STATUTORY RULES.
1921. No. 78.

REGULATIONS UNDER THE TREATY OF PEACE
(GERMANY) ACT 1919-1920.

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 Treaty of Peace
(Germany) Act 1919-1920, to come into operation forthwith.
Dated this seventh day of April, 1921.

FORSTER,
Governor-General.

By His Excellency's Command,
W. MASSY GREENE,
Minister of State for Trade and Customs.

AMENDMENT OF THE TREATY OF PEACE REGULATIONS.
(Statutory Rules 1920, No. 25, as amended by Statutory Rules 1920,
No. 295, and by Statutory Rules 1921, No. 13.)

1. After the heading "Treaty of Peace Regulations" the following
heading is inserted "Part I.—General."

2. After regulation 1, the following new regulation is inserted:
   "I. These Regulations are divided into Parts as follows:
   Part I.—General; and
   Part II. (Papua and New Guinea)."

3. Regulation 2 is amended by inserting therein, before the words
   "these Regulations", the words "this Part of ."

4. After regulation 2 the following new regulation is inserted:
   "2A. On the date of the commencement of this regulation,
   regulations 20, 20A, 21, and 22 of this Part of these Regulations
   shall cease to apply to the Territories of Papua and New Guinea;
   Provided that this regulation shall not affect the validity of any
   thing done under this Part of these Regulations prior to the
   commencement of this regulation."

5. After regulation 30 the following heading and regulations are
   inserted:

   "Part II.—Papua and New Guinea.
   "31. In this Part of these Regulations, unless the contrary
   intention appears:
   'enemy debt' has the same meaning as in Part I. of these
   Regulations;
   'nationals' has the same meaning as in Part I. of those
   Regulations;

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the Custodian' means the Custodian of Expropriated Property appointed in pursuance of this Part of these Regulations; "the Minister' means the Prime Minister of the Commonwealth; "the Treaty' has the same meaning as in Part I. of these Regulations.

32. The Governor-General may appoint a person to be the Custodian of Expropriated Property in relation to property rights and interests (not being property rights and interests acquired under any general licence issued by or on behalf of the Commonwealth or any authority thereof) within the Territories of Papua and New Guinea belonging at the date of the coming into force of the Treaty to German nationals.

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

(2) Every delegation under this regulation shall be revocable at will, and no delegation shall prevent the exercise of any power by the Custodian as the case may be.

34. All property rights and interests in the Territories of Papua and New Guinea which prior to the commencement of this regulation were vested in the Public Trustee under these Regulations shall upon the commencement of this regulation become vested in the Custodian.

35. In any proceedings and negotiations under these Regulations relating to property rights and interests in the Territories of Papua and New Guinea which are pending at the commencement of this regulation and to which the Public Trustee is a party the Custodian shall be substituted for the Public Trustee.

36. (1) All property, rights and interests within the Territories of Papua and New Guinea belonging to German nationals at the date when the Treaty came into force (not being property rights or interests acquired under any general licence issued by or on behalf of the Commonwealth or any authority thereof), and the net proceeds of their sale, liquidation or other dealings therewith, are hereby charged—

(a) firstly, with payment of the amounts due in respect of claims by British nationals with regard to their property, rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of any compensation awarded by the Mixed Arbitral Tribunal, or by an Arbitrator appointed by that Tribunal in pursuance of paragraph (a) of Article 297 of the Treaty, and with payment of claims growing out of acts committed by the German Government or by German authorities since the thirty-first day of July, and before the fourth day of August, One thousand nine hundred and fourteen; and
(b) secondly, with payment of the amounts due in respect of claims by British nationals with regard to their property, rights and interests in the Territories of Austria-Hungary, Bulgaria, and Turkey, in so far as those claims are not otherwise satisfied:

Provided that any particular property, rights or interests so charged may at any time if the Governor-General thinks fit, be released from the charge so created.

"(2) Any person who, without the consent of the Custodian, transfers, parts with, or otherwise deals in any property, right or interest so charged, shall be guilty of an offence against this Part of these Regulations.

"(3) Every person owning or having the control or management of any property right or interest so charged (including, where the property right or interest consists of shares, stocks, or other securities issued by a company municipal authority or other body or any right or interest therein, that company authority or body) shall, unless particulars thereof have already been furnished to the Public Trustee in accordance with the Trading with the Enemy Act 1914-1916, within one month after the date of the commencement of this Part of these Regulations, by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such particulars in relation thereto as the Custodian requires, and if any person fails to do so he shall be guilty of an offence against this Part of these Regulations.

"(4) If any person called upon to pay any money or to transfer or otherwise to deal with any property rights or interests has reason to suspect that the same are subject to a charge under this regulation, he shall, before paying, transferring, or dealing with the property rights or interests, report the matter to the Custodian, and comply with any directions that the Custodian gives with respect thereto, and if any person fails to comply with the provisions of this sub-regulation he shall be guilty of an offence against this Part of these Regulations.

"(5) The Minister may by order vest in the Custodian any property rights and interests so charged, or the right to transfer the same, and for that purpose section 44 of the Trading with the Enemy Act 1914-1916 shall apply as if the property rights and interests were property belonging to an enemy or enemy subjects.

"(6) Where the property charged consists of inscribed or registered stock, shares, or other securities, any company, municipal authority, or other body by whom the securities were issued or are managed shall, on the application of the Custodian, enter the Custodian in the books in which the securities are inscribed or registered as the proprietor of the securities so charged, and the Custodian shall, subject to the approval of the Minister, have power to sell or otherwise deal with the securities as proprietor of which he is so registered or inscribed.

"(7) Where the property, right or interest vested in the Custodian by the Minister consists of land or any estate or interest in land, and a copy of the vesting order, certified under the hand of the Custodian, is lodged with the Registrar-General or Registrar of Titles, or other proper officer of the Territory in which the land
is situated, he shall register it in the register and in the manner as nearly as may be in which dealings with land or any estate or interest therein are registered, and shall deal with and give effect to the notification as if it were a grant or conveyance or memorandum or instrument of transfer of the land or estate or interest therein to the Custodian duly executed under the laws in force in that Territory.

"37. (1) No person who is a German national shall, without the consent in writing of the Custodian, sell, transfer, mortgage or otherwise dispose of any property or enter into any contract or agreement for the sale, transfer, mortgage or disposal of any property in which he has any estate or interest; and any person who commits a contravention of this sub-regulation, shall be guilty of an offence.

"(2) Any sale, transfer, mortgage, disposal, contract or agreement made, granted or entered into, in contravention of this regulation, shall be void and of no effect.

"(3) Any sale, transfer, mortgage or disposal of property by a German national, and any contract or agreement for the sale, transfer, mortgage or disposal of property by a German national, made, granted, or entered into since the tenth day of January, One thousand nine hundred and twenty, and before the date of making this regulation, shall be absolutely void and of no effect.

"(4) The Custodian may, by notice in writing, exempt from the provisions of this regulation any transaction or class of transactions entered into by a German national.

"(5) In this regulation 'German national' means a person who is a subject of Germany.

"38. (1) The Custodian may place on deposit with any Bank, or invest in any securities approved by the Treasurer of the Commonwealth, any moneys paid to him under this Part of these Regulations, or received by him from property vested in him under this Part of these Regulations.

"(2) The Custodian shall deal in such manner as the Minister directs with any interest or dividends received on account of such deposits or investments.

"39. The accounts of the Custodian shall be subject to audit by the Auditor-General.

"40. Offences against this Part of these Regulations may be prosecuted summarily or upon indictment.

"41. The punishment for an offence against this Part of these Regulations shall be as follows:

(a) If the offence is prosecuted summarily—a fine not exceeding five hundred pounds or imprisonment for any term not exceeding twelve months, or both; and

(b) If the offence is prosecuted upon indictment—a fine of any amount or imprisonment for not more than seven years, or both."