



VICTORIA GOVERNMENT GAZETTE.

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COMMONWEALTH NATIONAL SECURITY (GENERAL) REGULATIONS.

STATE OF VICTORIA.

AIR RAID SHELTERS ORDER.

ORDER NO. 10.

WHEREAS by Regulation 35A of the Commonwealth National Security (General) Regulations it is provided, *inter alia*, that the Premier of any State, after consultation with the Minister of State for Home Security or an officer of the Department of Home Security authorized by that Minister to act on his behalf and with the Commandant of a Military District or an officer authorized by the Minister of State for Defence Co-ordination or the Minister of State for the Army to act on behalf of such Commandant, may by Order make such provision as he deems necessary to protect the persons and property of the civil population in that State or any part thereof in case of emergency:

Now therefore I, Albert Arthur Dunstan, Premier of the State of Victoria, having duly held such consultations, do hereby make the following Order:—

1. This Order may be cited as the Air Raid Shelters Order Citation. (Victoria).

2. In this Order unless inconsistent with the context or subject-matter—

“Air raid shelter” means any premises structure or excavation constructed for use as a place of protection from hostile attack from the air and (so far as relates to any air raid shelter required to be constructed by or pursuant to this Order) constructed in such manner as is directed or approved whether generally or in any particular case by the council of the municipality in the municipal district of which it is situated. “Air raid shelter.”

“Building” means any permanent structure whether occupied by one or several occupiers. “Building.”

“Construction,” in relation to an air raid shelter, includes erection and excavation and also the alteration or adaptation of an existing structure or excavation, and “construct” has a corresponding inclusive interpretation. “Construction.” “Construct.”

“Owner” means the person for the time being entitled to receive the rent of the building or premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would be entitled to receive the same if the building or premises were let at a rent. “Owner.”

“Period of any air raid” means the period between the giving of the first signal relating to any air raid and the giving of the third signal relating thereto. “Period of any air raid.”

Construction in certain districts of air raid shelters by owners of buildings normally accommodating thirty or more persons

3. (1) The owner of every building in any municipal district or part of a municipal district specified in the Schedule to this Order in which building in normal circumstances there are or are likely to be thirty or more persons at any one time (whether as occupiers tenants employers employes guests customers persons having business with any employer or tenant or other persons whatsoever) shall construct in or adjacent to such building an air raid shelter of sufficient capacity to accommodate the greatest number of persons who in normal circumstances are or are likely to be in such building at any one time.

(2) Such shelter shall be open to all such persons at all times during the period of any air raid.

(3) Every such owner shall construct such air raid shelter under the supervision and direction of the council of the municipality in the municipal district of which the building is situated.

(4) Every such owner shall commence forthwith the construction of such air raid shelter and shall proceed with such construction with all due diligence.

Provision for construction by council in case of default by owner.

(5) If any such owner fails neglects or refuses or is for any reason unable to commence forthwith the construction of such air raid shelter or having commenced such construction fails neglects or refuses or is for any reason unable to proceed with such construction with all due diligence, then, without affecting the liability of such owner for any contravention of or failure to comply with this Order, the council of the municipality in the municipal district of which the building is situated may construct such air raid shelter and for that purpose may enter upon any land and carry out any work in about or in connexion with the construction of such shelter and such owner shall pay to such council on demand all costs incurred by such council in about or in connexion with the construction of such air raid shelter, and if such costs are not so paid the council may recover such costs from such owner in any court of competent jurisdiction.

(6) Where a business is carried on in more than one building and such buildings are situated in close proximity one to another, then for the purposes of this clause such buildings shall be regarded as one building.

Exemption of particular buildings by council.

(7) The council of any municipality in the municipal district of which any building is situated may exempt the owner of such building from the operation of this clause—

(a) if the council is satisfied that a satisfactory air raid shelter cannot be constructed in the building or adjacent thereto; or

(b) if with the approval of the council the owner of such building has made satisfactory arrangements for adequate accommodation in an air raid shelter constructed by or at the cost of the owner of another building.

Exemption of classes of buildings by Victorian Commissioner of Public Works.

(8) The Commissioner of Public Works of the State of Victoria may by direction in writing exempt from the operation of this clause buildings of any class or classes.

Construction of public air raid shelters in buildings in part of City of Melbourne.

4. (1) The council of the City of Melbourne may by notice in writing require the owner of any building in the area bounded by Flinders, Spring, Latrobe, and Spencer streets in the said city to construct in such building an air raid shelter of sufficient capacity to accommodate the number of members of the public specified in such notice in addition to the number of persons (if any) to be accommodated therein pursuant to the last preceding clause of this Order.

(2) (a) The costs incurred in about or in connexion with the construction of any such air raid shelter shall so far as such construction is carried out to accommodate members of the public be borne by the council of the City of Melbourne, and in the event of any difference between the council and the owner of any building as to the amount of such costs the same shall be determined by the said Commissioner of Public Works whose determination shall be binding upon the parties.

(b) The said Commissioner of Public Works may with the consent of the Premier of the State of Victoria make financial provision for the reimbursement to the council of the City of Melbourne of half the amount of the costs required to be borne by the said council under this sub-clause.

(3) The provisions of sub-clauses (3) (4) and (5) of the last preceding clause shall with such adaptations as are necessary apply to and with respect to the construction of any air raid shelter pursuant to this clause.

(4) The owner of every building in which an air raid shelter is constructed pursuant to this clause shall—

- (a) maintain and keep such shelter in a proper condition to the satisfaction of the council of the City of Melbourne; and
- (b) ensure that such shelter will be readily available and open to the public during the period of any air raid.

(5) The council of the City of Melbourne shall cause all air raid shelters constructed pursuant to this clause to be clearly indicated as such by night and day.

5. The construction and the carrying out of the work incidental to the construction of any air raid shelter pursuant to this Order and the occupation and use during the period of any air raid of such shelter and the approaches thereto by any persons for whom accommodation is provided therein pursuant to this Order shall not be deemed to be a breach of any covenant condition or term of any lease or agreement for the letting (whether written or verbal) of the building or the part of the building or land adjacent to the building (as the case may be) in or upon which such shelter is constructed or such work is carried out or through which such approaches lie.

Saving with respect to leases, &c., in case of construction by owner under this Order.

6. The construction and the carrying out of the work incidental to the construction of any air raid shelter in any building or premises by the lessee or tenant of such building or premises shall not be deemed to be a breach of any covenant condition or term of any lease or agreement for the letting (whether written or verbal) of such building or premises:

Saving with respect to leases, &c., in case of construction by tenant.

Provided that where the owner of the building or premises by notice in writing to the lessee or tenant objects to the construction of such air raid shelter the foregoing provisions of this clause shall not apply unless the construction or the continuance of the construction of such air raid shelter is authorized by the council of the municipality in the municipal district of which such building or premises is situated and is carried out in accordance with any conditions imposed by the council in such authority.

7. No air raid shelter shall be deemed to be unlawfully constructed by reason only of the fact that any part of such shelter encroaches on any street road or lane in any case where such encroachment is authorized or approved by the council of the municipality in the municipal district of which such shelter is situated, and any such authority or approval may be given subject to such conditions as the said council thinks proper to impose.

Provision for encroachment of air raid shelters on streets.

8. (1) The council of any municipality may delegate any of its powers under this Order (except this power of delegation) to any officer of such council.

Delegation of powers by municipal council.

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

9. No person shall—

- (a) enter any air raid shelter without lawful cause or excuse;
- (b) wilfully destroy or damage any such shelter; or
- (c) commit any nuisance or deposit any rubbish in upon or in the vicinity of any such shelter.

Offences.

10. (1) Every owner of any building or premises and every person to whom any direction or requirement is addressed or directed by under or pursuant to this Order shall comply with such direction or requirement.

Enforcement of Order.

(2) No person shall obstruct or hinder the council of any municipality or any person in the exercise of any act authorized or required to be done by under or pursuant to this Order.

SCHEDULE.

Municipalities.	Municipal Districts or Parts thereof.
<i>Cities—</i>	
Essendon	The whole
Footscray	The whole
Melbourne	The whole
Port Melbourne ..	The whole
South Melbourne ..	The whole
Williamstown	The whole
Geelong	The whole
Geelong West	The whole
<i>Towns—</i>	
Newtown and Chilwell	The whole
<i>Shires—</i>	
Braybrook	The whole
Broadmeadows	Broadmeadows and Campbell-field Ridings
Keilor	Doutta Galla Riding
Corio	Moorpanyal Riding
South Barwon	Kardinia and Barwon Ridings

(Sgd.) A. A. DUNSTAN,
Premier of the State of Victoria.

Dated this 12th day of February, 1942.

No. 67.