
IMMIGRATION.

No. 47 of 1924.

An Act to amend the *Immigration Act* 1901-1920.

[Assented to 20th October, 1924.]

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* 1924.
- (2.) The *Immigration Act* 1901-1920 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* 1901-1924.

Applying
dictation test.

2. Section three of the Principal Act is amended—

- (a) by inserting in paragraph (a) thereof, after the word “ officer ” (first occurring) the words “ or person duly authorized in writing by an officer ” ;

- (b) by inserting in paragraph (a) thereof after the word "officer" (second occurring) the words "or authorized person";
- (c) by omitting paragraph (f) thereof and inserting in its stead the following paragraph:—

"(f) any person who, in the opinion of an officer, is likely, if he enters the Commonwealth, to become a charge upon the public by reason of infirmity of mind or body, insufficiency of means to support himself, or any other cause;";

- (d) by omitting from sub-paragraph (i) of paragraph (g) thereof the words "Imperial Government" (wherever occurring) and inserting in their stead the words "Government of the United Kingdom";
- (e) by omitting from sub-paragraph (ii) of paragraph (g) thereof the word "and" (second occurring);
- (f) by inserting at the end of paragraph (g) the following sub-paragraph:—

"(iv) which, if not issued by or on behalf of the Government of the United Kingdom, is, except where a visa is dispensed with in pursuance of an arrangement to which the Commonwealth is a party, viséed or indorsed for Australia by a British consular or passport officer; and";

- (g) by inserting at the end of paragraph (k) thereof the following further proviso:—

"Provided further that the exception contained in this paragraph shall not apply to any member of the crew as to whom the master reports in writing to an officer that the member has deserted or is absent without leave, and, until the contrary is proved, the member shall be deemed to be a prohibited immigrant and to have entered the Commonwealth contrary to this Act;"; and

- (h) by omitting from paragraph (l) thereof the word "Imperial" and inserting in its stead the words "Government of the United Kingdom".

3. Section five of the Principal Act is amended—

- (a) by omitting sub-section (1.) thereof and inserting in its stead the following sub-section:—

"(1.) Any immigrant who—

- (a) evades an officer;
- (b) enters the Commonwealth at any place where no officer is stationed;
- (c) obtains entrance or re-entrance into the Commonwealth by means of any certificate, credentials or identification card which was not issued to him or is forged, or has been obtained by false representations;

Immigrants
evading the
officers or found
within the
Commonwealth.

(d) has been admitted temporarily into the Commonwealth in pursuance of any special arrangement between the Commonwealth Government and any other Government and fails to observe the conditions of his admission ; or

(e) has been admitted into the Commonwealth as an indentured labourer for service in the pearling industry and is deemed by the Minister to be an undesirable person,

may, if at any time thereafter, he is found within the Commonwealth, be required to pass the dictation test, and shall, if he fails to do so, be deemed to be a prohibited immigrant offending against this Act.” ;

(b) by omitting sub-section (3.) thereof and inserting in its stead the following sub-section :—

“ (3.) In any prosecution under either of the last two preceding sub-sections, the averment of the prosecutor, contained in the information, that the defendant is an immigrant who—

(a) has evaded an officer ;

(b) has entered the Commonwealth at a place where no officer is stationed ;

(c) has obtained entrance or re-entrance into the Commonwealth by means of any certificate, credentials or identification card which was not issued to him or is forged or was obtained by false representations ;

(d) has been admitted temporarily into the Commonwealth in pursuance of a special arrangement between the Commonwealth Government and another Government and has failed to observe the conditions of his admission ;

(e) has been admitted into the Commonwealth as an indentured labourer for service in the pearling industry and is deemed by the Minister to be an undesirable person ; or

(f) has entered the Commonwealth within three years before failing to pass the dictation test, shall be deemed to be proved in the absence of proof to the contrary by the personal evidence of the defendant either with or without other evidence.” ; and

(c) by inserting in sub-section (4.) thereof after the word “ against ” (first occurring) the words “ sub-section (1.) or ”.

4. Section seven of the Principal Act is amended—

- (a) by inserting in the proviso thereto, after the word “or” (first occurring), the words “, subject to authority being granted by the Minister,”; and
- (b) by omitting the word “Fifty” and inserting in its stead the words “One hundred”.

Unlawful entry
of prohibited
immigrant.

5. Section eight A of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “he may, by notice in writing, summon the person to appear before a Board within the time” and inserting in their stead the words “he may, in the case of a person to whom he is satisfied that the provisions of paragraph (a), (b), or (c) apply, make an order for his deportation, and, in the case of a person to whom he is satisfied that the provisions of paragraph (d) apply, he may, by notice in writing, summon the person to appear before a Board at the time specified in the summons”;
- (b) by omitting from paragraph (a) of sub-section (4.) the words “fails, within the prescribed time, to show cause”, and inserting in their stead the words “fails to appear at the time specified in the summons to show cause”;
- (c) by omitting from sub-section (4.) the words “and he shall be deported accordingly”; and
- (d) by omitting sub-section (5.) and inserting in its stead the following sub-section:—

Deportation
of certain
persons.

“(5.) Any person for whose deportation the Minister has made an order in pursuance of this section shall be deported accordingly, and pending deportation shall be kept in such custody as the Minister directs.”.

6. Section twelve A of the Principal Act is amended by omitting the words “Penalty: One hundred pounds or six months’ imprisonment or both.” and inserting in their stead the words “, and be liable on summary conviction to a penalty of Two hundred pounds or six months’ imprisonment or both.”.

Penalty for
being concerned
in bringing
immigrants
secretly to the
Commonwealth.

7. After section fifteen of the Principal Act the following section is inserted:—

“15A.—(1.) In any prosecution under this Act in respect of an offence committed by a firm, any summons or other legal process issued against any member of the firm may, in the event of that member not being, at the time the summons or process is served, within five miles of the place at which the court sits out of which the summons or process is issued, be served upon the person in charge of the business or office of the firm at that place and such service shall for all purposes

Service of
process in
absence of
offender.

be as effectual as if the summons or process had been served upon the member of the firm.

“(2.) Where service is effected in pursuance of this section the burden of proving that the person to whom the summons or process is directed was at the time of service within five miles of the place at which the court sits shall lie upon that person.”.

Regulations.

8. Section sixteen of the Principal Act is amended—

(a) by omitting from paragraph (c) thereof the word “ and ” ; and

(b) by adding at the end thereof the following paragraph :—

“ ; and (e) for requiring any person who seeks to enter the Commonwealth to fill in and sign a statement in the prescribed form.”.
