

**DEFENCE (TRANSITIONAL PROVISIONS).****No. 88 of 1948.**

An Act to amend the *Defence (Transitional Provisions) Act 1946-1947*, and for other purposes.

[Assented to 21st December, 1948.]

Preamble.

**W**HEREAS by the *Defence (Transitional Provisions) Act 1947* the operation of certain of the Regulations and Orders declared by the *Defence (Transitional Provisions) Act 1946* to be in force until midnight on the thirty-first day of December, One thousand nine hundred and forty-seven was continued until midnight on the thirty-first day of December, One thousand nine hundred and forty-eight :

AND WHEREAS the state of war referred to in the preamble to the *Defence (Transitional Provisions) Act 1946* still exists :

AND WHEREAS the gradual and orderly return to conditions of peace referred to in that preamble is not yet completed :

AND WHEREAS the continued operation of certain of the Regulations and Orders in force by virtue of the *Defence (Transitional Provisions) Act 1946* as amended by the *Defence (Transitional Provisions) Act 1947* until midnight on the thirty-first day of December, One thousand nine hundred and forty-eight will not, after that date, be necessary for the purposes specified in the preamble to the *Defence (Transitional Provisions) Act 1946* :

AND WHEREAS it is necessary, for the peace, order and good government of the Commonwealth, to provide that certain of those Regulations and Orders shall continue to operate during the term of transition referred to in that preamble or shall remain in force for the carrying on or completion, during that time of transition, of certain of the arrangements, activities, actions and proceedings so referred to :

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 :—

Short title and citation.

1.—(1.) This Act may be cited as the *Defence (Transitional Provisions) Act 1948*.

(2.) The *Defence (Transitional Provisions) Act 1946-1947\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence (Transitional Provisions) Act 1946-1948*.

Commencement.

2.—(1.) Sections one, two and three of this Act shall come into operation on the day on which this Act receives the Royal Assent.

\* Act No. 77, 1946, as amended by No. 78, 1947.

(2.) The remaining sections of this Act shall come into operation on the first day of January, One thousand nine hundred and forty-nine.

3. Section six of the Principal Act is amended by omitting from sub-section (1.) the word "forty-eight" and inserting in its stead the word "forty-nine".

Operation  
of certain  
Regulations.

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

Discontinuance  
of certain  
Regulations.

(a) by omitting from the first column the titles of the Regulations the titles of which are specified in the First Schedule to this Act; and

(b) by omitting from the second and third columns the provisions relating to those Regulations.

(2.) Any contract or agreement—

(a) to which the Commonwealth, a Minister or an authority of the Commonwealth is a party;

(b) which was subsisting immediately prior to the first day of January, One thousand nine hundred and forty-nine; and

(c) which was entered into under any Regulations the title of which is specified in the First Schedule to this Act,

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

(3.) 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.

(4.) Where, immediately prior to the first day of January, One thousand nine hundred and forty-nine—

(a) an authority of the Commonwealth constituted under any Regulations the title of which is specified in the First Schedule to this 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; and

(b) property or assets were, under any such Regulations, vested in an authority of the Commonwealth and that authority has ceased to exist, that property or those assets shall by force of this Act, be vested in the Commonwealth.

(5.) The provisions of section eight of the *Acts Interpretation Act* 1901–1947 shall apply in relation to—

(a) the Regulations the titles of which are specified in the First Schedule to this Act;

(b) the orders, rules and by-laws which were in force or subsisting immediately prior to the first day of January, One thousand nine hundred and forty-nine and were, by virtue of sub-section (1.) of section eight of the Principal Act, so in force or subsisting as if made under any of those Regulations; and

- (c) the orders, rules and by-laws which were in force or subsisting immediately prior to the commencement of this section and were made under any of those Regulations as in force by virtue of the Principal Act,

as if those Regulations, orders, rules and by-laws were repealed on the first day of January, One thousand nine hundred and forty-nine and as if each of those Regulations, orders, rules and by-laws were an Act.

Regulations and orders not in force under Defence (Transitional Provisions) Act.

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

- (a) by omitting from the first column the titles of the Regulations the titles of which are specified in the Second Schedule to this Act; and  
 (b) by omitting from the second and third columns the provisions relating to those Regulations.

(2.) The Second Schedule to the Principal Act is amended—

- (a) by omitting from the first column the titles of the Orders the titles of which are specified in the Second Schedule to this Act; and  
 (b) by omitting from the second, third and fourth columns the provisions relating to those orders.

Amendment of continued Regulations.

6. The Regulations the titles of which are specified in the first column of the Third Schedule to this Act, being the Regulations having those respective titles as in force under the Principal Act immediately prior to the commencement of this section are amended as respectively specified in the third column of that Schedule.

Amendments of Land Tax Assessment Act.

7.—(1.) Section twenty of the *Land Tax Assessment Act 1910-1947* is amended by omitting from sub-section (6.) the word "forty-eight" and inserting in its stead the word "forty-nine".

(2.) Section forty-four κ of the *Land Tax Assessment Act 1910-1947* is amended by omitting from sub-section (5.) the word "forty-eight" and inserting in its stead the word "forty-nine".

(3.) The *Land Tax Assessment Act 1910-1947*, as amended by this section, may be cited as the *Land Tax Assessment Act 1910-1948*.

## THE SCHEDULES.

### FIRST SCHEDULE.

Section 4.

National Security (Agricultural Aids) Regulations.  
 National Security (Australian Tobacco Leaf) Regulations.  
 National Security (Guarantee) Regulations.  
 National Security (Jute) Regulations.  
 National Security (Potatoes) Regulations.  
 National Security (Requisitioned Cargoes) Regulations.  
 National Security (War Damage to Property) Regulations.  
 National Security (Wheat Industry Stabilization) Regulations.

**SECOND SCHEDULE.**

Section 5.

National Security (Boot Trades Dilution) Regulations.  
 National Security (Control of Animal Diseases) Regulations.  
 National Security (Dairy Products Acquisition) Regulations.  
 National Security (Egg Industry) Regulations.  
 National Security (Munitions) Regulations.  
 National Security (Shipbuilding) Regulations.  
 Agricultural Machinery Order No. 1.  
 Control of Footwear (Styles and Quality) Order.  
 Shirts, Collars and Pyjamas Order.

**THIRD SCHEDULE.**

Section 6.

| First Column.<br>Regulations.  | Second Column.<br>Department by which administered.   | Third Column.<br>Amendments.                                   |
|--|---|--|
| National Security (Economic Organization) Regulations<br>National Security (General) Regulations | Treasury and (Part V.) Labour and National Service<br>Administered by Departments appropriate to subject-matter of individual regulations | Omit regulation 6A<br>Omit regulations 11 (3A.), 26, 28 and 91 |
| National Security (Hide and Leather Industries) Regulations                                      | Commerce and Agriculture  | Omit regulations 18 and 22                                     |
| National Security (Supplementary) Regulations  | Administered by Departments appropriate to subject-matter of individual regulations   | Omit regulations 91, 112 and 136                               |