

Hon. Mr. Fraser.

EMERGENCY REGULATIONS.

ANALYSIS.	
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A BILL INTITULED

AN ACT to authorize the Making of Emergency Regulations. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Emergency Regulations Act, 1939. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.

“Aircraft” has the same meaning as in the Air Navigation Act, 1931: See Reprint of Statutes, Vol. I, p. 424

“Emergency regulations” means regulations made under this Act; and includes the regulations referred to in section *five* of this Act:

“Enemy property,” in relation to any war in which His Majesty may be engaged, means property of any kind which for the time being belongs or at any time during the war has

belonged to any person or corporation of enemy nationality, descent, origin, residence, connections, or associations (whether for the time being present or past), or to an enemy State, or in which any such person, corporation, or State has or at any such time has had any interest: 5

“Enemy trade,” in relation to any war in which His Majesty may be engaged, means any trade, business, undertaking, or transaction which is carried on or entered into by or for the benefit of or under the control of persons or corporations of enemy nationality, descent, origin, residence, connections, or associations (whether for the time being present or past) or which may be to the advantage of an enemy State or of the subjects or inhabitants thereof, whether during or after the war: 10 15

“Ship” means any kind of vessel used in navigation, not propelled by oars only. 20

Emergency regulations.

3. (1) The Governor-General may from time to time, by Order in Council, make such regulations (in this Act referred to as emergency regulations) as appear to him to be necessary or expedient for securing the public safety, the defence of New Zealand, the maintenance of public order, and the efficient prosecution of any war in which His Majesty may be engaged, for maintaining supplies and services essential to the life of the community, and generally for safeguarding the interests and maintaining and promoting the welfare of the community. 25 30

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that emergency regulations may be made under this section for all or any of the following purposes:— 35

(a) Providing for the apprehension, trial, and punishment of persons offending against the regulations, and for the detention of persons whose detention appears to be expedient in the interests of the public safety or the defence of New Zealand: 40

(b) Authorizing the taking of possession or control, on behalf of His Majesty, of any property or undertaking: 45

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- (c) Authorizing the acquisition, on behalf of His Majesty, of any property:
- (d) Authorizing the entering and search of any premises:
- 5 (e) Providing, so far as appears to be necessary for the purposes of the regulations, for modifying any enactment, either generally or in its application to any specified case or class of cases, for suspending the operation of any
- 10 enactment, and for applying any enactment, with or without modification:
- (f) Prescribing matters in respect of which fees are to be payable under emergency regulations, the amount of the fees, and the persons liable
- 15 to pay them:
- (g) Authorizing the refund or remission, in such circumstances as may be prescribed by the regulations, of any fees payable under emergency regulations:
- 20 (h) Making such provisions as may be deemed necessary for the suppression, restriction, or control of enemy trade:
- (i) Making such provisions as may be deemed advisable with respect to enemy property:
- 25 (j) Providing for the control of prices and for the prevention of profiteering:
- (k) Promoting the development of standardization, simplification, and certification in relation to commodities, processes, and practices:
- 30 (l) Providing for the protection of debtors and for the regulation and restriction of legal proceedings, powers, and remedies:
- (m) Creating corporate bodies, and prescribing their powers and functions:
- 35 (n) Establishing Courts and tribunals, and conferring jurisdiction upon any Court or tribunal (whether established under the regulations or otherwise) or upon any person holding judicial office, whether or not such
- 40 jurisdiction is exercisable by any other Court, tribunal, or person:
- (o) Prescribing the manner in which notices may be given under any emergency regulations, whether by publication in the *Gazette* or
- 45 otherwise.

(3) Emergency regulations may empower or provide for empowering such authorities, persons, or classes of persons as may be specified in the regulations to make orders, rules, or by-laws for any of the purposes for which emergency regulations are authorized by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Governor-General in Council to be necessary or expedient for the purposes of the regulations. 5

(4) Any emergency regulations, and any order, rule, or by-law duly made in pursuance of emergency regulations, 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. 10 15

(5) No emergency regulation, and no order, rule, or by-law duly made in pursuance of emergency regulations shall be deemed to be invalid on the ground that it delegates to or confers on the Governor-General or any other person or body any discretionary authority. 20

(6) Emergency regulations shall have effect as if enacted in this Act, but may be added to, altered, or revoked by subsequent emergency regulations.

(7) All regulations made under this Act shall be laid before Parliament as soon as may be after they are made. 25

Extra-territorial operation of emergency regulations.

4. (1) Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any emergency regulations shall—

(a) In so far as they specifically impose prohibitions, restrictions, or obligations in relation to ships or aircraft, or specifically authorize the doing of anything in relation to ships or aircraft, apply to all ships and aircraft in or over New Zealand, and to all ships and aircraft registered in New Zealand, wherever they may be; and 30 35

(b) In so far as they impose prohibitions, restrictions, or obligations on persons, apply to all persons in New Zealand and all persons on board any ship or aircraft registered in New Zealand. 40

(2) Emergency regulations may make provision whereby the owner, manager, or charterer of any ship or aircraft registered in New Zealand, being a person 45

resident in New Zealand or a corporation incorporated under the law of New Zealand, is subjected to restrictions in respect of the employment of persons outside New Zealand in connection with the management of the ship or aircraft.

(3) Nothing in this section shall be construed to limit the extra-territorial operation of any emergency regulations.

5. (1) All regulations made under the Public Safety Conservation Act, 1932, before the passing of this Act (including all regulations made under the joint authority of that Act and any other Act) shall for all purposes be deemed as from the making thereof to have been made with full power and authority and to have been valid and of full effect.

Validation of certain emergency regulations. 1932, No. 3

(2) Notwithstanding anything to the contrary in subsection three of section three of the Public Safety Conservation Act, 1932, all such regulations that are in force at the passing of this Act shall continue in force as if they had been made under this Act.

6. Where any acts have been done before the commencement of any emergency regulations and by virtue of those regulations the acts would have been valid and lawful if the regulations had been in force when they were done, the acts shall be deemed to have been validly and lawfully done under the authority of the regulations.

Validation of acts done in anticipation of emergency regulations.

7. Except as otherwise expressly provided in emergency regulations, no action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person against the Crown, or any Minister of the Crown, or any officer or person acting in the execution or intended execution of this Act or of any emergency regulations for or in respect of any damage, loss, or injury sustained or alleged to have been sustained by reason of anything done or purporting to be done under the authority of this Act or of any emergency regulations.

Protection of persons acting under authority of this Act or of emergency regulations.

8. The publication in the *Gazette* or in accordance with the Regulations Act, 1936, whether before or after the passing of this Act, of any emergency regulations, or of any Order in Council, Proclamation, order, rule, by-law, notice, warrant, license, or other act of authority under this Act or under any emergency

Publication in *Gazette*, &c., to be notice to all persons concerned. 1936, No. 17

regulations shall for all purposes be deemed to be notice thereof to all persons concerned, and in any prosecution under this Act the liability of the accused shall be determined accordingly.

Liability for breach of emergency regulations.

9. (1) Every person who commits, or attempts to 5
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 Zealand or elsewhere) to commit, 10
any offence against any emergency regulations shall
be liable to such punishment as is prescribed in that
behalf by the regulations or, where no punishment
is so provided, shall be liable on summary conviction to
imprisonment for a term of *twelve* months or to a 15
fine of *one hundred* pounds, or to both such imprison-
ment and such fine.

(2) Nothing in this Act or in any emergency 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, 20
but no person shall be punished twice for the same offence.

Procedure in prosecutions.

10. (1) In any prosecution under this Act the Court shall take judicial notice of the existence or termination of a state of war. 25

(2) In every such prosecution the Court may admit such evidence as it thinks fit, whether it would be admissible in other proceedings or not.

(3) Unless the Attorney-General in any case otherwise directs, no person convicted in any such 30
prosecution shall be released from custody by reason of and during the pendency of an appeal from the conviction, and warrants may be issued in execution of the conviction in the same manner as if no appeal had been instituted, notwithstanding anything to the 35
contrary in any other Act.