

NATIONAL EMERGENCY (SALVAGE OF WASTE) ACT.

Act No. 57, 1941.

An Act to make provision for and in relation to the collection of waste; and for purposes connected therewith. [Assented to, 25th November, 1941.] George VI.
No. 57, 1941.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "National Emergency (Salvage of Waste) Act, 1941." Short title
and com-
mencement.

(2)

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No. 57, 1941. (2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Interpretation. 2. (1) In this Act, unless the context or subject-matter otherwise indicates or requires—

“Patriotic purpose” means any purpose in connection with the present war between His Majesty and Germany and her allies, and, in particular, any of the following purposes:—

- (a) the relief of distress occasioned by the war, whether in New South Wales or elsewhere in the British Dominions, or in any territory under His Majesty’s protection or mandate or in the territory of any State allied to His Majesty, whether such territory is in enemy occupation or not;
- (b) the supply or provision of comforts, conveniences, amenities, or special equipment to members of His Majesty’s naval, military, or air forces;
- (c) the relief, assistance, or support of members of the said forces who may be sick, wounded, disabled, or out of employment, or for the relief, assistance, or support of their dependants or of the dependants of members who may lose their lives directly or indirectly in or in connection with the war;
- (d) any other purpose which by notice in the Gazette the Minister declares to be a patriotic purpose.

“Waste” includes any metals, papers, rags, bottles, or any other materials which are capable of being used in any manufacturing process or of being further used, either in their present form or after treatment or adaptation.

(2) The person who for the time being holds the office of Controller of National Emergency Services shall be the Controller of Salvage for the purposes of this Act.

3.

3. (1) No person shall—

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- (a) make any public or private appeal for waste for any patriotic purpose; or
- (b) collect or receive any waste for any patriotic purpose; or
- (c) make any statement, whether in writing or not which conveys or is likely to convey the impression that any waste, or the proceeds from the sale of any waste, collected or received, will be applied towards any patriotic purpose.

Prohibition of appeals for waste for patriotic purposes.

(2) Subsection one of this section shall not apply to the Controller of Salvage or to any person acting for or on behalf of the Controller of Salvage.

(3) The Minister may from time to time, by notice published in the Gazette or by notice served on the Controller of Salvage, exempt, wholly or partly and subject to such conditions as he thinks fit to impose, any person or body of persons from the operation of the provisions of subsection one of this section, and any such notice may from time to time be varied or revoked by the Minister by notice published in the Gazette.

(4) The Minister may from time to time, subject to such conditions as he thinks fit, delegate to the Controller of Salvage the power of exemption conferred on him by subsection three of this section.

Any such delegation shall be in writing and may be general or may be limited in such manner as the Minister thinks fit and may at any time be revoked by the Minister.

4. (1) The Governor may make regulations—

Regulations.

- (a) regulating, controlling and prohibiting—
 - (i) the making of public or private appeals for waste;
 - (ii) the collection of waste;
- (b) prescribing all matters which are necessary or convenient to be prescribed for the purpose of carrying into effect the objects of this Act or of any regulation made under paragraph (a) of this subsection.

(2)

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(2) Any regulation made under this section may be made to apply—

- (a) generally, to all public or private appeals for waste or to all collections of waste; or
- (b) to appeals for waste or collections of waste made by or on behalf of any particular person or class of persons or body of persons specified in the regulations; or
- (c) to appeals for waste or collections of waste made by or on behalf of persons or bodies of persons other than such persons or classes of persons or bodies of persons as may be specified in the regulations; or
- (d) to appeals for waste or collections of waste made or purporting to be made for any particular purpose specified in the regulations or for purposes other than a purpose specified in the regulations.

(3) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(4) Regulations made under this section 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.

(5)

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(5) No regulation made under this Act shall be deemed to be invalid on the ground that it delegates to or confers on the Governor, the Minister, the council of any city, municipality or shire, the municipal council of Sydney, or any person or body, any discretionary authority. No. 57, 1941.

5. Where any matter or thing is, by this Act or by regulations made under this Act, directed or forbidden to be done, or where any person is authorised by this Act or such regulations to direct any matter or thing to be done or to forbid any matter or thing to be done, and such matter or thing, if so directed to be done remains undone, or if so forbidden to be done is done, then, in every such case, every person offending against such direction or prohibition shall be guilty of an offence against this Act. Offence
under this
Act.

6. (1) Every person who commits or attempts to commit or does any act with intent to commit or counsels, procures, aids, abets or incites any other person to commit or conspires with any other person (whether in New South Wales or elsewhere) to commit, any offence against this Act, shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a penalty not exceeding fifty pounds or to both such imprisonment and such penalty. Penalty.

(2) Nothing in this Act or in the regulations shall be so construed or shall so operate as to take away or restrict the liability of any person for any offence punishable independently of this Act, but so that no person shall be punished twice for the same offence.

(3) Every corporation shall be liable for any offence against this Act as if such corporation were a private person and shall be subject to the same penalties as if it were a private person; and if any chairman, member of the governing body, director, manager, secretary or officer of such corporation knowingly authorises or permits the commission of any such offence he shall be deemed to have committed such offence and shall be punishable by imprisonment or penalty or both accordingly.

SYDNEY