

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1920.

A BILL

To restrict the employment of aliens in the Public Service and departments of the Crown; to restrict the employment of aliens by city, municipal, and shire councils; to regulate schools attended by the children of aliens; to control the acquisition of land by aliens; to obtain information as to the number and nationality of alien shareholders in public companies; to amend the Public Instruction Acts, the Naturalization and Denization Act of New South Wales, 1898, the Crown Lands Acts, the Closer Settlement Acts, the Companies Acts, and certain other Acts; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Aliens Act, 1920." Short title.

2. This Act is divided into Parts as follows:— Division into Parts.

PART I.—ALIEN OFFICERS OF THE PUBLIC SERVICE AND DEPARTMENTS OF THE CROWN—
ss. 3-5.

PART II.—ALIEN OFFICERS OF CITY, MUNICIPAL, AND SHIRE COUNCILS—*ss. 6-8.*

PART III.—ALIEN SCHOOLS—*ss. 9-11.*

PART IV.—ACQUISITION OF LAND BY ALIENS—
ss. 12-17.

PART V.—ALIEN SHAREHOLDERS IN PUBLIC COMPANIES—*ss. 18-20.*

PART VI.—SUPPLEMENTAL—*s. 21.*

PART I.

ALIEN OFFICERS OF THE PUBLIC SERVICE AND DEPARTMENTS OF THE CROWN.

3. In the construction of this Part of this Act, Interpretation. unless the context otherwise indicates or requires,—

"Alien" means any person who, whether naturalized or not, is or has been a subject of any State with which His Majesty was at war at any time after the fourth day of August, one thousand nine hundred and fourteen.

4.

4. No alien shall, without the approval of the Governor, be appointed to any position or be employed in the Public Service or any department of His Majesty's government :

Appointment of alien to Public Service, &c., to be subject to approval of Governor.

Provided that this Part shall not apply to any alien who at the commencement of this Act is the holder of any such position or is so employed as aforesaid.

5. (1) Any alien, who is an applicant for such position or employment, shall furnish a statutory declaration setting out his nationality, or, if he is naturalized, his nationality prior to naturalization.

Statutory declaration by alien applicant.

(2) Any alien applicant who fails to comply with the provisions of this section shall be liable to a penalty not exceeding *fifty* pounds.

PART II.

ALIEN OFFICERS OF CITY, MUNICIPAL AND SHIRE COUNCILS.

6. In the construction of this Part of this Act, unless the context otherwise indicates or requires,—

Interpretation.

“ Alien ” means an alien as defined by section three of this Act.

“ Council ” means a council within the meaning of the Local Government Act, 1919, and the Sydney Corporation Act, 1902.

7. No alien shall be appointed or employed by any council to or in the position of council clerk or engineer or overseer of works, or to or in any position on the office staff of a council, or as an assistant of any kind to such engineer :

No alien to be appointed or employed as council clerk, &c.

Provided

Provided that this Part shall not apply to any alien who at the commencement of this Act is the holder of or is employed in any such position or is such assistant as aforesaid.

8. (1) The council may require any applicant for such position or employment, or any person holding such position or so employed, to furnish a statutory declaration setting out his nationality or, if he is naturalized, his nationality prior to naturalization. Statutory declaration by applicant, &c.

(2) Any such applicant or person who, when so required, fails to furnish such statutory declaration shall be liable to a penalty not exceeding *fifty* pounds.

PART III.

ALIEN SCHOOLS.

9. In the construction of this Part of this Act, unless the context otherwise indicates or requires, — Interpretation.

“Alien” means any person who is not a natural-born British subject, and includes the wife of such person.

“Minister” means the Minister of Public Instruction, and includes any member of the Executive Council who may administer this Part.

“Prescribed” means prescribed by this Act or by any regulation thereunder.

10. No school shall be certified under the provisions of the Public Instruction (Amendment) Act, 1916, and any certificate issued thereunder shall be cancelled, unless the Minister is satisfied that the instruction in such school is being imparted, so far as is possible, in the English language and is in no respect inimical to the British Empire or any part thereof, and that such school is open at all times to inspection by the proper officers of the Department of Public Instruction. Instruction in certified schools to be imparted, as far as is possible, in English.

11.

11. No child of any alien shall be deemed to be receiving regular and efficient instruction within the meaning of paragraph (b) of subsection four of section four of the said Act, unless such instruction is being imparted, so far as is possible, in the English language.

Construction of s. 4 (4) (b) of Public Instruction (Amendment) Act, 1916.

PART IV.

ACQUISITION OF LAND BY ALIENS.

12. In the construction of this Part of this Act, unless the context otherwise indicates or requires,—

Interpretation.

“Alien” means any person who is or has been a subject of any State with which His Majesty was at war at any time after the fourth day of August, one thousand nine hundred and fourteen, and who is not a naturalized British subject, and includes the wife of such person.

13. The Governor may grant a license in writing authorising an alien to acquire, whether by contract or otherwise, land or any estate or interest in land.

Licenses for acquisition of land, &c., by aliens.

14. (1) Notwithstanding anything to the contrary in any Act it shall not be lawful after the commencement of this Act for an alien or for any person in trust for an alien, except pursuant to the terms and conditions of a license granted as aforesaid, to contract for the acquisition of land or any estate or interest, whether legal or equitable, in land other than a leasehold estate or interest for a term which will expire within two years from the commencement of such leasehold estate or interest.

Contracts for acquisition of land, &c., by aliens.

(2) Every person who knowingly is a party to or concerned in the making of any such contract shall be liable to a penalty not exceeding *one hundred pounds* or to imprisonment for a term not exceeding *three months*.

(3) For the purposes of this section a contract conferring a right or option to acquire an estate or interest in land shall be deemed to be a contract for the acquisition of that estate or interest.

15.

15. Where under the will of any testator or by succession to a deceased intestate or under a conveyance, transfer, or trust an alien becomes entitled after the commencement of this Act to any land or to any estate or interest in land, whether legal or equitable, such land or estate or interest may, unless a license be granted as aforesaid, be acquired by His Majesty in manner hereinafter provided.

Acquisition of land by aliens under wills, &c.

16. (1) On the information of the Attorney-General the Supreme Court in its equitable jurisdiction may inquire and determine with respect to any land—

Jurisdiction of Equity Court to inquire into acquisition of land, &c., by aliens.

(a) whether such land or any estate or interest therein has been acquired by an alien since the commencement of this Act; and

(b) whether such land or estate or interest was so acquired by contract or under a will, or by succession to a deceased intestate or under a conveyance, transfer, or trust.

(2) The proceedings by the Attorney-General under this Part of this Act shall be *ex parte*, except in so far as the court directs notice thereof to be given to any other person. All persons so receiving such notice shall be parties to the proceedings.

(3) In any proceeding under this Part in which a question arises as to whether any person is an alien the court may accept such evidence as it thinks fit, whether such evidence is legally admissible or not.

17. (1) If the court determines that any land or any estate or interest therein, whether legal or equitable, has been acquired since the commencement of this Act by an alien, to whom a license has not been granted as aforesaid, the court shall declare such land or estate or interest to be forfeited to His Majesty, and the same shall thereupon become vested in the Public Trustee on trust for His Majesty.

Forfeiture in certain cases of land, &c., acquired by aliens, and compensation therefor.

(2) Any alien or other person having an interest in such land or in such estate or interest so forfeited shall be entitled to compensation therefor, to be determined by arbitration in such manner as may be prescribed by regulations made under this Act.

(3)

(3) The Colonial Treasurer shall cause to be paid out of the Consolidated Revenue Fund, without further appropriation than this Act, the amount of the compensation so determined.

(4) All lands and all estates and interests therein acquired by His Majesty under this Part shall be sold or otherwise dealt with as the Governor may from time to time determine.

PART V.

ALIEN SHAREHOLDERS IN PUBLIC COMPANIES.

18. In the construction of this Part of this Act, unless the context otherwise indicates or requires,—

Interpretation.

“Alien” means a person who is not a natural-born British subject, and includes the wife of such person.

19. (1) On or before the thirty-first day of *August* in each year every company registered under the Companies Act, 1899, shall forward to the registrar appointed thereunder a statement showing whether any alien was the holder of any shares in such company on the preceding first day of *July*, and, if so,—

Companies to furnish statements showing whether any shareholders are aliens and the nationality of such shareholders.

- (a) the full name and address of such alien ;
- (b) his nationality, or, where he is naturalized, his nationality prior to naturalization ; and
- (c) the number of shares held by him.

(2) Such statement shall be verified by statutory declaration of the managing director, manager, secretary, or other proper officer of the company.

Statutory declarations verifying such statements.

(3) Any company may require any or all of its shareholders to file with the company a statutory declaration or other evidence acceptable to the company setting out his or their nationality. Such declaration shall set out, in the case of a naturalized shareholder, his nationality prior to naturalization, and, in the case of a beneficiary in an estate of which a shareholder is a trustee, the nationality of such beneficiary, or, if such beneficiary is naturalized, his nationality prior to naturalization.

Statutory declarations by shareholders.

(4)

(4) Any company or shareholder failing to comply with the provisions of this section within a prescribed time shall be liable to a penalty not exceeding *fifty* pounds; and where the offender is an alien shareholder, the Supreme Court, in its equitable jurisdiction, may on the information of the Attorney-General declare the shares held by such shareholder to be forfeited to His Majesty, and such shares shall thereupon become vested in the Public Trustee on trust for His Majesty.

Penalties and forfeiture of shares in certain cases.

(5) Any shares so forfeited shall be sold or otherwise dealt with at such times and in such manner as the Governor may determine.

Sale, &c., of forfeited shares.

20. Where more than two-fifths of the total number of shares in any company registered under the Companies Act, 1899, are held by or on trust for aliens, the Supreme Court in its equitable jurisdiction may, on the information of the Attorney-General, order that such company be wound up on such terms and conditions as the Court may think just and reasonable.

PART VI.

SUPPLEMENTAL.

21. (1) The Governor may from time to time make all such regulations as he may think fit for giving full effect to this Act.

Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette;
 - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
 - (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation, such regulation shall thereupon cease to have effect.
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