

IMMIGRATION RESTRICTION AMENDMENT.

No. 17 of 1905.

An Act to amend the *Immigration Restriction Act 1901.*

[Assented to 21st December, 1905.]

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 *Immigration Restriction Amendment Act 1905*, and this Act and the *Immigration Restriction Act 1901* (in this Act referred to as the Principal Act) shall be read together and may together be cited as the *Immigration Restriction Acts 1901-1905*. Short title
and
incorporation.

2. This Act shall commence on a day to be fixed by Proclamation.* Commencement.

3. Section two of the Principal Act is amended by inserting, after the word "Customs," the words "or any member of the police force of a State." Definition.

4. Section three of the Principal Act is amended— Prohibited
immigrants.
(a) by omitting the whole of paragraph (a), and inserting in lieu thereof the following paragraph:—

“(a) Any person who fails to pass the dictation test: that is to say, who, when an officer dictates to him not less than fifty words in any prescribed language, fails to write them out in that language in the presence of the officer.

No regulation prescribing any language or languages shall have any force until it has been laid before both Houses of the Parliament for thirty days and, before or after the expiration of such thirty days, both Houses of the Parliament by a resolution, of which notice has been given, have agreed to such regulation.”

(b) by omitting from paragraph (e) the words "within three years," and by inserting in that paragraph, before the words "received a pardon," the words "served his sentence or";

(c) by omitting the whole of paragraphs (m) and (n).

* Proclaimed to commence 1st February, 1906. See *Gazette*, 27th January, 1906.

Provision until
language
prescribed.

5. Until a regulation prescribing any language or languages under section three of the Principal Act as amended by this Act shall come into force, any language authorized by section three of the Principal Act before the commencement of this Act shall be deemed to be a prescribed language within the meaning of that section as so amended.

Certificates of
exemption.

6. Section four of the Principal Act is amended—

(a) by omitting the words “ may, if found within the Commonwealth, be treated as,” and inserting in lieu thereof the words “ shall, if found within the Commonwealth, be deemed to be ” ;

(b) by inserting, after the word “ Act,” the words “ and may be deported from the Commonwealth pursuant to any order of the Minister.”

Liability of
agents.

7. Sections four, six, nine, and sub-section (3) of section ten of the Principal Act are amended by inserting after the word “ owners ” the word “ agents.”

8. After section four of the Principal Act the following sections are inserted :—

Exemption
from dictation
test of subjects
or citizens of a
country with
which an
arrangement
has been
made.

“ 4A.—(1) If the Minister notifies by notice in the *Gazette* that an arrangement has been made with the Government of any country regulating the admission to the Commonwealth of the subjects or citizens of that country, the subjects or citizens of that country shall not, while the notice continues to have effect, be required to pass the dictation test.

“ (2.) The Minister shall not issue any such notice until the arrangement has been sanctioned by resolution of both Houses of the Parliament.

“ (3.) Any such notice shall cease to have effect upon the Minister notifying, by notice in the *Gazette*, that it is cancelled.

Certificate
excepting from
dictation test.

“ 4B.—(1) Any person who has resided in Australia for a period or periods in the aggregate of not less than five years, and who is about to depart from the Commonwealth, may in manner prescribed apply to an officer authorized in that behalf for a certificate in the prescribed form excepting him, if he returns to the Commonwealth within the period limited in the certificate, from the provisions of paragraph (a) of section three of this Act.

“ (2.) The officer may in his discretion give the certificate on payment of the prescribed fee, or, without assigning any reason, withhold it.

“ (3.) Where the Minister is satisfied that a certificate given under this section has been obtained by any untrue statement of fact or intention, the Minister may revoke the certificate, which shall thereupon be taken to be of no effect, and shall on demand be delivered up to the Minister.

“ (4.) A person to whom a certificate under this section has been issued (which certificate has not been revoked) shall not, on his return

to the Commonwealth within the time limited by the certificate, if he produces and delivers the certificate to an officer, be required to pass the dictation test."

9. Section five of the Principal Act is amended—

- (a) by omitting the words "asked to comply with the requirements of paragraph (a) of section three" (wherever these words occur), and inserting in lieu thereof the words "required to pass the dictation test";

Immigrants evading officers or found within Commonwealth.

- (b) by adding the following sub-section:—

"(3.) In any prosecution under the last preceding sub-section, the averment of the prosecutor contained in the information that the defendant has entered the Commonwealth within one year before his failing to pass the dictation test shall be deemed to be proved in the absence of proof to the contrary."

10. Section six of the Principal Act is amended—

- (a) by omitting from paragraph (a) the words "comply with the requirements of that paragraph," and inserting in lieu thereof the words "pass the dictation test";

Entry permitted on certain conditions.

- (b) by omitting from paragraph (b) the words "may be treated as," and inserting in lieu thereof the words "shall be deemed to be."

11. Section eight of the Principal Act is amended by omitting the words "write out at dictation and sign in the presence of an officer a passage of fifty words in length in any European language directed by the officer," and inserting in lieu thereof "pass the dictation test."

Certain persons may be deported.

12. Section nine of the Principal Act is amended—

- (a) by omitting the words "jointly and severally liable to a penalty not exceeding," and inserting in lieu thereof the words "guilty of an offence against this Act, and be jointly and severally liable on summary conviction to a penalty of";

Penalty on masters, &c., of ships.

- (b) by omitting the whole of the second paragraph thereof.

13. Section thirteen of the Principal Act is amended—

- (a) by omitting the words "idiot or insane person" where they first occur, and inserting in lieu thereof the words "prohibited immigrant within the meaning of paragraphs (b), (c), (d), or (f) of section three of this Act";

Bringing certain prohibited immigrants into the Commonwealth.

- (b) by omitting the words "idiot or insane person" where they last occur, and inserting in lieu thereof the words "prohibited immigrant."

14. After section thirteen of the Principal Act the following sections are inserted:—

"13A. The master, owners, agents, or charterers of a vessel in which a prohibited immigrant, or a person who under section three or section five of this Act becomes a prohibited immigrant,

Duty of master, &c., of vessel bringing prohibited immigrant to provide return passage.

comes to the Commonwealth, shall, on being required in writing by any Collector of Customs so to do, without charge to the Commonwealth, provide a passage for the prohibited immigrant to the place whence he came, and shall also be liable to pay to the Commonwealth for the State a fair sum to recoup the State for the cost of keeping and maintaining the prohibited immigrant while awaiting his deportation from Australia.

Power of
master to
prevent
prohibited
immigrant
from landing.

“ 13B. The master of a vessel on which a prohibited immigrant, or a person reasonably supposed to be a prohibited immigrant, is, may, with the necessary assistance, prevent the prohibited immigrant from entering the Commonwealth from the vessel in contravention of this Act.”

15. After section fourteen of the Principal Act the following section is inserted :—

Power to arrest
prohibited
immigrant.

“ 14A. Every member of the police force of any State, and every officer may, without warrant, arrest any person reasonably supposed to be a prohibited immigrant offending against this Act, and no person shall resist or prevent such arrest.”