

STATUTORY RULES.

1949. No. .

REGULATIONS UNDER THE ALIENS DEPORTATION ACT 1948. *

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Aliens Deportation Act 1948.

Dated this FOURTEENTH day of APRIL, 1949.

W. J. McKELL
Governor-General.

By His Excellency's Command,


Minister of State for Immigration.

ALIENS DEPORTATION REGULATIONS.

Citation.

1. These Regulations may be cited as the Aliens Deportation Regulations.

Definitions.

2. In these Regulations, unless the contrary intention appears -

"Commissioner" means a Commissioner appointed under section 5 of the Act;

"investigation" means an investigation into the character and conduct of an alien by a Commissioner under section 5 of the Act;

"the Act" means the Aliens Deportation Act 1948.

Form of order for deportation.

3. An order for deportation of an alien under section 5 of the Act shall be in accordance with Form A or Form B in the Schedule to these Regulations, as the circumstances of the case require.

Master of vessel to prevent deportee from leaving vessel.

4. When a deportee has been placed on board a vessel for the purpose of his deportation from Australia the master of the vessel shall take all reasonable measures to prevent the deportee from leaving the vessel prior to its departure from its last port of call in Australia.

* Notified in the Commonwealth Gazette on , 1949

Power to send
for witnesses
and documents.

5. A Commissioner may, by writing under his hand, summon any person to attend before the Commissioner at a time and place specified in the summons to give evidence and to produce any books or documents in his custody or control which he is required by the summons to produce.

Power to examine
on oath or
affirmation.

6.--(1.) A Commissioner may administer an oath to any person appearing as a witness before the Commissioner, whether the witness has been summoned or appears without being summoned, and may examine the witness on oath.

(2.) Where any witness conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth, and nothing but the truth to all questions that are asked him.

(3.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

Offences.

7. A person summoned to attend before a Commissioner as a witness shall not -

(a) fail without reasonable cause to attend;

(b) refuse to be sworn or to make an affirmation

as a witness, or to answer any question which the Commissioner considers relevant to the investigation; or

(c) refuse or fail, without reasonable cause, to produce any book or document which he was required by the summons to produce.

Statements of
witness not
admissible in
evidence
against him.

8. A statement or disclosure made by a witness in answer to a question put to him during an investigation shall not (except in proceedings in respect of a false answer) be admissible in evidence against him in any civil or criminal proceedings.

Representation
by counsel, etc.

9.--(1.) An alien summoned to appear before a Commissioner shall be entitled to be represented by a barrister, a solicitor or an agent, and the Minister may likewise be represented.

(2.) The Attorney-General may appoint a barrister or solicitor to assist a Commissioner in an investigation.

(3.) Any barrister, solicitor or agent appearing before a Commissioner may examine or cross-examine witnesses and address the Commissioner.

Witness fees.

10. A person who is summoned to appear to give evidence before a Commissioner shall be entitled to be paid witness fees and travelling expenses according to the tariff of fees payable to witnesses in the Supreme Court of the State or Territory in which he is summoned to give evidence.

Service of summons.

11.-(1.) A summons under the Act or these Regulations may be served either personally on the person to be served or by prepaid registered letter addressed to the person at his last known place of abode or by leaving it at his last known place of abode with some other person apparently an inmate of that place and apparently not less than sixteen years of age.

(2.) A summons directed to the master of a vessel upon an information alleging the commission by the master of an offence against the Act or these Regulations shall be deemed to be duly served on the master if the summons is delivered to a person authorized by the master to accept service of process on the master's behalf.

Penalties.

12. A person who contravenes any provision of these Regulations shall be liable, upon conviction, to a penalty of a fine not exceeding Fifty pounds or imprisonment not exceeding three months, or both.

Regulation 3.

Aliens Deportation Act 1948.

ORDER FOR DETENTION.

Whereas a Commissioner under the Aliens Deportation
Act 1948 has reported that one
.....
being an alien, is not a fit and proper person to be
allowed to remain in Australia:

Now, therefore, I,.....
Minister of State for Immigration, in pursuance of
section five of the said Act, do order that the said
.....
.....
be deported from Australia, and I direct that pending
deportation he be kept in such custody as
..... directs.

Dated this _____ day of _____
One thousand nine hundred and _____

Minister of State for Immigration.

Form B.

Regulation 3.

Commonwealth of Australia.

Aliens Deportation Act 1948.

ORDER FOR DEPORTATION.

Whereas one

 is an alien who was summoned in pursuance of section
 five of the Aliens Deportation Act 1948 to appear
 before a Commissioner:

And Whereas the said
 failed to appear before the Commissioner at the time
 and place specified in the summons:

Now, therefore, I,
 Minister of State for Immigration, in pursuance of
 section five of the said Act, do order that the said

 be deported from Australia, and I direct that pending
 deportation he be kept in such custody as.....
directs.

Dated this day of
 One thousand nine hundred and

Minister of State for Immigration.