

CONTRACT IMMIGRANTS.

No. 19 of 1905.

An Act relating to Immigrants under Contract to perform Manual Labour in the Commonwealth.

[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 *Contract Immigrants Act* 1905. Short title.
2. In this Act, unless the contrary intention appears— Definitions.
 - “Contract Immigrant” means an immigrant to Australia under a contract or agreement to perform manual labour in Australia (in this Act referred to as “the contract”).
 - “Employer” includes the party to the contract who contracts with the contract immigrant and any person on whose behalf that party so contracts, and any person employing or intending to employ the contract immigrant.
 - “The Minister” means the Minister for External Affairs and any officer authorized by him.
3. Paragraph (g) of section three, and the whole of section eleven of the *Immigration Restriction Act* 1901 are repealed. Repeal.
4. Every contract immigrant, unless otherwise prohibited by law, may land in the Commonwealth if the contract is in writing, and is made by or on behalf of some person named in the contract and resident in Australia, and its terms are approved by the Minister. Contract immigrant's right to land.
5. The Minister shall approve the terms of the contract only— Minister's approval.
 - (1)—when a copy is filed with him, and, if he so requires, is verified by oath : and
 - (2) if in his opinion—
 - (a) the contract is not made in contemplation of or with a view of affecting an industrial dispute ; and

- (b) there is difficulty in the employer's obtaining within the Commonwealth a worker of at least equal skill and ability (but this paragraph does not apply where the contract immigrant is a British subject either born in the United Kingdom or descended from a British subject there born); and
 - (c) the remuneration and other terms and conditions of employment are as advantageous to the contract immigrant as those current for workers of the same class at the place where the contract is to be performed; and
- (3) if, where the approval is sought after the contract is made, the contract contains a copy of this and the immediately preceding section and is expressed to be made subject thereto; and
- (4) before the contract immigrant has landed in the Commonwealth.

Penalties.

6.—(1.) If before the Minister approves the terms of the contract the contract immigrant lands in Australia—

- (a) the contract is absolutely void;
 - (b) the immigrant is liable to a penalty not exceeding Five pounds;
 - (c) the employer is liable to a penalty not exceeding Twenty pounds;
 - (d) the employer shall pay to the immigrant such specified sum of money (not exceeding Fifty pounds) as the Minister thinks sufficient, either to maintain the immigrant until he can be reasonably expected to find suitable employment or at the option of the immigrant to enable him to return to the country whence he came. The sum, when specified in writing by the Minister, shall be recoverable by the immigrant, or by the Minister for him.
- (2.) The foregoing provisions of this section do not apply where the contract immigrant—
- (a) only lands temporarily at an intermediate port during his vessel's voyage to his port of destination and remains only during the vessel's stay in port and rejoins the vessel when she continues her voyage; or
 - (b) lands under a bond to the Commonwealth in such sum, with such security, and conditioned to be void in such events as the Minister approves.

Power of officer to question immigrant.

7. Any officer appointed under the *Immigration Restriction Act 1901* or any Officer of Customs may ask any immigrant before he lands in the Commonwealth or within one year after he has entered the Commonwealth whether he has come to Australia under a contract or agreement to perform manual labour in Australia and the immigrant shall truly answer the question.

Penalty: Five pounds.

8. The two last preceding sections do not apply to an immigrant under a contract or agreement to serve as part of the crew of a vessel engaged in the coasting trade in Australian waters, if the rates of wages specified therein are not lower than the rates ruling in the Commonwealth.

Non-application of preceding sections.

9. Any employer who in the contract wilfully makes any untrue representation, by which the contract immigrant is misled to his detriment, as to the wages, hours, or conditions of labour at the place where the contract is to be performed, shall be guilty of an offence against this Act.

Penalty for untrue representations.

Penalty : Twenty pounds.

10.—(1.) The Governor-General may, by order published in the *Gazette*, order that from and after a date therein specified, the immigration of contract immigrants intended to be brought to Australia for or in connexion with or in contemplation of a dispute relating to industrial matters shall be prohibited subject to such exceptions and limitations as are expressed in the order.

Application of Immigration Restriction Act.

(2.) From and after the date so specified, contract immigrants shall subject to the said exceptions and limitations be prohibited immigrants within the meaning of the *Immigration Restriction Act 1901*.

11. The Minister shall lay on the Table of each House of the Parliament annually a printed return showing—

Annual return of contracts, &c.

- (a) The number of contract immigrants admitted into the Commonwealth, the nationality and occupation of such immigrants.
- (b) The number of employers engaging such contract immigrants and the number of such contract immigrants engaged by each employer.
- (c) The places at which the contract immigrants have agreed to work.
- (d) The number of contracts disapproved.
- (e) The number of contract immigrants refused admission and the reasons for such refusal.

12. Nothing in this Act shall be deemed to oust or abridge the jurisdiction or control of any Court or industrial tribunal or board of the Commonwealth or of a State in relation to the contract, the parties thereto, or the employment thereunder, or to restrict the application of any industrial law of the Commonwealth or of a State, or any award, order, or determination made under any such law.

This Act not to abridge jurisdiction of Industrial tribunal.

13. This Act shall not be construed to apply to domestic servants or personal attendants accompanying their employer to Australia.

Act not to apply to servants accompanying employer. Regulations.

14. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.