

1983

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MIGRATION (MISCELLANEOUS AMENDMENTS)

BILL 1983

EXPLANATORY MEMORANDUM

(Circulated by the Authority of the Minister for
Immigration and Ethnic Affairs, the Honourable
Stewart J. West MP)

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MIGRATION (MISCELLANEOUS AMENDMENTS) BILL 1983

Purpose of the Bill

The Migration (Miscellaneous Amendments) Bill 1983 is designed to amend a number of Commonwealth Acts consequential upon the Migration Amendment Bill 1983. The latter Bill which removes the distinction between aliens and immigrants from the Migration Act 1958, will necessitate amendments to other legislation, in particular, where terms are defined by reference to meanings within that Act.

Clause 1 : Short Title

The clause fixes the citation of the Act

Clause 2 : Commencement

The clause provides for the Act to come into operation on the day on which the Migration Amendment Act 1983 comes into operation, except that Part VII shall come into operation when Section 22 of the Navigation Amendment Act 1980 comes into operation or when the Migration Amendment Act 1983 comes into operation, whichever is later.

PART II - AMENDMENT OF AUSTRALIAN CITIZENSHIP ACT 1948Clause 3 : Principal Act

Identifies the Australian Citizenship Act 1948 as the Principal Act for the purposes of Part II.

Clause 4 : Transitional Provisions

Amends section 25 of the Principal Act to provide that 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 entry was a prohibited immigrant, or who enters Australia after the commencement of the Migration Amendment Act 1983 and at the time of entry is a prohibited non-citizen, or at each time was or is the holder of a temporary entry permit, shall not become an Australian citizen under the section.

PART III - AMENDMENT OF CIVIL AVIATION (OFFENDERS ON INTERNATIONAL AIRCRAFT) ACT 1970Clause 5 : Principal Act

Identifies the Civil Aviation (Offenders on International Aircraft) Act 1970 as the Principal Act for the purposes of Part III

Clause 6 : Application of the Migration Act 1958

Amends section 11 of the Principal Act by omitting "an immigrant" and substituting "a non-citizen".

PART IV - AMENDMENT OF COMMONWEALTH ELECTORAL ACT 1918

Clause 7 : Principal Act

Identifies the Commonwealth Electoral Act 1918 as the Principal Act for the purposes of Part IV.

Clause 8 : Persons entitled to enrolment and to vote

Amends section 39 of the Principal Act by omitting from paragraph (5)(b) "prohibited immigrant" and substituting "prohibited non-citizen".

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

Clause 9 : Principal Act

Identifies the Immigration (Guardianship of Children) Act 1946 as the Principal Act for the purposes of Part V.

Clause 10 : Title

Amends the title of the Principal Act by omitting "Children from outside Australia" and substituting "alien children".

Clause 11 : Interpretation

Amends the definition of "custodian" in section 4 of the Principal Act by omitting "an immigrant child" and substituting "a non-citizen child", by omitting the definition of "immigrant child" and inserting definitions of "non-citizen" and "non-citizen child". The maximum age at which a person will become a "non-citizen child" will be 18 years, to be consistent with an order in force under section 11 of the Principal Act.

Clause 12 : Evidence

Amends section 4A of the Principal Act by omitting "an immigrant child" wherever occurring and substituting "a non-citizen child".

Clause 13 : Delegation

Amends section 5(1) of the Principal Act by omitting "immigrant child" and "immigrant children" and substituting "non-citizen child" and "non-citizen children" respectively.

Clause 14 : Guardianship of non-citizen children

Amends section 6 of the Principal Act by omitting "immigrant child" and substituting "non-citizen child" and by omitting "twenty-one" and substituting "18".

Clause 15 : Non-citizen child not to leave Australia without consent

Amends section 6A of the Principal Act to omit references to "immigrant child" and substitute "non-citizen child".

Clause 16 : Custody of non-citizen children

Amends section 7 of the Principal Act to omit references to "immigrant child" and substitute "non-citizen child".

Clause 17 : Saving of application of State laws

Amends section 8 of the Principal Act to omit "immigrant children" and substitute "non-citizen children".

Clause 18 : Offences in respect of non-citizen child

Amends section 9 of the Principal Act to omit references to "immigrant child" and substitute "non-citizen child".

Clause 19 : Regulations

Amends section 12 of the Principal Act to omit references to "immigrant child" and substitute "non-citizen child".

Clause 20 : Transitional

Provides for transitional provisions with respect to an immigrant child, references in any regulations or other instrument to an immigrant child and action taken under section 7.

PART VI - AMENDMENTS OF NAVIGATION ACT 1912

Clause 21 : Principal Act

Identifies the Navigation Act 1912 as the Principal Act for the purposes of Part VI.

Clause 22 : Engagement of aliens

Amends section 49 of the Principal Act to omit "an alien" and substitute "a person who is not an Australian citizen" and to omit "the alien" and substitute "the person".

PART VII - AMENDMENT OF NAVIGATION AMENDMENT ACT 1980

Clause 23 : Principal Act

Identifies the Navigation Amendment Act 1980 as the Principal Act for the purposes of Part VII.

Clause 24 : Engagement of non-citizens

Amends section 22 of the Principal Act by omitting "an alien" and substituting "a person who is not an Australian citizen".

PART VIII - AMENDMENTS OF OVERSEAS STUDENTS CHARGE ACT 1979

Clause 25 : Principal Act

Identifies the Overseas Students Charge Act 1979 as the Principal Act for the purposes of Part VIII.

Clause 26 : Title

Amends the long title of the Principal Act by omitting "overseas" and substituting "alien".

Clause 27 : Interpretation

Amends the definition of "overseas student" in section 4 of the Principal Act by omitting "an immigrant within the meaning of the Migration Act 1958" and substituting "not an Australian citizen". The clause further provides that a person who ceases to be an immigrant within the meaning of the Migration Act 1958 as in force immediately before the commencement of the Migration Amendment Act 1983 shall not be taken to be an overseas student within the meaning of the Principal Act.

PART IX - AMENDMENTS OF QUARANTINE ACT 1908

Clause 28 : Principal Act

Identifies the Quarantine Act 1908 as the Principal Act for the purposes of Part IX.

Clause 29 : Medical examination for possible pulmonary tuberculosis etc

Amends section 35AA of the Principal Act by omitting "immigrant" wherever occurring and substituting "non-citizen".

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

Clause 30 : Principal Act

Identifies the Sales Tax (Exemptions and Classifications) Act 1935 as the Principal Act for the purposes of Part X.

Clause 31 : First Schedule

Amends the First Schedule to the Principal Act by omitting from sub-item (7) of item 114A "an immigrant child" and substituting "a non-citizen child".