

STATUTORY RULES.

1940. No. .

REGULATION UNDER THE NATIONAL SECURITY ACT 1939-1940.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulation under the *National Security Act 1939-1940*.

Dated this *ninth*
day of *January*, 1940.

G. G. Gaurie
Governor-General.

By His Excellency's Command,

Robert Menzies

Minister of State for Defence Co-ordination.

AMENDMENT OF NATIONAL SECURITY (GENERAL) REGULATIONS.†

After regulation 42 of the National Security (General) Regulations the following regulation is inserted:—

“42A.—(1.) A person shall not, by word of mouth, or in writing, or in any paper—

Prohibition
against making
subversive
statements, &c.

- (a) spread false reports or make false statements or reports, or statements intended or likely to cause disaffection to His Majesty, or public alarm, or to interfere with the success of His Majesty's Forces by land, sea or air, or to prejudice His Majesty's relations with foreign powers;
- (b) spread reports or make statements intended or likely to prejudice the recruiting, training, discipline, or administration of any of His Majesty's Forces;
- (c) make any statement advocating or encouraging any action intended or likely to prejudice or discourage recruiting, or any statement advocating or encouraging any omission of action if such omission would be likely to prejudice or discourage recruiting;
- (d) make any statement in relation to the war which is likely to lead to a breach of the peace; or
- (e) make any subversive statement.

* Notified in the *Commonwealth Gazette* on _____, 1940.
† Statutory Rules 1939, No. 87, as amended by Statutory Rules 1939, Nos. 103, 174 and 177; and 1940, Nos. 8, 32, 44, 45, 67, 71, 91, 93, 113, 118, 119, 120, 127, 191 and 246.

“(2.) A person shall not produce any performance on any stage, or exhibit any picture or cinematograph film, or commit any act, which is intended or likely to cause such disaffection, alarm, interference, prejudice, discouragement or breach.

“(3.) Any proprietor, printer or publisher of any newspaper or periodical, and any author, printer or publisher of any paper (other than a newspaper or periodical), in which a report or statement is spread or made in contravention of this regulation, whether contrary to the instructions of the proprietor, author, printer or publisher, or otherwise, shall be guilty of an offence.

“(4.) A person shall not, without lawful excuse (proof whereof shall lie upon him), have in his possession any paper containing a report or statement which is or has been spread or made in contravention of this regulation.

“(5.) For the purposes of this regulation—

‘paper’ means any book, periodical, pamphlet, ‘dodger’, circular, handbill, card, poster, newspaper or other printed publication;

‘subversive statement’ includes any statement—

(a) intended or likely—

- (i) to interfere with the national effort by disruption of the morale of the civil population or of His Majesty’s Forces;
- (ii) to cause unlawful resistance to or interfere with the enforcement or administration of any law of the Commonwealth or any other part of His Majesty’s dominions relating to naval, military or air-force training or to any service or employment during the war or relating to the administration of justice:

Provided that reasonable and temperate discussion in good faith of any existing laws or measures shall not be deemed to be a subversive statement within the meaning of this paragraph;
- (iii) to prejudice or interfere with the manufacture, production, output, supply, delivery, carriage, by land, sea or air, of any goods or articles, or the carrying on of any services, required by reason of or in connexion with the war; or
- (iv) to undermine public confidence in banking or the currency, or to prejudice the success of any financial measures taken or to be taken by the Commonwealth for the purpose of the more effective prosecution of the war; or

(b) which is of a disloyal or unpatriotic nature.”.