

STATUTORY RULES.

1917. No. 304.

REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1916.

I SIR ARTHUR LYULPH STANLEY, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, acting as the Deputy of the Governor-General in accordance with the provisions of the Constitution, acting with the advice of the Federal Executive Council, hereby make the following Regulations, under the *War Precautions Act* 1914-1916, to come into operation forthwith.

Dated this 19th day of November, 1917.

A. L. STANLEY,
Deputy of the Governor-General.

By His Excellency's Command,

LITTLETON E. GROOM,
for the Minister of State for Defence.

AMENDMENT OF THE WAR PRECAUTIONS (MILITARY SERVICE REFERENDUM) REGULATIONS 1917.

(Statutory Rules 1917, No. 290.)

1. Regulation 3 of the War Precautions (Military Service Referendum) Regulations 1917 is amended—

(a) by inserting in paragraph (c) of the definition of "authorized witness", after the word "Commonwealth", first occurring, the words "(including the service of the Territory)"; and

(b) by omitting from paragraph (b) of the definition of "prescribed officer" the words "the Government Secretary of the Territory" and inserting in their stead the words "the Deputy Chief Judicial Officer for the Territory."

2. Regulation 12 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by inserting, at the commencement of paragraph (a) of Sub-regulation (1) thereof, the following words: "so far as military or naval considerations will permit,".

3. Regulation 22 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by omitting from paragraphs (b) and (c) of Sub-regulation (4) the words "or authorized witness."

4. Sub-regulation (1) of Regulation 25 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by inserting after the word "referendum", first occurring, the words " , and shall put to any person—

- (a) who he has reason to believe is a naturalized British subject who was born in an enemy country within the meaning of these Regulations; or
- (b) whose father he has reason to believe was born in an enemy country within the meaning of these Regulations."

5. Sub-regulation (3) of Regulation 25 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by inserting after the words "person specified" the words "in the proviso to Sub-regulation (2) or"

6. Sub-regulation (4) of Regulation 25 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by omitting the words "paragraph (a) or (b)" and inserting in their stead the words "the proviso to Sub-regulation (2) or paragraph (a), (b), or (c)".

7. Sub-regulation (1) of Regulation 28 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by omitting the words "made by a naturalized British subject who was born in an enemy country within the meaning of these Regulations" and inserting in their stead the words "made by—

- (a) a naturalized British subject who was born in an enemy country within the meaning of these Regulations; or
- (b) a person whose father was born in an enemy country within the meaning of these Regulations,".

8. The form of application contained in Sub-regulation (1) of Regulation 28 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by omitting paragraphs (1) and (2) thereof and inserting in their stead the following paragraph:—

"(1) I am [a natural-born British subject and my father was born at _____ on or about _____ or a naturalized British subject and was so naturalized by a certificate of naturalization granted to (here insert me or my father or my mother, as the case may be, specifying the name of the said father or mother, as the case may be) at _____ on _____]."

9. Regulation 29 of the War Precautions (Military Service Referendum) Regulations 1917 is amended by omitting the words "by a person who was born in an enemy country within the meaning of these Regulations" and inserting in their stead the words "by—

- (a) a naturalized British subject who was born in an enemy country within the meaning of these Regulations; or
- (b) a person whose father was born in an enemy country within the meaning of these Regulations."

10. After Regulation 30 of the War Precautions (Military Service Referendum) Regulations 1917, the following regulation is inserted in Part V. :—

“30A.—(1) Nothing in this Part shall prevent any person in the Northern Territory or the Territory of Papua whose name is on the prescribed electoral list from voting at the Referendum.

Non-application
of this Part to
Northern
Territory and
Territory of
Papua.

(2) In compiling the prescribed electoral list the prescribed officer for the Territory shall not place thereon the name of—

- (a) any person who he has reason to believe is a naturalized British subject who was born in an enemy country within the meaning of these Regulations; or
- (b) any person whose father he has reason to believe was born in an enemy country within the meaning of these Regulations,

unless that person produces to him a declaration made by that person and witnessed by a person in the service of the Commonwealth (including the service of the Territory) which satisfies him that the person—

- (a) was a natural-born citizen or subject of France, Italy, or Denmark, and arrived in Australia before the date upon which the territory in which he was born became part of Germany or Austria, as the case may be; or
- (b) is or has been a member of the Forces; or
- (c) has applied for enlistment as a member of the Forces and has been rejected as medically unfit; or
- (d) is a person at least one-half of whose sons not under the age of 18 years and under the age of 45 years are or have been members of the Forces, or have applied for enlistment as members of the Forces, and have been rejected as medically unfit.”

11. After Regulation 41 the following Regulation is inserted:—

“42.—(1) Any person who, on or before the polling day for the Referendum, makes or authorizes to be made, verbally or in writing, any false statement of fact of a kind likely to affect the judgment of electors in relation to their votes, or who prints, publishes, or distributes any advertisement, notice, hand-bill, pamphlet, or card containing any such statement, shall be guilty of an offence:

False
statements.

Provided always that it shall be a defence to a prosecution for an offence under this Regulation if the defendant proves that he had reasonable ground for believing, and did, in fact, believe, the statement to be true.

“(2) The time for appearance to a summons for an offence against this Regulation shall, notwithstanding any provisions of State law, be not more than forty-eight hours from the service of the summons.

“(3) When any person appears or is brought before a Court of Summary Jurisdiction charged with an offence against this Regulation, the hearing and determination of the case shall take precedence of all other matters, and shall not be adjourned or postponed at the instance of the defendant, except where, in the opinion of the Magistrate, the defendant would otherwise be seriously prejudiced in his defence, and then shall not be adjourned or postponed more than once nor for more than forty-eight hours.

“(4) If any person has been convicted under this Regulation of making any false statement, no person shall make, repeat, print, or publish the same statement, or a statement substantially the same, and any person who contravenes this Sub-regulation shall be guilty of an offence.”