

ALIENS REGISTRATION.

No. 12 of 1939.

An Act relating to the Registration of Aliens.

[Assented to 21st June, 1939.]

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 1939*. Short title.
2. This Act shall come into operation 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 other than a person who—
 - (a) is a British subject within the meaning of the *Nationality Act 1920–1936*; or
 - (b) is, by reason of a declaration made under section eighteen A of that Act, entitled, whilst in Australia or any Territory, to all political and other rights, powers and privileges to which a natural born British subject is entitled;
 - “Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth;
 - “Commonwealth Electoral Officer” means the Commonwealth Electoral Officer for a State;
 - “Commonwealth officer” means any member of the police force of the Commonwealth or of a State or Territory of the Commonwealth, any person permanently employed in the Public Service of the Commonwealth or of a State or any officer of the Permanent Naval, Military or Air Forces of the Commonwealth, acting in the course of his duty;
 - “Electoral Officer” means the Chief Electoral Officer, a Commonwealth Electoral Officer, the Returning Officer for the Northern Territory or a Registrar of Aliens;
 - “Registrar” means a Registrar of Aliens; and
 - “Subdivision” means—
 - (a) an electoral Subdivision of a Commonwealth Electoral Division;
 - (b) an electoral Subdivision of the Northern Territory; and
 - (c) the Australian Capital Territory.
- 4.—(1.) For every Subdivision there shall be a Registrar of Aliens. Registrar of Aliens.
(2.) The Electoral Registrar for any Subdivision, other than the Australian Capital Territory, shall be the Registrar of Aliens for that Subdivision.

(3.) The Chief Electoral Officer may appoint any officer of the Public Service of the Commonwealth to be the Registrar of Aliens for the Australian Capital Territory.

Register
of Aliens.

5.—(1.) For every Subdivision there shall be a Register of Aliens.

(2.) The Registrar for each Subdivision shall enter or cause to be entered in the Register of Aliens such particulars relating to aliens registered in that Subdivision as are prescribed.

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

Index of
Aliens.

6.—(1.) For every State there shall be an Index of Aliens.

(2.) The Commonwealth Electoral Officer for each State shall enter or cause to be entered in the Index of Aliens such particulars relating to registered aliens in that State as are prescribed.

(3.) For the purposes of this section, the Australian Capital Territory and the Northern Territory shall be deemed to be States and the Chief Electoral Officer and the Returning Officer for the Northern Territory shall be deemed to be Commonwealth Electoral Officers.

Register and
Index not open
for inspection.

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

Aliens to
register.

8.—(1.) Subject to this section, every alien in the Commonwealth shall, within the prescribed time and in the prescribed manner, make application to the Registrar for the Subdivision in which the alien resides to be registered as an alien under this Act.

Penalty: Fifty pounds or imprisonment for three months.

(2.) Every alien making application to be registered as an alien under this Act shall make application in the name which he bears at the time of making the application but shall also state in the application the name which appeared on his passport or other document of identity when he first entered the Commonwealth, or, if he produced no passport or other document of identity, the name by which he was then known.

(3.) Nothing in sub-section (1.) of this section shall apply to—

- (a) a Consul or Trade Commissioner representing the Government of any foreign country or any member of his staff sent by the Government of that foreign country for employment on his staff;
- (b) the wife or dependent relative of any person to whom the last preceding paragraph applies;
- (c) the master and crew of any public vessel of any Government;
- (d) an 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, may direct; or
- (e) any alien exempted from registration by the Minister or by any officer authorized in that behalf by the Minister.

(4.) For the purposes of the last preceding sub-section, a person shall not be deemed to be a Trade Commissioner representing the Government of a foreign country unless that Government has officially notified the Government of the Commonwealth to that effect.

9. A registered alien who changes his place of residence to another address in the Subdivision in which he is registered shall, within the prescribed time, notify the Registrar in writing of his change of address.

Alien to notify change of address.

Penalty : Fifty pounds or imprisonment for three months.

10. A registered alien who changes his place of residence to an address in a Subdivision other than that in which he is registered shall, within the prescribed time and in the prescribed manner, make application to the Registrar for that other Subdivision for the transfer of his registration to the Register of Aliens for that Subdivision.

Transfer of registration.

Penalty : Fifty pounds or imprisonment for three months.

11. Nothing in sections nine and ten of this Act shall apply to any temporary absence from a place of residence which does not exceed sixty consecutive days.

Temporary absence.

12. A registered alien who changes his name from that in which he is registered shall, within the prescribed time and in the prescribed manner, make application to the Registrar for the Subdivision in which he resides for his registration to be amended accordingly.

Change of name.

Penalty : Fifty pounds or imprisonment for three months.

13.—(1.) Upon the registration of an alien under this Act, the Registrar for the Subdivision in which the alien is registered shall issue to the alien a certificate of registration in the prescribed form.

Certificate of registration.

(2.) An Electoral Officer or a Commonwealth officer may require an alien to produce his certificate of registration and any alien who refuses or fails to produce his certificate when so required at a time and place named by the Electoral Officer or Commonwealth officer shall be guilty of an offence.

(3.) A registered alien who leaves or attempts to leave the Commonwealth without having first surrendered his certificate of registration to an Electoral Officer shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

14.—(1.) The Minister may require an alien to report himself to such Electoral Officer or Commonwealth officer at such times and places as the Minister thinks fit and the certificate of registration of the alien shall be endorsed with the particulars of such requirement.

Aliens may be required to report to Electoral Officer.

(2.) Any alien failing to report himself as required under sub-section (1.) of this section shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

Aliens and
others to
supply
information.

15.—(1.) An Electoral Officer or a Commonwealth 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 any person who refuses or fails to supply that information or to produce the document or other evidence or who knowingly gives false or misleading information shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

(2.) An Electoral Officer or a Commonwealth officer may require the occupier of any habitation or any other person to answer any question and to supply information relating to any alien or person whom the Electoral Officer or Commonwealth officer believes to be an alien, and any occupier or other person who refuses or fails to answer that question or to supply that information, or who knowingly gives false or misleading information, shall be guilty of an offence.

Penalty : Twenty pounds or imprisonment for two months.

(3.) No prosecution for an offence against the last preceding sub-section shall be instituted without the consent of the Minister.

Untrue
statements
by aliens.

16. Any alien who makes any false statement in any application or other document made under this Act or the Regulations shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

Offences by
witnesses.

17. A person shall not affix his signature as witness to any application or other document signed by an alien in pursuance of this Act or the Regulations unless he has reasonable cause to believe that the statements contained in the application or other document are true.

Penalty : Fifty pounds or imprisonment for three months.

Signing
for alien.

18. Any person who places what purports to be the signature of another person on any application or other document made under this Act or the Regulations shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

Offences to be
continuing.

19. 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.

Chief Electoral
Officer or
Commonwealth
Electoral
Officer may
settle cases.

20. Where any alien admits to the Chief Electoral Officer, a Commonwealth Electoral Officer or the Returning Officer for the Northern Territory that he has failed to do within the prescribed time any act which section eight, section nine, section ten or section twelve of this Act requires him to do, that officer may, with the

consent in writing of the alien and upon proof that the alien has since done that act, determine the matter, and may order that person to pay such pecuniary penalty, not exceeding Five 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.

21. 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.

22.—(1.) The provisions of paragraph (d) of sub-section (3.) of section eight and of section eleven of this Act shall not have effect during any time of war. Non-application of certain provisions in time of war.

(2.) In this section, "time of war" has the same meaning as in the *Defence Act* 1903-1934.

23. 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 and location of aliens in the Commonwealth, and for prescribing penalties not exceeding Fifty pounds or imprisonment not exceeding three months for any offence against the regulations. Regulations.