

## ALIENS DEPORTATION.

### No. 84 of 1948.

## An Act to provide for the Deportation of certain Aliens.

[Assented to 21st December, 1948.]

[Date of commencement, 18th January, 1949.]

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

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| Short title.                         | 1. This Act may be cited as the <i>Aliens Deportation Act</i> 1948.  |
| Repeal and saving.                   | 2.—(1.) The <i>Aliens Deportation Act</i> 1946 is repealed.<br>(2.) Notwithstanding the repeal effected by the last preceding sub-section any alien whose deportation from the Commonwealth has been ordered in pursuance of the <i>Aliens Deportation Act</i> 1946 may be deported as if that Act were still in force.  |
| Definitions.                         | 3. In this Act, unless the contrary intention appears—<br>“alien” means a person who is an alien within the meaning of the <i>Nationality and Citizenship Act</i> 1948;<br>“approved form” means a form approved by the Minister;<br>“deportee” means an alien for whose deportation the Minister has made an order under this Act;<br>“officer” means an officer of the Department of Immigration, and, in relation to the exercise of any power or the discharge of any function under this Act, means an officer of the Commonwealth or a member of the police force of a State or of a Territory which is part of the Commonwealth who is authorized in writing by the Minister to exercise that power or discharge that function. |
| Application in relation to aircraft. | 4. The provisions of this Act which are expressed to apply in relation to vessels shall apply <i>mutatis mutandis</i> in relation to aircraft, and, for that purpose, any reference in those provisions to a vessel, the master of a vessel or a port shall be deemed to be a reference to an aircraft, the pilot in command of an aircraft or an airport, respectively.   |
| Deportation of certain aliens.       | 5.—(1.) If it appears to the Minister that the conduct and character of an alien is such that that alien should not be allowed to remain in Australia, the Minister may, by notice in writing, summon the alien to appear before a Commissioner, at the time and place specified in the summons.   |

(2.) A Commissioner for the purposes of this section shall be appointed by the Governor-General and shall be a person who is or has been a Judge of the Supreme Court of a State or of a Territory which forms part of the Commonwealth.

(3.) The Commissioner shall make a thorough investigation of the conduct and character of the alien without regard to legal forms and shall not be bound by any rules of evidence, but may inform himself on any relevant matter in such manner as he thinks fit.

(4.) After the investigation the Commissioner shall report to the Minister as to whether the Commissioner considers that the alien is a fit and proper person to be allowed to remain in Australia.

(5.) If—

(a) the Commissioner reports that he considers that the alien is not a fit and proper person to be allowed to remain in Australia; or

(b) the alien fails to appear before the Commissioner at the time and place specified in the summons,

the Minister may make an order for deportation of the alien from Australia and the alien shall be deported accordingly.

6.—(1.) The master, owner, agent or charterer of a vessel shall, when required so to do by notice in writing by the Minister, or by an officer authorized in writing by the Minister for the purpose, receive on board, for conveyance to such port to which the vessel is bound as is specified in the notice, any deportee for passage in accordance with the order for deportation and shall also receive on board, for such time as is specified in the notice, any officer or person charged with the custody of the deportee.

Duty of master, &c., of vessel in connexion with deportation of alien.

(2.) For the services specified in the last preceding sub-section the Commonwealth shall be liable to pay to the master, owner, agent or charterer the passage money of the deportee and such sum on account of the maintenance of the deportee and of the officer or person (if any) charged with the custody of the deportee as the Minister considers reasonable.

(3.) The master, owner, agent and charterer of any vessel who refuses or fails without reasonable cause, proof whereof shall lie upon him, to comply with a notice issued in pursuance of sub-section (1.) of this section shall be guilty of an offence.

(4.) Any person who is guilty of an offence against this section shall be liable—

(a) if a body corporate—to a fine of Two hundred pounds; or

(b) if any other person—to a fine of One hundred pounds or imprisonment for six months, or both.

7.—(1.) A deportee may—

(a) pending his deportation and until he is placed on board a vessel for deportation from Australia;

Custody pending deportation.

- (b) at any port in Australia at which the vessel calls after he has been placed on board ; and  
 (c) on board the vessel until its departure from its last port of call in Australia,

be kept in such custody as the Minister or an officer directs.

(2.) The Minister may direct that a deportee be not kept in custody or be released from custody if two persons give security, each in the value of One hundred pounds, by—

- (a) a deposit of cash or Treasury bonds or negotiable instruments, together with a memorandum of deposit in the approved form ; or

(b) a security in the approved form, that the deportee will leave Australia within such time as is specified in the order for his deportation or as the Minister directs by notice in writing to the sureties.

(3.) A security given in pursuance of the last preceding sub-section shall suffice for all the purposes of a bond or guarantee, and shall, without sealing, bind its subscriber as if it were sealed.

Production of  
deportee at last  
port of call.

8.—(1.) The master of a vessel upon which a deportee has been placed in pursuance of this Act shall, upon being requested so to do by an officer, produce the deportee for inspection by the officer immediately prior to the vessel's departure from its last port of call in Australia.

(2.) The master of a vessel who refuses or fails to comply with the request of an officer made in pursuance of the last preceding sub-section or to produce a deportee for inspection upon such request or who refuses or neglects to afford all reasonable facilities to an officer for the performance of his duties shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

Arrest of  
deportees.

9. An officer may, without warrant, arrest any person reasonably supposed to be a deportee and a person shall not resist or prevent any such arrest.

Penalty : One hundred pounds or imprisonment for six months.

Concealing or  
assisting  
deportees  
to evade  
deportation.

10. A person who, knowing an alien to be a deportee, conceals, receives or harbours the deportee, aids or assists the deportee in concealing himself or in any way whatsoever assists the deportee to evade deportation in accordance with an order under this Act shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.

Dependants of  
deportee.

11. Where an order has been made under this Act for the deportation of an alien and the alien has a wife who is an alien, or a wife and dependent children who are aliens, she or they may, if the wife so desires and notifies the Minister, be included in the order for deportation, and, after her or their inclusion in the order, the provisions of this Act relating to deportation shall apply to and in relation to her or them.

12. The Governor-General may make regulations, not inconsistent <sup>Regulations.</sup> with this Act, prescribing all matters which by this Act 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 for prescribing penalties not exceeding Fifty pounds or imprisonment not exceeding three months, or both, for any offence against the regulations.

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