

STATUTORY RULES

1946. No. 81.

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 tenth day of May, 1946.

HENRY
Governor-General.

By His Royal Highness's Command,

E. J. HOLLOWAY
for and on behalf of the Minister of
State for Defence.

AMENDMENTS OF THE NATIONAL SECURITY (WAR DEATHS) REGULATIONS.†

1. After regulation 5A of the National Security (War Deaths) Regulations the following regulation is inserted:—

"5n.—(1.) Where the Attorney-General or a person authorized by him to act under this regulation, is satisfied from information available in the Attorney-General's Department that any person—

Certificates of death of civilians captured by enemy.

- (a) died on a particular date;
- (b) died on or after a particular date;
- (c) became missing on a particular date and is for official purposes presumed to have died; or
- (d) died on or before a particular date,

while in the hands of the enemy or in other circumstances arising out of the war which render difficult the proof of his death, he may issue a certificate that that person, being a person to whom this regulation applies—

- (e) died on that date;
- (f) died on or after that date;

* Notified in the *Commonwealth Gazette* on 10th May, 1946.
† Statutory Rules 1942, No. 474, as amended by Statutory Rules 1943, No. 135; 1944, Nos. 109 and 159; 1945, No. 3; and 1946, No. 1.
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(g) became missing on that date and is for official purposes presumed to be dead; or

(h) died on or before that date,

as the case may be.

"(2.) The Attorney-General or a person authorized by him to act under this regulation shall not issue a certificate under this regulation in respect of a person who appears to him to have died or become missing while engaged on war service or in respect of a person to whom regulation 5A of these Regulations applies.

"(3.) Where, subsequently to the issue of a certificate under this regulation, it is found that the certificate is incorrect in some particular, a person having power to issue such certificates may, in accordance with this regulation, issue a corrected certificate under this regulation, notwithstanding that the certificate previously issued has not been cancelled, but the issue of any such further certificate shall not in any way affect the rights of any person acting, without knowledge of the issue of that certificate, in reliance on the certificate previously issued.

"(4.) For the purposes of these Regulations—

(a) a certificate issued under this regulation shall be deemed to be a certificate of death on war service; and

(b) in relation to a certificate issued under this regulation and in relation to a certificate which may be issued under regulation 9 of these Regulations, the Attorney-General and every person authorized by him to act under this regulation shall be deemed to be a competent authority."

Proof of life
on information
available
after issue
of certificate
of death.

2. Regulation 9 of the National Security (War Deaths) Regulations is amended by omitting from sub-regulation (1.) the words "or the Department of External Territories" and inserting in their stead the words "the Department of External Territories or the Attorney-General's Department".