

ALIENS.

No. 22 of 1947.

An Act relating to Aliens.

[Assented to 10th June, 1947.]

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

- short title.** 1. This Act may be cited as the *Aliens Act 1947*.
- Commencement.** 2. This Act shall come into operation on a date to be fixed by Proclamation.
- Repeal.** 3. The *Aliens Registration Act 1939* is repealed.
- Definitions.** 4. In this Act, unless the contrary intention appears—
“alien” means any person over the age of sixteen years other than a person who—
(a) is a British subject within the meaning of the *Nationality Act 1920–1946*; or
(b) is, by reason of a declaration made under section eighteen A of that Act, entitled, within Australia or any Territory, to all political and other rights, powers and privileges to which a natural born British subject is entitled;
“officer” means any officer of the Department of Immigration and includes any person authorized by the Minister to exercise the powers conferred on any officer by this Act;
“Territory” means a Territory of the Commonwealth.

5.—(1.) There shall be a Register of Aliens for every State or Territory being part of the Commonwealth. Register of aliens.

(2.) An alien whose name is entered in a Register of Aliens shall be a registered alien.

6. A Register of Aliens shall not be open for inspection except by a person authorized in writing by the Minister. Register not open for inspection.

7.—(1.) Every alien in the Commonwealth at the date of the commencement of this section shall, within the prescribed time and in the prescribed manner, make application within the State or Territory in which he resides or has his abode to be registered as an alien under this Act. Aliens to register.

(2.) Any alien who enters the Commonwealth shall, within the prescribed time and in the prescribed manner, make application to be registered as an alien under this Act.

8. Nothing in the last preceding section shall apply to—

- (a) any diplomatic or consular representative or official trade commissioner of a foreign country or any member of the staff of any such representative or commissioner who has been sent to Australia by the Government of the foreign country, or the wife or dependent relative of any such representative, commissioner or member;
- (b) the master and crew of any public vessel of any Government, other than a vessel which is employed for purposes of trade or commerce;
- (c) any alien who does not intend to reside in the Commonwealth, and does not remain in the Commonwealth, for more than sixty consecutive days or such shorter period as the Minister, in any particular case, directs; and
- (d) any alien or any alien included in a class of aliens exempted from registration by the Minister or by any officer authorized in that behalf by the Minister. Exemption from registration.

9.—(1.) A registered alien who changes his place of residence or abode shall, within the prescribed time, notify in writing the prescribed officer in the State or Territory in which he is registered of the change of residence or abode. Notification of change of address.

(2.) Nothing in this section shall apply to any temporary absence from a place of residence or abode which does not exceed thirty consecutive days.

10. A registered alien who changes his occupation or employment shall, within seven days after the change, notify in writing the prescribed officer in the State or Territory in which he is registered. Notification of change of occupation.

11. An alien shall not, without the consent in writing of the Minister or an officer authorized in that behalf by the Minister, change the surname under which he was, immediately before the commencement of this Act, registered under the National Security (Aliens Control) Regulations, or if he was not so registered, the name by which he was ordinarily known immediately prior to that commencement Change of surname.

or, in the case of a person who enters the Commonwealth after the commencement of this Act, the name under which he is registered under this Act.

Certificate of registration.

12.—(1.) Upon the registration of an alien under this Act, he shall be issued with a certificate of registration in accordance with the prescribed form.

(2.) An officer may require an alien to produce his certificate of registration and any alien who is so required shall not refuse or fail to produce his certificate at the time and place named by the officer.

(3.) A registered alien shall, before leaving the Commonwealth, surrender his certificate of registration to an officer.

Aliens and others to supply information.

13. An officer may require any person whom he believes to be an alien to furnish information as to his name, the date and place of his birth, his nationality, residence and occupation and to produce any document or other evidence in his possession or control relating to those matters, and a person who is so required shall not refuse or fail to supply that information or to produce the document or other evidence or knowingly give false or misleading information.

Untrue statements by aliens.

14. An alien shall not make any false statement in any application or other document under this Act or the regulations.

Offences by witnesses.

15. A person shall not, unless he has reasonable ground for believing that the statements contained in the application or other document are true, affix his signature as witness to any application or other document signed by an alien for the purposes of this Act or the regulations.

Signing for alien.

16. A person shall not place what purports to be the signature of another person on any application or other document under this Act or the regulations.

Offences to be continuing.

17. Notwithstanding that the time prescribed for the doing of any act by an alien has expired or that he has been convicted for failing to do that act, the alien shall, until he does that act, continue to be guilty of an offence and subject to the same penalty as if he had been proceeded against for failing to do that act within the prescribed time.

Settlement of cases.

18. Where an alien admits to an officer that he has failed to do within the prescribed time any act which section seven, section nine, section ten or section twelve of this Act requires him to do, the officer shall report the circumstances to the Permanent Head of the Department administered by the Minister and, with the consent in writing of the alien and upon proof that the alien has since done that act, the Permanent Head or a person authorized in that behalf by the Minister may determine the matter and may order the alien to pay such pecuniary penalty not exceeding Ten pounds as he thinks proper, and upon payment of that penalty, the alien shall not be liable to be further proceeded against in respect of the same matter.

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

Time for commencement of prosecutions.

20. Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.

Penalties for offences.

Penalty : Fifty pounds or imprisonment for three months.

21. 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, but without limiting the generality of the foregoing, for obtaining information as to the movements, employment and location of aliens in the Commonwealth, and for prescribing penalties not exceeding Fifty pounds, or imprisonment not exceeding three months, or both, for any offence against the regulations.

Regulations.