

AUSTRALIAN CAPITAL TERRITORY.

No. 3 of 1942.

AN ORDINANCE

To make Provision for the Protection of Persons and Property in case of Emergency, and for other Purposes.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1. This Ordinance may be cited as the *Enemy Raids Precautions Ordinance 1942*.*

2. In this Ordinance, unless the contrary intention appears—

“constable” includes any member of the Police Force of the Commonwealth or of the Territory and any Peace Officer appointed in pursuance of the *Peace Officers Act 1925*;

“Deputy Controller” means a Deputy Controller of Enemy Raids Precautions Services;

“enemy raids precautions” means measures for the protection of persons and property against war-like attack and the results of any war-like attack by a country with which His Majesty is for the time being at war;

“the Committee” means the Enemy Raids Precautions Committee constituted under this Ordinance;

“the Controller” means the Controller of Enemy Raids Precautions Services appointed under this Ordinance;

“the Minister” means the Minister of State for the Interior;

“this Ordinance” includes the Regulations and any Order made under this Ordinance;

“warden” includes the Chief Warden, Deputy Chief Warden and any Senior Warden.

3.—(1.) The Minister may appoint a person to be Controller of Enemy Raids Precautions Services.

(2.) The Controller shall, subject to the Minister, be charged with the general control, co-ordination and supervision of all persons and services concerned in enemy raids precautions in the Territory.

Controller of
Enemy Raids
Precautions
Services.

* Notified in the *Commonwealth Gazette* on 28th January, 1942.

**Deputy
Controllers
of Enemy Raids
Precautions
Services.**

4. The Minister may appoint persons to be Deputy Controllers of Enemy Raids Precautions Services and any Deputy Controllers so appointed shall have such powers, duties and functions as are prescribed by this Ordinance or as the Minister directs.

**Enemy Raids
Precautions
Committee.**

5.—(1.) For the purposes of this Ordinance, there shall be a Committee to be known as the Enemy Raids Precautions Committee, which shall consist of the Controller (who shall be Chairman of the Committee) and such other members as the Minister appoints.

(2.) The Committee may advise the Minister in relation to any matter with respect to enemy raids precautions in the Territory.

**Meetings of
Committee.**

6.—(1.) Meetings of the Committee shall be held at such times and places as the Minister or the Chairman determines.

(2.) The Minister may appoint one of the members of the Committee to be the Deputy Chairman of the Committee.

(3.) The Chairman shall preside at all meetings of the Committee at which he is present.

(4.) In the absence of the Chairman from any meeting the Deputy Chairman shall preside, and in the absence of both the Chairman and Deputy Chairman the members present may appoint one of their number to preside, at the meeting.

(5.) At any meeting of the Committee—

(a) a majority of the members thereof shall form a quorum;

(b) all questions before the Committee shall be decided by a majority of votes; and

(c) the Chairman or Deputy Chairman shall have a deliberative vote, and, in the event of an equality of votes, the Chairman or, in his absence, the Deputy Chairman shall have a casting vote.

**Chief Warden,
Deputy Chief
Warden and
Wardens.**

7.—(1.) The Committee may appoint a Chief Warden, Deputy Chief Warden, Senior Wardens, and such other wardens as are in its opinion necessary or expedient to be appointed.

(2.) The Chief Warden, Deputy Chief Warden and wardens shall have such powers, duties and functions as are prescribed by this Ordinance or as the Minister directs.

(3.) The Controller may suspend any warden for misbehaviour or incapacity.

(4.) Every person appointed as a warden shall forthwith take and subscribe before a Justice of the Peace the oath or affirmation of allegiance contained in the Fourth Schedule to the *Commonwealth Public Service Act 1922-1941*, and make and subscribe a declaration that he will truly and faithfully fulfil the duties of his office according to the best of his judgment and ability.

8. A warden shall not—

- (a) resign his office or withdraw from the duties thereof unless expressly authorized so to do by the Controller; and
- (b) fail to carry out the duties of his office or act in a manner inconsistent with any order lawfully given to him.

No resignation without permission.

9.—(1.) A person, not being a warden, shall not personate or pass himself off as such a warden or in any way act or clothe himself in a manner likely to give the impression that he is such a warden.

Personating wardens.

(2.) A person, being a warden, shall not personate or pass himself off as a warden of a rank other than that to which he has been appointed, or in any way act or clothe himself in a manner likely to give the impression that he is a warden of such other rank.

Penalty: One hundred pounds or imprisonment for six months, or both.

10.—(1.) The Minister may, after consultation with the Committee, by order—

Powers of Minister for the Interior.

- (a) direct or authorize the direction of any total or partial “blackout” and may prohibit or regulate the display of lights of any description within the Territory; and
- (b) make such provision as he deems necessary to protect the persons and property of the civil population in the Territory or any part thereof in case of emergency.

All persons within the Territory or area (as the case may be) to which an order made under this section applies shall comply with the requirements of that order.

Penalty: One hundred pounds or imprisonment for six months, or both.

(2.) Any such order may be made so as to apply either throughout the Territory or to any area, industry or premises therein, may make different provision with respect to different classes of premises, vehicles, vessels or aircraft, may provide for exempting any premises, vehicles, vessels or aircraft (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the order.

(3.) If any order made under this section is contravened or not complied with in the case of any premises, vehicle, vessel or aircraft, any constable, or any member of an organization specified in the order, may enter the premises or board the vehicle, vessel or aircraft and take in relation thereto all steps reasonably necessary for the enforcement of the order, and (without prejudice to any

proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle, or the master of the vessel or pilot of the aircraft, as the case may be, shall be guilty of an offence.

Penalty: One hundred pounds or six months' imprisonment, or both.

(4.) In any proceedings which, in pursuance of the last preceding sub-section, are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

Powers of
Minister.

11. The Minister may provide such equipment and facilities, and arrange for the training of such personnel, as appear to him to be necessary for the purposes of this Ordinance or otherwise for the purposes of enemy raids precautions.

Protection of
persons acting
under authority
of this
Ordinance.

12. Except as otherwise expressly provided in the Regulations, no proceedings, whether at law or in equity, shall lie or be made or allowed by or in favour of any person against the Crown or the Minister or any person acting in the execution or intended execution of this Ordinance for or in respect of any damage, loss or injury sustained or alleged to have been sustained by reason of anything done or purporting to be done under the authority of this Ordinance.

Regulations.

13. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.

Dated this twenty-eighth day of January, 1942.

GOWRIE

Governor-General.

By His Excellency's Command,

J. S. COLLINGS

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.