

# NATIONAL SECURITY.

**No. 44 of 1940.**

## An Act to amend the *National Security Act 1939*.

[Assented to 21st June, 1940.]

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

**Short title and citation.**

1.—(1.) This Act may be cited as the *National Security Act 1940*.

(2.) The *National Security Act 1939*\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *National Security Act 1939-1940*.

**Commencement.**

2. This Act shall come into operation on the day on which it receives the Royal Assent.

**Title.**

3. The title of the Principal Act is amended by omitting the words "the present state of War" and inserting in their stead the words "any War in which His Majesty is or may be engaged".

**Definitions.**

4. Section three of the Principal Act is amended by omitting the definitions of "the present state of war" and "the present war".

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\* Act No. 15, 1939.

**5. Section five of the Principal Act is amended—**

**Emergency regulations.**

- (a) by omitting from paragraph (b) of sub-section (1.) the words “in Australia”; and
- (b) by omitting from that sub-section the words “the present war” and inserting in their stead the words “any war in which His Majesty is or may be engaged”.

**6. Section ten of the Principal Act is amended by omitting from sub-section (4.) the words “of State for Defence” (wherever occurring).**

**Trial of offences.**

**7. Section thirteen of the Principal Act is amended by omitting from sub-section (1.) the words “, in the same manner as a person who is found committing a breach of the peace may, at common law, be arrested by any constable or person”.**

**Arrest of offenders.**

**8. After section thirteen of the Principal Act the following sections are inserted :—**

“13A. Notwithstanding anything contained in this Act, the Governor-General may make such regulations making provision for requiring persons to place themselves, their services and their property at the disposal of the Commonwealth, as appear to him to be necessary or expedient for securing the public safety, the defence of the Commonwealth and the Territories of the Commonwealth, or the efficient prosecution of any war in which His Majesty is or may be engaged :

**Emergency powers.**

Provided that nothing in this section shall authorize the imposition of any form of compulsory service beyond the limits of Australia.

“13B. Notwithstanding anything contained in this Act, the power to make regulations conferred by this Act shall include the power to make regulations—

**Discipline of prisoners of war, &c.**

- (a) for the purpose of carrying out and giving effect to the International Convention relative to the Treatment of Prisoners of War, signed at Geneva on the twenty-seventh day of July, One thousand nine hundred and twenty-nine ;
- (b) providing for the custody of, and maintenance of discipline among, persons detained in pursuance of any instrument made or issued under any regulation made in pursuance of this Act ; and
- (c) providing for the prescription and imposition of penalties for breaches of discipline by prisoners of war and persons so detained.”.

**9. Section nineteen of the Principal Act is repealed and the following section inserted in its stead :—**

“19. This Act shall continue in operation until a date to be fixed by Proclamation, and no longer, but in any event not longer than six months after His Majesty ceases to be engaged in war.”.

**Duration of Act.**