

ALIENS REGISTRATION.

No. 49 of 1920.

An Act relating to the Registration of Aliens.

[Assented to 2nd December, 1920.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Aliens Registration Act 1920*. Short title.
2. This Act shall commence on a date to be fixed by Proclamation. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
 - “Alien” means any person over the age of sixteen years who is not of British nationality, and includes the wife of an alien;
 - “Aliens registration officer” means any aliens registration officer appointed for the purposes of this Act;
 - “Officer” means a member of the police force, or an officer of Customs, or an officer of the Department administering this Act, or a prescribed officer, or any person authorized by the Minister to exercise the powers conferred on officers by this Act;

“ War Precautions (Aliens Registration) Regulations ” means the Regulations made by Statutory Rules 1916, No. 165, as amended by the following Statutory Rules, namely :—

Statutory Rules 1916, Nos. 176, 216, 232 and 281 ; Statutory Rules 1917, Nos. 7, 97, 107, 125, 156 and 260 ; and Statutory Rules 1918, Nos. 55 and 270.

Effect of registration under War Precautions (Aliens Registration) Regulations.

4.—(1.) All aliens registered under the War Precautions (Aliens Registration) Regulations shall be deemed to be registered under this Act.

(2.) Any alien exempted by or under the War Precautions (Aliens Registration) Regulations shall be deemed to be exempted by or under this Act.

(3.) A person who is or is deemed to be registered as an alien under this Act and who becomes naturalized as a British subject shall remain subject to this Act until he produces to the aliens registration officer nearest to his usual place of abode the certificate of his naturalization or evidence of the facts by virtue of which he has become a British subject.

Aliens registration officers.

5.—(1.) For the purposes of this Act there shall be aliens registration officers in such places in the Commonwealth as the Governor-General determines.

(2.) The Governor-General may arrange with the Governor of a State for the appointment of members of the police force of the State as aliens registration officers.

Obligation on aliens to register.

6.—(1.) Every alien resident in the Commonwealth at the commencement of this Act shall, unless he is exempted or deemed to be exempted by or under this Act, register himself as an alien in accordance with this Act, and every alien who refuses or fails to do so within three months after the commencement of this Act shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

(2.) Every alien who enters the Commonwealth as a passenger in, or as the master or a member of the crew of, an oversea vessel shall, immediately after the arrival of the vessel at the first port of call in the Commonwealth, unless he is exempted or deemed to be exempted by or under this Act, register himself as an alien in accordance with this Act, and every alien who refuses or fails to do so, or who lands before he has registered, shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

(3.) Every child of an alien resident in the Commonwealth, not being a child who is by birth a natural-born British subject, shall, within three months after he attains the age of sixteen years, be registered as an alien in accordance with this Act, unless he is exempted or deemed to be exempted by or under this Act, and

if any such child is not so registered within the time allowed, the parent, or person standing to him *in loco parentis*, shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

7. An alien resident in the Commonwealth shall effect his registration by properly completing a notice (in triplicate) in accordance with the prescribed form, and by attending in person with such notices before the aliens registration officer nearest to his usual place of abode.

Alien resident in Commonwealth
—manner of effecting registration.

8.—(1.) An alien entering the Commonwealth as a passenger in, or as the master or as a member of the crew of, an oversea vessel, shall effect his registration by properly completing a notice (in triplicate) in accordance with the prescribed form, and by attending in person, immediately after the arrival of the vessel at the first port of call in the Commonwealth, before an aliens registration officer on board the vessel with the following documents :—

Alien arriving in Commonwealth
—manner of effecting registration.

- (a) the notice in the prescribed form, in triplicate ;
- (b) his certificate of registration (if he has been registered under the War Precautions (Aliens Registration) Regulations or this Act during a previous visit to the Commonwealth, and if his certificate was not taken from him on his departure from the Commonwealth) ; and
- (c) his passport (if he be a passenger or a member of the crew not signed on in Australia but due for discharge in a port in Australia) :

Provided that a master or member of the crew of a vessel who holds a certificate of registration in the form prescribed by the War Precautions (Aliens Registration) Regulations or under this Act issued to him on his last previous voyage to the Commonwealth shall not be required to prepare notices in accordance with this section.

(2.) The master of every oversea vessel, other than a public vessel of any Government, shall, immediately on arrival at the first port of call, furnish to an aliens registration officer or other officer acting under this Act a list showing the number and names of the crew, and their nationality and race, and produce the vessel's articles.

(3.) The master of every vessel shall afford to all aliens registration officers and other officers acting under this Act every facility for performing their duties, and shall permit any such officer at any time to enter the vessel and to search every part of her, and shall muster the crew of the vessel whenever he is required to do so by an aliens registration officer.

(4.) The master of a vessel who—

- (i) refuses or neglects to afford all reasonable facilities to an officer for the performance of his duties ; or
- (ii) refuses or neglects on demand to deliver forthwith to an officer any list required by this Act ; or
- (iii) delivers to an officer any list or statement which is incorrect in any material particular,

shall be guilty of an offence.

(5.) Any person (not being the owner, agent or charterer of the vessel or a person employed by him) who, except in the execution of his duties as a public servant, boards any oversea vessel in the Commonwealth at her first port of call, or communicates with any alien on board an oversea vessel at her first port of call in the Commonwealth, before the registration in accordance with this Act of all aliens on board has been completed, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

Officers may
require
signature and
thumb print.

9. An aliens registration officer or other officer acting under this Act may require an alien (if he can write) to write his usual signature on any form or other document, and to allow a print of his fingers and thumbs or any of them to be taken on any form or other document ; and any alien who refuses to write his signature, or writes a signature which is not his usual signature, or who refuses to allow a complete and legible print of any of his fingers and thumbs to be taken, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

Issue of
certificate of
registration.

10. Upon the registration of an alien in accordance with this Act, a certificate of registration in accordance with such of the prescribed forms as is applicable to the case shall be issued to him.

Aliens to report
change of place
of abode.

11.—(1.) An alien shall not change his place of abode unless he first gives notice to the aliens registration officer nearest to his place of abode of the date on which he intends to change his place of abode, and of his intended new place of abode.

(2.) The notice shall be given by the alien properly completing a notice (in triplicate) in accordance with the prescribed form and attending in person with such notices before that aliens registration officer :

Provided that, if the place of abode of the alien is distant more than ten miles from the office of that officer, it shall be sufficient if the notices are sent to him by post or messenger.

(3.) If the alien does not change his place of abode in accordance with the particulars stated in the notice, he shall forthwith inform that officer of the cancellation of his intended change of abode, or of any alteration in the intended date of his change of abode or in his intended new place of residence, as the case may be.

(4.) An alien shall within seven days after acquiring a new place of abode attend in person before the aliens registration officer nearest to his new place of abode, and bring with him his certificate of registration. The aliens registration officer at that place may, if he sees fit, require the alien to fill up and sign three copies of the prescribed form.

(5.) An alien arriving in the Commonwealth, who acquires a place of abode in the Commonwealth, shall, within seven days after so acquiring a place of abode, give notice thereof to the aliens registration officer nearest thereto.

(6.) The notice provided by the last preceding sub-section shall be given by the alien properly completing a notice (in triplicate) in

accordance with the prescribed form, and attending in person therewith and with his certificate of registration before that aliens registration officer.

(7.) This section shall not apply to an alien who (not having a place of abode in the Commonwealth) travels in the Commonwealth without acquiring a place of abode, or who (having a place of abode in the Commonwealth) travels in the Commonwealth without changing his place of abode, but any alien so travelling shall carry his certificate of registration with him and produce it to an officer when so required.

(8.) An alien who acts in contravention of any provision of this section shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

12.—(1.) An alien shall not for any purpose assume or use, or purport to assume or use, or continue the assumption or use of, any name other than that by which he was ordinarily known on the first day of October, One thousand nine hundred and sixteen, unless he has, in accordance with this Act, previously notified his intention so to do to the aliens registration officer nearest to his place of abode. Change of name.

Penalty : One hundred pounds or imprisonment for six months.

(2.) The notification shall be given by the alien properly completing a notice (in duplicate) in accordance with the prescribed form, and attending in person before that aliens registration officer with such notice and with the certificate of his registration as an alien.

(3.) A notification given by an alien under the provisions of Regulation 9A of the War Precautions (Aliens Registration) Regulations in respect of a name which he has assumed or used, or purported to assume or use, prior to the commencement of this Act shall be deemed to be a sufficient compliance with the provisions of this section in so far as that name is concerned.

13. The following aliens shall be exempt from the provisions of this Act :— Aliens exempt from Act.

- (a) All Consuls representing any foreign country, and their staffs in so far as the staffs comprise persons who have been sent by the Government of the foreign country for employment upon the staff of the Consulate, and their wives ;
- (b) All aliens exempted by or under the authority of the Minister ; and
- (c) The master and crew of any public vessel of any Government.

14.—(1.) Every alien shall, upon demand made by an officer, produce to the officer, at a time and place named by the officer, his certificate of registration, and if he fails to do so, he shall be guilty of an offence. Aliens to produce certificates of registration on demand.

(2.) Any person who has possession of a certificate of registration issued to a deceased alien shall, forthwith on demand made by an officer, hand the certificate to the officer, and if he fails to do so he shall be guilty of an offence.

(3.) An officer may require any alien who is about to leave the Commonwealth to give up to him his certificate of registration, and if the alien fails to do so he shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

Aliens or persons believed to be aliens to answer questions and produce documents.

15. Any officer may at any time require any person believed by him to be an alien to answer any question as to his name, birthplace, nationality, place of living, movements, or business, and to produce documentary or other evidence of his nationality, and any person who refuses or fails to answer any such question or to produce any such evidence in his possession or control, or gives a false or misleading answer to any such question, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

Obstructing officers.

16. Any person who obstructs, knowingly misleads, or otherwise interferes with or impedes any aliens registration officer or other officer or person acting under this Act, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

Arrest.

17. An officer may at any time arrest without warrant any person who he has reasonable ground to believe has committed an offence against this Act.

Onus of proof.

18. In any proceedings for an offence against this Act the burden of proving an exemption shall lie upon the person charged.

Time for commencement of prosecutions.

19. A summary prosecution in respect of any offence against this Act may be commenced at any time after the commission of the offence.

Regulations.

20.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for obtaining information as to the movements and location of aliens in the Commonwealth.

(2.) The regulations may prescribe penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations.