

3 GEO. VI. No. 35, 1939. *Air Raid Wardens Act.*

AIR RAIDS.

An Act to Authorize the Carrying-out by Air Raid Wardens of Their Powers and Duties during the Period of any Air Raid, and for other purposes.

3 GEO. VI.
No. 35.
THE
AIR RAID
WARDENS
ACT OF
1939.

[ASSENTED TO 6TH DECEMBER, 1939.]

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

1 This Act may be cited as "*The Air Raid Wardens Act of 1939.*" Short title.

2. In this Act the following terms shall, unless the context otherwise indicates or requires, have the meanings respectively assigned to them, that is to say:—

"Commissioner"—The Commissioner of Police appointed under *"*The Police Act of 1937*" or any Act amending or in substitution for that Act: the term includes any person for the time being discharging the duties of such office; Com-missioner.

"District"—A police district as constituted for the time being under *"*The Police Act of 1937*," or any Act amending or in substitution for that Act; District.

"Division"—A division of a district; Division.

"Minister"—The Secretary for Health and Home Affairs or other Minister of the Crown for the time being charged with the administration of this Act; Minister.

"Period of an air raid"—The period from and including the time at which the authority charged with the responsibility in that behalf gives warning of an air raid to and including two hours after the time at which such authority gives the final "all clear" signal in respect of such air raid; Period of an air raid.

* 1 Geo. VI. No. 12, *supra*, page 16787.

Plac .	“ Place ”—Includes any house, building, structure, aircraft, ship, barge, boat, vehicle, car, station, wharf, shed, and any land or premises whatsoever and wheresoever situated, excepting a place which is at any material time owned, occupied, or being used by His Majesty's Naval, Military, or Air Forces ;
Prescribed.	“ Prescribed ”—Prescribed by this Act ;
This Act.	“ This Act ”—This Act and all Orders in Council and regulations made or purporting to be made thereunder ;
Writing.	“ Writing ”—The term includes any means by which words are reproduced in a visible form.

Appoint-
ment and
powers of
air raid
wardens.

3. (1.) The Commissioner has, and is hereby declared always to have had, power to appoint air raid wardens for every district, division, or part of a district or division.

(2.) During the period of an air raid upon the district, division, or part of a district or division for which he is appointed, any air raid warden shall have and may exercise all such powers, authorities, and duties as may be prescribed or, in so far as not prescribed, may be conferred or imposed upon him in writing with the approval of the Commissioner.

If any writing conferring or imposing or purporting to confer or impose powers, authorities, and/or duties upon air raid wardens is approved by the Commissioner, it shall be immaterial that such writing was not published by or with the authority of the Commissioner.

Further
powers of
air raid
wardens.

4. During the period of an air raid upon the district, division, or part of a district or division of a district for which he is appointed, an air raid warden shall have and may exercise all such powers, authorities, duties, and protection as are lawfully conferred and imposed upon constables of police :

Provided that Parts IV. and V. of **“The Police Act of 1937”* shall not apply to or with respect to any air raid warden.

* 1 Geo. VI. No. 12, *supra*, page 16787.

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5. During the period of an air raid upon the district, division, or part of a district or division for which he is appointed, an air raid warden shall be deemed to be a worker within the meaning of **"The Workers' Compensation Acts, 1916 to 1936,"* or any Act amending or in substitution for such Acts, and as such worker he shall be deemed to be an employee of the Crown.

Workers'
Compensation Acts
applied.

6. (1.) For the purpose of the exercise by him of any of his powers, authorities, and duties, an air raid warden may enter into or upon any place. Such power of entry shall authorise an air raid warden if necessary to use force for making such entry whether by breaking open doors or otherwise.

Entry by
air raid
warden.

(2.) Any person who prevents or attempts to prevent any air raid warden from entering into or upon any place pursuant to the powers conferred upon such air raid warden in that behalf by this section shall be guilty of an offence and liable to a penalty of not more than fifty pounds.

An air raid warden may arrest without warrant any person so offending and detain him or cause him to be detained until he can be brought before a court of competent jurisdiction and dealt with according to law.

7. During the period of an air raid on any district or division, or part of a district or division, every member of the Police Force shall, without any appointment whatsoever, be and be deemed to be an air raid warden, and all of the provisions of this Act except section five hereof, shall apply and extend accordingly.

When
member of
Police Force
deemed to
be air raid
warden.

8. (1.) A certificate in writing under the hand of the Commissioner certifying—

Certificate
by Com-
missioner
as evidence.

(a) That any person is or is not an air raid warden appointed by him for any district, division, or part of a district or division; and/or

(b) That any writing conferring or imposing or purporting to confer or impose powers, authorities, and/or duties upon air raid wardens has or has not been approved by him,

shall be evidence of the fact or facts so certified to and, in the absence of evidence in rebuttal beyond reasonable doubt, shall be conclusive evidence of such fact or facts.

* 6 Geo. V. No. 35 and amending Acts, *supra*, pages 9851 *et seq.*

(2.) Every court, judge, justice, and person acting judicially shall take judicial notice of the signature of the Commissioner to any certificate mentioned in subsection one of this section.

Recovery of penalties.

9. All penalties imposed by this Act may be recovered in a summary way under **"The Justices Acts, 1886 to 1932."*

Power to make regulations.

10. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency.

Without limiting the generality of this section, regulations may be made for or in respect of all of the following matters, namely:—

- (i.) Prescribing the authority responsible for giving all such signals as may be prescribed in relation to air raids, and either generally or for or in respect of particular districts, divisions, or parts of districts or divisions, and regulating the giving of prescribed signals by any such authority;
- (ii.) Prescribing the powers, duties, authorities, obligations, and/or responsibilities of air raid wardens during the period of an air raid and either generally or in respect of particular districts, divisions, or parts of districts or divisions or in respect of places generally or in respect of any particular place or class of places;
- (iii.) The duties, responsibilities, obligations, and/or liabilities of members of the public during the period of an air raid, and either generally or in respect of particular districts, divisions, or parts of districts or divisions, or with respect to particular members of the public or any class of members of the public (including members or classes of members

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

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of the public owning, occupying, or in charge or control, or apparently in charge or control of any place or class of place);

(iv.) Penalties for breaches of the regulations but not exceeding in any case fifty pounds.

(2.) All regulations made or purporting to have been made under this Act shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were enacted in this Act and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

Regulations
to form part
of this Act.

(3.) All such regulations shall be laid before Parliament within fourteen days after such publication if Parliament is in session; and if not, then within fourteen days after the commencement of the next session.

If Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the power to make any further or other regulation.

For the purposes of this section "sitting days" means days upon which Parliament actually sits for the despatch of business.

ANATOMY.

See MEDICAL.

APPROPRIATION.

See CONSTITUTION.

ASSOCIATIONS, CO-OPERATIVE.

See PRIMARY PRODUCE.

COAL MINING.

See MINING.

COMPENSATION (LEAD POISONING, MOUNT ISA).

See LABOUR.

COMPENSATION, WORKERS'.

See LABOUR.