



Migration (Miscellaneous Amendments) Act 1983

No. 84 of 1983

An Act to make certain amendments consequential upon the enactment of the *Migration Amendment Act 1983* and for related purposes

[Assented to 14 November 1983]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Migration (Miscellaneous Amendments) Act 1983*.

Commencement

2. (1) Subject to sub-section (2), this Act shall come into operation on the day on which the *Migration Amendment Act 1983* comes into operation.

(2) Part VII shall come into operation on the day on which section 22 of the *Navigation Amendment Act 1980* comes into operation or on the day on which the *Migration Amendment Act 1983* comes into operation, whichever is the later.

**PART II—AMENDMENT OF AUSTRALIAN CITIZENSHIP ACT
1948**

Principal Act

3. The *Australian Citizenship Act 1948*¹ is in this Part referred to as the Principal Act.

Transitional provisions

4. Section 25 of the Principal Act is amended by omitting sub-section (7) and substituting the following sub-sections:

“(7) A person who entered Australia after the commencement of Part II of the *Migration Act 1958* and before the commencement of the *Migration Amendment Act 1983* and, at the time of his entry, was—

- (a) a prohibited immigrant within the meaning of the *Migration Act 1958*;
or
- (b) the holder, within the meaning of that Act, of a temporary entry permit granted under that Act,

shall not become an Australian citizen under this section.

“(7A) A person who enters Australia after the commencement of the *Migration Amendment Act 1983* and, at the time of his entry, is—

- (a) a prohibited non-citizen within the meaning of the *Migration Act 1958*; or
- (b) the holder, within the meaning of that Act, of a temporary entry permit granted under that Act,

shall not become an Australian citizen under this section.”.

**PART III—AMENDMENT OF CIVIL AVIATION (OFFENDERS
ON INTERNATIONAL AIRCRAFT) ACT 1970**

Principal Act

5. The *Civil Aviation (Offenders on International Aircraft) Act 1970*² is in this Part referred to as the Principal Act.

Application of the Migration Act

6. Section 11 of the Principal Act is amended by omitting “an immigrant” and substituting “a non-citizen”.

**PART IV—AMENDMENT OF COMMONWEALTH ELECTORAL
ACT 1918**

Principal Act

7. The *Commonwealth Electoral Act 1918*³ is in this Part referred to as the Principal Act.

Persons entitled to enrolment and to vote

8. Section 39 of the Principal Act is amended by omitting from paragraph (5) (b) “prohibited immigrant” and substituting “prohibited non-citizen”.

PART V—AMENDMENTS OF IMMIGRATION (GUARDIANSHIP OF CHILDREN) ACT 1946

Principal Act

9. The *Immigration (Guardianship of Children) Act 1946*⁴ is in this Part referred to as the Principal Act.

Title

10. The title of the Principal Act is amended by omitting “Children from outside Australia” and substituting “alien children”.

Interpretation

11. Section 4 of the Principal Act is amended—

- (a) by omitting “an immigrant child” from the definition of “custodian” and substituting “a non-citizen child”; and
- (b) by omitting the definition of “immigrant child” and substituting the following definitions:

“ ‘non-citizen’ means a person who is not an Australian citizen;

‘non-citizen child’ means a person under the age of 18 years who enters Australia as a non-citizen and who intends to become, or who is intended to become, a permanent resident of Australia, not being a person who enters Australia in the charge of, or for the purpose of living in Australia under the care of, a parent of that person, or a relative of that person not less than 21 years of age.”.

Evidence

12. Section 4A of the Principal Act is amended by omitting “an immigrant child” (wherever occurring) and substituting “a non-citizen child”.

Delegation

13. Section 5 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “immigrant child” and substituting “non-citizen child”; and
- (b) by omitting from sub-section (1) “immigrant children” and substituting “non-citizen children”.

Guardianship of non-citizen children

14. Section 6 of the Principal Act is amended—

- (a) by omitting “immigrant child” and substituting “non-citizen child”; and

- (b) by omitting “twenty-one” and substituting “18”.

Non-citizen child not to leave Australia without consent

15. Section 6A of the Principal Act is amended—

- (a) by omitting from sub-section (1) “An immigrant child” and substituting “A non-citizen child”;
- (b) by omitting from sub-section (2) “immigrant child” and substituting “non-citizen child”; and
- (c) by omitting from sub-section (3) “an immigrant child” and substituting “a non-citizen child”.

Custody of non-citizen children

16. Section 7 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “an immigrant child” and substituting “a non-citizen child”; and
- (b) by omitting from sub-section (2) “an immigrant child” and substituting “a non-citizen child”.

Saving of application of State laws

17. Section 8 of the Principal Act is amended by omitting “immigrant children” and substituting “non-citizen children”.

Offences in respect of non-citizen child

18. Section 9 of the Principal Act is amended by omitting “immigrant child” (wherever occurring) and substituting “non-citizen child”.

Regulations

19. Section 12 of the Principal Act is amended by omitting “immigrant children” (wherever occurring) and substituting “non-citizen children”.

Transitional

20. Subject to the Principal Act as amended by this Act—

- (a) a person who, immediately before the commencement of this section, was an immigrant child within the meaning of the Principal Act becomes, upon that commencement, a non-citizen child within the meaning of the Principal Act as amended by this Act;
- (b) a reference in any regulations or other instrument made for the purposes of the Principal Act to an immigrant child, except in relation to matters that occurred before the commencement of this section, be read as a reference to a non-citizen child; and
- (c) any action taken under section 7 of the Principal Act in relation to a child shall, after the commencement of this section, have effect as if it had been taken under section 7 of the Principal Act as amended by this Act.

PART VI—AMENDMENTS OF NAVIGATION ACT 1912

Principal Act

21. The *Navigation Act 1912*⁵ is in this Part referred to as the Principal Act.

Engagement of aliens

22. Section 49 of the Principal Act is amended—

- (a) by omitting “an alien” and substituting “a person who is not an Australian citizen”; and
- (b) by omitting “the alien” and substituting “the person”.

**PART VII—AMENDMENT OF NAVIGATION
AMENDMENT ACT 1980**

Principal Act

23. The *Navigation Amendment Act 1980*⁶ is in this Part referred to as the Principal Act.

Engagement of aliens

24. Section 22 of the Principal Act is amended by omitting “an alien” and substituting “a person who is not an Australian citizen”.

**PART VIII—AMENDMENTS OF OVERSEAS STUDENTS
CHARGE ACT 1979**

Principal Act

25. The *Overseas Students Charge Act 1979*⁷ is in this Part referred to as the Principal Act.

Title

26. The title of the Principal Act is amended by omitting “overseas” and substituting “alien”.

Interpretation

27. (1) Section 4 of the Principal Act is amended—

- (a) by omitting “an immigrant within the meaning of the *Migration Act 1958*” from the definition of “overseas student” in sub-section (1) and substituting “not an Australian citizen”; and
- (b) by omitting “that Act” from that definition and substituting “the *Migration Act 1958*”.

(2) A person shall be taken not to be an overseas student within the meaning of the *Overseas Students Charge Act 1979* if the person is not an immigrant within the meaning of the *Migration Act 1958* as amended and in

force immediately before the commencement of the *Migration Amendment Act 1983*.

PART IX—AMENDMENTS OF QUARANTINE ACT 1908

Principal Act

28. The *Quarantine Act 1908*⁸ is in this Part referred to as the Principal Act.

Medical examination for possible pulmonary tuberculosis, &c.

29. Section 35AA of the Principal Act is amended—

- (a) by omitting from sub-section (1) “an immigrant” and substituting “a non-citizen”;
- (b) by omitting from sub-section (4) “an immigrant” and substituting “a non-citizen”;
- (c) by omitting from sub-section (7) “‘immigrant’ ” and substituting “‘non-citizen’ ”; and
- (d) by omitting from sub-section (7) “1958-1966” and substituting “1958”.

PART X—AMENDMENT OF SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) ACT 1935

Principal Act

30. The *Sales Tax (Exemptions and Classifications) Act 1935*⁹ is in this Part referred to as the Principal Act.

First Schedule

31. The First Schedule to the Principal Act is amended by omitting from sub-item (7) of item 114A “an immigrant child” and substituting “a non-citizen child”.

NOTES

1. No. 83, 1948, as amended. For previous amendments, see No. 58, 1950; No. 70, 1952; No. 85, 1953; No. 1, 1955; No. 63, 1958; No. 79, 1959; No. 82, 1960; No. 11, 1966; No. 11, 1967; No. 22, 1969; Nos. 99 and 216, 1973; No. 91, 1976; No. 61, 1981; and No. 80, 1982.
2. No. 17, 1970, as amended. For previous amendments, see No. 216, 1973.
3. No. 27, 1918, as amended. For previous amendments, see No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; No. 2, 1929; No. 9, 1934; No. 19, 1940; No. 42, 1946; No. 17, 1948; Nos. 10 and 47, 1949; No. 106, 1952; No. 79, 1953; No. 26, 1961; No. 31, 1962; Nos. 48 and 70, 1965; Nos. 32 and 93, 1966; No. 7, 1973; No. 38, 1974; No. 56, 1975; Nos. 14 and 116, 1977; No. 19, 1979; Nos. 102 and 155, 1980; No. 176, 1981; Nos. 26 and 80, 1982; and No. 39, 1983.

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NOTES—continued

4. No. 45, 1946, as amended. For previous amendments, see No. 62, 1948; No. 29, 1952; No. 93, 1966; and No. 216, 1973.
5. No. 4, 1913, as amended. For previous amendments, see No. 32, 1919; No. 1, 1921; No. 8, 1925; No. 8, 1926; No. 49, 1934; No. 30, 1935; No. 1, 1943; No. 80, 1950; No. 109, 1952; No. 96, 1953; No. 46, 1956; No. 36, 1958; No. 96, 1961; No. 1, 1965; No. 93, 1966; No. 60, 1967; No. 62, 1968; Nos. 1 and 117, 1970; No. 28, 1972; No. 216, 1973; Nos. 91 and 157, 1976; Nos. 98 and 155, 1979; Nos. 70 and 87, 1980; Nos. 10, 36, 61 and 74, 1981; No. 80, 1982; and Nos. 39 and 40, 1983.
6. No. 87, 1980, as amended. For previous amendments, see Nos. 10 and 74, 1981.
7. No. 119, 1979, as amended. For previous amendments, see No. 61, 1981; and No. 22, 1982.
8. No. 3, 1908, as amended. For previous amendments, see No. 15, 1912; No. 42, 1915; No. 47, 1920; No. 30, 1924; Nos. 19 and 92, 1947; No. 80, 1950; No. 61, 1961; No. 12, 1966; No. 1, 1969; No. 216, 1973; Nos. 1, 105 and 155, 1979; No. 70, 1980; No. 54, 1981; and No. 51, 1982.
9. No. 60, 1935, as amended. For previous amendments, see No. 41, 1936; No. 78, 1938; No. 32, 1939; Nos. 29 and 76, 1940; No. 32, 1941; No. 6, 1942; Nos. 35 and 44, 1943; No. 31, 1944; No. 36, 1945; Nos. 12 and 67, 1946; No. 65, 1947; No. 42, 1948; No. 54, 1949; No. 37, 1950; No. 42, 1951; No. 44, 1952; No. 53, 1953; No. 45, 1954; No. 5, 1956; No. 71, 1957; Nos. 17 and 92, 1959; Nos. 65 and 88, 1960; Nos. 1 and 76, 1961; No. 4, 1962; No. 44, 1963; No. 30, 1965; Nos. 26 and 62, 1966; Nos. 21, 29 and 80, 1967; No. 78, 1970; Nos. 67 and 87, 1972; Nos. 17, 181 and 216, 1973; No. 24, 1975; No. 175, 1976; No. 107, 1978; Nos. 3, 94 and 157, 1979; No. 142, 1981; Nos. 64, 93 and 115, 1982; and No. 63, 1983.