

- Indian Round Table Conference. Proceedings. Cmd. 3778.
 Indian Round Table Conference, Proceedings of Sub-Committees,
 Part. I. (Sub-Committee No. 1. Federal Structure). 1931.
 Indian Round Table Conference, Proceedings of Sub-Committees,
 Part. II. (Sub-Committees II—IX). 1931.
Abgeschlossen Mai 1931.

4) Südaustralien.

Ausnahmegesetz vom 5. September 1930¹⁾

Public Safety Preservation Act. — 1930 (South Australia Acts, 21 Georgii V, Nr. 1951).

An Act to make Provision for the Protection of the Community in Cases of Emergency.

(Assented to, September 5th, 1930.)

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 and operation.

1. This Act may be cited as the »Public Safety Preservation Act, 1930«, and shall remain in operation for a period of six months from the commencement thereof.

Power to proclaim state of emergency.

2. (1) Where at any time it appears to the Governor that any circumstances exist, or are likely to come into existence, whereby the public safety or order is, or is likely to be imperilled, the Governor may by proclamation (in this Act referred to as »proclamation of emergency«) declare that a state of emergency exists.

(2) Every such proclamation shall be in force for the period specified therein not exceeding one month but may be extended or revived by another proclamation of emergency issued before, at or after the end of that period.

(3) When a proclamation of emergency is in force the Governor may exercise all or any of the powers hereinafter conferred upon him by or under this Act.

(4) Any regulations made under this Act shall remain in force for the period therein specified not exceeding the period during which a proclamation of emergency is in force. Any regulations, however, which cease to be in force by reason of the expiration of a proclamation of emergency before another proclamation of emergency has been made, may be revived either in whole or in part by any subsequent proclamation of emergency.

Regulations as to public safety or order.

3. Pursuant to the powers conferred by this Act the Governor may make regulations for or with respect to —

(a) securing public safety or order:

¹⁾ Zum: »Recht des Ausnahmestandes im Auslande« vgl. die gleichnamige Schrift, bearbeitet im Institut für ausländisches öffentliches Recht und Völkerrecht (Beiträge zum ausländischen öffentlichen Recht und Völkerrecht, Heft 9, 1928).

- (b) without limiting the generality of the foregoing provision of this section conferring such powers, and imposing such duties as the Governor thinks fit upon any Minister or Ministers of the Crown and any officers or other persons for securing public safety or order:
- (c) prohibiting or regulating the sale, supply, or disposal of alcoholic liquor and empowering a Minister of the Crown to suspend any licence under the Licensing Act, 1917, or to restrict or to subject to conditions the exercise of any right or privilege conferred by any such licence:
- (d) empowering any Minister of the Crown to engage in, to the exclusion of all other persons, any industry trade or business for the provision of any goods or services:
- (e) securing the essentials of life to the community or any substantial portion of the community:
- (f) securing and regulating the supply and distribution of food, water, fuel and light and other necessities:
- (g) maintaining the means of transit, transport, locomotion or other services:
- (h) preventing interference with, or intimidation, molestation or annoyance of, any persons in or in relation to the lawful conduct of their affairs or the lawful performance of their duties and for preventing the exposure of any person to insult or disability in or in relation to his lawful behaviour or the lawful conduct of his affairs or the lawful performance of his duties:
- (i) prescribing any provisions (including evidentiary provisions) incidental to any of the powers aforesaid or desirable for making the exercise of those powers effective.

4. No regulation made under this Act shall authorise the Government or the South Australian Harbors Board or any agency of the Government to undertake the work of loading or unloading vessels at Port Adelaide or the Outer Harbor and no such regulation shall prevent any employer engaged in loading or unloading vessels at Port Adelaide or the Outer Harbor from employing any person entitled to be employed on such work under the provisions of the existing awards of the Commonwealth Court of Conciliation and Arbitration applying to such work. Nothing in this section shall prevent the Government or the Harbors Board from entering into contracts with any existing stevedoring companies for the purpose of loading or unloading ships.

Restriction on effect of regulations.

5. Any regulations made under this Act —

- (a) may be made so as to apply to or have operation throughout the whole or any part of South Australia:
- (b) may, subject to this Act, be made so as to operate for any period or periods or for any time or times or for any occasion or occasions specified therein:
- (c) may be of general operation or of specially limited operation according to time, place, circumstances, conditions, or restrictions.

Further provisions as to regulations.

Penalty for
offence.

6. Any person who contravenes any provision of any regulation made under this Act shall be guilty of an offence punishable on summary conviction or on indictment, at the option of the prosecutor, and liable to a penalty not exceeding Two Hundred Pounds or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Protection of
persons acting
under this Act
and regula-
tions

7. No action, claim or demand whatsoever shall lie or be made or allowed by or in favor 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 any regulations 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 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 the Crown in pursuance of any powers conferred by or under this Act.

Financial pro-
visions.

8. Any money required for the purposes of this Act or anything done under this Act shall be paid out of the General Revenue of the State by the Treasurer and this Act shall be sufficient warrant for his so doing.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Deputy Governor.

3. Chile

Gesetzgebung

Gesetz über die Bestrafung von Vergehen gegen die Sicherheit des Staates.

Nr. 4935 24. Januar 1931 (Diario Oficial de la República de Chile, 1931, Nr. 15889 S. 577/8)¹⁾

Artikel I.

Als militärische Vergehen sind diejenigen Verbrechen und Vergehen anzusehen, auf die sich Buch II, Titel II des Strafgesetzbuches und dieses Gesetz beziehen und die durch Militärpersonen oder frühere Militärpersonen und Zivilisten gemeinsam begangen sind, auch dann, wenn bei den letzteren die Voraussetzungen des Artikels 259 des Gesetzes über die Militärgerichtsbarkeit nicht vorliegen; die militärischen Vergehen werden nach den Bestimmungen des Strafgesetzbuches bestraft, unbeschadet der Vorschrift des Artikels 261 des Gesetzes über die Militärgerichtsbarkeit.

¹⁾ Übersetzung des Instituts.