

DEFENCE (TRANSITIONAL PROVISIONS).

No. 77 of 1946.

An Act to make provision for the Security and Defence of the Commonwealth during a Time of Transition from War Conditions to Conditions of Peace, and for other purposes.

[Assented to 14th December, 1946.]

Preamble.

WHEREAS a state of war still exists between His Majesty and Germany, Japan and other countries :

AND WHEREAS legislative provision is required in order to bring about a gradual and orderly return to conditions of peace :

AND WHEREAS it is now necessary, for the peace, order and good government of the Commonwealth—

- (a) to make certain provisions to operate during a time of transition from war conditions to conditions of peace ;
- (b) to make provision for the carrying on or completion, during that time of transition, of arrangements, activities, actions and proceedings entered upon or subsisting in pursuance of certain of the regulations made under the *National Security Act 1939-1946* and of the orders, rules and by-laws made under those regulations ; and
- (c) to provide for matters incidental to the termination of that Act and of the regulations made thereunder and of the orders, rules and by-laws made under any of those regulations :

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Defence (Transitional Provisions) Act 1946*. Short title.
2. This Act shall come into operation on the first day of January, One thousand nine hundred and forty-seven. Commencement.
3. This Act is divided into Parts, as follows :— Parts.
 - Part I.—Preliminary.
 - Part II.—Temporary Preservation of certain Regulations and Instruments.
 - Part III.—Amendment of certain Acts.
 - Part IV.—Miscellaneous.
- 4.—(1.) In this Act, “ the National Security Act ” means the *National Security Act 1939*, and includes that Act as amended from time to time. Interpretation.

(2.) Any reference in this Act to a Schedule shall be read as a reference to a Schedule to this Act.
5. Where any regulation, order, rule or by-law in force by virtue of, this Act contains provisions which specifically require its application in any Territory of the Commonwealth (not being part of the Commonwealth), that regulation, order, rule or by-law shall have effect in that Territory accordingly and this Act shall extend to that Territory to the extent necessary to give effect to that regulation, order, rule or by-law. Application of Act to Territories.

PART II.—TEMPORARY PRESERVATION OF CERTAIN REGULATIONS AND INSTRUMENTS.

- 6.—(1.) The Regulations the titles of which are specified in the first column of the First Schedule, being the Regulations having those respective titles as in force under the *National Security Act* immediately Operation of certain Regulations.

prior to the commencement of this Act, shall, subject to this Act, be in force until midnight on the thirty-first day of December, One thousand nine hundred and forty-seven (in this Act and in the Regulations in force by virtue of this section referred to as "the prescribed time") and no longer, with such amendments (if any) as are respectively specified in the third column of that Schedule.

(2.) The Governor-General may, before the prescribed time, make regulations—

- (a) repealing any Regulations in force by virtue of the last preceding sub-section ; and
- (b) amending any of those Regulations, but so that any such amendment shall be in respect of a matter dealt with by those Regulations.

(3.) Regulations made under the last preceding sub-section may include provision for—

- (a) conferring original jurisdiction on the High Court in any matter arising under the regulations ;
- (b) defining the jurisdiction of any federal court, other than the High Court, with respect to any matter arising under the regulations ; and
- (c) investing any court of a State with federal jurisdiction with respect to any matter arising under the regulations.

Temporary
preservation
of certain
orders.

7.—(1.) The orders specified in the first column of the Second Schedule, as in force immediately prior to the commencement of this Act, shall, subject to this Act, be in force until the prescribed time and no longer, with such amendments (if any) as are respectively specified in the fourth column of that Schedule.

(2.) A Minister may, before the prescribed time, by order, amend or revoke any order in force by virtue of the last preceding sub-section, but so that any such amendment shall be in respect of a matter dealt with by that order.

Savings.

8.—(1.) Subject to sub-section (3.) of this section, each order, rule and by-law in force or subsisting immediately prior to the commencement of this Act and made under any provision of any Regulations under the National Security Act the title of which is specified in the First Schedule, shall, if the Regulations having the same title as in force by virtue of this Act contain substantially the same provision, be in force or subsisting as if made under the last-mentioned Regulations and those Regulations shall apply to them accordingly.

(2.) Subject to the next succeeding sub-section, each declaration, determination, exemption, delegation, notice, guarantee, authority, approval, consent, permit, requirement, valuation, certificate, licence,

report, register, direction and other instrument or document in force or subsisting immediately prior to the commencement of this Act and made, given, issued or established—

- (a) under any provision of any Regulations under the National Security Act the title of which is specified in the First Schedule, if the Regulations having the same title as in force by virtue of this Act contain substantially the same provision ;
- (b) under any order, rule or by-law under any such provision ;
or
- (c) under any order specified in the Second Schedule,

shall be in force or subsisting as if made, given, issued or established under the Regulations, order, rule or by-law as in force by virtue of this Act and those Regulations, or that order, rule or by-law, shall apply to it accordingly.

(3.) Each award, order and determination in force or subsisting immediately prior to the commencement of this Act and made or given by any industrial authority having power to fix rates of pay or conditions of employment under any regulation under the National Security Act, shall remain in force or subsisting until revoked by competent authority.

(4.) Each authority constituted or holding office and each person employed, immediately prior to the commencement of this Act—

- (a) under any provision of any Regulations under the National Security Act the title of which is specified in the First Schedule, if the Regulations having the same title as in force by virtue of this Act contain substantially the same provision ; or
- (b) under any order, rule or by-law made under any such provision,

shall be deemed to be constituted, to hold office or to be employed, as the case may be, under the Regulations, order, rule or by-law as in force by virtue of this Act.

(5.) Any contract or agreement—

- (a) to which the Commonwealth, a Minister or any authority of the Commonwealth is a party ;
- (b) which was subsisting immediately prior to the commencement of this Act ; and
- (c) which was entered into under regulations made under the National Security Act,

shall, subject to the next succeeding sub-section, continue in full force and effect.

(6.) Where an authority of the Commonwealth is a party to any such contract or agreement and that authority has ceased to exist, the Commonwealth shall be deemed to be substituted for that authority as a party to the contract or agreement.

(7.) Where, immediately prior to the commencement of this Act, an authority of the Commonwealth constituted under any regulations under the National Security Act was a party to an action or other proceeding and that authority has ceased to exist, the Commonwealth shall be substituted for that authority as a party to that action or proceeding.

(8.) Where, immediately prior to the commencement of this Act, property or assets were, under any regulations under the National Security Act, vested in an authority of the Commonwealth and that authority has ceased to exist, that property or those assets shall be deemed to be vested in the Commonwealth.

Power to amend
or revoke
orders.

9. Any order, rule or by-law in force by virtue of sub-section (1.) of the last preceding section may be amended or revoked by the authority having power under any regulations in force by virtue of this Act to make orders, rules or by-laws with respect to the matter dealt with by that order, rule or by-law.

PART III.—AMENDMENT OF CERTAIN ACTS.

Amendments
of Acts.

10.—(1.) The Acts specified in the first column of the Third Schedule are amended as respectively specified in the second column of that Schedule.

(2.) Each Act specified in the first column of the Fourth Schedule, as amended by this Act, may be cited in the manner specified in the second column of that Schedule opposite to the reference to that Act in the first column.

Amendments of
the Seamen's
War Pensions
and Allowances
Act.

11.—(1.) The *Seamen's War Pensions and Allowances Act 1940* is in this section referred to as the Principal Act.

(2.) The Principal Act, as amended by this section, may be cited as the *Seamen's War Pensions and Allowances Act 1940-1946*.

(3.) Section three of the Principal Act is amended—

(a) by omitting from paragraph (b) of the definition of "Australian mariner" the word "and";

(b) by inserting after paragraph (c) of the definition of "Australian mariner" the following paragraphs:—

"(d) any master, officer, seaman or apprentice employed in sea-going service on any ship owned in Australia and operating from an Australian port, which is a hospital ship, troop transport, tug, cable ship, salvage ship, dredge, fishing vessel or fisheries investigation vessel;

"(e) any member or employee of the Commonwealth Salvage Board engaged in sea-going service under the direction of that Board; and

"(f) any master, officer, seaman or apprentice employed in sea-going service on any ship registered in the dominion of New Zealand, who the Minister is satisfied was engaged in Australia

and is not entitled to compensation under any law of any part of the King's dominions, other than Australia, providing for the payment of pensions and other payments to seamen who suffer death, disablement, detention or loss as a result of the present war,"; and

(c) by inserting after the definition of "effects" the following definition:—

"'fishing vessel' means any ship owned in Australia and operating from an Australian port which is employed in or in connexion with the occupation of sea fishing for profit;"

(4.) Section eighteen of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (1.) the words "all dependants, including children," and inserting in their stead the words "those dependants";

(b) by omitting from paragraph (e) of sub-section (1.) the words "all dependants, including children," and inserting in their stead the words "those dependants"; and

(c) by omitting from paragraph (f) of sub-section (1.) the words "(subject, in any case to which either paragraph (b) or (e) applies, to the maximum aggregate specified in that paragraph)".

(5.) Section nineteen of the Principal Act is amended by omitting from the proviso the words "rate specified in the First Schedule" and inserting in their stead the words "maximum rate payable".

(6.) Section twenty-four of the Principal Act is amended by omitting from the proviso to paragraph (a) the word "and" and inserting in its stead the word "or".

(7.) The First Schedule to the Principal Act is amended—

(a) by omitting from column three the word "including" and inserting in its stead the words "other than";

(b) by omitting from column three the figures "2 0 0", "2 3 0", "2 9 0", "2 12 3", "2 13 9", "2 16 0", "2 17 3", "2 19 6", "3 10 0" and "3 17 6" and inserting in the place of each of those groups of figures the figures "4 4 0".

(8.) The Seventh Schedule to the Principal Act is amended so that for each amount in column one or column two there shall be substituted an amount equal to that amount increased by one third.

12.—(1.) The *Land Tax Assessment Act 1910-1940* is in this section referred to as the Principal Act.

(2.) The Principal Act, as amended by this section, may be cited as the *Land Tax Assessment Act 1910-1946*.

(3.) Section fifteen of the Principal Act is amended by adding at the end thereof the following sub-sections:—

"(4.) Notwithstanding anything contained in the preceding provisions of this section but subject to the next succeeding sub-section, a taxpayer who has furnished a full and complete return in

Amendments
of the Land
Tax Assessment
Act.

respect of land owned by him at midnight on the thirtieth day of June in any year prior to the year One thousand nine hundred and forty-seven, need not, unless required by the Commissioner, furnish a return for the purposes of this section in respect of land owned by him on the thirtieth day of June, One thousand nine hundred and forty-seven.

“(5.) Where a taxpayer has, during the financial year which commenced on the first day of July, One thousand nine hundred and forty-six, become or ceased to be the owner of any land, he shall, during the month of July, One thousand nine hundred and forty-seven, furnish to the Commissioner a return setting forth a full and complete statement of that land and of the improved and unimproved value of every parcel thereof, together with such other particulars as the Commissioner requires.”

(4.) Section twenty of the Principal Act is amended by adding at the end thereof the following sub-sections :—

“(5.) Notwithstanding anything contained in the preceding provisions of this section—

(a) where the value of any area of land or any interest in an area of land was assessed under the *Land Tax Assessment Act 1910-1937* in respect of the financial year which commenced on the first day of July, One thousand nine hundred and thirty-nine—

(i) that value shall be the value of that area or interest for the purposes of all assessments of land tax to which this sub-section applies and that value shall be final and conclusive ; and

(ii) that value shall, where there has been a change of ownership of any part or parts of the area or interest, be apportioned between all the parts of that area or interest owned by different persons and the value so apportioned to each part shall be the value of each part for the purposes of all assessments of land tax to which this sub-section applies for financial years commencing after that change and that value shall be final and conclusive ;

(b) where the value of any area of land or any interest in an area of land was not assessed under the *Land Tax Assessment Act 1910-1937* in respect of the financial year which commenced on the first day of July, One thousand nine hundred and thirty-nine, either separately or as part of some other area or interest, the value of that land or interest as at the thirtieth day of June, One thousand nine hundred and thirty-nine, shall be determined in accordance with the provisions of this Act and the value so determined shall be the value of that area or interest for the purposes of all assessments of land tax to which this sub-section applies and that value shall be final and conclusive ; and

(c) notwithstanding anything contained in paragraphs (a) and (b) of this sub-section, where the value of any area of land or any interest in an area of land or any part of any such area or interest has—

- (i) prior to the thirteenth day of March, One thousand nine hundred and forty-two; or
- (ii) after that date, but in pursuance of any objection or protest posted to or lodged with the Commissioner prior to that date,

been assessed under this Act in respect of the financial year which commenced on the first day of July, One thousand nine hundred and forty, or in respect of the financial year which commenced on the first day of July, One thousand nine hundred and forty-one (either separately or as part of some other area or interest) at a value lower than that specified in paragraph (a) or (b) of this sub-section, whichever is applicable, that lower value shall be the value of that area, interest or part, as the case may be, for the purposes of all assessments of land tax to which this sub-section applies, and that value shall be final and conclusive.

“(6.) The last preceding sub-section shall apply to assessments in respect of the financial year which commenced on the first day of July, One thousand nine hundred and forty and of each financial year thereafter to and including the financial year commencing on the first day of July, One thousand nine hundred and forty-seven.

“(7.) In respect of all assessments to which the National Security (Values for Land Tax) Regulations applied, the value assigned, in accordance with those Regulations, to any area of land or any interest in an area of land shall be final and conclusive.”

(5.) Section forty-four K of the Principal Act is amended by adding at the end thereof the following sub-sections:—

“(5.) Notwithstanding anything contained in the preceding provisions of this section but subject to the next succeeding sub-section, no right of objection against an assessment of land tax in respect of the financial year which commenced on the first day of July, One thousand nine hundred and forty, or of any financial year thereafter to and including the financial year commencing on the first day of July, One thousand nine hundred and forty-seven, shall exist on the ground that the value assigned to any area of land or any interest in an area of land is excessive, if that value is the value of that area or interest assessed in respect of the financial year which commenced on the first day of July, One thousand nine hundred and thirty-nine.

“(6.) The provisions of the last preceding sub-section shall not apply to any objection posted to or lodged with the Commissioner prior to the thirteenth day of March, One thousand nine hundred and forty-two, but no right of objection shall exist on the ground that the value assigned to any area of land or any interest in an area

of land is excessive, if that value is the value of that area or interest assessed in accordance with paragraph (c) of sub-section (5.) of section twenty of this Act."

(6.) The amendments effected by this section (except the amendment effected by the inclusion of sub-section (7.) in section twenty of the Principal Act) shall apply to all assessments made on or after the first day of January, One thousand nine hundred and forty-seven, in respect of the financial year which commenced on the first day of July, One thousand nine hundred and forty, and of each financial year thereafter to and including the financial year commencing on the first day of July, One thousand nine hundred and forty-seven.

PART IV.—MISCELLANEOUS.

War-time
compensation
preservation.

13.—(1.) In this section, "the Regulations" means the National Security (Civil Constructional Corps Compensation) Regulations, the National Security (Civil Defence Workers' Compensation) Regulations and the National Security (War Injuries Compensation) Regulations, as in force immediately prior to the commencement of this Act.

(2.) Notwithstanding that the Regulations ceased to have effect at midnight on the thirty-first day of December, One thousand nine hundred and forty-six (in this sub-section referred to as "that time")—

- (a) any pension granted under the Regulations which is in force at that time, shall, subject to the provisions of the Regulations under which it was granted and the conditions under which it was granted, continue to be payable after that time ;
- (b) any pension, or determination in relation to a pension, granted or made under the Regulations may, in accordance with the provisions of the Regulations under which it was granted or made, be reviewed after that time and any such pension or determination may be varied or cancelled or a new pension or determination may be granted or made ;
- (c) where any right to make a claim for a pension under the Regulations has accrued before that time, the person entitled to make the claim may, within three months after that time, make a claim in accordance with the provisions of the Regulations under which the right accrued ;
- (d) any claim made in accordance with the last preceding paragraph, and any claim, made under the Regulations prior to that time but not dealt with prior to that time, may, after that time, be considered and dealt with in the manner specified in the Regulations ; and
- (e) any person or authority appointed, constituted or specified by or under the Regulations shall, for the purposes of paragraphs (a), (b), (c) and (d) of this sub-section, continue to hold that appointment or to remain constituted or

specified after that time, and shall have and may exercise all the powers and functions specified in the Regulations which are necessary to give effect to the provisions of paragraphs (a), (b), (c) and (d) of this sub-section.

(3.) For the purposes of the last preceding sub-section, "pension" includes compensation of a periodical nature.

14.—(1.) Sections forty-eight and forty-nine of the *Acts Interpretation Act 1901-1941* shall apply to orders, rules and by-laws made under this Act or made under any regulation in force by virtue of this Act which are of a legislative and not of an executive character, in like manner as they apply to regulations.

Provisions in respect of orders.

(2.) Orders, rules and by-laws so made shall not be deemed to be Statutory Rules within the meaning of the *Rules Publication Act 1903-1939*.

(3.) The *Acts Interpretation Act 1901-1941* shall apply to the interpretation of all orders, rules or by-laws so made in like manner as it applies to the interpretation of regulations, and, for the purpose of section forty-six of that Act, as so applied, all such orders, rules and by-laws shall be deemed to be regulations.

15.—(1.) Any person who contravenes, or fails to comply with, any provision of any regulation in force by virtue of this Act, or of any order, rule or by-law in force by virtue of this Act, or made under any such regulation, shall be guilty of an offence against this Act.

Trial of offences.

(2.) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender shall not be liable to be punished more than once in respect of the same offence.

(3.) The punishment for an offence against this Act shall be—

- (a) if the offence is prosecuted summarily—a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months; or
- (b) if the offence is prosecuted upon indictment—a fine not exceeding Five hundred pounds or imprisonment for a term not exceeding two years.

(4.) An offence against this Act shall not be prosecuted summarily without the written consent of the Attorney-General, or a person thereto authorized in writing by the Attorney-General, and an offence against this Act shall not be prosecuted upon indictment except in the name of the Attorney-General.

(5.) For the purpose of the trial of a person summarily or upon indictment for an offence against this Act, the offence shall be deemed to have been committed either at the place in which it was actually committed or at any place in which the person may be.

(6.) In addition to any other punishment, a court may, if it thinks fit, order the forfeiture of any money or goods in respect of which an offence against this Act has been committed.

Offences by corporations.

16. Where a person convicted of an offence against this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence.

Power to order recognizances.

17.—(1.) When any person is convicted of an offence against this Act, the court before which he is convicted may, either in addition to or in lieu of any punishment provided for the offence, require him to enter into recognizances with or without sureties to comply with the provisions of the regulations, orders, rules or by-laws in relation to which the offence was committed.

(2.) If any person fails to comply with an order of the court requiring him to enter into recognizances, the court may order him to be imprisoned for any term not exceeding six months.

Delegation of powers under regulations.

18.—(1.) A Minister may, in relation to any matters or class of matters, or in relation to any particular State or part of Australia, by writing under his hand, delegate all or any of his powers and functions under any regulation in force by virtue of this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters, or the State or part of Australia, specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

(3.) Where in any regulation in force by virtue of this Act the exercise of any power or function by a Minister, or the operation of any provision of that regulation, is dependent upon the opinion, belief or state of mind of a Minister in relation to any matter, that power or function may be exercised by the person to whom that power or function has been delegated by the Minister or that provision may operate, as the case may be, upon the opinion, belief or state of mind of that person in relation to that matter.

(4.) Any delegation made by a Minister under the National Security Act which is in force immediately prior to the commencement of this Act and relates to the exercise of any power or function under any regulation in force by virtue of this Act shall continue in force as if made under this Act.

General preservation of rights, obligations, &c.

19. The provisions of section eight of the *Acts Interpretation Act* 1901-1941 shall apply in relation to the termination of the *National Security Act* 1939-1946, and of any regulations made thereunder and of any orders, rules and by-laws made under any such regulation, as if that termination were a repeal and any such regulation, order, rule or by-law were an Act.

THE SCHEDULES.

FIRST SCHEDULE.

Section 6.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Agricultural Aids) Regula- tions	Commerce and Agriculture	Omit regulations 3 and 5
National Security (Agricultural Production) Regulations	Commerce and Agriculture	Omit regulations 3, 4 and 6
National Security (Aliens Control) Regulations	Immigration	Regulation 3— Omit definition of " the Act " Omit regulations 13 and 15 Regulation 16— Omit sub-regulation (7.) Regulation 23— Omit all sub-regulations except sub- regulations (1.) and (2.) Omit regulations 20A, 20B, 23, 25, 25A, 28, 29, 31, 32, 33 and 37 The Schedule— Omit Form D
National Security (Apple and Pear Acquisition) Regulations	Commerce and Agriculture	Omit regulation 2 Omit regulation 26, insert— " 26. A person shall not False returns. furnish any return required to be furnished under these Regulations which is false in any particular." Regulation 26B— After " <i>National Security Act 1939</i> ", insert " or the <i>Defence (Transitional Provisions) Act 1946</i> "
National Security (Australian Barley Board) Regulations	Commerce and Agriculture	Regulation 11— Omit " For securing the public safety and the defence of the Commonwealth and the Territories of the Commonwealth, for the efficient prosecution of the war, and for maintaining supplies and ser- vices essential to the life of the com- munity ", insert " In order to maintain supplies of barley in time of shortages arising from the war " Regulation 22— Omit " as it deems necessary for securing the public safety and defence of the Commonwealth and the Territories of the Commonwealth, for the efficient prosecution of the war, or for main- taining supplies and services essential to the life of the community "
National Security (Australian Tobacco Leaf) Regulations	Commerce and Agriculture	

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Beef Shortage) Regulations	Commerce and Agriculture	Regulation 5— Omit from paragraph (a) "for the efficient prosecution of the war"
National Security (Board of Business Administration) Regulations	Treasury	
National Security (Boot Trades Dilution) Regulations	Labour and National Service	Omit regulations 3 and 16A
National Security (Capital Issues) Regulations	Treasury	Omit regulation 2 Regulation 3— Omit sub-regulation (1.) Omit from sub-regulation (2.) "Regulations so repealed", insert "previous Regulations" Regulation 5— Omit definition of "the previous Regulations", insert "the previous Regulations" means any regulations in force under the <i>National Security Act 1939</i> , or under that Act as amended, having the title 'National Security (Capital Issues) Regulations'."
National Security (Change of Name) Regulations	Immigration	
National Security (Claims against the Commonwealth in relation to Visiting Forces) Regulations	Attorney-General	Regulation 4— Omit paragraph (a) of sub-regulation (4.) Omit from paragraph (b) of sub-regulation (4.) "commencement of this regulation", insert "second day of August, 1943"
National Security (Coal Mining Industry Employment) Regulations	Labour and National Service	
National Security (Control of Animal Diseases) Regulations	Health	Omit regulations 4, 5, 6, 7 and 8
National Security (Dairy Produce Acquisition) Regulations	Commerce and Agriculture	
National Security (Disposal of Commonwealth Property) Regulations	Supply and Shipping	

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Economic Organization) Regulations	Treasury and (Part V.) La- bour and Na- tional Service	Omit regulations 7 and 10a After regulation 22 add— “ 23. Where, prior to the Validation, ninth day of February, 1945— (a) the Treasurer or a delegate of the Treasurer has, acting or pur- porting to act in pursuance of the National Security (Economic Organization) Regulations, given his consent to any transaction to which the Public Trustee or Public Curator or the Curator of Estates of Deceased Persons, or any similar authority, of any State or Territory of the Com- monwealth (in this regulation referred to as ‘the Public Officer’) was a party; (b) the consent was given on the condition that the considera- tion for the transaction should not exceed an amount or value specified by the Treasurer or the delegate; and (c) the consideration obtained by the Public Officer was equal to that so specified, the Public Officer shall not be subject to any liability, civil or criminal, by reason only of the fact that a greater considera- tion could or might have been obtained by him in respect of the transaction.”
National Security (Egg Industry) Regulations	Commerce and Agriculture	Omit regulations 3 and 4
National Security (Enemy Property) Regulations	Treasury ..	Omit regulation 3 Regulation 4— Omit definition of “ the repealed Regula- tions ”, insert “ ‘ the previous Regula- tions ’ means any Regulations in force under the <i>National Security Act 1939</i> , or under that Act as amended, having the title ‘ National Security (Enemy Property) Regulations ’.” Regulation 5A— Omit “ commencement of this regula- tion ”, insert “ twenty-fifth day of May, 1944 ” Regulation 7— Omit “ repealed ”, insert “ previous ” Regulation 11— Omit from sub-regulation (4.) “ re- pealed ”, insert “ previous ” Regulation 15— Omit from sub-regulations (3.) and (4.) “, within fourteen days after the date of commencement of these Regulations, or ” (wherever occurring)

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Evidence) Regulations	Attorney-General	Regulation 16— Omit "repealed", insert "previous" Regulation 18— Omit "repealed", insert "previous" Regulation 22— Omit "repealed", insert "previous" Regulation 18— Omit "made in pursuance of power given by any regulation under the <i>National Security Act 1939-1943</i> ", insert "in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i> " Regulation 19— Omit "under the <i>National Security Act 1939-1943</i> , or of any order, rule or by-law under any such regulation", insert "order, rule or by-law in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i> " Omit the proviso
National Security (External Territories) Regulations	External Terri- tories	Regulation 3— Add at the end thereof the following sub- regulation :— "(2.) Any reference in these Regula- tions to the date of commencement of these Regulations shall be read as a reference to the twenty-seventh day of April, 1942." Regulation 16— Omit sub-regulation (6.) Omit regulations 18, 19 and 20 Regulation 21— Omit from sub-regulation (1.) "Notwith- standing anything contained in any regulation made under the <i>National Security Act 1939-1940</i> or in any order made under any such regulation, the", insert "The" Omit from sub-regulation (1.) "(other than a regulation under the <i>National Security Act 1939-1940</i> or any order under any such regulation)"
Regulations 2 and 3 of Statutory Rules 1945, No. 205	External Terri- tories	
National Security (Female Mini- mum Rates) Regulations	Labour and National Ser- vice	Omit regulation 3
National Security (Food Control) Regulations	Commerce and Agriculture	Omit regulation 3 Regulation 9— Omit from sub-regulation (1.) "growing, production, manufacture, processing," and "grown, produced, manufactured, processed," (wherever occurring) Omit regulation 15

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (General) Regulations	Administered by Departments appropriate to subject matter of individual regulations	<p>Omit all regulations except the following regulations and amend the last-mentioned regulations as specified hereunder:—</p> <p>1, 2</p> <p>3—</p> <p>Omit definition of " the Act "</p> <p>11—</p> <p>Omit all sub-regulations except sub-regulation (3A.)</p> <p>25—</p> <p>Omit sub-regulation (1.), insert—</p> <p>" (1.) Each order under regulation 25 of the National Security (General) Regulations as in force prior to the first day of January, 1947, and subsisting immediately prior to that date shall, unless sooner revoked by a Minister, by order, be in force until the prescribed time and no longer."</p> <p>Omit from sub-regulation (2.) " made under ", insert " in force by virtue of "</p> <p>Omit sub-regulations (3.) and (4.)</p> <p>26—</p> <p>Omit sub-regulations (1.) and (1A.), insert</p> <p>" (1.) Where an order for the detention of any person made under regulation 26 of the National Security (General) Regulations as in force prior to the first day of January, 1947, was subsisting immediately prior to that date, the person to whom the order relates shall be detained in accordance with the National Security (Internment Camps) Regulations as in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i> and all constables and Commonwealth officers shall take such action as is necessary to give effect to the order."</p> <p>Omit sub-regulations (2.) to (9.) inclusive</p> <p>31A—</p> <p>Omit from sub-regulation (2.) " After the expiration of seven days from the date of commencement of this regulation, a ", insert " A "</p> <p>37</p> <p>54—</p> <p>Omit sub-regulations (1.) and (2.), insert</p> <p>" (2.) Where, in pursuance of sub-regulation (1.) of regulation 54 of the National Security (General) Regulations, as in force prior to</p>

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
		<p>the first day of January, 1947, possession had been taken of any land and that land was, immediately prior to that date, in the possession of the Commonwealth or of any person or authority on behalf of the Commonwealth, the possession of that land may, subject to termination by a Minister, be continued and any order, authorization or direction made or given in relation to that land shall continue to have effect."</p> <p>55AA and 55A— After "Regulations" (wherever occurring), insert "(as in force prior to the first day of January, 1947)"</p> <p>57— Omit sub-regulations (1.), (1A.), (1B.) and (3.) Add the following sub-regulation:— " (10.) Any reference in this regulation to an order or to a requisition in pursuance of an order shall be deemed to refer to an order or requisition made and effected under this regulation as in force prior to the first day of January, 1947."</p> <p>60B— Omit from paragraph (a) "Army", insert "Interior"</p> <p>60c 60D— After "sub-regulations" (last occurring) in sub-regulation (1.), insert " , while those regulations and sub-regulations were in force."</p> <p>Omit from sub-regulation (1.) " within one month after the commencement of this regulation, or, if the thing is done after the commencement of this regulation, within two months after the doing of the thing on which the claim is based, or, in either case," insert " within two months after the doing of the thing on which the claim is based, or,"</p> <p>60E to 60c (inclusive) 60J to 60M (inclusive)</p> <p>66— Omit from sub-regulation (1.) " or the efficient prosecution of the war "</p>

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
		<p>Insert after "carriage" in paragraph (b) of sub-regulation (1.), "stacking or storage"</p> <p>69A— Omit sub-regulations (2.), (3.) and (4.)</p> <p>73— Omit from paragraph (a) "made under the Act", insert "or order in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i>"</p> <p>84— Omit from sub-regulations (1.) and (2.) "a war offence" (wherever occurring), insert "an offence against the <i>National Security Act 1939-1946</i> or the <i>Defence (Transitional Provisions) Act 1946</i>"</p> <p>Omit from sub-regulation (5.) "public safety, the defence of the Commonwealth or the efficient prosecution of the war", insert "security or defence of the Commonwealth"</p> <p>87</p> <p>88— Omit "under the Act", insert "in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i>"</p> <p>Omit "seventeen of the Act", insert "twenty of that Act"</p> <p>91— Omit from sub-regulation (1.) "Act", insert "<i>National Security Act 1939-1946</i> or the <i>Defence (Transitional Provisions) Act 1946</i>"</p> <p>Omit sub-regulations (2.), (3.) and (4.)</p>
National Security (Guarantee) Regulations	Treasury	
National Security (Hide and Leather Industries) Regulations	Commerce and Agriculture	Omit regulations 2 and 3
National Security (Industrial Peace) Regulations	Labour and National Service	<p>Regulation 9A— Omit "the <i>National Security Act 1939-1940</i>", insert "or in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i>"</p> <p>Regulation 9c— Omit sub-regulation (2.)</p> <p>Regulation 16AA— Omit "(Statutory Rules 1941, No. 25. as amended for the time being)"</p>
National Security (Industrial Property) Regulations	Attorney-General	Omit regulations 3 and 8

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Internment Camps) Regulations	Army	Omit regulation 2 Regulation 3— Omit definition of "the Act", insert " 'the Act' means the <i>Defence (Transi- sitional Provisions) Act 1946</i> ; "
National Security (Jute) Regulations	Supply and Shipping .	
National Security (Landlord and Tenant) Regulations	Works and Housing	Omit regulations 2 and 5
National Security (Liquid Fuel) Regulations	Supply and Shipping	Omit regulation 2 Regulation 3— Omit " Part IV A.—Special Emergency Provisions." Regulation 4— Omit definition of "the Act" Regulation 15— Omit "and Part IV A. thereof" Omit "or the efficient prosecution of the war" Regulation 27— Omit sub-regulation (4.) Regulation 32— Omit "the coming into operation of the regulations repealed by regulation 2 of these Regulations", insert "the sixth day of July, 1940" Omit Part IV A. Regulation 2— Omit "during the present war" Omit regulation 10
National Security (Maritime Industry) Regulations	Supply and Shipping	
National Security (Medical Bene- fits for Seamen) Regulations	Supply and Shipping	Omit regulation 3
National Security (Military Forces) Regulations	Army	Regulation 2— Omit " , during any war in which His Majesty is or may be engaged," Regulation 3— Omit " , during any war in which His Majesty is or may be engaged," Omit regulations 4, 9, 10, 11, 18 and 21 Omit regulation 4
National Security (Minerals) Regulations	Supply and Shipping	
National Security (Munitions) Regulations	Munitions . .	Omit regulation 4
National Security (Naval Charter Rates) Regulations	Navy	

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Naval Forces) Regulations	Navy ..	Omit regulation 3 Omit regulations 5, 6 and 7, insert— “ 5. Any appointment, saving. promotion or extension of the age for retirement of an officer or man of the Naval Forces, and any transfer of an officer of the Citizen Naval Forces, effected under the National Security (Naval Forces) Regulations as in force prior to the first day of January, 1947, and subsisting immediately prior to that date shall, unless sooner terminated by the Governor-General, continue until the prescribed time.”
National Security (Patriotic Funds) Regulations	Repatriation ..	Regulation 18— Omit sub-regulation (1.) Omit from sub-regulations (2.) and (3.) “ such fund ” (wherever occurring), insert “ fund referred to in sub- regulation (1.) of regulation 18 of the National Security (Patriotic Funds) Regulations, as in force immediately prior to the first day of January, 1947.”
National Security (Potatoes) Regulations	Commerce and Agriculture	Omit regulation 3
National Security (Prices) Regulations	Trade and Cus- toms	Omit regulations 2 and 2a Regulation 3— Omit from definition of “ repealed regula- tions ” “ these Regulations ”, insert “ the National Security (Prices) Regula- tions as in force immediately prior to the first day of January, 1947 ” Omit from definition of “ service ” “ and includes any other undertaking or service which is declared by the Minister, by notice in the <i>Gazette</i> , to be in his opinion essential to the life of the community ” Regulation 44— Omit “ the interests of the public safety, the defence of the Commonwealth and the Territories of the Commonwealth, or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community ”, insert “ order to ensure the fair dis- tribution of goods amongst all members of the community ”
National Security (Prisoners of War) Regulations	Army ..	Regulation 2— Omit definition of “ the Act ”
National Security (Rabbit Skins) Regulations	Commerce and Agriculture	Omit regulations 2 and 2a

FIRST SCHEDULE—*continued*.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Rationing) Regulations	Trade and Customs	Omit regulation 3 Regulation 25— Omit from sub-regulation (1.) “, or the National Security (Emergency Supplies) Regulations ” Omit regulation 28g
National Security (Requisitioned Cargoes) Regulations	Trade and Customs	Regulation 8— Add at end of regulation “ or of any regulation or order in force by virtue of the <i>Defence (Transitional Provisions)</i> <i>Act 1946</i> ”
National Security (Salvage) Regulations	Works and Housing	Omit regulation 2 Regulation 6— Omit “, in the interests of the effectual prosecution of the war ” Regulation 10— Omit “, in order that salvage may be carried on and regulated in the interests of the effectual prosecution of the war.”
National Security (Shipbuilding) Regulations	Munitions	Omit regulations 2, 3, 14 and 15
National Security (Shipping Co- ordination) Regulations	Supply and Shipping	Omit regulation 2 Regulation 4— Omit “ Part VII.—Cargo Protection.” Omit regulations 13, 14 and 55 Omit Part VII. Second Schedule— Omit “ Field Peas Board.”, “ Vegetable Seeds Committee.” Omit Ninth and Tenth Schedules
National Security (Staff of War- time Authorities) Regulations	Commerce and Agriculture	Omit regulation 3
National Security (Superphosphate Industry) Regulations	Commerce and Agriculture	Omit regulation 3
National Security (Supplementary) Regulations	Administered by Departments appropriate to subject matter of individual regulations	Omit all regulations except the following regulations and amend the last-mentioned regulations as specified hereunder:— 1, 3, 4, 11, 14 Regulation 16— Omit from sub-regulation (1.) “ by or under any regulations made under the <i>National Security Act 1939</i> or under that Act as amended”, insert “, or deemed to be constituted, by or under any regulations in force under the <i>Defence (Transitional Provisions) Act</i> <i>1946</i> ” 18, 33, 38, 47, 49, 52, 57, 58 Regulation 62— Omit “ in pursuance of the last preceding regulation” (wherever occurring), insert “ in any order in force by virtue of the <i>Defence (Transitional Provisions) Act</i> <i>1946</i> whereby the assumption or use of that word or group is prohibited ”

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Tea Control) Regulations	Trade and Customs	<p>Regulation 63— Sub-regulation (6.)— At the end of paragraph (c) insert “ or ” At the end of paragraph (d), omit “ or ” Omit paragraph (e) 65, 80, 90 91— Omit sub-regulations (3.) and (4.), insert the following sub-regulation :— “ (4.) Where any person in respect of whom notice was given under sub- regulation (3.) of regulation 91 of the National Security (Supplementary) Regulations, as in force prior to the first day of January, 1947, receives any amount referred to in that sub-regula- tion, he shall forthwith pay it into the trust account opened in pursuance of that sub-regulation.” 94, 96 Regulation 100— After “ amended ” in paragraph (a) of sub-regulation (3.), insert “, or under the Defence (Transitional Provisions) Act 1946 ” Omit from paragraph (b) of sub-regulation (3.) “ that Act or under that Act as amended ”, insert “ or in force by virtue of either of those Acts ” 105, 112 Regulation 116— Omit from sub-regulation (2.) all words after “ made ” (second occurring), in- sert “ in force by virtue of the Defence (Transitional Provisions) Act 1946 and includes any orders in force by virtue of that Act or made under any such regulations ” 120, 128, 129 133— Omit from sub-regulation (1.) “ made under the National Security Act 1939, or under that Act as amended ”, insert “ in force by virtue of the Defence (Transitional Provisions) Act 1946 ” 134 136— Omit from sub-regulation (1.) “ made under the National Security Act 1939, or under that Act as amended ”, insert “ in force by virtue of the Defence (Transitional Provisions) Act 1946 ” 139, 142 Regulation 9— Omit from sub-regulation (1.) “ the National Security (Emergency Supplies) Regulations and to ”</p>

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Tinplate Control) Regulations	Supply and Shipping	Omit regulation 4
National Security (War Damage to Property) Regulations	Treasury	
National Security (War Deaths) Regulations	Attorney-General	Regulation 3— Omit sub-regulation (1.) Omit from sub-regulation (2.) "the regulation repealed by this regulation", insert "regulation 25 of the National Security Supplementary Regulations"
National Security (War Service Moratorium) Regulations	Attorney-General	Omit regulation 3, insert— "3.—(1.) Nothing in these Saving. Regulations shall affect the operation of any order of a court made in pursuance of the previous Regulations and, where leave has been given to any person under the previous Regulations to do, or to continue or complete the doing of, any act, that person may, notwith- standing anything contained in these Regulations, do, or continue or complete the doing of, that act accordingly. "(2.) Any notice given under the previous Regulations which could have been given under these Regulations if they had been in force when the notice was given shall have the same effect as if these Regulations had been so in force and the notice had been given under these Regulations. "(3.) A certificate issued under the previous Regulations shall have the same effect as if it had been issued under these Regulations." Regulation 4— Omit "Part II.—Provisions relating to Mortgages and Agree- ments for the Pur- chase of Land. Part III.—Prohibition of Suspension of Proceedings." Regulation 5— Omit the definition of "the previous Regulations", insert— "the previous Regulations' means any Regulations in force under the <i>National Security Act 1939</i> , or under that Act as amended, having the title 'National Se- curity (War Service Mora- torium) Regulations';" Omit Parts II. and III. Omit regulations 34, 34A, 35 and 36

FIRST SCHEDULE—continued.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendment.
National Security (Wheat Acquisition) Regulations	Commerce and Agriculture	Omit regulation 29, insert— “ 29. A person shall not furnish any return required to be furnished under these Regulations which is false in any particular.” Regulation 29B— After “ <i>National Security Act 1939-1940</i> ”, insert “ or the <i>Defence (Transitional Provisions) Act 1946</i> ”
National Security (Wheat Industry Stabilization) Regulations	Commerce and Agriculture	
National Security (Wine Industry) Regulations	Trade and Customs	Omit regulations 2, 10 and 11
National Security (Women's Services) Regulations	Defence	Regulation 6— After “ <i>National Security Act 1939-1940</i> ”, insert “ or the <i>Defence (Transitional Provisions) Act 1946</i> ”

SECOND SCHEDULE.

Section 7.

First Column. Title or Description of Orders.	Second Column. Regulations under which Orders made.	Third Column. Department by which administered.	Fourth Column. Amendments.
Agricultural Machinery Order No. 1	National Security (Agricultural Machinery) Regulations	Commerce and Agriculture	Paragraph 5— Omit from sub-paragraph (1.) “ the Controller of Agricultural Machinery or of an officer of the Department of Agriculture of a State authorized by the Controller of Agricultural Machinery ”, insert “ a person authorized by the Minister ” Omit sub-paragraph (2.)
Control of Essential Materials Order	Regulation 59 of the National Security (General) Regulations	Works and Housing	

SECOND SCHEDULE—continued.

First Column. Title or Description of Orders.	Second Column. Regulations under which Orders made.	Third Column. Department by which administered.	Fourth Column. Amendments.
Control of Foot- wear (Styles and Quality) Order	Regulation 59 of the National Security (General) Regulations	Supply and Shipping	Omit paragraphs 2 and 4 Paragraph 14— Omit " within twenty- one days after the date of this Order or before commencing to carry on business, as the case may be ", insert " before com- mencing to carry on business " Paragraph 15— Omit " on and after a date fixed by the Controller, by notice published in the <i>Gazette</i> , to be the date from which this paragraph shall have effect. a ", insert " A "
Control of Tin- plate Order	Regulation 59 of the National Security (General) Regulations	Supply and Shipping	
Cordage and Fibre Order	Regulation 59 of the National Security (General) Regulations	Supply and Shipping	Paragraph 4— Omit sub-paragraphs (1.) and (2.) Omit from sub- paragraph (3.) " after the date this Order is notified in the <i>Gazette</i> " Paragraph 5— Omit " On and after the fifteenth day of April One thousand nine hundred and forty-four a ", insert " A "
Jute Goods Order	Regulation 59 of the National Security (General) Regulations	Supply and Shipping	
Shirts, Collars and Pyjamas Order	Regulation 59 of the National Security (General) Regulations	Supply and Shipping	Omit paragraphs 3, 4 and 12 Omit the First Schedule

SECOND SCHEDULE—continued.

First Column. Title or Description of Orders.	Second Column. Regulations under which Orders made.	Third Column. Department by which administered.	Fourth Column. Amendments.
Control of New Commercial Motor Vehicles Order Control of New Motor Cars Order	National Security (Land Trans- port) Regu- lations	Transport ..	Omit from paragraph 2 of each Order the definition of "pre- scribed transport authority", insert "prescribed trans- port authority" means a person or body of persons authorized in writing by the Minister to act under this Order." Add at the end of sub- paragraph (1.) of para- graph 4 of each Order "or by a prescribed transport authority."
Orders under regu- lation 61 of the National Security (Supplementary) Regulations	Regulation 61 of the National Security (Supplementary) Regulations	Attorney- General	

THIRD SCHEDULE.

Section 10 (1.).

First Column. Acts Amended.	Second Column. Amendments.
<i>Black Marketing Act 1942</i> ..	Section 3— Omit "made (whether before or after the com- mencement of this Act) under the <i>National Security Act 1939</i> or under that Act as sub- sequently amended, and includes any orders", insert "in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i> and includes any orders in force by virtue of that Act or" Section 9— Omit " <i>National Security Act 1939-1940</i> ", insert " <i>Defence (Transitional Provisions) Act 1946</i> "
<i>Crimes Act 1914-1941</i> ..	Section 78— After "plan," (wherever occurring), insert "photograph," Section 79— After "plan," (wherever occurring), insert "photograph," Section 80— After paragraph (a) insert— "(aa) Any camp, barracks or place where prisoners of war, internees or mem- bers of the Defence Force are de- tained ;" Section 89— Omit from sub-section (1.) "or military", insert "military or air force"

THIRD SCHEDULE—continued.

First Column. Acts Amended.	Second Column. Amendments.
<i>Papua-New Guinea Provisional Administration Act 1945</i>	Section 3— Omit "such portions of the Territory of New Guinea as from time to time cease to be areas to which the National Security (Emergency Control) Regulations apply", insert "the Territory of New Guinea"
<i>Patents, Trade Marks, Designs and Copyright (War Powers) Act 1939-1940</i>	Section 6— Omit from sub-section (8.) "under the <i>National Security Act 1939</i> ", insert "in force by virtue of the <i>Defence (Transitional Provisions) Act 1946</i> "
<i>Post and Telegraph Act 1901-1934</i>	Section 64— Omit from the proviso to sub-section (1.) "two years", insert "one year"
<i>Women's Employment Act 1942</i>	Section 5— Omit " <i>National Security Act 1939-1940</i> ", insert " <i>Defence (Transitional Provisions) Act 1946</i> "
<i>Wool Realization Act 1945</i>	Section 11— Add the following sub-section :— “(2.) Nothing in section nineteen of the <i>National Security Act 1939-1946</i> shall affect the continuance in force, in accordance with the last preceding sub-section, of any regulations specified in that sub-section.”

FOURTH SCHEDULE.

Section 10 (2).

First Column. Acts Amended.	Second Column. Citations.
<i>Black Marketing Act 1942</i>	<i>Black Marketing Act 1942-1946</i>
<i>Crimes Act 1914-1941</i>	<i>Crimes Act 1914-1946</i>
<i>Papua-New Guinea Provisional Administration Act 1945</i>	<i>Papua-New Guinea Provisional Administration Act 1945-1946</i>
<i>Patents, Trade Marks, Designs and Copyright (War Powers) Act 1939-1940</i>	<i>Patents, Trade Marks, Designs and Copyright (War Powers) Act 1939-1946</i>
<i>Post and Telegraph Act 1901-1934</i> ..	<i>Post and Telegraph Act 1901-1946</i>
<i>Women's Employment Act 1942</i> ..	<i>Women's Employment Act 1942-1946</i>
<i>Wool Realization Act 1945</i>	<i>Wool Realization Act 1945-1946</i>