

SOUTH AUSTRALIA

EMERGENCY POWERS ACT, 1941

SUMMARY OF PROVISIONS

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EMERGENCY POWERS ACT, 1941

being

Emergency Powers Act, 1941,
No. 4 of 1941 [Assented to 28 August 1941]

as amended by

Statute Law Revision Act, 1952, No. 42 of 1952 [Assented to 4 December 1952]

An Act to enact certain provisions for securing the safety and well-being of the people of South Australia during any war in which the Commonwealth is engaged, and for other purposes incidental thereto.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Emergency Powers Act, 1941*.

Interpretation

2. (1) In this Act—

"war" means war in which the Commonwealth is engaged:

"the continuance of any war" means the period commencing on the day on which the war commences, and ending on the expiration of six months after the day declared by the Governor by proclamation to be the day on which the war shall be deemed to cease.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative powers of the State, to the intent that if any provision of this Act would, but for this section, have been construed as being in excess of the power of the Parliament of the State, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Regulations for public security

3. The Governor may make regulations for or with respect to securing and maintaining the safety and well-being of the civil population of the State during the continuance of any war and maintaining public order during the continuance of any war, including (but without limiting the generality of the powers conferred by this section) regulations for or with respect to—

- (a) the removal of the civil population or any members or class thereof from any portion of the State, and the provision of shelter, food, and other commodities and services for persons so removed:
- (b) safeguarding and regulating the production, manufacture, sale, supply and distribution of food, water, fuel, gas, electricity, and any other commodities or things:
- (c) safeguarding and regulating the provision of any services necessary to life or health:
- (d) maintaining and regulating transport of all kinds:
- (e) regulating or prohibiting the use of lights:
- (f) regulating or prohibiting the use of roads:
- (g) the protection of property:
- (h) the acquisition or taking possession by the State or by any prescribed person or authority whether by agreement or compulsory procedure, of any property required for the purposes of the regulations under this Act:

3.

- (i) the determination and payment of compensation for any property which is acquired or of which possession is taken pursuant to the regulations made under this Act:
- (j) the constitution of administrative authorities to administer any regulations made under this Act, and the powers and duties of such authorities:
- (k) the registration of association and organizations which perform, or are formed for the purpose of performing, services rendered necessary or desirable by reason of the present war, and the co-ordination of the work of such associations and organizations:
- (l) conferring upon any administrative authority (whether constituted under the regulations made under this Act or not) or upon any municipal or district council or upon any other public or local authority, the power or duty to do or execute any act matter or thing necessary or convenient to be done or executed for carrying out the objects or purposes of the regulations made under this Act:
- (m) empowering any municipal or district council, when so authorized by a resolution passed at a duly convened special or ordinary meeting of the council, to expend any of its revenue in carrying out any powers or duties imposed on it by regulations made under this Act:
- (n) authorizing any prescribed persons or class of persons to enter upon or search any premises:
- (o) the removal of livestock from any portion of the State:
- (p) requiring any persons to furnish any prescribed information to any authority.

(2) Any regulations under this Act may be of general application, or may be limited in their application according to time, place, or circumstance.

Effect of regulations

4. A regulation made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

Offences and penalties

5. (1) Any person who contravenes or fails to comply with any regulation made under this Act shall be guilty of an offence against this Act.

(2) Proceedings for offences against this Act may be heard and determined either on complaint in a court of summary jurisdiction, or on indictment in the Supreme Court.

(3) The punishment for an offence against this Act shall be—

- (a) if the offender is prosecuted summarily—a fine of not more than two hundred dollars or imprisonment for not more than six months:
- (b) if the offender is prosecuted upon indictment—a fine of not more than four hundred dollars, or imprisonment for not more than twelve months, or both such fine and imprisonment.

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(4) Where a corporation commits an offence against this Act, any member of the governing body of the corporation, or any officer of the corporation, who knowingly authorizes or permits the commission of that offence shall also be guilty of an offence against this Act.

Financial provision

6. (1) The Treasurer may, without any authority or appropriation other than this Act, expend out of the general revenue of the State, for the purpose of making arrangements for securing the safety and well-being of the people of South Australia during the continuance of the present war, any sum or sums of money not exceeding in the aggregate the sum of two hundred and fifty thousand pounds.

(2) The money appropriated by this section may be expended for the purposes of this Act in any financial year; and section 22 of the *Audit Act, 1921-1936*, shall not apply to such money.