ALIENS ACT REPEAL BILL 1984

Date Introduced: 9 May 1984
House: House of Representatives
Presented by: Hon. S.J. West, M.P., Minister for Immigration and Ethnic Affairs

Short Digest of Bill

Purpose

To repeal the Aliens Act 1947 and subsequent amending Acts, furthering an emphasis on Australian citizenship in matters of nationality and citizenship rather than status as an alien or as a British subject.

Background

The notion of Australian citizenship was introduced by the Australian Citizenship Act 1948. Prior to that time, the ordinary residents of Australia comprised British subjects living in Australia, and aliens. Aliens generally were subject to the wartime National Security (Aliens Control) Regulations, superseded by the Aliens Act 1947 which operated from 1 January 1948 to regulate aliens in Australia.

"Aliens" for the purposes of the Aliens Act 1947 were defined in terms of the Australian Citizenship Act 1948 (originally named the Nationality and Citizenship Act 1948), as persons other than British subjects. Section 7 of the Australian Citizenship Act 1948 provided that Australian citizens and the citizens of certain other Commonwealth countries, were British subjects.

Amendments in 1969, consequent upon changes in the relevant British legislation, replaced the term "British subject" in the Australian legislation with the term "status of British subject". Citizens of a range of Commonwealth countries have the status of British subject under the legislation. The Australian Citizenship Amendment Bill 1984 [see Bills Digest for Australian Citizenship Amendment Bill 1983] in clause 7 repeals Part II, including section 7, of the Australian Citizenship Act 1948. That Bill would commence on a date to be proclaimed.

The present Bill would commence on the date of Royal Assent. It repeals the Aliens Act 1947, and
subsequent amending Acts. The Aliens Act 1947 requires maintenance of a Register of Aliens and the notification and recording of matters relating to aliens, defined as persons not having the status of British subject, in Australia. The more substantive matters, such as regulation of the presence of such persons in Australia, permanent residency, Australian citizenship and, for the time being, the status of British subject, are provided for in other legislation. Maintenance of an aliens register is dispensable because information on non-Australian citizens in Australia is now available from visa records and entry and exit monitoring by immigration officials.

Main Provisions

The Bill would commence on the date of Royal Assent and repeals the Aliens Act 1947 and subsequent amending Acts. Clause 4 terminates the liability to prosecution or to penalty under section 18 of persons contravening provisions of the Act.

For further information, if required, contact:

6 June 1984

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