



Government Gazette

OF

WESTERN AUSTRALIA.

[Published by Authority at 2 p.m.]

[REGISTERED AT THE GENERAL POST OFFICE, PERTH, FOR TRANSMISSION BY POST AS A NEWSPAPER.]

No. 17.]

PERTH : THURSDAY, MARCH 26.

[1942.

Commonwealth of Australia.

NATIONAL SECURITY (GENERAL) REGULATIONS.

State of Western Australia.

Destruction of Intoxicating Liquor Order.

WHEREAS by regulation 35A of the Commonwealth National Security (General) Regulations (as amended by Statutory Rule, 1941, No. 287) 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 authorised by that Minister to act on his behalf, and with the Commandant of a Military District or an officer authorised 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, John Collings Willcock, M.L.A., Premier of the State of Western Australia, having duly held consultations as hereinbefore mentioned and being of the opinion that the present emergency so requires, and acting pursuant to the power conferred by the said regulation 35A, do hereby order as follows:—

1. This Order may be cited as the Destruction of Intoxicating Liquor Order.

2. In this Order, unless the context otherwise requires—

“The Act” means the Licensing Act, 1911-1939, of Western Australia.

The expressions “Intoxicating liquor,” “licensee,” “licensed premises,” “registered club,” and “unregistered club” shall have the same meanings as those given to the said expressions respectively in sections five and one hundred and eighty of the Act.

3. Notwithstanding anything to the contrary contained in the Act or in any other law of the State of Western Australia, as from and after the date of the

publication of this Order in the *Government Gazette* of Western Australia and while this Order remains unrevoked—

- (a) It shall be lawful for the General Officer Commanding the Commonwealth Defence Forces in Western Australia, or any officer under his command duly authorised in that behalf by such General Officer, at any time and from time to time and as often as he may think fit to request the licensee of any licensed premises, or the manager, secretary, or other person apparently in control of any registered club or of any unregistered club, or the master or officer or other person in charge of any ship, vessel, or boat, or the owner or occupier or other person apparently in control of any building, stall, booth or other place in which any intoxicating liquor may be kept, stored or held, whether for sale or not, forthwith effectively to destroy or render unfit for consumption to the satisfaction of the officer making such request all or any part of such intoxicating liquor as such officer may require.
- (b) If any person to whom a request is made as provided for in paragraph (a) hereof refuses or fails or neglects duly to comply with such request, the said General Officer or other officer aforesaid by whom such request has been made, may request the Commissioner of Police or any member of the Police Force authorised in that behalf to cause the intoxicating liquor, of which the destruction or rendering unfit for consumption has been requested, to be destroyed or rendered unfit for consumption.
- (c) Whenever a request under paragraph (b) hereof is made to the Commissioner of Police or other member of the Police Force aforesaid it shall be lawful for and the duty of such members of the Police Force, as may be necessary, to enter into and upon the premises in which the intoxicating liquor is kept,

stored, or held, and to take possession of such intoxicating liquor, and to use such force as may be necessary to effect such entry and the taking of such possession.

- (d) Any member of the Police Force, when carrying out any duty imposed upon him by paragraph (c) hereof, may request the assistance of any members of the Commonwealth Defence Forces in Western Australia, and it shall be lawful for any members of the said Defence Forces to render any assistance necessary to enable the member of the said Police Force to carry out his said duty.

- (e) When possession of any intoxicating liquor has been taken in exercise of the power conferred by paragraph (c) hereof, such liquor may be either destroyed or rendered unfit for consumption on the premises in which the possession of such intoxicating liquor has been taken, or may be removed from such premises and be destroyed or rendered unfit for consumption in some other place.

4. (1) Any officer or person who makes any request under paragraph (a) of clause 3 of this Order shall, before making such request, obtain from the General Officer Commanding the Commonwealth Defence Forces in Western Australia an authority in writing to make such request, and, if so required by any person to whom such request is made, shall produce to such person for examination by him the authority which he has obtained as aforesaid.

(2) Any authority referred to in paragraph (1) hereof which bears the signature and official stamp or seal of the General Officer aforesaid shall be conclusive evidence of the right of the officer or person named therein to make the request mentioned in such authority.

5. No person shall be entitled to claim or recover any payment or compensation in respect of any intoxicating liquor destroyed or rendered unfit for consumption in the exercise of any power conferred by this Order.

Dated this 24th day of March, 1942.

(Sgd.) J. C. WILLCOCK,
Premier of the State
of Western Australia.

Commonwealth of Australia.

NATIONAL SECURITY (GENERAL) REGULATIONS.

State of Western Australia.

Licensed Premises (Suspension of License) Order.

WHEREAS by regulation 35A of the Commonwealth National Security (General) Regulations (as amended by Statutory Rule, 1941, No. 287) 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 authorised by that Minister to act on his behalf, and with the Commandant of a Military District or an officer authorised 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, John Collings Willcock, M.L.A., Premier of the State of Western Australia, having duly held consultations as hereinbefore mentioned, and being of the opinion that the present emergency so requires, and acting pursuant to the power conferred by the said regulation 35A, do hereby order as follows:—

1. This Order may be cited as the Licensed Premises (Suspension of License) Order.

2. In this Order, unless the context otherwise requires—

“The Act” means the Licensing Act, 1911-1939. The expressions “license,” “licensee,” or “licensed person” and “licensed premises” shall have the same meanings as those given to the said expressions respectively in section 5 of the Act.

3. Notwithstanding anything to the contrary contained in the Act, where any licensed premises—

- (a) have been or are taken over or occupied by any Commonwealth Authority for any purpose in connection with the present war; or
- (b) have been or are taken over or occupied by any municipal council or road board under the Public Authorities and Corporations' Powers Order made and now in force in this State under regulation 35A of the National Security (General) Regulations; or
- (c) have been or are taken over or occupied by any person, association of persons or corporation, whether under a lease tenancy agreement or license for the purpose of accommodating therein persons who have evacuated or have been ordered to evacuate or to submit to evacuation from any part of the State, or who are refugees from places beyond the boundaries of the State; or
- (d) have been or are taken over by the direction or under the authority of the Civil Defence Council pursuant to the provisions of the Civil Defence (Emergency Powers) Act, 1940, or the regulations made thereunder for the purpose of billeting therein persons who are evacuees within the meaning of the last-mentioned regulations; or
- (e) have been or are taken over by the Government of the State for purposes of safety and security in connection with the administration of any Government department; or
- (f) have necessarily been abandoned by the licensee in consequence of hostile enemy action; or
- (g) have been destroyed or damaged either in whole or in part by hostile enemy action—

the following provisions shall apply and have effect—

- (i) If the taking over or occupation or the abandonment or destruction or damage of the licensed premises as aforesaid creates conditions or circumstances in consequence of which the licensed premises cannot conveniently be used for the purposes authorised by the license granted in relation to such premises, or it is not desirable that the licensed premises shall be used for the purposes authorised by the license granted in relation thereto, or the licensee cannot properly observe, perform, or comply with his duties and obligations as such licensee under the Act, without substantially interfering with or preventing the reasonable use and enjoyment of the licensed premises for the purposes for which they have been or are taken over or occupied as aforesaid, the licensee may apply to any member of the Licensing Court as constituted under the Act for an order suspending the license granted and then in force in relation to the licensed premises.
- (ii) Such application may be made in Chambers *ex parte*, but shall be supported by such evidence as the member of the Licensing Court to whom the application is made may require.
- (iii) Before making any order, the member of the Licensing Court shall cause such inquiries and inspections to be made and may require such reports to be supplied as may, in his opinion, be necessary to enable him to determine whether or not the order shall be made.
- (iv) The members of the Licensing Court to whom applications are made for an order suspending the license granted in relation to any licensed premises may grant or refuse the order applied for.
- (v) When an order suspending a license is made under this order, it shall specify therein the period for which the license is suspended: Provided that no license shall be suspended for any period which extends beyond the period during which the licensed premises are taken over or occupied as aforesaid in cases where the premises are taken over or occu-

pied as aforesaid, and in cases of abandonment or destruction or damage for any period which extends beyond the period of the war with Japan and six months afterwards.

- (vi) When an order suspending a license is made under this order, the member of the Licensing Court who makes the order shall indorse upon the license and sign a memorandum of the fact of the making of such order and of the period for which the order has been made, and also shall cause notification of the making of the order to be given to the Commissioner of Police and to the Receiver of Licensing Revenue.
- (vii) An order may be made for the complete suspension of a license or for the partial suspension of a license.
- (viii) When an order is made for the complete suspension of a license, and while such order remains in force, the licensee shall be freed and absolved completely from the observance of and compliance with any of the duties and obligations of a licensee under the Act in relation to the licensed premises, it shall not be necessary for him to apply for the renewal of his license and he shall not be liable to pay any license fees for the license in respect of the period during which the order for suspension of the license remains in force, but no liquor shall be sold in or from the licensed premises.
- (ix) When an order is made for the partial suspension of a license, the same exemptions shall apply as in the case of a license which is completely suspended, save and except that the licensee shall be at liberty to sell in or from the licensed premises liquor which is not to be consumed in the licensed premises and shall still be liable for payment of the license fee as and when it falls due for payment.
- (x) A license which is suspended, whether completely or partially, shall remain in existence for the benefit of the licensed premises during the period of the suspension thereof, without any applications to the Licensing Court for renewals thereof being necessary, and shall so continue in existence after the expiration of such period of suspension until the then next ensuing quarterly licensing meeting of the Licensing Court.
- (xi) Subject to paragraph (xiii) hereof, where a license has been completely suspended, and during the period of such suspension, the licensee sells any liquor in or from the licensed premises, and upon proof thereof to the satisfaction of the Licensing Court by any person, the Licensing Court may order that the license shall be forfeited.
- (xii) Subject to paragraph (xiii) hereof, where a license has been partially suspended, and during the period of such suspension the licensee sells any liquor to be consumed in the licensed premises, and upon proof thereof to the satisfaction of the Licensing Court by any person, the Licensing Court may order that the license shall be forfeited.
- (xiii) Paragraphs (xi) and (xii) hereof shall not apply if the licensee satisfies the Licensing Court that the liquor sold was required urgently for a person suffering from illness or injury.

Dated this 19th day of March, 1942.

(Sgd.) J. C. WILLCOCK,
Premier of the State
of Western Australia.

Commonwealth of Australia.

NATIONAL SECURITY (GENERAL) REGULATIONS.

Control of Building Materials Order.

WHEREAS I, John Collings Willecock, M.L.A., Premier of the State of Western Australia, am the duly appointed delegate in the said State of the Minister of State for Supply and Development to exercise the powers of the said Minister under regulation 59 of the National Security (General) Regulations in relation to building materials in the State of Western Australia: And it appears to me as such delegate—

- (a) that building materials are articles or substances essential for the defence of the Commonwealth and the efficient prosecution of the war and to the life of the community; and
- (b) that it is necessary in the interests of the efficient prosecution of the war and for maintaining supplies and services essential to the life of the community to make the following Order:

Now, therefore I, the said John Collings Willecock, acting as delegate of the Minister aforesaid and pursuant to regulation 59 aforesaid, do hereby order as follows:—

1. This Order may be cited as the Control of Building Materials Order.
2. In this Order—
“Building materials” means stone, bricks, lime, cement, timber, joinery, builders’ hardware, plumbing supplies, roofing materials, tiles, and painting materials used or capable of being used for building purposes.
“Prescribed area” means that portion of the State of Western Australia comprised within an imaginary circle having a radius of twenty-five miles from the General Post Office at Perth as the centre thereof.
3. This Order shall operate and have effect only in the prescribed area.
4. No person shall, except under the authority of a license in writing granted by me or on my behalf by the officer occupying for the time being the position of Official Representative in Western Australia, Department of Supply and Development, sell, deliver, distribute, use or otherwise dispose of any building materials for any purpose other than for or in connection with the fulfilment of any order placed by or of any contract made with the Commonwealth of Australia or with any person on behalf of the Commonwealth or for or in connection with the fulfilment of any order placed by or of any contract made with the State of Western Australia or with any person on behalf of the State of Western Australia.
5. Any license granted pursuant to this Order may be revoked or varied at any time.
6. This Order shall commence on the thirtieth day of March, 1942, and shall continue in force until and unless revoked by me or by a Minister of State for the Commonwealth of Australia.

Dated this 26th day of March, 1942.

(Sgd.) J. C. WILLCOCK,
Delegate of the Minister of State
for Supply and Development.