



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 288]

MONDAY, OCTOBER 9.

[1939

NATIONAL SECURITY (EMERGENCY POWERS) ACT 1939.

At the Executive Council Chamber, Melbourne, the ninth day of
October, 1939.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Mackrell
Mr. Hyland

Sir George Goudie
Mr. Tuckett.

NATIONAL SECURITY (EMERGENCY TRANSPORT)
REGULATIONS.

IN pursuance of the powers conferred by the *National Security (Emergency Powers) Act 1939*, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth make the following Regulations, that is to say:—

1. (1) These Regulations may be cited as the National Security (Emergency Transport) Regulations and shall apply to and have operation throughout the whole of Victoria. Citation and operation.

(2) None of these Regulations shall come into force until the same is brought into operation by Order of the Governor in Council published in the *Government Gazette*. Commencement.

Provided that none of such Regulations shall be so brought into operation unless the Governor in Council is satisfied that the bringing into operation of such Regulation is necessary or desirable for the purpose of meeting circumstances arising out of the present war.

Interpretation.

2. Unless inconsistent with the context or subject matter—

(a) save as otherwise provided words used in these Regulations have the same meaning as in the Transport Regulation Acts; and

(b) in these Regulations—

“Motor car” means motor car within the meaning of the Motor Car Acts, together with any trailer, fore-car, side-car, or other vehicle or device, if any, attached thereto.

“Owner” includes every person who is the owner or the joint owner or part owner of a motor car and any person who has the use of any motor car under a hiring or hire-purchase agreement, but does not include an unpaid vendor of a motor car under a hire-purchase agreement.

“Vehicle” means motor car which is by the Transport Regulation Acts required to be licensed as a commercial passenger vehicle or as a commercial goods vehicle.

Power to Board to suspend or vary licences issued under Nos. 4198, &c.

3. (1) Notwithstanding anything in the Transport Regulation Acts the Transport Regulation Board may in respect of any vehicle—

(a) by notice in writing to the owner of the vehicle in the form in the First Schedule to these Regulations or to the like effect suspend any licence granted under the Transport Regulation Acts;

(b) by notice in writing to the owner of the vehicle in the form in the Second Schedule to these Regulations or to the like effect vary the conditions of any licence granted under the Transport Regulation Acts;

(c) by notice in writing to the owner of the vehicle in the form in the Third Schedule to these Regulations or to the like effect revoke any suspension under these Regulations of a licence and reinstate the licence either with or without variations of the conditions thereof.

Effect of suspension.

(2) When any licence for any vehicle is so suspended, then, notwithstanding anything in the Transport Regulation Acts, during the period of such suspension such licence shall have no force or effect.

Effect of variation of conditions.

(3) When the conditions of any licence for any vehicle are so varied, then, notwithstanding anything in the Transport Regulation Acts, the conditions as so varied shall be deemed to be attached to such licence and such licence and the Transport Regulation Acts shall have effect accordingly.

Reinstatement of licences on expiration of emergency.

(4) When under this clause of these Regulations any licence for any vehicle is suspended or the conditions of any licence for any vehicle are varied such suspension or variation shall be revoked on the publication in the *Government Gazette* of a notification by the Governor in Council that such suspension or variation is no longer necessary or desirable for the purpose of meeting circumstances arising out of the present war, and thereupon such licence shall have effect under the Transport Regulations freed from any such suspension or variation.

Certain vehicles not to be used for carriage of passengers for reward, &c., without authority of Board.

4. (1) The Minister of Transport may by order published in the *Government Gazette* declare that for such period as is specified in such order any motor car or any class of motor cars referred to in such order shall not be used for carrying passengers for reward except pursuant to an authority granted by the Board pursuant to this clause of these Regulations, and the Minister may revoke any such order by order published in the *Government Gazette*.

(2) Notwithstanding anything in the Motor Omnibus Acts the Carriages Acts or any Act relating to local government or any other Act, during the operation of any such first-mentioned order—

(a) the Board may by notice, in the form in the Fourth Schedule to these Regulations or to the like effect, to the owner of any motor car referred to in any such order grant authority to such owner to use such motor car for carrying passengers for reward subject to such conditions as are specified therein; and

- (b) no person shall carry passengers for reward in any motor car referred to in any such order except pursuant to such an authority and subject to the conditions specified therein.

5. (1) The Board when so authorized by the Minister for Transport may by notice published in the *Government Gazette* require any motor car or any class of motor cars to comply with the conditions restrictions or prohibitions specified in such notice as to—

General conditions for use of motor cars.

- (a) carrying passengers for reward in any such motor car;
- (b) carrying passengers for reward at separate and distinct fares for each passenger in any such motor car;
- (c) carrying goods for hire or reward or in the course of trade in any such motor car;
- (d) carrying in any such motor car goods other than the goods of the owner of the motor car or of any member of his household; or
- (e) using any such motor car either generally or in any particular class of case or for any particular purpose.

(2) No person shall use any such motor car in contravention of the conditions restrictions or prohibitions of any such requirement of the Board.

6. Where pursuant to these Regulations the Board is empowered to vary any conditions of a licence or to impose any conditions restrictions or prohibitions with respect to the use of any motor car, the Board may vary such conditions to such extent and in such respects or impose such conditions restrictions or prohibitions as in the opinion of the Board will be appropriate to the service required to be provided or necessary in the public interest in view of any emergency which has arisen or is likely to arise.

Conditions of operation of motor cars, &c.

7. (1) The Board may by notice in the form in the Fifth Schedule to these Regulations or to the like effect call upon the owner of any motor car to deliver such motor car at such place at such time and under such conditions as the Board directs to be used under the control and direction of the Board in any manner required in the interests of public safety or to meet urgent public needs.

Requisitioning of motor cars.

(2) Where any person is so called upon to deliver any motor car such person shall so deliver it equipped for immediate use and at the place and at the time and under the conditions required by the notice and in as satisfactory a condition as is reasonably possible in the circumstances.

Sec. 71

(3) Where—

- (a) any person is so called upon to deliver any motor car and such person fails so to deliver the same; or
- (b) in the interests of public safety or to meet urgent public needs it is required that any motor car be forthwith placed under the control and direction of the Board—

the Board may without any notice as aforesaid take such vehicle or motor car.

(4) Where any motor car is delivered to or taken by the Board pursuant to the foregoing provisions of this clause of these Regulations the Board may control and direct the use thereof in such manner as is required in the interests of public safety or to meet urgent public needs.

Operation of cars by the Board.

8. (1) If any motor car is delivered to or taken by the Board, pursuant to the provisions of the last preceding clause of these Regulations, there shall be paid by the Treasurer of Victoria to the owner of such motor car or other person entitled thereto such reasonable compensation as the Treasurer of Victoria determines.

Compensation.

(2) If any doubt arises as to what person or persons is or are entitled to any such payment or any part thereof the Treasurer of Victoria may pay the whole or any part of such payment into a County Court.

(3) Money up to any amount so paid into a County Court may upon order of the Judge of such Court made in Court or in chambers be applied as such Judge thinks just, and the order of such Judge shall be final and not subject to any appeal.

(4) Any payment under this clause of these Regulations shall discharge the Treasurer of Victoria and the Crown from all claims to such payment, but if any such payment is made by the Treasurer of Victoria to any person not entitled to the same it may be recovered from such person by the person who but for such payment would have been entitled to such payment in any Court of Petty Sessions (consisting of a police magistrate sitting without any other justice or justices) as a civil debt recoverable summarily or in any Court of competent jurisdiction.

Administration
of
Regulations.

9. (1) For the purpose of ascertaining whether the provisions of these Regulations are being contravened any member of the Police Force or any officer of the Board may request the driver of any motor car—

- (a) to produce for inspection any licence permit authority or other document issued under these Regulations or the Transport Regulation Acts in respect of such motor car;
- (b) to state his name and address;
- (c) to permit an inspection to be made of the motor car and of the load carried thereon.

(2) Any person who refuses any such request or states a false name or address in answer to any such request shall be guilty of a contravention of these Regulations.

(3) Without affecting the generality of the foregoing provisions of this clause of these Regulations, for the purpose of enforcing these Regulations the Board and any officer of the Board and any member of the Police Force shall have the like powers and authorities as the Board or any such officer or any such member respectively has under the Transport Regulation Acts or any regulations thereunder, and the said Acts and regulations thereunder shall with such adaptations as are necessary extend and apply accordingly.

Service of
notices.

10. Any notice authorized or required to be given under these Regulations shall be deemed to have been duly given if it is posted, delivered or sent to the address last known to the Board of the person to whom such notice was directed.

Proof.

11. In any proceedings for an offence against these Regulations no proof shall until evidence is given to the contrary be required—

- (a) of the persons constituting the Board; or
- (b) of the presence of a quorum of the Board at any meeting of the Board.

FIRST SCHEDULE.

NOTICE OF SUSPENSION OF LICENCE.

Name—

Address—

Description of Vehicle.

Licence No.	Make	Regd. No.	Engine No.
-------------	------	-----------	------------

Effective date—

Notice is hereby given that the licence issued pursuant to the provisions of the Transport Regulation Acts, the number of which is set out above, is hereby suspended as from the effective date referred to above and that until further notice such licence shall have no force or effect.

Secretary.

day of

19

SECOND SCHEDULE.

NOTICE TO VARY LICENCE.

Name—

Address—

Description of Vehicle.

Licence No. Make Regd. No. Engine No.

Effective date—

Notice is hereby given that the licence, issued pursuant to the provisions of the Transport Regulation Acts, at present in force in the name of the person above-mentioned, the number of which is set out above, is hereby varied and that on and after the effective date referred to above and until further notice or as otherwise stated herein the vehicle described above shall not operate except under the following conditions, viz.:—

Secretary.

_____ day of

19

THIRD SCHEDULE.

REVOCAION OF SUSPENSION OF LICENCE.

Name—

Address—

Description of Vehicle.

Licence No. Make Regd. No. Engine No.

Effective date—

Notice is hereby given that as on the effective date referred to above the suspension of the licence of the vehicle referred to above, which suspension was effected pursuant to the National Security (Emergency Transport) Regulations, is hereby revoked and the licence is hereby reinstated, and that on and after the effective date referred to above and until further notice or as otherwise stated herein the vehicle is hereby authorized to operate under the following conditions and not otherwise, viz.:—

Secretary.

_____ day of

19

FOURTH SCHEDULE.

AUTHORITY TO USE MOTOR CAR FOR COMMERCIAL PASSENGER PURPOSES.

Name—

Address—

Description of Motor Car.

Make Regd. No. Engine No.

Effective date—

Notice is hereby given that the person above-named is hereby authorized on and after the effective date referred to above and until further notice or as otherwise stated herein to use the motor car referred to above for carrying passengers for reward subject to the following conditions and not otherwise, viz.:—

Secretary.

_____ day of

19

FIFTH SCHEDULE.

NOTICE TO DELIVER A MOTOR CAR TO THE BOARD.

Name—

Address—

Description of Motor Car.

Make Regd. No. Engine No.

Notice is hereby given that the person above-named being the owner of the motor car described above is required to deliver the motor car so described at the time and place and under the conditions set out hereunder, viz.:—

Time of delivery—

Place of delivery—

Conditions referred to—

Secretary.

_____ day of

19

And the Honorable Albert Arthur Dunstan, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

NATIONAL SECURITY (EMERGENCY POWERS) ACT 1939.

At the Executive Council Chamber, Melbourne, the ninth day of
October, 1939.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Mackrell
Mr. Hyland

Sir George Goudie
Mr. Tuckett.

REGULATIONS AS TO PRICES OF GOODS.

IN pursuance of the powers conferred by the *National Security (Emergency Powers) Act 1939* His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof doth make the following Regulations, that is to say:—

- Citation. 1. These Regulations may be cited as the National Security (Prices) Regulations.
- Definitions. 2. In these Regulations, unless inconsistent with the context or subject matter—
- “Authorized officer” means any person appointed by the Commissioner to be an authorized officer for the purposes of these Regulations.
- “Commissioner” means the Commissioner for Prices appointed for the purposes of these Regulations.
- “Declared goods” means any goods declared by the Minister, by notice in the *Government Gazette*, to be declared goods for the purposes of these Regulations.
- “Minister” means the Premier of Victoria.
- “Price” includes every valuable consideration whatsoever, whether direct or indirect.
- Appointment of Commissioner for Prices. 3. The Governor in Council may appoint a Commissioner for Prices who shall hold office during the pleasure of the Governor in Council and who shall have and may exercise such powers and functions as are conferred on him by these Regulations.
- Salary of Commissioner. 4. The Commissioner shall be paid such remuneration by way of salary and allowances as the Minister determines.
- Secrecy. 5. Any person who, except in the course of his duty under these Regulations, directly or indirectly communicates or divulges any information relating to any matter which comes to his knowledge in consequence of his official position under these Regulations shall be guilty of a contravention of these Regulations.
- Power to examine witnesses, &c. 6. The Commissioner and any person thereto authorized in writing by the Commissioner shall severally have power to—
- (a) summon witnesses;
- (b) take evidence on oath; and
- (c) require the production of documents books and papers.
- Power to enter premises and inspect documents. 7. (1) The Commissioner or any authorized officer may enter upon and search any premises and inspect any documents books and papers and may inspect and take samples of any stocks of declared goods or of any other goods.
- (2) The Commissioner or any authorized officer may impound or retain any documents books and papers produced to him or inspected by him in pursuance of this clause of these Regulations and may make copies or abstracts of those documents books and papers or of any entries therein, but the person entitled to those documents books and papers shall, in lieu thereof, be entitled to a copy certified as correct by the Commissioner, and such certified copy shall be received in all courts as evidence and as of equal validity to the original.

8. (1) The Commissioner or any authorized officer may require any person— Power to obtain information.

- (a) to furnish him with such information as he requires; or
- (b) to answer any question put to him—

in relation to any matter arising under these Regulations.

(2) Any person who, when so required under the last preceding sub-clause—

- (a) refuses or fails to furnish any information or to answer any question; or
- (b) gives any information or makes any answer which is false in any particular—

shall be guilty of a contravention of these Regulations.

9. Any person who, having been summoned as a witness before the Commissioner, fails, without lawful excuse, to appear in obedience to the summons, shall be guilty of a contravention of these Regulations. Failure of witness to appear.

10. Any person who, having appeared as a witness before the Commissioner, whether summoned so to appear or not, refuses, without lawful excuse, to be sworn or to make an affirmation or to produce documents books and papers or to answer questions which he is lawfully required to answer, shall be guilty of a contravention of these Regulations. Failure to be sworn, produce documents or answer questions.

11. Any person who prevents or attempts to prevent the Commissioner or an authorized officer from entering upon any premises, or from inspecting any documents books and papers, or from inspecting or taking samples of any stocks of any declared goods or any other goods, or from making copies or abstracts of any documents books and papers or of any entries therein, shall be guilty of a contravention of these Regulations. Preventing Commissioner or authorized officer from entering premises, &c.

12. (1) The Commissioner may by notice require any person who is a producer, manufacturer, distributor or seller (whether wholesale or retail) of any goods to furnish to him or to an authorized officer within a specified time and in a specified form a return setting forth to the best of such person's knowledge and ability the following particulars or such of them as are specified in the notice, namely:— Furnishing of returns.

- (a) The quantity of any goods in his possession or under his control at a specified date;
- (b) The cost to that person of those goods;
- (c) The methods and principles in accordance with which he arrives at that cost;
- (d) (Where the maximum price of the goods has not been fixed in pursuance of these Regulations), the prices, wholesale or retail, at which and the conditions on which he has sold sells or proposes to sell the goods;
- (e) The price, wholesale or retail, charged by the person on the thirty-first day of August, 1939, or such other date as the Commissioner specifies, for the goods and the conditions of any such sale; and
- (f) Such further particulars as are specified in the notice.

(2) The notice may be either a notice given to such person individually or a notice to such persons or a class of such persons generally; and such last-mentioned notice shall be published in the *Government Gazette* and in such newspapers (if any) as the Commissioner directs.

(3) The return shall be verified by statutory declaration.

(4) Any return furnished by any person under this clause of these Regulations shall, in any proceedings under these Regulations, be admissible in evidence against that person.

(5) Any person who—

- (a) fails to comply with any of the requirements of any such notice; or
- (b) wilfully furnishes any false or misleading return—

shall be guilty of a contravention of these Regulations.

Proclaimed
areas.

13. (1) The Commissioner may from time to time by notice in the *Government Gazette* declare that any area specified by him shall for the purposes of these Regulations be a proclaimed area or part of a proclaimed area, and thereupon the area shall, so long as the declaration remains in force, be deemed to be a proclaimed area or part thereof (as the case may be).

(2) The Commissioner may from time to time by notice in the *Government Gazette* declare that any proclaimed area or any part thereof shall cease to be a proclaimed area or part thereof (as the case may be), and thereupon such area or part, shall cease to be a proclaimed area or part thereof (as the case may be).

Powers to
declare goods.

14. (1) The Minister, may by notice in the *Government Gazette* declare any goods to be declared goods for the purposes of these Regulations.

(2) Any such notice may by notice in the *Government Gazette* be amended varied or revoked by the Minister.

Determination
of maximum
prices, &c.

15. (1) The Commissioner may from time to time in his absolute discretion by order (which, subject to this clause of these Regulations, shall be published in the *Government Gazette*)—

(a) fix and declare—

- (i) the maximum price at which any declared goods may be sold;
- (ii) different maximum prices according to differences in quality or description or in the quantity sold, or in respect of different forms, modes, conditions, terms, or localities of trade, commerce, sale or supply;
- (iii) different maximum prices for different parts of Victoria, or in different proclaimed areas;
- (iv) maximum prices on a sliding scale;
- (v) maximum prices on a condition or conditions;
- (vi) maximum prices for cash or for delivery, and in either case inclusive or exclusive of the cost of packing;
- (vii) maximum prices on a percentage basis on landed or other cost or on a specified amount, or both; and
- (viii) maximum prices according to or upon any principle or condition specified by the Commissioner;

(b) in fixing and declaring any maximum price, do so relatively to such standards of measurement, weight, capacity, or otherwise howsoever as he thinks proper, or relatively to prices charged by individual traders on any date specified by the Commissioner, with such variations (if any) as in the special circumstances of the case the Commissioner thinks fit, or so that such price shall vary in accordance with a standard, or time, or other circumstance, or shall vary with profits or wages, or with such costs as are determined by the Commissioner; and

(c) vary any maximum price previously fixed by him.

(2) Notwithstanding anything in these Regulations, the Minister may request the Commissioner to consider further any matter dealt with by any order made under this clause of these Regulations or any part of any such order, and the Commissioner shall, within twenty-eight days from the date of any request so made, report thereon to the Minister.

(3) Notwithstanding anything in these Regulations the Minister may by notice in the *Government Gazette* suspend the operation of any order made under this clause of these Regulations or any part of any such order for a period not exceeding twenty-eight days from the date of his request.

(4) Upon the publication of such notice the maximum price (if any) which prevailed prior to the making of the order which has been suspended shall apply during the period of suspension.

(5) The Commissioner shall—

(a) within the period specified in the notice of suspension, report thereon to the Minister; and

(b) within such period by order confirm, amend, vary or revoke the order or part so suspended in conformity with his report to the Minister—

and, on receipt of the report of the Commissioner, the Minister shall by notice in the *Government Gazette* remove the suspension.

(6) The Commissioner may at any time by order published in the *Government Gazette* amend, vary or revoke any order made in pursuance of this clause of these Regulations.

(7) Every order made under this clause of these Regulations shall take effect upon the date of the publication of the *Government Gazette* containing it, or upon such later date as is fixed in the order.

16. (1) Notwithstanding anything in these Regulations, where in any order the maximum price chargeable by a wholesaler for the sale of any declared goods is based on the cost to a wholesaler plus such percentage thereof or specified amount or both as is specified in the order, or where in any such order a definite wholesale price is fixed, any wholesaler (hereinafter referred to as "the buyer") who purchases any such goods from any other wholesaler (hereinafter referred to as "the seller") shall not, unless the seller is licensed by the Commissioner as a distributor or the buyer is licensed by the Commissioner as a semi-wholesaler under such conditions as are determined by the Commissioner, be entitled to charge a greater price therefor than the maximum price at which the seller was entitled to sell them, and any wholesaler who charges such a greater price shall be guilty of a contravention of these Regulations.

Wholesaler purchasing from wholesaler not to make profit.

(2) For the purposes of this clause of these Regulations—

"Distributor" means an agent for the sale of any goods to wholesalers;

"Semi-wholesaler" means a person who sells or supplies any goods to another person for the purposes of consumption or use and also for re-sale.

17. (1) Any person who sells or offers for sale any declared goods at a greater price than the maximum price fixed in relation thereto under these Regulations for the sale of those goods shall be guilty of a contravention of these Regulations, and in case of sale shall be liable to refund to the purchaser the difference between the maximum price so fixed and the price at which the goods were sold.

Contravention of prices and rates.

(2) For the purposes of this clause of these Regulations, any person on whose behalf or at whose place of business any declared goods are sold or offered for sale at a greater price than the maximum price fixed in relation thereto under these Regulations for the sale of those goods, whether the goods are sold or offered for sale contrary to the instructions of the person or not, shall be guilty of a contravention of these Regulations.

(3) In any proceedings for an offence against this clause of these Regulations evidence that the declared goods forming the subject of the proceedings were sold or offered for sale by, or on behalf or at the place of business of, the defendant under a description answering to the description contained in the order of the Commissioner which the defendant is alleged to have contravened shall, as against the defendant, be *prima facie* evidence that the description under which the goods were sold or offered for sale is a correct description of the goods.

18. (1) Any person who—

(a) purchases or offers to purchase; or

(b) hold himself out as being willing to purchase or to offer to purchase, or as being willing or able to obtain a purchaser for; or

(c) offers to act in connexion with the purchase of—
any declared goods at a greater price (whether by way of premium or otherwise howsoever) than the maximum price fixed in relation thereto under these Regulations for the sale of those goods shall be guilty of a contravention of these Regulations.

Purchasing, &c., at higher price.

(2) In any prosecution under this clause of these Regulations it shall be a sufficient defence if the defendant shows that he did not know that he was (as the case requires)—

(a) purchasing or offering to purchase; or

(b) holding himself out as being willing to purchase or to offer to purchase, or as being willing or able to obtain a purchaser for; or

(c) offering to act in connexion with the purchase of—
declared goods at a greater price (whether by way of premium or otherwise howsoever) than the maximum price fixed in relation thereto under these Regulations for the sale of those goods.

Meaning of
"landed cost,"
"wholesale,"
and "retail."

19. In any order made under these Regulations fixing the maximum price for the sale of any declared goods, the following expressions shall, unless the contrary intention appears in the order, have the meanings respectively assigned to them hereunder:—

"Landed cost" means the actual or estimated cost of landing the declared goods in the store in Victoria of the person to or for whom or on whose behalf the declared goods were originally supplied or ordered;

"Retail" used in relation to any such sale shall be deemed to refer to a sale to a person for the purposes of consumption or use;

"Wholesale" used in relation to any such sale shall be deemed to refer to the sale or supply to a person for the purpose of resale (including, but without affecting the generality hereof, the sale or supply by an importer, manufacturer or producer to a wholesale or retail trader)—

and the maximum price fixed shall be deemed to include any charge for wrapping the goods.

Refusal, &c.,
to sell at fixed
prices.

20. (1) Any person who has in his custody or under his control any declared goods in respect of which a maximum price has been fixed under these Regulations who refuses or fails on—

(a) demand of any quantity of the declared goods; and

(b) tender of payment at the price so fixed for the quantity demanded—

to supply any such declared goods in the quantity demanded shall be guilty of a contravention of these Regulations.

(2) In any prosecution under this clause of these Regulations it shall be a sufficient defence to show that on the occasion in question—

(a) the defendant supplied a reasonable quantity of the declared goods, or, after making reasonable provision for private consumption or use, had not a sufficient quantity of the declared goods in his custody or under his control to supply the quantity demanded in addition to the quantity required to satisfy all other contracts then subsisting under which he was obliged to supply quantities of the declared goods for use or consumption within Victoria and the ordinary requirements of his business;

(b) the defendant was a wholesale trader in the declared goods and the person who demanded to be supplied was not a retail trader therein or in any declared goods made or partly made therefrom; or

(c) the defendant was acting in accordance with an established practice for the time being approved by the Commissioner.

(3) For the purpose of determining what is a reasonable quantity of any declared goods within the meaning of this clause of these Regulations regard shall be had to all the circumstances of the case, including the question whether the person who demanded to be supplied was or was not at the time of the demand carrying on business as a retail trader in the declared goods demanded, either alone or with other goods.

Alteration of
size of
containers or
quantity or
ingredients of
declared goods.

21. (1) Any person who, without the written consent of the Commissioner—

(a) packs or puts up any declared goods in a container of a size smaller than the container ordinarily used by him at the commencement of these Regulations;

(b) packs or puts up in a container a quantity of declared goods smaller than the quantity ordinarily packed or put up by him in a container of that size at the commencement of these Regulations;

(c) alters the formula or recipe ordinarily used by him at the commencement of these Regulations in the manufacture or production of any declared goods; or

(d) as regards any particular declared goods, manufactures the declared goods inferior in quality to the quality manufactured by him or a predecessor in business on or immediately prior to the date of fixation, by order made under these Regulations, of the maximum price of those declared goods—

shall be guilty of a contravention of these Regulations.

(2) For the purposes of this clause of these Regulations proof that at the commencement of these Regulations any person, dealing in the ordinary course of trade in any declared goods in respect of which any proceedings have been instituted, sold or had for sale—

- (a) any declared goods purporting to have been packed or put up by the defendant in a container of a certain size—shall be evidence that that was the size of the container ordinarily used by the defendant at the commencement of these Regulations in the packing or putting up of the declared goods;
- (b) any declared goods purporting to have been packed or put up by the defendant in a container containing a certain quantity of the declared goods—shall be evidence that that was the quantity ordinarily packed or put up by the defendant at the commencement of these Regulations in a container of that size;
- (c) any declared goods (purporting to have been manufactured or produced by the defendant) which appear by analysis or otherwise to have been manufactured or produced in accordance with a certain formula or recipe—shall be evidence that that formula or recipe was that ordinarily used by the defendant at the commencement of these Regulations in the manufacture or production of the declared goods.

22. (1) Upon the declaration of any proclaimed area in pursuance of these Regulations the Commissioner may require any person who in any proclaimed area sells or has for sale by retail any declared goods the maximum price of which is fixed in that area by or under these Regulations, to exhibit in a prominent position in his shop a notice in accordance with Form A or Form B in the Schedule to these Regulations as is applicable to the case setting forth such of the particulars relating to each such declared goods as are required by this clause of these Regulations.

Lists of fixed prices to be exhibited in shops.

(2) The notice shall be exhibited in such a place in the shop, and be prepared in such a manner, as to be easily legible to persons desiring to make purchases at the shop.

(3) The Commissioner or an authorized officer may, if in his opinion the notice is not easily legible to persons desiring to make purchases at the shop, direct that it be exhibited in such other place in the shop as he thinks fit, and the owner or person in charge of the shop shall forthwith cause it to be exhibited in such other place.

(4) The notice required by this clause of these Regulations to be exhibited shall set forth the following particulars:—

(a) In the case of the metropolitan area—

- (i) the name of the declared goods; and
- (ii) the maximum price fixed in that area for such declared goods; and

(b) In the case of a proclaimed area other than the metropolitan area (in this paragraph referred to as "the proclaimed area")—

- (i) the name of the declared goods;
- (ii) the maximum price fixed in the proclaimed area for such declared goods or, if the maximum price fixed is based upon the maximum price fixed in the metropolitan area plus cost of transport to the proclaimed area—

the maximum price fixed in the metropolitan area for the declared goods;

the cost of transport of the declared goods from the metropolitan area to the proclaimed area; and

the maximum price consequently fixed in the proclaimed area for the declared goods—

or, if the retailer is allowed to add to the maximum price fixed in the proclaimed area a proportionate amount to cover the cost of transport to the shop of the declared goods—

the maximum price fixed in the proclaimed area for the declared goods;

the cost of transport to the shop of the declared goods from the place where such goods were purchased by the retailer; and

the maximum price which the retailer is consequently entitled to charge in the proclaimed area for the declared goods.

(5) Where the maximum price at which any declared goods may be sold in any proclaimed area is fixed or altered, the fixation or alteration shall be notified not later than—

(a) in the case of the metropolitan area, the time at which the shop is opened for business on the day next but one following the day upon which the fixation or alteration is notified; or

(b) in the case of an area other than the metropolitan area, the time at which the shop is opened for business seven days after the day upon which the fixation or alteration is notified, or, in the case of a part of a proclaimed area, such further time as the Commissioner, by notice published in the *Government Gazette*, allows.

(6) The Commissioner or an authorized officer may at any time, by notice in writing, require the owner or person in charge of any shop to furnish him with a copy of any notice purporting to be exhibited in pursuance of this clause of these Regulations, such copy to be certified by the owner or person in charge as a true copy of the notice exhibited at his shop with his authority.

(7) Any person who refuses or fails to exhibit any notice required by, or to comply with any direction or requirement given or made under, this clause of these Regulations, or who exhibits a notice which is incorrect or incomplete in any particular, shall be guilty of a contravention of these Regulations.

(8) In this clause of these Regulations "metropolitan area" means the "Metropolitan District" for the purposes of the *Factories and Shops Act 1928*.

Delegation by Commissioner.

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

(2) Any such delegation by the Commissioner shall be revocable in writing at will and no such delegation shall prevent the exercise of any power or function by the Commissioner.

Books, accounts, &c. to be kept and preserved.

24. (1) Every person who is a wholesale or retail trader shall, for the purposes of these Regulations, keep proper books and accounts, and shall preserve those books and accounts, including all copies of invoices and all vouchers relating to his purchases and sales of prescribed goods, until their destruction is authorized by the Commissioner.

(2) In this clause of these Regulations "prescribed goods" means goods which are or were at the time of sale by the trader declared goods within the meaning of these Regulations.

SCHEDULE.

FORM A.

Maximum Prices proclaimed in the Metropolitan Area.

Name of Goods.	Maximum Prices Fixed in the Area.

SCHEDULE—continued

FORM B.

Maximum Prices proclaimed in the Area.

Name of Goods.	*Maximum Prices Fixed in this Area.	Where Price in Area is Fixed on Basis of Price in Metropolitan Area Plus Cost of Transport.		
		Maximum Prices Fixed in Metropolitan Area.	Cost of Transport from Metropolitan Area to this Area.	Maximum Price Fixed in this Area.

* NOTE.—This column to be used only where a specific maximum price is fixed for the area. Where the maximum price for the area is ascertained by adding to the maximum price fixed in a metropolitan area the cost of transport to the proclaimed area, the other columns of the form must be used.

And the Honorable Albert Arthur Dunstan, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

NATIONAL SECURITY (EMERGENCY POWERS) ACT 1939.

At the Executive Council Chamber, Melbourne, the ninth day of October, 1939.

PRESENT :

His Excellency the Governor of Victoria.

Mr. Mackrell
Mr. Hyland

Sir George Goudie
Mr. Tuckett.

REGULATIONS RELATING TO CONTRIBUTIONS BY MUNICIPALITIES FOR WAR PURPOSES.

IN pursuance of the powers conferred by the *National Security (Emergency Powers) Act 1939* His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof doth make the following Regulations, that is to say:—

1. These Regulations may be cited as the National Security (Municipalities Contributions) Regulations. Citation.

2. At any time after the commencement of the war in which His Majesty is engaged it shall be lawful for the council of any municipality to make contributions in money or in kind for or towards any fund or otherwise in connexion with the said war or for the relief of sufferers thereby. Municipalities authorized to make contributions in aid of the war.

3. Such funds or revenues of the municipality as the Governor in Council by Order published in the *Government Gazette* directs to be available for the purposes of these Regulations shall be so available. Provision with respect to availability of funds and revenues of municipalities.

And the Honorable Albert Arthur Dunstan, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

DIRECTION AS TO AVAILABILITY OF MUNICIPAL FUNDS FOR PURPOSES OF SUB-SECTION (4) OF SECTION 3 OF THE NATIONAL SECURITY (EMERGENCY POWERS) ACT 1939.

At the Executive Council Chamber, Melbourne, the ninth day of October, 1939.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Mackrell
Mr. Hyland

Sir George Goudie
Mr. Tuckett.

WHEREAS by sub-section (4) of section three of the *National Security (Emergency Powers) Act 1939* it is provided that the Governor in Council may by Order direct that the funds or revenues of any municipality or of any statutory corporation shall be available for the purposes of carrying into effect any powers or duties conferred or imposed upon such municipality or corporation by any regulations made under the said Act: And whereas regulations have been made under the said Act conferring upon municipalities power to make contributions for or towards any fund or otherwise in connexion with the war in which His Majesty is engaged or for the relief of sufferers thereby: Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council doth hereby direct that the municipal fund or the town fund of any municipality is available for or towards any such contribution.

And the Honorable Albert Arthur Dunstan, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

No. 9.

NATIONAL SECURITY (EMERGENCY POWERS) ACT 1939.

At the Executive Council Chamber, Melbourne, the ninth day of October, 1939.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Mackrell | Sir George Goudie
Mr. Hyland | Mr. Tuckett.

REGULATIONS RELATING TO THE PROTECTION OF CERTAIN RESERVOIRS.

IN pursuance of the powers conferred by the *National Security (Emergency Powers) Act 1939* His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof doth make the following Regulations, that is to say:—

1. These Regulations may be cited as the National Security (Reservoirs) Regulations. Citation.

2. (1) No person shall except with the authority of the State Rivers and Water Supply Commission enter upon or be on or in— Certain areas on or near reservoirs to be prohibited areas.

(a) the water of any reservoir referred to in the Schedule to these Regulations within one-half of a mile up-stream from any dam or embankment of such reservoir; or

(b) any dam or embankment of any such reservoir or any area within one hundred yards of any such dam or embankment.

(2) Nothing in the foregoing provisions of this clause of these Regulations shall prevent— Saving.

(a) the *bona fide* use of any public road; or

(b) the *bona fide* use of any boat-landing, established at the commencement of these Regulations, on the Eildon Reservoir which is situate within one-half mile of the embankment of such reservoir.

SCHEDULE.

Reservoir.	Locality.
Hume Reservoir	Wodonga
Yarrowonga Weir	Yarrowonga
Torrumbarry Weir and Lock	Gunbower
Mildura Weir and Lock	Mildura
Eildon Reservoir	Alexandra
Goulburn Weir	Nagambie
Waranga Reservoir	Rushworth
Melton Reservoir	Melton
Pykes Creek Reservoir	Ballan
Glennaggie Reservoir	Heyfield
Laaneoorie Reservoir	Eddington
Fyans Lake Reservoir	Stawell
Lake Lonsdale Reservoir	Stawell
Taylor's Lake Reservoir	Horsham
Pine Lake Reservoir	Horsham
Dock Lake Reservoir	Horsham
Green Lake Reservoir	Horsham
Wartook Reservoir	Horsham and Stawell
Beaconsfield Reservoir	Upper Beaconsfield
Lysterfield Reservoir	Narre Warren North
Frankston Reservoir	Frankston
Mornington Reservoir	Mornington
Dandenong Reservoir	Dandenong
Wurdee Boluc Reservoir	Winchelsea
Wauru Ponds Reservoir	Pettavel
Upper Coliban Reservoir	Kyneton
Malmsbury Reservoir	Malmsbury
Crusoe Reservoir	Bendigo
No. 7 Reservoir (Coliban)	Bendigo
Specimen Hill Reservoir	Bendigo
Golden Point Reservoir	Castlemaine
Exhibition Pass Reservoir	Castlemaine
Poverty Gully Reservoir	Castlemaine
Camperdown Reservoir	Camperdown
Mt. Ewen Reservoir	Naroghid
Tank Hill Reservoir	Panmure
Lance Creek Reservoir	Kongwak
Loddon Weir	Janjember East

And the Honorable Albert Arhur Dunstar, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

NATIONAL SECURITY (EMERGENCY POWERS) ACT
1939.

At the Executive Council Chamber, Melbourne, the
ninth day of October, 1939.

PRESENT:

His Excellency the Governor of Victoria.	
Mr. Mackrell	Sir George Goudie
Mr. Hyland	Mr. Tuckett.

CONSTITUTION OF THE STATE EMERGENCY COUNCIL
FOR CIVIL DEFENCE.

WHEREAS by sub-section (3) of section 3 of the *National Security (Emergency Powers) Act 1939* it is provided that the Governor in Council by any regulations made under the said Act may confer such powers and impose such duties as the Governor in Council thinks proper for the purpose of carrying such regulations into effect upon (*inter alia*) the State Emergency Council for Civil Defence or any other body as constituted from time to time by Order of the Governor in Council for the purposes of the said Act: Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof doth hereby constitute the State Emergency Council for Civil Defence for the purposes of the said Act and doth hereby appoint the under-mentioned persons to be members of the said Council:—

The Honorable Sir John Richards Harris, K.B.E., M.D., Ch.B., M.L.C., who shall be Chairman.
Edwin Fullarton Borrie, Esq., M.C.E., M.I.E. (Aust.).
Laurie Lachlan Chapman, Esq.
Alexander Mitchell Duncan, Esq., J.P.
Henry Newark Featonby, Esq., M.B., B.S., D.P.H.
Alexander John Fraser, Esq., M.C.
Charles Claus Gale, Esq., M.V.O., M.C.
Lieutenant-Colonel Norman Charles Harris, D.S.O., M.C., M.Sc.
George Gilbert Jobbins, Esq., M.I.E.E. (Lond.), M.I.E. (Aust.), J.P.
William John Jungwirth, Esq., A.I.C.A., J.P.
Cecil Leventhorpe McVilly, Esq., M.C.
Edward Charles Rigby, Esq.
William Alexander Robertson, Esq., M.C.E., M.Inst.C.E., M.I.E. (Aust.).
Percy Stanley Robinson, Esq., M.C., M.Inst.C.E., A.M.I.E. (Aust.).
John Arnold Seitz, Esq., M.A., B.C.E.

The functions of the said Council shall be—

- (a) To formulate plans for the protection and safety of the civil population of the State of Victoria.
- (b) To make such inquiries and investigations and to collect such information as the said Council deems necessary to enable it to advise the Government of Victoria in matters pertaining to the protection and safety of the civil population of Victoria, and to advise the Government of Victoria accordingly.

- (c) To make such inquiries and investigations in matters pertaining to the protection and safety of the civil population of Victoria as may be required of it from time to time by the Premier of Victoria, and to advise the Premier of Victoria accordingly.
- (d) To exercise such powers and perform such duties as are conferred or imposed on it by or under the *National Security (Emergency Powers) Act 1939*.

And the Honorable Albert Arthur Dunstan, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

No. 11.

APPOINTMENT OF A BODY FOR THE PURPOSES OF
SECTION FOUR OF THE NATIONAL SECURITY
(EMERGENCY POWERS) ACT 1939.

At the Executive Council Chamber, Melbourne, the
ninth day of October, 1939.

PRESENT:

His Excellency the Governor of Victoria.	
Mr. Mackrell	Sir George Goudie
Mr. Hyland	Mr. Tuckett.

WHEREAS by section four of the *National Security (Emergency Powers) Act 1939* it is provided that the Governor in Council may by Order appoint for the purposes of the said section a body or bodies constituted as provided in such Order: Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof doth hereby appoint the undermentioned six persons to be members of a body to be known as the Commodities Board for the purposes of the said section four:—

EDWARD JAMES MILROY STEEDMAN, LL.B., who shall be
chairman,

and

JOSEPH BRIGGS.
THOMAS WILLIAM HAYNES, A.C.A.
PERCY COLLINGWOOD OAKE, J.P.
FREDERICK JOHN RILEY.
HUGH LESLIE SIMPSON, J.P.

And the Honorable Albert Arthur Dunstan, His Majesty's Premier for the State of Victoria, shall give the necessary directions herein accordingly.

C. W. KINSMAN,
Clerk of the Executive Council.

No. 12.