

# DEFENCE (TRANSITIONAL PROVISIONS).

No. 70 of 1949.

An Act to amend the *Defence (Transitional Provisions) Act 1946-1948*, and for other purposes.

[Assented to 28th October, 1949.]

**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 :—

1.—(1.) This Act may be cited as the *Defence (Transitional Provisions) Act 1949*. Short title and citation.

(2.) The *Defence (Transitional Provisions) Act 1946-1948\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence (Transitional Provisions) Act 1946-1949*.

2.—(1.) Sections one, two and three of this Act shall come into operation on the day on which this Act receives the Royal Assent. Commencement.

(2.) The remaining sections of this Act shall come into operation on the first day of January, One thousand nine hundred and fifty.

3. Section six of the Principal Act is amended by omitting from sub-section (1.) the word "forty-nine" and inserting in its stead the word "fifty". Operation of certain Regulations.

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\* Act No. 77, 1946, as amended by No. 76, 1947 and No. 88, 1948.

Discontinuance  
of certain  
Regulations.

- 4.—(1.) The First Schedule to the Principal Act is amended—
- (a) by omitting from the first column the titles of the Regulations the titles of which are specified in the First Schedule to this Act; and
  - (b) by omitting from the second and third columns the provisions relating to those Regulations.
- (2.) Any contract or agreement—
- (a) to which the Commonwealth, a Minister or an authority of the Commonwealth is a party;
  - (b) which was subsisting immediately prior to the commencement of this section; and
  - (c) which was entered into under any Regulations the title of which is specified in Part I. of the First Schedule to this Act,

shall, subject to the next succeeding sub-section, continue in full force and effect.

(3.) Where an authority of the Commonwealth is a party to any such contract or agreement and that authority has ceased to exist, the Commonwealth shall be deemed to be substituted for that authority as a party to the contract or agreement.

(4.) Where, immediately prior to the commencement of this section—

- (a) an authority of the Commonwealth constituted under any Regulations the title of which is specified in Part I. of the First Schedule to this Act was a party to an action or other proceeding and that authority has ceased to exist, the Commonwealth shall be substituted for that authority as a party to that action or proceeding; and
- (b) property or assets were, under any such Regulations, vested in an authority of the Commonwealth and that authority has ceased to exist, that property or those assets shall, by force of this Act, be vested in the Commonwealth.

(5.) The provisions of section eight of the *Acts Interpretation Act* 1901-1948 shall apply in relation to—

- (a) the Regulations the titles of which are specified in Part I. of the First Schedule to this Act;
- (b) the orders, rules and by-laws which were in force or subsisting immediately prior to the commencement of this section and were, by virtue of sub-section (1.) of section eight of the Principal Act, so in force or subsisting as if made under any of those Regulations; and
- (c) the orders, rules and by-laws which were in force or subsisting immediately prior to the commencement of this section and were made under any of those Regulations as in force by virtue of the Principal Act,

as if those Regulations, orders, rules and by-laws were repealed on the date of commencement of this section and as if each of those Regulations, orders, rules and by-laws were an Act.

## 5. The Second Schedule to the Principal Act is amended—

- (a) by omitting from the first column the title of the order the title of which is specified in the Second Schedule to this Act; and
- (b) by omitting from the second and third columns the provisions relating to that order.

Discontinuance  
of order.

6. The Regulations the titles of which are specified in the first column of the Third Schedule to this Act, being the Regulations having those respective titles as in force under the Principal Act immediately prior to the commencement of this section, are amended as respectively specified in the third column of that Schedule.

Amendment of  
continued  
Regulations.7.—(1.) The *Women's Employment Act 1942* is repealed.

## (2.) The Principal Act is amended—

- (a) by omitting from the first column of the Third Schedule the words "*Women's Employment Act 1942*" and the words opposite to those words in the second column of that Schedule; and
- (b) by omitting from the Fourth Schedule the words—

"*Women's Employment Act 1942* } *Women's Employment Act 1942-1946*."

Repeal of  
Women's  
Employment  
Act.

8. Each award, order, determination and decision in force or subsisting immediately prior to the commencement of this section under the National Security (Female Minimum Rates) Regulations, the *Women's Employment Act 1942-1946* or the *Women's Employment Regulations* shall remain in force or subsisting until revoked by competent authority.

Saving of  
awards, &c.

9.—(1.) A person to whom this section applies shall not, directly or indirectly, communicate or divulge any information to which this section applies.

Secrecy:

Penalty: One hundred pounds or imprisonment for six months.

## (2.) Nothing in the last preceding sub-section prohibits—

- (a) a person, whenever the Minister declares that it is necessary or desirable in the interests of justice so to do—
- (i) from communicating to the Attorney-General of a State information which makes it appear that a person has committed, or is suspected of having committed, or is about to commit, an offence against a law of that State relating to secret commissions; or
- (ii) from producing to the Attorney-General of a State, for use in connexion with a prosecution of a person for any such offence, any documents, books or papers containing any such information;

- (b) the communication to the Commissioner of Taxation or a Deputy Commissioner of Taxation of information for the purpose of the administration of any law of the Commonwealth relating to taxation ; or
- (c) the communication to the Tariff Board constituted under the *Tariff Board Act* 1921-1947 of information relating to a matter in respect of which an inquiry is being held by the Tariff Board.

(3.) Where the Minister declares that he is satisfied that a law of a State or Territory of the Commonwealth makes adequate provision for the preservation of the secrecy of information communicated to an authority or officer exercising powers and functions in relation to the control of prices and rates of goods or services in that State or Territory, nothing in this section prohibits a person thereto authorized by the Minister from communicating information to such an authority or officer.

(4.) A person to whom this section applies shall, if so required by the Minister or by an officer appointed by him to act under this sub-section, sign a declaration, in accordance with a form approved by the Minister, that he will not unlawfully communicate any information to which this section applies.

(5.) In this section—

“information to which this section applies” means information obtained by the Commonwealth for the purposes of the Prices Regulations ;

“person to whom this section applies” means any person who at any time exercised any power or performed any duty under or in relation to the Prices Regulations, and includes any person who is, or has at any time been, employed by the Commonwealth and possesses any information to which this section applies ;

“the Minister” means the Minister of State for Trade and Customs ;

“the Prices Regulations” means any Regulations having the title National Security (Prices) Regulations in force at any time under the *National Security Act* 1939 or under the *Defence (Transitional Provisions) Act* 1946, or under either of those Acts as amended.

Amendments  
of Land Tax  
Assessment  
Act.

10.—(1.) Section twenty of the *Land Tax Assessment Act* 1910-1948 is amended by omitting from sub-section (6.) the word “forty-nine” and inserting in its stead the word “fifty”.

(2.) Section forty-four of the *Land Tax Assessment Act* 1910-1948 is amended by omitting from sub-section (5.) the word “forty-nine” and inserting in its stead the word “fifty”.

(3.) The *Land Tax Assessment Act* 1910-1948, as amended by this section, may be cited as the *Land Tax Assessment Act* 1910-1949.

## THE SCHEDULES.

### FIRST SCHEDULE.

Section 4.

#### PART I.—REGULATIONS DISCONTINUED.

National Security (Australian Barley Board) Regulations.  
 National Security (External Territories) Regulations.  
 National Security (Female Minimum Rates) Regulations.  
 National Security (Internment Camps) Regulations.  
 National Security (Landlord and Tenant) Regulations.  
 National Security (Liquid Fuel) Regulations.  
 National Security (Military Forces) Regulations.  
 National Security (Minerals) Regulations.  
 National Security (Naval Charter Rates) Regulations.  
 National Security (Naval Forces) Regulations.  
 National Security (Prices) Regulations.  
 National Security (Prisoners of War) Regulations.  
 National Security (Rabbit Skins) Regulations.  
 National Security (Salvage) Regulations.  
 National Security (Tinplate Control) Regulations.  
 National Security (Women's Services) Regulations.

#### PART II.—REGULATIONS NOT IN FORCE UNDER DEFENCE (TRANSITIONAL PROVISIONS) ACT.

National Security (Wheat Acquisition) Regulations.

### SECOND SCHEDULE.

Section 5.

#### ORDER DISCONTINUED.

Control of Essential Materials Order.

### THIRD SCHEDULE.

Section 6.

#### REGULATIONS AMENDED.

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Economic Organization) Regulations	Treasury and (Part V.) Labour and National Service	Regulation 2— Omit from sub-regulation (1.) " (other than Part V.) " Omit sub-regulation (2.) Regulation 3— Omit— " Part III.—Prohibition of Transfer of Certain Property. " Part IIIA.—Prohibition of Transfer of Residential Businesses." Omit— " Part V.—Industrial Provisions." Omit Parts III., IIIA. and V. Regulation 20— Omit " Part III., Part IIIA. or " Omit " either of those Parts", insert " that Part "

THIRD SCHEDULE—*continued.*

First Column. Regulations.	Second Column. Department by which Administered.	Third Column. Amendments.
National Security (Economic Organization) Regulations— <i>continued.</i>	Treasury and (Part V.) Labour and National Service— <i>continued.</i>	Regulation 21— Omit paragraph (a) Omit from paragraph (b) “ Part III., Part IIIA. or ” Regulation 22— Omit from sub-regulation (1.) “ Part III., Part IIIA.,” Omit from sub-regulation (1.) “ any ” (last occur- ing), insert “ either ” Omit regulations 23, 24 and 25
National Security (General) Regulations	Administered by Departments appropriate to subject-matter of individual regulations	Omit regulation 31a
National Security (Supplementary) Regulations	Administered by Departments appropriate to subject-matter of individual regulations	Omit regulations 3, 18 and 128
National Security (War Service Moratorium) Regulations	Attorney-General	Omit regulations 30a to 30af (both inclusive)