

STATUTORY RULES.

1940. No. 55.

REGULATIONS UNDER THE NATIONAL SECURITY ACT 1939.*

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*.

Dated this twenty-first day of March, 1940.

GOWRIE

Governor-General.

By His Excellency's Command,

H. S. FOLL

for and on behalf of the Minister of State
for Defence Co-ordination.

NATIONAL SECURITY (AIRCRAFT PRODUCTION COMMISSION) REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the National Security Citation.
(Aircraft Production Commission) Regulations.
2. These Regulations are divided into Parts, as follows:— Parts.
Part I.—Preliminary.
Part II.—Aircraft Production Commission.
Part III.—Powers and Functions of the Commission.
3. In these Regulations, unless the contrary intention appears— Definitions.
“aircraft” includes aircraft parts, aircraft engines, airscrews, aircraft instruments, aircraft accessories and aeronautical equipment;
“member” means a member of the Commission and includes the Chairman and an acting member;
“the Act” means the *Supply and Development Acts 1939*;
“the Chairman” means the Chairman of the Commission;

* Notified in the *Commonwealth Gazette* on 21st March, 1940.

- “ the Commission ” means the Aircraft Production Commission constituted under these Regulations;
- “ the General Manager ” means the General Manager of Aircraft Construction appointed in pursuance of the Act;
- “ the Minister ” means the Minister of State for Supply and Development.

PART II.—AIRCRAFT PRODUCTION COMMISSION.

Aircraft
Production
Commission.

5.—(1.) For the purposes of these Regulations, there shall be an Aircraft Production Commission.

(2.) The Commission shall be a body corporate, with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice, and shall deem that it was duly affixed.

Constitution
of the
Commission.

6.—(1.) The Commission shall consist of—

- (a) the General Manager of Aircraft Construction;
- (b) two persons of experience in engineering; and
- (c) three other persons one of whom shall be a member of the Air Board or an officer of the Department of the Air; one of whom shall be the Chairman of the Contract Board constituted under the Supply and Development (Administration) Regulations; and the other shall be a person of experience in finance (who shall be called the “ finance member ”).

(2.) The General Manager shall be Chairman of the Commission.

(3.) The members of the Commission, other than the Chairman, shall be appointed by the Governor-General and shall hold office during the pleasure of the Governor-General.

Salaries and
expenses of
members.

7.—(1.) The Chairman shall continue to receive his salary as General Manager of Aircraft Construction.

(2.) There shall be payable to the other members of the Commission such salaries and fees as the Governor-General directs.

(3.) There shall be payable to the members of the Commission such rates of travelling expenses as the Minister fixes.

Vacation of
office.

8. A member of the Commission shall be deemed to have vacated his office if he—

- (a) becomes bankrupt or insolvent, or applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his salary or remuneration for their benefit;
- (b) absents himself from duty for a period of fourteen consecutive days, or for twenty-eight days in any twelve months, without leave granted by the Governor-General;
- (c) becomes permanently incapable of performing his duties; or
- (d) resigns his office by writing under his hand addressed to the Governor-General.

9. In the event at any time of the office of any member becoming vacant, the Governor-General may appoint some person to be an acting member during the pleasure of the Governor-General, and every person so appointed shall, while so acting, have all the powers and perform all the duties of a member or of the Chairman, if also appointed acting Chairman. Vacancies.

10.—(1.) If an officer of the Public Service of the Commonwealth is appointed a member of the Commission, the *Officers' Rights Declaration Act 1928-1933* shall apply as if these Regulations and this regulation were an Act and section, respectively, and had been specified in the Schedule to that Act. Public Service rights of members.

(2.) If an officer of the Public Service of a State is appointed a member of the Commission, he shall have the same rights as if he had been an officer of a Department transferred to the Commonwealth and had been retained in the service of the Commonwealth.

11.—(1.) The Commission shall meet at such times, not being less than once a month, and at such places within the Commonwealth as the Chairman from time to time determines. Meetings of the Commission.

(2.) The Minister may at any time convene a special meeting of the Commission.

(3.) At any meeting of the Commission three members shall form a quorum.

(4.) The Chairman shall preside at all meetings of the Commission at which he is present and at any meeting from which he is absent the members present shall elect one of their number to preside at that meeting.

(5.) The Commission shall keep a record of its proceedings.

12.—(1.) All questions arising at any meeting of the Commission shall be decided by a majority of the votes of the members present. Decisions of the Commission.

(2.) The Chairman or member presiding at a meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(3.) If the Chairman disagrees with any decision of the Commission, his decision shall prevail, but in that case the majority of the members present at the meeting at which the decision was made may appeal to the Minister from the decision of the Chairman and the Minister may, after hearing the Chairman and such other members of the Commission as desire to be heard, give such directions as he thinks fit, and his directions shall be deemed to be the decision of the Commission.

(4.) Subject to this regulation, the executive authority of the Commission shall be vested in the Chairman.

(5.) If the finance member of the Commission dissents from any decision of the Commission or of the Chairman, the Chairman shall forthwith send a memorandum of such dissent to the Minister who shall forward it to the Treasurer.

13. All real and personal property acquired, purchased or established, immediately prior to the day on which these Regulations come into operation, for the purposes of Part III. of the Act, is hereby vested Vesting of land and other property.

in the Commission for the same estate or on the same terms and conditions, as the case may be, for which the property was held or to which it was subject.

Continuance
of contracts,
&c.

14. Any contract, lease, arrangement or agreement entered into for the purposes of Part III. of the Act and in force immediately prior to the day on which these Regulations come into operation shall continue in force as if these Regulations had not been made:

Provided that the Commission shall be substituted as a party to any such contract, lease, arrangement or agreement in lieu of the Commonwealth or the General Manager, as the case may be.

PART IV.—POWERS AND FUNCTIONS OF THE COMMISSION.

General
powers and
functions.

15.—(1.) All powers, functions and responsibilities of the General Manager under Part VI. of the Supply and Development (Administration) Regulations shall, on the coming into operation of these Regulations and by force thereof, cease to be conferred or imposed on the General Manager and be deemed to have been conferred or imposed on, and may be exercised and performed by, the Commission.

(2.) In addition to the powers and functions of the Commission by virtue of the last preceding sub-regulation, the Commission—

- (a) shall maintain and operate factories established or purchased by the Governor-General in pursuance of section 15 of the Act;
- (b) may make arrangements, agreements or contracts for the acquisition, manufacture or assembly of aircraft;
- (c) shall exercise full control over the manufacture of aircraft for or on behalf of or at the instance of the Commonwealth and of matters connected therewith or arising thereout;
- (d) may arrange for the overhaul and repair of aircraft in places other than air-force establishments;
- (e) may arrange for the supply, either from within Australia or from overseas, of materials, tools and equipment required by aircraft manufacturing undertakings under the control of the Commission;
- (f) shall be responsible for the control and limitation of profits in relation to the manufacture of aircraft;
- (g) shall have such other powers and functions as are conferred or imposed by the Governor-General.

(3.) In the exercise of the power referred to in paragraph (e) of the last preceding sub-regulation, the Commission shall, as far as possible, give encouragement to and develop local sources of supply of raw and manufactured materials.

Power to
acquire and
dispose of
property.

16. Subject to the Act, the Commission may—

- (a) acquire by lease or purchase any land, buildings, easements or other property, rights or privileges which it thinks necessary for the purposes of, and subject to, the Act and these Regulations;
- (b) sell, exchange, lease, dispose of, turn to account or otherwise deal with any property, rights or privileges of the Commission.

17.—(1.) The power of the Commission to incur expenditure shall not be limited to the matters specified in regulation 44 of the Supply and Development (Administration) Regulations but, within the limit of available funds, shall extend to all purposes of the Commission as set out in these Regulations. Expenditure.

(2.) In determining the powers and functions of the Commission regulations 44, 45, 48 and 49 of those Regulations shall be construed as if for the amount of £5,000 there were substituted the amount of £25,000.

(3.) The purposes for which the Aircraft Trust Account is established in pursuance of section 17 of the Act shall be deemed to include all the purposes of these Regulations.

18. All accounts of the Commission shall be subject to audit by the Auditor-General of the Commonwealth. Audit.

19. The Treasurer may request the Minister to obtain from the Commission such information in relation to any matter arising under these Regulations as the Treasurer specifies and, after being notified by the Minister of the making of that request, the Commission shall forthwith supply such information to the Minister for transmission to the Treasurer. Information to be supplied to the Treasurer.

20. The Commission shall, as soon as possible after the close of each financial year, submit to the Minister a report of the proceedings of the Commission and a statement of all moneys received and expended by it during that year for submission to the Minister. Annual report.

21.—(1.) The Commission may appoint such officers and employees as are necessary to assist the Commission in carrying out its functions under these Regulations: Officers and employees.

Provided that the Commission shall not appoint any person at a salary exceeding Five hundred pounds per annum without the approval of the Minister.

(2.) A person who, immediately prior to the day on which these Regulations come into operation, was employed in the Aircraft Construction Branch of the Department of Supply and Development shall, by force of these Regulations, cease to be employed in that Department, and shall be deemed to have been appointed in pursuance of these Regulations.

(3.) Persons appointed or deemed to be appointed in pursuance of these Regulations shall not be subject to the *Commonwealth Public Service Act 1922-1939*.