

ALIENS.**No. 68 of 1952.****An Act to amend the *Aliens Act 1947.***

[Assented to 28th October, 1952.]

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

1.—(1.) This Act may be cited as the *Aliens Act 1952.*

Short title
and citation.

(2.) The *Aliens Act 1947** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Aliens Act 1947-1952.*

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. Section four of the Principal Act is amended by omitting the definitions of "alien" and "officer" and inserting in their stead the following definitions :— Definitions.

"'alien' means a person over the age of sixteen years who is an alien within the meaning of the *Nationality and Citizenship Act 1948-1950* ;

"'certificate of registration' means a certificate of registration of an alien under this Act ;

"'officer' means—

(a) an officer of the Department of Immigration ; or

(b) a person, or a person included in a class of persons, authorized by the Minister to exercise the powers conferred on an officer by this Act ;”.

4. Section five of the Principal Act is amended by adding at the end of sub-section (1.) the words “, in which entries shall be made, and from which entries may be removed, as prescribed” . Register of
aliens.

5. Section seven of the Principal Act is repealed and the following section inserted in its stead :—

“7.—(1.) A person who—

Aliens to
register.

(a) at the date of commencement of this section is in Australia and is an alien ;

(b) being an alien, has entered Australia ; or

(c) while in Australia, has become an alien,

shall, in the prescribed manner and before the prescribed time, apply to be registered under this Act as an alien.

* Act No. 22, 1947.

“(2.) The last preceding sub-section does not apply to an alien—

(a) by reason of his being in Australia at the date of commencement of this section if, at that date, he is a registered alien; or

(b) by reason of his having entered Australia, if, at the date of that entry, he was a registered alien.

“(3.) Where a person who is required by this section to apply to be registered under this Act as an alien is under the age of twenty-one years at the time when the obligation so to apply first arises, the application may be made on his behalf by his parent or guardian.

“(4.) The parent or guardian of a person under the age of twenty-one years who is required by this section to apply to be registered under this Act as an alien and in respect of whom an application for registration has not been made before the prescribed time shall be deemed to have contravened this section.”.

Exemption
from
registration.

6. Section eight of the Principal Act is amended—

(a) by omitting the words “Nothing in the last preceding section shall apply to” and inserting in their stead the words “The provisions of sections seven, nine, ten and ten A of this Act do not apply to”; and

(b) by omitting paragraph (c) and inserting in its stead the following paragraph:—

“(c) a person who—

(i) states, before the prescribed time and in the prescribed manner, that he does not intend to remain in Australia for more than sixty consecutive days or such shorter period (if any) as the Minister has determined in his case;

(ii) furnishes, before the prescribed time and in the prescribed manner, such information as is prescribed; and

(iii) does not remain in Australia for more than sixty consecutive days or the shorter period determined by the Minister, as the case may be; and”.

7. Sections nine to twelve (inclusive) of the Principal Act are repealed and the following sections inserted in their stead:—

Notification
of change of
address.

“9.—(1.) An alien who changes his place of residence shall, within the prescribed time and in the prescribed manner, notify a prescribed person of the change.

“(2.) For the purposes of this section, an alien who is absent from his place of residence for a period exceeding thirty consecutive days shall be deemed to have changed his place of residence.

“ 10. The regulations may require an alien who changes his occupation or employment, or otherwise becomes engaged in an occupation or employment, to notify to a prescribed person the prescribed particulars relating to his occupation and employment.

Notification of employment and change of employment.

“ 10A. An alien who marries shall, within the prescribed time and in the prescribed manner, notify a prescribed person of the marriage.

Notification of marriage.

“ 11.—(1.) Subject to sub-section (4.) of this section, an alien shall not, without the consent in writing of the Minister or of a person, or of a person included in a class of persons, authorized in writing by the Minister to give consents under this section, assume or use a surname other than a surname that he is permitted by this section to use.

Change of surname.

“ (2.) A person who was in Australia immediately before the first day of January, One thousand nine hundred and forty-eight, may—

- (a) if he was, immediately before that date, registered under the National Security (Aliens Control) Regulations—use the surname under which he was so registered; or
- (b) if he was not, immediately before that date, registered under those Regulations—use the surname by which he was ordinarily known immediately before that date.

“ (3.) A person who has entered Australia on or after the first day of January, One thousand nine hundred and forty-eight, may—

- (a) if he is registered under this Act—use the surname under which he is so registered; or
- (b) if he is not registered under this Act—use the surname by which he was, immediately before his entry, ordinarily known.

“ (4.) The provisions of sub-section (1.) of this section do not apply to—

- (a) the assumption and use of her husband's surname by an alien, being a woman, upon and after her marriage;
- (b) the assumption and use of a surname by an alien where, before the commencement of this section, the alien has obtained consent under section eleven of the *Aliens Act* 1947 to his changing his surname to the first-mentioned surname; and
- (c) the assumption and use of a name by a person in conformity with the usage of a religious order upon entry into that order.

“ 12.—(1.) Upon the registration of an alien under this Act, an officer shall tender to him a certificate of registration in accordance with the prescribed form.

Certificate of registration.

“ (2.) An officer may, if he considers that a certificate of registration has been lost or destroyed or has been altered by an unauthorized person, tender to the alien to whom it was issued a new certificate of registration in accordance with the prescribed form.

“(3.) An officer may require an alien to attend before an officer at a time and place specified in the requirement for the purpose of receiving a certificate of registration, and the alien shall comply with the requirement.

“(4.) An alien who has applied for registration or whose certificate of registration is considered by an officer to have been lost or destroyed or to have been altered by an unauthorized person shall, when a certificate of registration is tendered to him by an officer—

- (a) sign the certificate in the presence of the officer; and
- (b) take possession of the certificate.

“(5.) An officer may require an alien to produce his certificate of registration at a time and place specified in the requirement and the alien shall comply with the requirement.

“(6.) A requirement under sub-section (3.) of this section or under the last preceding sub-section may be made orally or in writing, and if made in writing, shall be served personally on the alien or by post—

- (a) in the case of a requirement under sub-section (3.) of this section—at the address or intended address of the alien last known to the officer making the requirement; and
- (b) in the case of a requirement under the last preceding sub-section—at the address of the alien last known to the officer making the requirement.

“(7.) A registered alien shall, before leaving Australia, surrender his certificate of registration to an officer.

Alien to retain
certificate of
registration.

“12A.—(1.) An alien who has taken possession of a certificate of registration under the last preceding section shall retain possession of that certificate.

“(2.) A person shall not have in his possession a certificate of registration other than a certificate of registration of which he has taken possession under the last preceding section.

“(3.) For the purposes of the last two preceding sub-sections, a certificate of registration issued to an alien under section twelve of the *Aliens Act* 1947 shall be deemed to be a certificate of registration of which the alien has taken possession under the last preceding section.”.

Untrue
statements.

8. Section fourteen of the Principal Act is amended by omitting the words “An alien” and inserting in their stead the words “A person”.

Offences to be
continuing.

9. Section seventeen of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) Notwithstanding that the time prescribed for the making of an application for registration under this Act of a person under the age of twenty-one years has expired, or that the parent or guardian of that person has been convicted for contravening section

seven of this Act, the parent or guardian shall, until such an application is made or the person attains the age of twenty-one years, whichever first happens, continue to be deemed to have contravened that section and shall be subject to the same penalty as if he had been proceeded against for contravening that section.”.

10. Section eighteen of the Principal Act is amended by inserting after the words “ section ten ” the words “ , section ten A ”. Settlement of cases.

11. Section twenty-one of the Principal Act is amended by omitting the words “ in the Commonwealth,” and inserting in their stead the words “ in Australia and their departure from Australia,”. Regulations.
