



VICTORIA GOVERNMENT GAZETTE.

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COMMONWEALTH NATIONAL SECURITY (GENERAL) REGULATIONS.

STATE OF VICTORIA.

EVACUATION ORDER.

ORDER No. 13.

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. (1) This Order may be cited as the Evacuation Order (Victoria). Citation.

(2) This Order is divided into Parts as follows:—

Division into
Parts.

- PART I.—Preliminary.
- PART II.—Administration.
- PART III.—Planning of Evacuations.
- PART IV.—Ordering of Evacuations.
- PART V.—Arrangement of Transportation and Control of Evacuation Movements by Road.
- PART VI.—Care of Evacuees and Sufferers as a Result of Enemy Action.
- PART VII.—Financial Provisions.
- PART VIII.—Miscellaneous.

PART I.—PRELIMINARY.

2. (1) In this Order unless inconsistent with the context or subject- Definitions.
matter—

“Area” means any portion of the State of Victoria, including any river, harbour, or other water within the territorial waters of Victoria.

“Billeting” means the provision of accommodation by way of lodging or food or both and either with or without attendance.

“Evacuated person” means any person who is required or authorized under or pursuant to this Order to leave his home.

"Land" includes buildings or parts of buildings.

"Occupier" means the person for the time being in possession of and living in or on any land or buildings thereon.

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

"Public Authority" includes the following:—

- (a) Any municipality, including the city of Melbourne and the city of Geelong;
- (b) Any waterworks trust or local governing body within the meaning of the Water Acts;
- (c) Any trust within the meaning of the Mildura Irrigation and Water Trusts Acts;
- (d) Any Sewerage Authority within the meaning of the Sewerage Districts Acts;
- (e) The State Electricity Commission of Victoria;
- (f) Any undertaker within the meaning of the Electric Light and Power Acts;
- (g) Any undertaker within the meaning of the *Gas Regulation Act 1933*;
- (h) The Victorian Railways Commissioners;
- (i) The Board of Land and Works;
- (j) Any Government Department;
- (k) The Melbourne and Metropolitan Tramways Board;
- (l) Any Tramway Trust;
- (m) The Transport Regulation Board;
- (n) The Chief Commissioner of Police;
- (o) Any ambulance society or association; and
- (p) Any hospital.

Order to be subject to certain Regulations, &c. and to military exigencies.

(2) (a) This Order shall be subject to and to the exercise of powers under—

- (i) Regulations four five six and paragraph (b) of sub-regulation (1) of regulation thirty-two of the National Security (General) Regulations;
- (ii) the National Security (Medical Co-ordination and Equipment) Regulations;
- (iii) the National Security (Road Transport) Regulations;
- (iv) the National Security (Rail Transport) Regulations.

(b) No direction the effect of which is to require or authorize the evacuation or removal of persons from any area shall be made under this Order except after consultation with the Commandant of the Military District concerned or an officer delegated to act on his behalf.

PART II.—ADMINISTRATION.

Central and local administration of this Order.

3. Subject to this Order—

- (a) the Premier of the State of Victoria (hereinafter referred to as "the Premier") shall be charged with the central administration of this Order; and
- (b) the council of every municipality shall under the control and direction of the Premier be charged with the local administration of this Order within the municipal district of such municipality.

Committee to act with Premier.

4. (1) A Committee appointed by the Premier shall aid assist advise and act with the Premier in and about the administration and carrying into effect of this Order.

Director of Evacuation.

(2) For the purposes of the administration of this Order the Premier may appoint an officer to be called the "Director of Evacuation" who shall, subject to the Premier, be the principal executive officer for carrying this Order into effect.

Power to Premier delegate powers.

(3) The Premier may by writing under his hand delegate any of his powers (except this power of delegation) under this Order to any member or members of such Committee or to such Director.

(4) 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 Premier.

Responsibilities of municipal councils.

5. Without affecting the generality of clause three of this Order—

- (a) every council of a municipality whose municipal district is wholly or partly within any area from which evacuation is required shall be responsible for the assembly and despatch of persons to be evacuated:

- (b) the council of every municipality whose municipal district is wholly or partly within any area to which evacuated persons may be sent or come shall be responsible for their reception accommodation and welfare;
- (c) every municipal council shall for the purpose of preparing evacuation plans and carrying them into effect appoint such executive officers and committees as are directed by the Premier.

PART III.—PLANNING OF EVACUATIONS.

6. (1) For the purpose of protecting persons and property from the dangers involved in any attack by the enemy the Premier may prepare plans for—

Plans for transfer of persons to other areas.

- (a) the transfer of persons from one area to another area and for securing the accommodation maintenance and care of persons so transferred;
 - (b) securing the welfare of persons who may be rendered homeless or destitute as a result of enemy action—
- and for the purposes of the preparation of such plans the Premier may in respect of any area collect or demand from any local authority or person such information as he requires.

(2) The Premier may by direction authorize and require any municipal council in respect of its municipal district to prepare plans and collect and demand information as aforesaid.

7. The Premier if it appears to him to be necessary or expedient so to do for the purpose of protecting persons from the dangers involved in any attack by the enemy may in respect of any area take in advance and may direct any municipal council to take in advance measures designed—

Powers of Premier to take precautionary measures.

- (a) to ensure the health and cleanliness of persons who may be evacuated;
- (b) to facilitate any such transfer or to secure the accommodation maintenance and care of persons so transferred;
- (c) to secure the welfare of those persons who may be rendered homeless or destitute as a result of enemy action.

PART IV.—ORDERING OF EVACUATIONS.

8. (1) The Premier may, if it appears to him to be necessary or expedient so to do for the purpose of protecting persons from the dangers involved in any attack by the enemy, issue, with respect to any area, one or more of the following directions:—

Powers of Premier to order and control evacuations of persons.

- (a) A direction prohibiting the leaving of the area by any specified persons or class or classes of persons;
 - (b) A direction authorizing persons of a class or classes specified in the direction to leave the area;
 - (c) A direction that, after the time specified in the direction a person other than a person of a specified class shall not be in that area without the permission of an authority or person specified in the direction.
- (2) A direction given under paragraphs (b) or (c) of sub-clause (1) of this clause may—
- (a) prescribe the routes by which persons, or any particular classes of persons, are to leave or be removed from the area;
 - (b) prescribe different times as the times by or at which different classes of persons in the area are to leave or be removed therefrom;
 - (c) prescribe the places to which persons are to proceed on leaving that area in compliance with the direction;
 - (d) make different provision in relation to different parts of the area;
 - (e) contain such other incidental and supplementary provisions as appear to the Premier to be necessary or expedient for the purposes of the direction.

(3) Any person who does not comply with any direction issued under paragraph (c) of sub-clause (1) of this clause regarding his transfer from any area or any persons who by reason of the neglect of other persons do not transfer from any area pursuant to any such direction may be removed from that area by or under the direction of any member of the Police Force or of the Defence Force.

Powers of
municipal
councils to
order local
evacuations.

9. (1) Where in a municipal district any area is rendered unsafe or unfit for human habitation as a result of enemy action in that area the municipal council or any officer authorized thereto by it may with respect to that area direct that after the time specified in the direction any person other than a person or a class so specified shall not be in that area without the permission of the municipal council or of the officer issuing the direction.

(2) Such directions may prescribe the routes by which persons are to leave the area and may prescribe the places to which persons leaving the area are to proceed on leaving the area subject to the requirement that any such direction shall not without the permission of the Premier or any person authorized by him thereto require any person or persons to leave the municipal district.

PART V.—ARRANGING OF TRANSPORTATION AND CONTROL OF EVACUATION MOVEMENTS BY ROAD.

Powers of
Premier to
arrange
transportation.

10. The Premier may in respect of persons required or authorized to leave any area in accordance with a direction issued under this Order provide or arrange for or require the provision of transportation for such persons.

Powers of
Premier to
control
movements
by road.

11. (1) The Premier may, in order to prevent any interference with any operations of the forces of the King or the Commonwealth or the movements of persons and supplies in connexion with any such operation, control the movements of persons who either voluntarily or by compulsion leave any area in apprehension of an attack by an enemy or for any other reason.

(2) In the exercise of such powers he may himself or may authorize the Chief Commissioner of Police or any member of the Police Force to—

- (a) determine the routes to be followed by any particular class of vehicles or persons or stock;
- (b) prohibit or regulate the use by vehicles or persons or stock or of any class of vehicles persons or stock of any road;
- (c) take any steps necessary in the opinion of the authorized person to keep roads free of civilians or stock in order that military or civilian traffic be not impeded thereby.

PART VI.—CARE OF EVACUEES AND SUFFERERS AS RESULT OF ENEMY ACTION.

General
provision for
accommodation
and care of
evacuated
persons and
sufferers as
result of
enemy action.

12. (1) The Premier by direction may provide, and may require any public authority or any person to provide accommodation maintenance and care of evacuated persons and sufferers as the result of enemy action.

(2) Without affecting the generality of the last preceding sub-clause provision for such accommodation maintenance and care may in the appropriate cases include—

- (a) the provision of clothing and the provision and preparation of food;
- (b) billeting;
- (c) the establishment and operation of rest centres hostels and camps;
- (d) the establishment and operation of hospitals;
- (e) the provision of medical dental and nursing services;
- (f) the provision of water supply and sanitary services.

Billeting.

13. (1) The Premier may by direction make provision for or with respect to the billeting of evacuated persons and sufferers as the result of enemy action.

(2) Any such direction may—

- (a) require or authorize any public authority to require occupiers of premises to furnish such accommodation for such number of persons and during such period as is specified in the requirement;
- (b) contain requirements to be observed by occupiers of premises in which persons are billeted and by persons billeted.

(3) Nothing in this Order shall authorize the billeting of any male person over fourteen years of age in premises occupied solely by women or by women and children.

(4) Where occupiers of premises are required to provide accommodation pursuant to this clause of this Order the Premier shall make payments to the occupiers of such premises at such rates as he determines.

PART VII.—FINANCIAL PROVISIONS.

14. The Premier may by direction require—

- (a) any public authority to make payments on his behalf in respect of any service authorized by him under this Order;
- (b) any public authority to receive and pay to the Treasurer of Victoria such moneys as may be due to the Premier under this Order.

Powers of
Premier to
make and to
receive
payments.

15. (1) The parent guardian or other person responsible for the maintenance of any child accommodated maintained or cared for under this Order shall at such times in such manner and subject to such exemptions (partial or total) as the Premier by direction determines make payments to the Premier equivalent to those made by the Premier for the accommodation maintenance and care of such child, and if any default is made in any such payment the amount in default may be recovered as a debt due to the Crown in right of the State of Victoria.

Repayments to
Premier on
account of
maintenance.

(2) Any person (other than a child) accommodated maintained or cared for under this Order shall at such times in such manner and subject to such exemptions (partial or total) as the Premier by direction determines make payments to the Premier equivalent to those made by the Premier for the accommodation maintenance and care of such person and if any default is made in any such payment the amount in default may be recovered as a debt due to the Crown in right of the State of Victoria.

(3) In the determination of such exemptions the Premier shall have regard *inter alia* to the means of persons liable to make such payments.

(4) In this clause "child" means any person under the age of twenty-one years.

PART VIII.—MISCELLANEOUS.

16. Any person authorized by the Premier or any officer of a municipal council acting in the course of his duty as such may—

Powers of
entry on land.

- (a) enter and inspect any land for the purpose of determining whether and in what manner any of the powers under this Order are to be exercised in relation to the land;
- (b) enter on any land for the purpose of exercising any of the powers conferred by this Order.

17. (1) Every public authority and every person to which or to whom any direction requirement instruction or demand is addressed or directed by under or pursuant to this Order shall comply with such direction requirement instruction or demand.

Enforcement
of Order.

(2) Such a direction requirement instruction or demand may be addressed or directed to public authorities and persons generally or particularly, in writing or verbally, by publication or advertisement or by any other means or in any other manner which are or is practicable appropriate or expedient in the circumstances.

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

A. A. DUNSTAN,

Premier of the State of Victoria.

Dated this 19th day of February, 1942.

No. 71.

