

STATUTORY RULES.

1951. No. .

REGULATIONS UNDER THE TREATY OF PEACE (GERMANY) ACT 1919-1920.*

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 *Treaty of Peace (Germany) Act 1919-1920*.

Dated this *fourth*
day of *April*, 1951.

(Sgd) H. J. McKell
Governor-General.

By His Excellency's Command,

(Sgd) Percy C. Spender
Minister of State for External Territories.

AMENDMENTS OF THE TREATY OF PEACE REGULATIONS.†

1. Regulations 2 and 3 of these Regulations shall be deemed to have Commencement. come into operation on the first day of January, 1950.

2. Regulation 31 of the Treaty of Peace Regulations is amended by Definitions. omitting from the definition of "Australian soldier" the words "an Australian soldier within the meaning of the *Australian Soldiers' Repatriation Act 1920-1922*" and inserting in their stead the words "a member of the Forces as defined in section 23, section 100 or section 105 of the *Australian Soldiers' Repatriation Act 1920-1949*".

3. Regulation 50 of the Treaty of Peace Regulations is amended— Terms of sale.

(a) by omitting from sub-regulation (3.) the word "eight" and inserting in its stead the word "five"; and

(b) by inserting at the end thereof the following sub-regulation:—

"(4.) Where an Australian soldier who is purchasing a property under a contract of sale dies prior to paying the full amount of the purchase money and interest thereon, the person beneficially entitled, under the will or on the administration of the estate of the deceased Australian soldier, to his rights under that contract,

* Notified in the *Commonwealth Gazette* on , 1951.

† Statutory Rules 1920, No. 25, as amended by Statutory Rules 1920, No. 235; 1921, Nos. 13, 46, 78, 85, 109, 180, 200 and 232; 1922, Nos. 36, 65, 66, 121, 187 and 191; 1923, Nos. 60, 63, 151, 180, 181 and 182; 1924, Nos. 31, 46, 58, 78 and 133; 1925, Nos. 15, 21 and 201; 1926, Nos. 24, 36, 59, 78, 104, 140, 164, 192 and 193; 1927, Nos. 40, 53, 76 and 123; 1928, Nos. 10, 34, 67 and 68; 1929, Nos. 7, 8, 78 and 111; 1930, Nos. 19, 39 and 144; 1933, No. 3; 1936, No. 83; and 1937, No. 109.

shall, with the consent of the Custodian, be permitted to continue the purchase of the plantation on the same terms and conditions as were applicable to the deceased Australian soldier.”

4.—(1.) Regulation 50AA of the Treaty of Peace Regulations is repealed and the following regulation inserted in its stead:—

“50AA.—(1.) Notwithstanding anything contained in regulation 50 of these Regulations but subject to this regulation

- (a) the balance of purchase money outstanding at the thirty-first day of December, 1949, in respect of the sale of a plantation may be paid by quarterly instalments calculated in accordance with sub-regulation (4.) or sub-regulation (5.), as the case requires, of this regulation;
- (b) the balance of the purchase money outstanding at the thirty-first day of December, 1949, in respect of the sale of a trading station, not being a trading station held under a lease expiring before the thirtieth day of June, 1954, may be paid by eighteen equal quarterly payments; and
- (c) interest calculated in accordance with sub-regulation (6.) or sub-regulation (7.), as the case requires, of this regulation, may be paid quarterly on the unpaid balance of purchase money outstanding on the first day of the last preceding quarter.

Payment of instalments and interest on balance outstanding at 31st December, 1949.

“ (2.) A purchaser of a plantation who is an Australian soldier shall complete the payment of the full amount of the purchase money and interest thereon on or before the thirtieth day of June, 1965.

“ (3.) A purchaser of a plantation who is not an Australian soldier shall complete the payment of the full amount of the purchase money and interest thereon on or before the thirtieth day of June, 1955.

“ (4.) Where the purchaser of a plantation is an Australian soldier, the amount of each instalment payable by him under sub-regulation (1.) of this regulation shall, in respect of each One thousand pounds of the total amount of purchase money outstanding on the thirty-first day of December, 1949, be calculated at the rate specified in column 2 of the Third Schedule to these Regulations opposite to the rate specified in column 1 of that Schedule which is the average price per ton of plantation hot-air dried copra during the last preceding quarter.

“ (5.) Where the purchaser of a plantation is not an Australian soldier, the amount of each instalment payable by him under sub-regulation (1.) of this regulation shall, in respect of each One thousand pounds of the total amount of purchase money outstanding on the thirty-first day of December, 1949, be calculated at the rate specified in column 4 of the Third Schedule to these Regulations opposite to the rate specified in column 1 of that Schedule which is the average price per ton of plantation hot-air dried copra during the last preceding quarter.

“ (6.) Where the purchaser of a plantation or trading station is an Australian soldier, the rate of interest payable by him under sub-regulation (1.) of this regulation shall be the rate specified in column 3 of the Third Schedule to these Regulations opposite to the rate specified in column 1 of that Schedule which is the average

price per ton of plantation hot-air dried copra during the last preceding quarter.

“(7.) Where the purchaser of a plantation or trading station is not an Australian soldier, the rate of interest payable by him under sub-regulation (1.) of this regulation shall be the rate specified in column 5 of the Third Schedule to these Regulations opposite to the rate specified in column 1 of that Schedule which is the average price per ton of plantation hot-air dried copra during the last preceding quarter.

“(8.) Instalments of purchase money and interest payable under this regulation shall be paid on the first day of January, April, July and October in each year.

“(9.) Where the Custodian and a purchaser have agreed prior to the date of commencement of this regulation or agree prior to the first day of July, 1951, that an amount received as compensation in accordance with the provisions of the National Security (War Damage to Property) Regulations be applied in reduction of the balance of purchase money outstanding in respect of the sale of a plantation, the balance of the purchase money outstanding on the thirty-first day of December, 1949, shall, for the purposes of this regulation, be reduced by that amount.

“(10.) Where the Custodian and a purchaser agree, on or after the first day of July, 1951, that an amount received as compensation in accordance with the provisions of the National Security (War Damage to Property) Regulations be applied in reduction of the balance of purchase money outstanding in respect of a sale of a plantation, the balance of the purchase money outstanding on the thirty-first day of December, 1949, shall, for the purposes of this regulation, be reduced by that amount—

(a) from the date of the agreement; or

(b) if, in the opinion of the Custodian, special circumstances beyond the control of the purchaser have been responsible for the delay in reaching the agreement, from such date and subject to such conditions as the Custodian approves.

“(11.) For the purposes of this regulation, ‘the average price per ton of plantation hot-air dried copra during the last preceding quarter’ means—

(a) one-third of the sum of the amounts declared, for the purposes of the *Customs Tariff Ordinance 1933-1941* of the Territory of New Guinea, by the Administrator of the Territory of Papua and New Guinea in each of the three months preceding the date on which the payment of an instalment or interest is to be made, to be the assessed value per ton of copra exported from the Territory during each of those months; or

(b) where, in any month, the Administrator does not declare an amount for the purposes of that Ordinance, an amount declared by the Minister, by notice in the *Government Gazette* of the Territory of Papua and New Guinea, to be the average price per ton of plantation hot-air dried copra during the three months preceding the date on which the payment of an instalment or interest is to be made.”.

(2.) Instalments of purchase money and payments of interest under the provisions of the Treaty of Peace Regulations, as amended by these Regulations, shall be calculated in accordance with those provisions as from the first day of January, 1950, and the first day of April, 1950, respectively, and where, at the date on which this regulation comes into operation, a purchaser has not, prior to that date, paid the whole or any part of the instalments or payments of interest so calculated, the amount of those instalments or payments shall become due and payable on that date.

5. Regulation 58A of the Treaty of Peace Regulations is amended by omitting sub-regulation (2.) and inserting in its stead the following sub-regulation:—

Sale of plantation &c., which reverts to Custodian.

“(2.) Subject to such modifications as the Minister approves and are included in the contract of sale, these Regulations apply to, and in relation to, a sale under sub-regulation (1.) of this regulation.”

6. The Third Schedule to the Treaty of Peace Regulations is repealed and the following Schedule inserted in its stead:—

The Third Schedule.

“THE THIRD SCHEDULE.

Regulation 50AA.

TABLE FOR CALCULATION OF AMOUNT OF QUARTERLY INSTALMENTS AND INTEREST.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.
Where the average price per ton of plantation hot-air dried copra is—	Rate of quarterly payment in respect of each £1,000 of purchase money by purchaser who is an Australian soldier.	Rate per centum per annum at which interest is to be calculated quarterly for a purchaser who is an Australian soldier.	Rate of quarterly payment in respect of each £1,000 of purchase money by purchaser who is not an Australian soldier.	Rate per centum per annum at which interest is to be calculated quarterly for a purchaser who is not an Australian soldier.
	£ s. d.		£ s. d.	
Less than £28 ..	Nil	Nil	Nil	Nil
£28 and less than £29	4 0 0	1	5 0 0	1½
£29 and less than £30	4 16 0	2	6 0 0	2½
£30 and less than £31	5 12 0	2	7 0 0	2½
£31 and less than £32	6 8 0	3	8 0 0	3½
£32 and less than £33	7 4 0	3	9 0 0	3½
£33 and less than £34	8 0 0	3½	10 0 0	4
£34 and less than £35	9 4 0	3½	11 10 0	4
£35 and less than £36	10 8 0	3½	13 0 0	4
£36 and less than £37	11 12 0	3½	14 10 0	4
£37 and less than £38	12 16 0	3½	16 0 0	4
£38 and less than £39	14 0 0	3½	17 10 0	4
£39 and less than £40	15 4 0	3½	19 0 0	4
£40 and less than £41	16 16 0	3½	21 0 0	4
More than £41 ..	16 16 0	3½	21 0 0	4
	plus an amount of £1 12s. for each £1 or portion of £1 by which the average price per ton of plantation hot-air dried copra exceeds £41		plus an amount of £2 for each £1 or part thereof by which the average price per ton of plantation hot-air dried copra exceeds £41	”

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