STATUTORY RULES.
1950. No. 57.

REGULATIONS UNDER THE DEFENCE ACT 1903-1949.*

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 Defence Act 1903-1949.

Dated this twenty-seventh day of September, 1950.

W. J. McKELL
Governor-General.

By His Excellency's Command,

JOS. FRANCOIS
for and on behalf of the Minister of State for Defence.

DEFENCE (PROHIBITED WHARVES AND BUILDINGS) REGULATIONS.

1. These Regulations may be cited as the Defence (Prohibited Wharves and Buildings) Regulations.

2. In these Regulations, unless the contrary intention appears—

   “service munitions” includes all material used or capable of being used for naval, military or air force purposes;   

   “the Minister” means—

   (a) in relation to any matter affecting or connected with the naval defence of the Commonwealth—the Minister of State for the Navy; and

   (b) in relation to any matter affecting or connected with the military defence of the Commonwealth—the Minister of State for the Army;

   “wharf” means any wharf, pier, jetty, dock, or portion thereof, or other place at or within which ships may load or unload cargo or embark or disembark passengers.

3.—(1.) Whenever—

   (a) any service munitions are being, or intended to be, loaded on, or unloaded from, a ship or otherwise handled at a wharf;

   (b) any service munitions are being, or intended to be, delivered, stacked or stored at, or taken from, a wharf; or

* Notified in the Commonwealth Gazette on 29th September, 1950.

4903.—Price 3d.
(c) any members of the Defence Force are embarking or disembarking, or are about to embark or disembark, at a wharf, the Minister may, where it is necessary so to do for the defence of the Commonwealth—

(d) if the wharf is not already enclosed, enclose or shut off the wharf by fences, hurdles or other obstacles to prevent or regulate access thereto; and

(e) place in a prominent position on the wharf, or at the entrance to the wharf, a notice indicating that entry on the wharf is prohibited except under the authority of a permit issued in pursuance of regulation 6 of these Regulations.

(2.) A wharf on which, or at the entrance to which, a notice is placed in pursuance of paragraph (e) of the last preceding sub-regulation shall be a prohibited wharf for the purposes of these Regulations.

4.—(1.) Whenever any service munitions are kept or stored in a building or other erection on or near a wharf before being loaded on, or after having been unloaded from, a ship, the Minister may place in a prominent position on the building or erection a notice indicating that entry therein is prohibited except under the authority of a permit issued in pursuance of regulation 6 of these Regulations.

(2.) A building or other erection on which a notice is placed in pursuance of the last preceding sub-regulation shall be a prohibited building for the purposes of these Regulations.

5. A person other than a member of the Defence Force engaged on duties in connexion with the transportation of members of that Force or the transport, storage or other handling of service munitions shall not—

(a) enter, inspect, or be on or in any prohibited wharf or prohibited building; or

(b) approach in a boat within fifty feet of any prohibited wharf, except under the authority of a written permit issued in pursuance of regulation 6 of these Regulations.

Penalty: Twenty pounds or imprisonment for three months.

6.—(1.) The Minister may, by writing under his hand, issue a permit authorizing a person to enter, inspect or be on or in any prohibited wharf or prohibited building.

(2.) A permit under this regulation—

(a) may be issued subject to such conditions and restrictions as are specified in the permit; and

(b) may be suspended pending consideration of the revocation of the permit.

(3.) The holder of a permit issued under this regulation shall comply with all conditions and restrictions contained in the permit and, if the permit is revoked or suspended, shall forthwith deliver it to a person specified by the Minister.

Penalty: Twenty pounds or imprisonment for three months.

7. The Minister may, by writing under his hand, appoint an officer of the Defence Force or any person to be the officer or person in charge of a prohibited place or of a prohibited building.
8. A person who, with lawful authority, enters, inspects, or is on or in a prohibited wharf or prohibited building shall comply with any directions for regulating his conduct while thereon or therein which are given by the officer or other person in charge.

Penalty: Twenty pounds or imprisonment for three months.

9. A member of the Defence Force, a member of the police force, or any person thereto authorized by the officer or other person in charge of a prohibited wharf or prohibited building may search any person who, whether with or without lawful authority, is within the precincts of a prohibited wharf or prohibited building and may detain any such person for the purpose of searching him and may seize any article found on any such search which he has reasonable ground for believing to be evidence of the commission of an offence or the possession of which gives ground for suspicion that an offence is about to be committed or which tends to show that the person was within those precincts for a purpose prejudicial to the defence of the Commonwealth:

Provided that a woman shall not be searched except by a woman.

10. If any person is on or in a prohibited wharf or prohibited building in contravention of these Regulations or, while thereon or therein, fails to comply with any direction given by the officer or other person in charge, he may, without prejudice to any proceedings which may be taken against him, be removed therefrom by a member of the Defence Force, a member of the police force of the Commonwealth or of a State or Territory of the Commonwealth or any person thereto authorized by the officer or other person in charge.

11.—(1.) The Minister may, in relation to any matters or class of matters, or in relation to any particular State or part of Australia, by writing under his hand, delegate all or any of his powers and functions under these Regulations (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters, or the State or part of Australia, specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.