



1939.

ANNO TERTIO ET QUARTO
GEORGII VI. REGIS.

No. 59.

ANALYSIS.

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AN ACT to authorise and make provision for the taking of Precautions for the Protection of Persons and Property in this State from Injury or Damage in the event of hostile Attack, and generally to make provision for Civil Defence and the Security and Protection of the People of this State during the present state of War. [21 December, 1939.]

A.D.
1939.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Civil Defence (Emergency Powers) Act 1939.* Short title.

6d.]

Civil Defence (Emergency Powers).

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Duration of Act.

2—(1) This Act shall continue in operation during the continuance of the present state of war and for a period of six months thereafter, and no longer.

(2) The expiry of this Act shall not affect the operation thereof as respects things previously done or omitted to be done.

Interpretation.

3 In this Act, unless the contrary intention appears, “the present state of war” means the state of war existing between His Majesty the King and Germany during the period commencing on the third day of September, one thousand nine hundred and thirty-nine, and terminating on the date of the issue of a proclamation by the Governor-General that the war has ceased.

Civil Defence Legion.

4—(1) For the purposes of this Act the Civil Defence Legion is the organisation formed on the fourteenth day of March, one thousand nine hundred and thirty-nine, in accordance with the plan of organisation published on that date (a copy of which is set forth in the schedule), for the purposes and with the objects specified in that plan.

(2) The plan of organisation of the Civil Defence Legion and the distribution of functions therein may be varied or added to by the Minister by notice in the *Gazette*.

Functions of Civil Defence Legion.

5 The functions of the Civil Defence Legion shall be—

- I. To formulate plans for the protection and safety of the civil population of this State during the present state of war:
- II. To make such inquiries and investigations, and to collect such information, as the executive of the Legion thinks necessary to enable it to advise the Government of this State in respect of matters relating to the protection and safety of the civil population, and to advise the Government accordingly:
- III. To exercise such powers and perform such duties as are conferred or imposed on it by or under this Act: and
- IV. To take such measures and precautions, and make such arrangements with public departments, local authorities, and other bodies and persons, as are necessary or desirable to carry out and give effect to the purposes and objects of the Legion set forth in the plan of organisation contained in the schedule, and for the protection of persons and property from injury or damage in the event of hostile attack, and generally to make provision for civil defence during the present state of war.

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6—(1) The Governor may make regulations for or with respect to civil defence and the securing of public safety and order during the present state of war.

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Regulations.

(2) In particular, the Governor may make regulations for or with respect to—

- I. The precautions to be taken, and the persons by whom such precautions shall be taken, for the protection of persons and property from injury or damage in the event of hostile attack:
- II. The provision to be made for the treatment of casualties occurring from hostile attack, including the acquisition of land, and the erection of buildings and the acquisition of medical stores and equipment:
- III. Securing and regulating the supply and distribution of food, water, fuel, light, heat, power, and other necessities:
- IV. Maintaining, controlling, and regulating the means of transport and other services:
- V. The requisitioning of premises and vehicles, and of any goods, articles, or things, for civil defence purposes:
- VI. The obtaining of information with respect to supplies of any goods, articles, or things, and providing that any officer or person to whom such information has been disclosed shall not divulge the same except as provided by the regulations:
- VII. The conditions (including times, places, and prices) of the supply, disposal, or use of any property, goods, articles, or things, and for preventing profiteering: and
- VIII. The compensation to be paid in the event of personal injury (including death) to persons engaged in civil defence activities (as defined by the regulations), and providing that, where any injury to which the regulations apply is sustained by any person, no compensation or damages shall be payable in respect thereof, whether under any Act or at common law, by the employer of the injured person.

(3) No person shall contravene, or fail to comply with, any provision of any regulation, or any direction or order given or made pursuant to this Act or any regulation.

Penalty: Five hundred pounds or imprisonment for twelve months, or both such penalty and imprisonment.

(4) The regulations may provide that in any proceedings in respect of any contravention of, or failure to comply with, any specified regulation, the averment of the prosecutor contained in the complaint shall be deemed to be proved in the absence of proof to the contrary, and may also provide for the mode of proof of such matters as may be specified therein.

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(5) In any case where a corporation is convicted of an offence against this Act, every person who, at the time of the commission of the offence, was a director or officer of the corporation shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge, or that he used all due diligence to prevent the commission of the offence.

(6) The Governor, by any regulations made under this section may confer such powers and impose such duties as he thinks proper for the purpose of carrying such regulations into effect, upon the Minister, the Civil Defence Legion or any officers thereof, any local authority, any authority constituted by statute, or any person.

(7) Any regulations made under this Act may be made so as to apply to the whole or any part of this State or any specified locality, and may be of general or limited operation according to time, place, or circumstances.

Arrangements
with Com-
monwealth.

7—(1) The Governor may enter into arrangements with the Governor-General of the Commonwealth providing for any matter necessary or convenient for the purpose of carrying out or giving effect to any Commonwealth Act relating to defence or national security, or any order or regulations made thereunder.

(2) Regulations may be made under this Act for or with respect to the carrying into effect of any powers or duties conferred on the Government of this State by the Government of the Commonwealth, or for giving effect to any arrangement made under this section, or for taking measures complementary to, or necessary to implement, measures taken by the Commonwealth in relation to national security.

Powers of
local
authority
with respect
to civil
defence.

8 Every local authority shall, subject to the regulations, be deemed to have power to make provision for the taking of precautions for the protection of persons and property in the event of hostile attack, and for civil defence during the present state of war, and, subject to the regulations, any expenditure of any local authority for that purpose shall be deemed to be, and to have been, lawful.

Act not to
derogate
from other
powers.

9 All powers given under this Act shall be in addition to, and not in derogation of, any other powers exercisable apart from this Act.

Effect of
regulation.

10 A regulation made under this Act, subject to the *Acts Interpretation Act 1931*, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

No remedy
against
Crown, &c.,
except com-
pensation.

11 No action, claim, or demand whatsoever, shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or any Minister or any local authority, body, corporation, officer, or person acting in good faith in

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the execution of this Act, or of any regulation made under this Act, for or in respect of any damage, loss, or injury sustained or alleged to have been sustained by reason of the passing or operation of this Act, or of anything done or purporting to be done thereunder, save only in respect of reasonable compensation for any property used or taken by or on behalf of His Majesty in pursuance of any powers conferred by or under this Act.

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THE SCHEDULE.

THE CIVIL DEFENCE LEGION.

It has been accepted by responsible authorities in different parts of the Empire, and particularly in the States of the Commonwealth of Australia, that measures for safeguarding the civil population against the consequences of air attack have become a necessary part of the defensive organisation of any country open to attack. The need for these precautions is not related to any belief that war is imminent. It arises from the fact that the risk of air raids, however remote, is a risk which cannot be ignored. Preparations to minimise the consequences of attack from the air cannot be improvised on the spur of the moment, but must be made, if they are to be effective, in time of peace.

The Government of Tasmania acknowledges its responsibility to the community in this regard, and has accordingly adopted, in consultation with its chief advisers, a plan for the formation of a Civil Defence Legion. The activities thus launched are designed to assist the Commonwealth authorities, and the relative responsibilities of Commonwealth and State may be defined, in principle, as follows:—

- (a) The function of the Commonwealth is to make adequate provision for the defence of Australia from enemy attack in any form;
- (b) The function of the State and the instrumentalities created by the State is to provide for the safety and care of the civil population from the consequences of enemy attack. The form of attack which appears to be the most formidable in its consequences is attack by air raid.

Air raid precautions may be classified under the following main headings:—

- (1) The registration of personnel entrusted with air raid duties, and the training of such personnel;
- (2) General safety of the civil population;
- (3) Medical aid and treatment of casualties in the civil population;
- (4) Protection of property;
- (5) Maintenance of essential services.

Measures for the general safety of the civil population include—

- (a) The distribution to householders and others, if and when a national emergency appears imminent, of authorised instructions, framed in simple terms and setting out those rules of public conduct which the people are required to follow in the interests of public safety;

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- (b) The drawing-up of an air raid warning system, and the proclaiming, at the appropriate time, of the precise details of that system;
- (c) Enforcement of lighting and other restrictions;
- (d) Anti-gas measures, including detection of gas and decontamination of affected areas and buildings;
- (e) Prevention of panic in the civil population before and during an air raid; control of the movements of the civil population;
- (f) Rescue of civil population from contaminated areas and buildings, and from burning buildings;
- (g) A survey and location of buildings suitable as air raid shelters; provision of additional shelters where economically practicable;
- (h) Measures for the evacuation of the civil population from a city or from the part or parts of a city subjected to attack or likely to be attacked;
- (i) The provision of food and water supplies, and the setting-up of health and sanitation services to groups of evacuated people.

The plan adopted by the Government presents the following advantages, among others:—

- (1) There is no conflict of authority as between Commonwealth and State;
- (2) It provides for the complete utilisation of existing State instrumentalities and services;
- (3) Specific responsibilities and duties are delegated to senior public officials, who must function to an important extent under any plan;
- (4) There can be readily co-opted, under the appropriate section, established organisations and semi-public bodies; technicians such as engineers, chemists, and fire-fighting officers; municipal officers and experts, and other persons who possess some special qualification for a defined task.

The plan is State-wide in its scope, and the principles of it will be applied to all parts of Tasmania, with modifications designed to meet the differing requirements of various localities.

Premier's Department,
Hobart, 14th March, 1939.

PLAN OF ORGANISATION.

CIVIL DEFENCE LEGION.

STATE EXECUTIVE.

The Minister for Lands and Works.

The Minister for Health.

Liaison Officer—Under Secretary.

Asst. Liaison Officer.
Parliamentary Draftsman.

Reports to Cabinet.
Finance.
Authorisations.

Legal Adviser.
State Powers.
Emergency Powers.

Secretary to Executive.

Commissioner of Police.
Hydro-Electric Commissioner.
Director of Public Works.
Director of Public Health.

SECTION A.

Commissioner of Police.

Enlistment of Legion.
Register of Personnel.
Special Constables.
Air Raid Warning System.

SECTION B.

Hydro-Electric Commissioner.

Power and Light Supply.
Transport.
Evacuation Plan.
Food Control.
Water Supply.

SECTION C.

Director of Public Works.

Maintenance of Communica-
tions.
Demolition Squads.
Fire Fighting.
Signal Service.
Dispatch Riders.

SECTION D.

Director of Public Health.

Anti-Gas Training.
Gas Detection Duties.
De-contamination Service.
Medical Services.
First Aid Posts.

