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# STATUTORY RULES.

1944. No. 113.

## REGULATIONS UNDER THE NATIONAL SECURITY ACT 1939-1943.\*

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *National Security Act 1939-1943*.

Dated this twenty-seventh day of July, 1944.

GOWRIE  
Governor-General.

By His Excellency's Command,  
H. V. EVATT  
for Minister of State for Defence.

### NATIONAL SECURITY (EVIDENCE) REGULATIONS.

1. These Regulations may be cited as the National Security (Evidence) Regulations. Citation.

2. The National Security (Building Operations) Regulations are amended by repealing regulation 18. Amendment of National Security (Building Operations) Regulations.

3. The National Security (Civil Defence Workers' Compensation) Regulations are amended by omitting sub-regulation (3.) of regulation 58 and inserting in its stead the following sub-regulations:— Amendment of National Security (Civil Defence Workers' Compensation) Regulations.

“(3.) In any proceedings in respect of a contravention of paragraph (a), (c) or (d) of this regulation, it shall be a defence to prove that the defendant believed, on reasonable grounds, that the statement or document, as the case may be, was not false or misleading.

“(4.) In any proceedings in respect of a contravention of paragraph (b) of sub-regulation (1.) of this regulation, it shall be a defence to prove that the defendant believed, on reasonable grounds, that the compensation, benefit or instalment was payable.”

\* Notified in the *Commonwealth Gazette* on 28th July, 1944.  
4523.—PRICE 5D.

Amendments  
of National  
Security  
(General)  
Regulations.

4. The National Security (General) Regulations are amended—
- (a) by omitting from sub-regulation (2.) of regulation 20 the words “or his known character as proved,”;
  - (b) by omitting sub-regulation (1b.) of regulation 40A;
  - (c) by omitting from sub-regulation (2.) of regulation 73A—
    - (i) the words “or to be authorized by him”;
    - (ii) the words “or that the document was authorized by him”; and
    - (iii) the words “or with his authority”; and
  - (d) by omitting sub-regulation (3.) of that regulation.

Amendment  
of National  
Security  
(Industrial  
Property)  
Regulations.

5. The National Security (Industrial Property) Regulations are amended by omitting from sub-regulation (5.) of regulation 14 the word “conclusive”.

Amendment  
of National  
Security  
(Information)  
Regulations.

6. The National Security (Information) Regulations are amended by repealing regulation 9 and inserting in its stead the following regulation:—

Proof of  
opinion of  
Director-  
General.

“9. In any prosecution in respect of any contravention of regulation 6, regulation 7 or regulation 8 of these Regulations, a certificate in writing, signed by the Director-General or a person authorized in writing by the Director-General to make requirements under any of these Regulations, certifying that—

- (a) the Director-General or the person so authorized, as the case may be, considered it necessary or expedient in the interests of the defence of the Commonwealth or the efficient prosecution of the war to make the requirement; or
- (b) the Director-General held the opinion that a statement appearing in a newspaper or periodical concerning a matter connected with the prosecution of the war was not in conformity with the facts or was a misrepresentation of the facts,

shall be *prima facie* evidence of the matters contained in the certificate.”.

Amendments  
of National  
Security  
(Liquid Fuel)  
Regulations.

7. The National Security (Liquid Fuel) Regulations are amended—

- (a) by adding at the end of sub-regulation (1.) of regulation 51 the following proviso:—
 

“Provided that, in any prosecution under paragraph (c) of this sub-regulation, it shall be a defence for any person having in his possession a counterfeit or forged ration ticket or licence, to show that he believed, on reasonable grounds, that the ration ticket or licence was genuine.”; and
- (b) by repealing regulation 52.

Amendment  
of National  
Security  
(Medical  
Benefits for  
Seamen)  
Regulations.

8. The National Security (Medical Benefits for Seamen) Regulations are amended by omitting sub-regulation (3.) of regulation 18 and inserting in its stead the following sub-regulations:—

“(3.) In any proceedings in respect of a contravention of paragraph (a), (c) or (d) of sub-regulation (1.) of this regulation, it shall be a defence to prove that the defendant believed, on reasonable grounds, that the statement or document, as the case may be, was not false or misleading.

“(4.) In any proceedings in respect of a contravention of paragraph (b) of sub-regulation (1.) of this regulation, it shall be a defence to prove that the defendant believed, on reasonable grounds, that the benefit was payable.”.

9. The National Security (Military Forces) Regulations are amended by omitting from sub-regulation (3.) of regulation 10 the word “conclusive”.

Amendment  
of National  
Security  
(Military  
Forces)  
Regulations.

10. The National Security (Prices) Regulations are amended—

Amendments  
of National  
Security  
(Prices)  
Regulations.

(a) by inserting in sub-regulation (2.) of regulation 29, after the word “shall”, the words “, for the purposes of the last preceding sub-regulation,”;

(b) by adding at the end of sub-regulation (3.) of that regulation the words “, unless the Court is satisfied that the sale or offering for sale took place without his knowledge and that he has systematically used all due diligence to secure observance of these Regulations.”;

(c) by omitting from regulation 32A the words “contained in the information or complaint” and inserting in their stead the words “made in writing and served on the defendant as prescribed”;

(d) by adding at the end of that regulation the following sub-regulations:—

“(3.) Any evidence given by witnesses in support or rebuttal of a matter so averred shall be considered on its merits and the credibility and probative value of such evidence shall neither be increased nor diminished by reason of this regulation.

“(4.) This regulation shall not apply to an averment of the intent of the defendant.

“(5.) No averment shall be made under this regulation unless the Crown Solicitor, or the Assistant Crown Solicitor or a Deputy Crown Solicitor is satisfied that the averment is reasonably necessary for the due administration of justice and will not impose hardship upon or occasion injustice to the defendant and certifies in writing accordingly on the paper containing the averment.

“(6.) An averment shall not be evidence for the purposes of this regulation unless it has been served on the defendant in the same manner as the process requiring his attendance before the Court.”.

11. The National Security (Rationing) Regulations are amended—

Amendment  
of National  
Security  
(Rationing)  
Regulations.

(a) by omitting sub-regulation (4.) of regulation 35; and

(b) by inserting in regulation 36, after the word “Regulations” (last occurring), the words “, unless the Court is satisfied that the purchase, acquisition, transfer, supply, sale or disposal took place without his knowledge and that he has systematically used all due diligence to secure observance of these Regulations”.

Amendment  
of National  
Security  
(Reinstatement  
in Civil  
Employment)  
Regulations.

**12.** The National Security (Reinstatement in Civil Employment) Regulations are amended by omitting sub-regulation (2.) of regulation 2A and inserting in its stead the following sub-regulation:—

“(2.) In any proceedings for a contravention of this regulation, if all the facts and circumstances constituting the contravention, other than the reason for the defendant’s action, are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.”.

Amendment  
of National  
Security  
(Shipping  
Co-ordination)  
Regulations.  
Amendments  
of National  
Security  
(Supplement-  
ary)  
Regulations.

**13.** The National Security (Shipping Co-ordination) Regulations are amended by omitting sub-regulation (2.) of regulation 115.

**14.** The National Security (Supplementary) Regulations are amended—

(a) by omitting from sub-regulation (4.) of regulation 93 the word “conclusive”; and

(b) by omitting from sub-regulation (12.) of regulation 103 the word “conclusive”.

Amendment  
of National  
Security  
(Tea Control)  
Regulations.

**15.** The National Security (Tea Control) Regulations are amended—

(a) by omitting sub-regulation (5.) of regulation 9AA and inserting in its stead the following sub-regulation:—

“(5.) For the purposes of this regulation, anything done contrary to the provisions of this regulation, at the place of business of any person, by an employee of that person acting in the course of his employment, shall be deemed also to have been done by that person unless the Court is satisfied that it was done without his knowledge and that he has systematically used all due diligence to secure observance of these Regulations.”; and

(b) by repealing regulation 15.

Amendment  
of National  
Security  
(Volunteer  
Defence Corps)  
Regulations.

**16.** The National Security (Volunteer Defence Corps) Regulations are amended by omitting sub-regulation (4.) of regulation 6 and inserting in its stead the following sub-regulation:—

“(4.) In any proceedings for a contravention of this regulation, if all the facts and circumstances constituting the contravention, other than the reason for the defendant’s action, are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.”.

Amendment  
of National  
Security  
(War Injuries  
Compensation)  
Regulations.

**17.** The National Security (War Injuries Compensation) Regulations are amended by omitting sub-regulation (3.) of regulation 72 and inserting in its stead the following sub-regulations:—

“(3.) In any proceedings in respect of a contravention of paragraph (a), (c) or (d) of sub-regulation (1.) of this regulation, it shall be a defence to prove that the defendant believed, on reasonable grounds, that the statement or document, as the case may be, was not false or misleading.

“(4.) In any proceedings in respect of a contravention of paragraph (b) of sub-regulation (1.) of this regulation, it shall be a defence to prove that the defendant believed, on reasonable grounds, that the pension or instalment was payable.”.

18. No provision which is contained in any order made in pursuance of power given by any regulation under the *National Security Act* 1939-1943 and which operates to assist the prosecution to discharge the onus of proof that a person charged with an offence arising under any such regulation has committed that offence, shall have any force or effect. Evidentiary provisions in Orders.

19. Where a person is by virtue of any regulation under the *National Security Act* 1939-1943, or of any order, rule or by-law under any such regulation or of any requirement under any such regulation, order, rule or by-law, required to answer questions orally, he shall not refuse to answer any question on the ground that the answer might tend to incriminate him or make him liable to any penalty, but the answers given by him shall not be admissible in evidence in any proceedings against him other than proceedings in respect of the falsity of the answers or in respect of the refusal or failure to answer any question. Admissibility in evidence of answers given orally under compulsion.

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By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.  
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