
IMMIGRATION.

No. 38 of 1912.

An Act to amend the *Immigration Restriction Act*
1901-1910.

[Assented to 24th December, 1912.]

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows :—

Short title and
citation.

- 1.—(1.) This Act may be cited as the *Immigration Act* 1912.
- (2.) The *Immigration Restriction Act* 1901-1910 is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Immigration Act* 1901-1912.

Amendment of
s. 2.

2. Section two of the Principal Act is amended by inserting in the definition of “ officer ”—
 - (a) after the word “ Customs ” the words “ or of the Department of External Affairs,” and
 - (b) after the word “ State ” the words “ or Territory being part of the Commonwealth.”

3. Section three of the Principal Act is amended—

Amendment of
s. 3.

(i.) by omitting paragraphs (b), (c), (d), (e), and (f) and inserting the following paragraphs in their stead :—

“(b) any person not possessed of the prescribed certificate of health ;

“(c) any idiot, imbecile, feeble-minded person, or epileptic ;

“(d) any person suffering from a serious transmissible disease or defect ;

“(e) any person suffering from pulmonary tuberculosis, trachoma, or with any loathsome or dangerous communicable disease, either general or local ;

“(f) any person suffering from any other disease or mental or physical defect, which from its nature is, in the opinion of an officer, liable to render the person concerned a charge upon the public or upon any public or charitable institution ;

“(g) any person suffering from any other disease, disability, or disqualification which is prescribed ;

“(g^a) any person who has been convicted of a crime and sentenced to imprisonment for one year or more, unless five years have elapsed since the termination of the imprisonment ;

“(g^b) any person who has been convicted of any crime involving moral turpitude, but whose sentence has been suspended or shortened conditionally on his emigration, unless five years have elapsed since the expiration of the term for which he was sentenced ;

“(g^c) any prostitute, procurer, or person living on the prostitution of others ;”

(ii.) by inserting in paragraph (h) after the words “ certificate of exemption ” the words “ as prescribed ” ;

(iii.) by omitting from paragraph (h) the words “ in the form in the Schedule, signed by the Minister or by any officer appointed under this Act, whether within or without the Commonwealth ” ; and

(iv.) by inserting at the end of paragraph (k) the following proviso :—“ Provided also that identification cards bearing the full name, thumbprint, photograph, and prescribed description of each member of the crew, and endorsed by the master, have been produced to any officer on demand ;”.

4. After section 3 of the Principal Act the following sections are inserted :—

“ 3A.—(1.) The Governor-General may establish Commonwealth Medical Bureaux at such places outside the Commonwealth as he thinks fit.

Establishment
of medical
bureaux and
appointment
of officers.

“(2.) The Minister may appoint a Chief Medical Officer to be in charge of a Commonwealth Medical Bureau and such other officers in connexion with the Bureau as he thinks necessary.

“(3.) The salaries of such officers shall be paid out of moneys to be provided by the Parliament.

“(4.) Officers so appointed shall not be subject to the *Commonwealth Public Service Act* 1902-1911 or any Act amending or substituted for the same.

Appointment
of medical
referees.

“3B.—(1.) The Minister may appoint duly qualified medical practitioners to be medical referees for the purposes of this Act at such places outside or within the Commonwealth as he thinks fit.

“(2.) Medical referees shall be paid such fees as are prescribed.

Minister may
prescribe list
of questions.

“3C. The Minister may authorize a list of questions to be put to and answered by an intending immigrant on his examination by a medical referee.

Medical
examination of
intending
immigrants.

“3D.—(1.) An intending immigrant shall be examined as to his physical and mental fitness by a medical referee, and shall answer the authorized list of questions put to him by the medical referee, who shall, if he is satisfied that the intending immigrant is of sound health, issue to him, on payment of the prescribed fee, a certificate of health in the prescribed form.

“(2.) Where an intending immigrant embarks at a port where there is no medical referee, he shall prior to his departure be examined as to his physical and mental fitness by the ship's medical officer, and shall answer the authorized list of questions put to him by the ship's medical officer, who shall, if he is satisfied that the intending immigrant is of sound health, issue to him, on payment of the prescribed fee, a certificate of health in the prescribed form.

“(3.) If the medical referee or the ship's medical officer is not satisfied that the intending immigrant is of sound health, he shall send a report on the health of the intending immigrant, together with the answers of the intending immigrant to the authorized list of questions to the Chief Medical Officer, who may, if he thinks fit, on payment of the prescribed fee, issue a certificate of health in the prescribed form to the intending immigrant :

“Provided that the Chief Medical Officer shall not issue a certificate of health to any person believed by him to be suffering from or affected with any disease or disability either specifically mentioned or of a class mentioned in this Act or the regulations.

“(4.) The Chief Medical Officer may require an intending immigrant to be examined as to his physical and mental fitness by him or by a duly qualified medical practitioner appointed by him.

Immigrant not
possessing
certificate may
be permitted to
be examined.

“3E.—(1.) A Collector or Sub-collector of Customs may, if he thinks fit, permit an intending immigrant who on arrival in the Commonwealth does not possess a certificate of health in the prescribed form to be examined as to his physical and mental fitness by a medical referee upon payment of the prescribed fee.

“(2.) The medical referee shall, if he is satisfied that the intending immigrant is of sound health, issue to him a certificate of health in the prescribed form.

“3F. The master of a ship carrying passengers to Australia shall on the ship’s arrival at her first port of entry in the Commonwealth report to an officer all cases in which a certificate of health has been issued to an intending immigrant by the ship’s medical officer.

Master to report when certificates issued by ship’s medical officer.

“Penalty : Fifty pounds.

“3G.—(1.) The master of a ship carrying passengers to Australia shall furnish to the officer in charge at a port of entry a certificate by the ship’s medical officer that he has individually examined each intending immigrant at least once during the voyage to Australia.

Medical officer to certify that immigrants have been examined on voyage.

“(2.) The medical officer of a vessel carrying passengers to Australia shall report to the officer in charge at a port of entry all cases of intending immigrants who on the voyage to Australia have shown indications of suffering from or being affected with any disease or disability, either specifically mentioned or of a class mentioned in this Act or the regulations.

“Penalty : Fifty pounds.

“3H. All certificates of health issued to intending immigrants shall be attached to the passenger list and handed to an officer at the port of entry.

Certificates to be attached to passenger list.

“3I. An officer may, if he thinks fit, detain an intending immigrant on his arrival at a port of entry in Australia for a further examination as to his physical and mental fitness by a medical referee :

Officer may detain immigrant for further examination.

Provided that the detention of the immigrant shall not affect the liability of the master, owners, agents, or charterers of the vessel, in which the immigrant came to the Commonwealth, under section thirteen A of this Act.

“3J. The Minister may, if he thinks fit, prevent an intending immigrant from entering the Commonwealth, notwithstanding that a certificate of health has been issued to the intending immigrant.”

Minister may prevent immigrant from entering the Commonwealth.

5. Section five of the Principal Act is amended—

(a) by adding at the end of sub-section (3.) the words “by the personal evidence of the defendant either with or without other evidence” ; and

(b) by adding thereto the following sub-sections :—

Amendment of s. 5.

“(4.) In any prosecution for an offence against sub-section (2.) of this section, a defendant who gives evidence shall not be excused from answering any question put to him on the ground that the answer may tend to criminate him or make him liable to a penalty ; but his answer shall not be admissible in evidence against him in any criminal proceeding other than a prosecution for perjury.

“(5.) If an immigrant is within three years of his entering the Commonwealth found to be suffering from or affected with any

disease or disability either specifically mentioned or of a class mentioned in this Act or the regulations, he shall be deemed to be a prohibited immigrant, unless it is proved to the satisfaction of the Minister that he was free from the disease or disability at the time he entered the Commonwealth."

Amendment
of s. 6.

6. Section six of the Principal Act is amended by omitting from paragraph (b) the words "in the form of the Schedule" and inserting in their stead the words "as prescribed".

Amendment
of s. 7.

7. Section seven of the Principal Act is amended :—

- (a) by omitting from the proviso the word "approved"; and
- (b) by inserting in the proviso after the words "Fifty pounds" the words "and each approved by the Collector of Customs or Sub-collector of Customs at the port concerned."

Amendment
of s. 9A.

8. Section nine A of the Principal Act is amended by inserting at the end of sub-section (1.) thereof the following proviso :—

"Provided that, where the master of the vessel has within the twelve months preceding the conviction been convicted of an offence against this section, he shall be liable to a penalty of Two hundred pounds for each prohibited immigrant so entering the Commonwealth."

Amendment
of s. 13.

9. Section thirteen of the Principal Act is amended by omitting therefrom the words "paragraphs (b), (c), (d), or (f)" and inserting in their stead the words "paragraphs (b), (c), (d), (e), (f), (g), or (g^c)."

10. Section sixteen of the Principal Act is repealed and the following section inserted in its stead :—

Regulations.

"16. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

- (a) for empowering officers to determine whether any person is a prohibited immigrant or an immigrant;
- (b) imposing and regulating charges for certificates granted under this Act or the regulations;
- (c) prescribing the forms of certificates to be granted under this Act or the regulations; and
- (d) for preventing members of the crew of a ship from beyond the Commonwealth from landing unless they satisfy an officer that they are free from a communicable disease."

Repeal of the
Schedule.

11. The Schedule to the Principal Act is hereby repealed.