

## WAR PRECAUTIONS.

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### No. 10 of 1914.

An Act to enable the Governor-General to make Regulations and Orders for the safety of the Commonwealth during the present state of war.

[Assented to 29th October, 1914.]

**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 incorporation.

1. This Act may be cited as the *War Precautions Act 1914*, and shall be incorporated and read as one with the *Defence Act 1903-1912*.<sup>(a)</sup>

Duration of Act.

2.—(1.) This Act shall continue in operation during the continuance of the present state of war, and no longer.

(2.) For the purposes of this Act, the present state of war means the period from the fourth day of August One thousand nine hundred and fourteen, at the hour of eleven o'clock post meridiem reckoned according to Greenwich standard time, until the issue of a proclamation by the Governor-General that the war between His Majesty the King and the German Emperor and between His Majesty the King and the Emperor of Austria King of Hungary has ceased.

Application of Act to regulations, &c., made since commencement of state of war.

3. All regulations and orders made by the Governor-General since the commencement of the present state of war shall be deemed to have been made in pursuance of the powers conferred by this Act, and any contravention thereof or non-compliance therewith, whether before or after the commencement of this Act, shall be deemed to be an offence against this Act and shall be punishable accordingly.

Regulations.

4.—(1.) The Governor-General may make regulations for securing the public safety and the defence of the Commonwealth, and for conferring such powers and imposing such duties as he

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<sup>(a)</sup> This Act has since been amended by Act No. 2, 1915 (*infra*, p. 92), and Act No. 39, 1915 (*infra*, p. 169). For a copy of this Act as so amended see *infra*, p. 332.

thinks fit, with reference thereto, upon the Naval Board and the Military Board and the members of the Naval and Military Forces of the Commonwealth.

(2.) The regulations may authorize the trial by Courts-Martial and punishment of persons contravening any of the provisions of such regulations designed—

- (a) to prevent persons communicating with the enemy, or obtaining information for that purpose or for any purpose calculated to jeopardize the success of the operations of any of His Majesty's forces, in Australia or elsewhere, or to assist the enemy ; or
- (b) to secure the safety of any means of communication, or of any railways, docks, harbors, or public works ; or
- (c) to prevent the spread of reports likely to cause disaffection or alarm,

in like manner as if such persons were members of the Military Forces of the Commonwealth and had on active service committed an offence under section five of the Army Act.

5. The Governor-General may by order published in the *Gazette* make provision for any matters which appear necessary or expedient with a view to the public safety and the defence of the Commonwealth, and in particular—

Orders in  
Council.

- (a) for prohibiting aliens, either generally or as regards specified places, and either absolutely or except under specified conditions and restrictions, from landing or embarking in the Commonwealth ;
- (b) for deporting aliens from the Commonwealth ;
- (c) for requiring aliens to reside and remain within certain places or districts ;
- (d) for prohibiting aliens from residing or remaining in any areas specified in the order ;
- (e) for requiring aliens residing in the Commonwealth to comply with such provisions as to registration, change of abode, travelling, trading or otherwise as are specified in the order ;
- (f) for applying to naturalized persons, with or without modifications, all or any provisions of any order relating to aliens ;
- (g) for requiring any person to disclose any information in his possession as to any matter specified in the order ;
- (h) for preventing money or goods being sent out of Australia except under conditions approved by the Minister ;
- (i) for appointing officers to carry the order into effect, and for conferring on such officers and on the Minister such powers as are necessary or expedient for the purposes of the order ; and

(j) for conferring on such persons as are specified in the order such powers with respect to arrest, detention, search of premises and persons, inspecting impounding or retention of books documents and papers, and otherwise, as are specified in the order, and for any other matters necessary or expedient for giving effect to the order.

Contravention  
of regulation  
or order.

6. Any person who contravenes, or fails to comply with, any provision of any regulation or order made in pursuance of this Act shall be guilty of an offence against this Act.

Penalty : One hundred pounds or six months' imprisonment, or both.

Aiding and  
abetting.

7. Whoever aids, abets, counsels, or procures, or is in any way directly or indirectly knowingly concerned, in the commission of any offence against this Act, shall be deemed to have committed that offence, and shall be punishable accordingly.

Power to order  
recognizances.

8.—(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 or order 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.

Onus of proof.

9. If any question arises on any proceedings under any order made in pursuance of this Act, or with reference to anything done or proposed to be done under any such order, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie upon that person.

Revocation or  
alteration of  
order.

10. The Governor-General may by order published in the *Gazette* revoke alter or add to any order made in pursuance of this Act as occasion requires.

Act not to  
derogate from  
other powers.

11. All powers given under this Act or under any instrument issued in pursuance of this Act shall be in addition to and not in derogation of any other powers exercisable apart from this Act.

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