.) The entry into the Commonwealth of any person who upon being required to make and subscribe such oath or affirmation refuses or fails to do so is prohibited, and thereupon all the provisions of the *Immigration Act 1901-1912* shall apply to such person as if he were a prohibited immigrant.

(3.) Any person who, having made or subscribed such oath or affirmation, is found by a prescribed tribunal to have done or said anything in violation of that oath or affirmation, shall be liable pursuant to any order of a Minister of State to be deported from the Commonwealth.

UNLAWFUL ASSEMBLIES.

Unlawful
assemblies.

10.—(1.) In this section, “the proclaimed place” means the area surrounding Parliament House and being the whole of the land within the following boundaries :—

Commencing at the junction of Spring-street and Wellington-parade, running along Wellington-parade to Lansdowne-street ; thence by Lansdowne-street to Gipps-street ; thence by Gipps-street to Gisborne-street ; thence by Gisborne-street to Albert-street ; thence by Albert-street to Spring-street ; thence by Spring-street to the point of commencement,

and includes the area of so much of the said streets and parade as form the said boundaries.

(2.) It shall not be lawful for any number of persons exceeding twenty to meet or be assembled in the open air in any part of the proclaimed place for any unlawful purpose and any person (not being an officer of the Commonwealth or State acting in the discharge of the duties of his office) who is present at any such meeting or assembly shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months, or both.

(3.) For the purposes of the last preceding sub-section persons shall be deemed to have met, or to be assembled, for an unlawful purpose, if they, or any of them, while assembled, do anything unlawful, or make known their grievances, or discuss public affairs or matters of public interest, or consider, prepare or present any petition, memorial, complaint, remonstrance, declaration or other address to His Majesty, or to the Governor-General, or to both Houses or either House of the Parliament, or to any Minister or officer of the Commonwealth, for the repeal or enactment of any law or for the alteration of matters of State.

(4.) Any officer of police, or officer thereto authorized in writing by the President of the Senate, the Speaker of the House of Representatives, or the Attorney-General, may arrest without warrant any person who appears to him to have been guilty of an offence against the provisions of this section.

(5.) Any person who wilfully obstructs or resists any officer of the Parliament, while engaged in the discharge or attempted discharge of the duties of his office, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months, or both.

AMENDMENTS OF CRIMES ACT 1914-1915.

11. After section seven of the *Crimes Act 1914-1915* the following section is inserted :—

“ 7A.—(1.) If any person—

- (a) incites to, urges, aids or encourages ; or
- (b) prints or publishes any writing which incites to, urges, aids or encourages,

the commission of offences against any law of the Commonwealth or the carrying on of any operations for or by the commission of such offences, he shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for twelve months, or both.”

Inciting or urging to the commission of an offence.

12. After section twenty-four of the *Crimes Act 1914-1915* the following sections are inserted :—

“ 24A.—(1.) Subject to sub-section (2.) of this section an intention to effect any of the following purposes, that is to say—

- (a) to bring the Sovereign into hatred or contempt ;
- (b) to excite disaffection against the Sovereign or the Government or Constitution of the United Kingdom or against either House of the Parliament of the United Kingdom ;
- (c) to excite disaffection against the Government or Constitution of any of the King's Dominions ;
- (d) to excite disaffection against the Government or Constitution of the Commonwealth or against either House of the Parliament of the Commonwealth ;
- (e) to excite disaffection against the connexion of the King's Dominions under the Crown ;

Definition of seditious intention.
Q. C. C. s. 44.

- (f) to excite His Majesty's subjects to attempt to procure the alteration, otherwise than by lawful means, of any matter in the Commonwealth established by law of the Commonwealth ; or
- (g) to promote feelings of ill-will and hostility between different classes of His Majesty's subjects so as to endanger the peace, order or good government of the Commonwealth,

is a seditious intention.

Q.C.C. s. 45.

“(2.) It shall be lawful for any person—

- (a) to endeavour in good faith to show that the Sovereign has been mistaken in any of his counsels ;
- (b) to point out in good faith errors or defects in the Government or Constitution of the United Kingdom or of any of the King's Dominions or of the Commonwealth as by law established, or in legislation, or in the administration of justice, with a view to the reformation of such errors or defects ;
- (c) to excite in good faith His Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the Commonwealth as by law established ; or
- (d) to point out in good faith in order to their removal any matters which are producing or have a tendency to produce feelings of ill-will and hostility between different classes of His Majesty's subjects.

Definition of seditious enterprise.

Q.C.C. s. 46.

“24B.—(1.) A seditious enterprise is an enterprise undertaken in order to carry out a seditious intention.

“(2.) Seditious words are words expressive of a seditious intention.

Offences.

“24C. Any person who—

- (a) engages in or agrees or undertakes to engage in, a seditious enterprise ;
- (b) conspires with any person to carry out a seditious enterprise ;
- (c) counsels, advises or attempts to procure the carrying out of a seditious enterprise,

shall be guilty of an indictable offence.

Penalty : Imprisonment for three years.

Seditious words.

“24D.—(1.) Any person who writes, prints, utters or publishes any seditious words shall be guilty of an indictable offence.

Penalty : Imprisonment for three years.

“(2.) A person cannot be convicted of any of the offences defined in this or the preceding section upon the uncorroborated testimony of one witness.

Punishment of offences.

“24E.—(1.) An offence under either of the last two preceding sections shall be punishable either on indictment or summarily, but shall not be prosecuted summarily without the consent of the Attorney-General.

“(2.) If any person who is prosecuted summarily in respect of an offence against either of the last two preceding sections, elects, immediately after pleading, to be tried upon indictment, the Court or Magistrate shall not proceed to summarily convict that person but may commit him for trial.

“(3.) The penalty for an offence under either of the last two preceding sections shall, where the offence is prosecuted upon indictment, be imprisonment for any period not exceeding three years, and, where the offence is prosecuted summarily, shall be imprisonment for a period not exceeding twelve months or a fine not exceeding One hundred pounds or both.”

13. Section one of the *Crimes Act 1915* is amended by omitting sub-section (3.) thereof, and that Act shall continue in force as if that sub-section had not been enacted.

Continuance of
Crimes Act
1915.

LOANS.

14. Notwithstanding anything contained in any law of the Commonwealth or a State, any Municipality, Harbor Trust or Board, or Marine Board or local governing body may—

Investments by
municipalities
and other
bodies in
Commonw
loans.

- (a) invest in any loan raised by the Government of the Commonwealth any of its funds or any moneys raised by it by way of loan ;
- (b) borrow by way of bank overdraft or otherwise money for investment in any such loan ; and
- (c) sell any stock or bonds of any such loan.

15. Notwithstanding the provisions of any law or of any charter or of the memorandum, articles of association, rules or regulations of any company carrying on in Australia the business of banking any such company may make advances to any officer or employee of the company for the purpose of investment by that officer or employee in any loan raised by the Government of the Commonwealth.

Bank may
advance money
to employees
for investment
in
Commonwealth
loans.

16. Notwithstanding anything contained in any State Act or in any rules, regulations, or by-laws, or in any charter, memorandum, or articles of association, or in any deed of settlement, will, or other instrument creating a trust, any corporation, society, club, or association, or any trustee or body of trustees may borrow money for the purpose of investment in any loan raised by the Government of the Commonwealth.

Investment of
trust funds in
Commonwealth
loans.

17. Sections fourteen, fifteen and sixteen of this Act shall continue in operation for a period of two years from the commencement of this Act, and no longer.

Operation of
sections 14, 15
and 16.

18. No person shall, without authority (proof whereof shall lie upon him) destroy, injure, disfigure, or remove any poster, advertisement or notice relating to any Commonwealth loan.

Acts prejudicial
to the raising of
Commonwealth
loans.

Penalty : One hundred pounds or imprisonment for twelve months.

AGENTS OF OVERSEA COMPANIES.

Agents of
oversea
companies
and firms.

19.—(1.) In this section—

“Oversea company” means any company which is incorporated in any country outside the Commonwealth ;

“Oversea firm” means any firm which is registered in any country outside the Commonwealth.

(2.) Any person who, at the commencement of this section, is the representative or agent in Australia of any oversea company or firm shall within three months after the commencement of this section, and thereafter within one month after the expiration of each financial year furnish, in the prescribed form, to the Collector of Customs in the State in which his principal place of business is, the particulars required to be furnished under this section.

(3.) Any person who, after the commencement of this section, is appointed to be the representative or agent in Australia of any oversea company or firm shall—

(a) within one month after appointment, if he is at the date of appointment resident in the Commonwealth ; and

(b) within one month after his arrival in the Commonwealth if he is not, at the date of appointment, resident in the Commonwealth,

and thereafter within one month after the expiration of each financial year furnish in the prescribed form to the Collector of Customs in the State in which his principal place of business is, the particulars required to be furnished under this section.

(4.) The particulars required to be furnished under this section are—

(a) in the case of a company—

(i) the name and address ;

(ii) the amount of the capital ;

(iii) the names and addresses of its branches (if any) ;
and

(iv) such other particulars as are prescribed ; and

(b) in the case of a firm—

(i) the name and address ;

(ii) the name, nationality, and address of each member ;

(iii) the amount of the capital ;

(iv) the names and addresses of its branches (if any) ;
and

(v) such other particulars as are prescribed.

(5.) The particulars to be furnished under this section shall not be deemed to have been duly furnished unless they are certified to—

(a) in the case of a company or firm incorporated or registered in any part of the British Empire—by the proper officer in that part ; and

(b) in the case of a company or firm incorporated or registered in any country outside the British Empire—by the British Consul in that country.

(6.) Any person who fails to furnish in whole or in part the particulars required to be furnished under this section shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months, or both.

MISCELLANEOUS.

20. No person shall, without the consent of the Treasurer (proof whereof shall lie upon the person accused), deface or destroy, by melting or otherwise, any gold coins which are British coins within the meaning of the *Coinage Act 1909*. Defacing British gold coin.

Penalty : One hundred pounds or imprisonment for twelve months.

21. Any person who is guilty of any offence against this Act for which no other penalty is provided shall be liable to a penalty not exceeding One hundred pounds or to imprisonment for a period not exceeding six months or both. Offences not specifically provided for.

22. The Governor-General may make regulations, not inconsistent with this Act, prescribing all things which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act and in particular prescribing matters providing for and in relation to— Regulations.

- (a) the closing to members of any of the Naval or Military Forces of premises licensed for the sale of intoxicating liquors ;
- (b) the closing of premises licensed for the sale of intoxicating liquors or in which intoxicating liquors are sold where in the opinion of the Minister the sale or supply of intoxicating liquors is prejudicial to or endangers the health, training, discipline or administration of any members of the Naval or Military Forces ;
- (c) the steps to be taken to enforce the closing of premises licensed for the sale of intoxicating liquors or in which intoxicating liquors are sold ;
- (d) prohibiting or regulating the publication of books, pamphlets, or documents purporting to be records of the services of any Naval or Military Expeditionary Force raised in the Commonwealth ;
- (e) prohibiting or regulating the use of the word " Anzac " or any word resembling the word " Anzac " ;
- (f) prohibiting or regulating the publication of newspapers or periodicals in a foreign language ; and
- (g) penalties not exceeding a fine of One hundred pounds or imprisonment for six months or both for breaches of the regulations made under this section.

THE SCHEDULE.

OATH

I, *A. B.*, do swear that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom. SO HELP ME GOD!

AFFIRMATION.

I, *A. B.*, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom