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# IMMIGRATION.

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No. 7 of 1925.

An Act to amend the *Immigration Act* 1901-1924.

[ Assented to 20th July, 1925.]

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

- 1.—(1.) This Act may be cited as the *Immigration Act* 1925. Short title and citation.
- (2.) The *Immigration Act* 1901-1924\* 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* 1901-1925.
- 16 2. Section three of the Principal Act is amended—  
(a) by omitting from paragraph (g) thereof the word “ and ” Prohibited immigrants.  
(last occurring) ; and

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\* Act No. 17, 1901, as amended by No. 17, 1905; No. 19, 1905; No. 25, 1908; No. 10, 1910; No. 38, 1912; No. 51, 1920; and No. 47, 1924.

(b) by inserting therein after paragraph (gg) the following paragraph :—

“ and (gh) any person declared by the Minister to be in his opinion, from information received from the Government of the United Kingdom or of any other part of the British Dominions or from any foreign Government, through official or diplomatic channels, undesirable as an inhabitant of, or visitor to, the Commonwealth ; ”.

3. After section three J of the Principal Act the following section is inserted :—

Prohibition by proclamation.

“ 3K.—(1.) The Governor-General may by Proclamation prohibit, either wholly or in excess of specified numerical limits, and either permanently or for a specified period, the immigration into the Commonwealth, or the landing at any specified port or place in the Commonwealth, of aliens of any specified nationality, race, class or occupation, in any case where he deems it desirable so to do—

- (a) on account of the economic, industrial or other conditions existing in the Commonwealth ;
- (b) because the persons specified in the Proclamation are in his opinion unsuitable for admission into the Commonwealth ;
- or
- (c) because they are deemed unlikely to become readily assimilated or to assume the duties and responsibilities of Australian citizenship within a reasonable time after their entry.

“ (2.) Any person who enters the Commonwealth in contravention of the prohibition contained in any such Proclamation shall be deemed to be a prohibited immigrant.”.

Proceedings against offenders against the Act.

4. Section five of the Principal Act is amended by omitting sub-section (3A.) thereof and inserting in its stead the following sub-sections :—

“(3A.) Proof to the contrary by the personal evidence of the defendant, within the meaning of the last preceding sub-section, shall not (unless it is proved that the defendant was born in Australia) be deemed to have been given unless the defendant in his personal evidence states truly the name of the vessel by which he travelled to Australia and the date and place of his arrival in the Commonwealth.

“(3B.) Where the prosecutor applies to the Court for an adjournment of the proceedings to obtain evidence in rebuttal of any evidence tendered by the defendant, the Court shall grant an adjournment for such time as is necessary for that purpose.

“(3C.) Official documents of the Commonwealth, or of a State, or of a Territory under the authority of the Commonwealth, and telegrams and affidavits produced out of the official custody of the Commonwealth

purporting to have been sent or taken by an officer, shall, if they contain information or statements upon matters relevant to the proceedings, be admissible in evidence.”.

5. After section seven of the Principal Act the following section is inserted :—

“7A. Where a person is convicted under the last preceding section and appeals against his conviction, he shall not be released on bail unless he finds two sureties, each in the sum of One hundred pounds and each approved by the Collector of Customs or Sub-collector of Customs at the port concerned, for his appearance at the hearing of the appeal.”

Sureties to be found where appeal lodged.

6. Section eight A of the Principal Act is amended by omitting sub-section (5.) thereof.

Deportation of certain persons.

7. After section eight A of the Principal Act the following sections are inserted :—

“8AA.—(1.) If at any time the Governor-General is of opinion that there exists in Australia a serious industrial disturbance prejudicing or threatening the peace, order or good government of the Commonwealth, he may make a Proclamation to that effect, which Proclamation shall be and remain in force for the purposes of this section until it is revoked by the Governor-General.

Deportation upon proclamation of industrial disturbance.

“(2.) When any such Proclamation is in force, the Minister, if he is satisfied that any person not born in Australia has been concerned in Australia in acts directed towards hindering or obstructing, to the prejudice of the public, the transport of goods or the conveyance of passengers in relation to trade or commerce with other countries or among the States, or the provision of services by any department or public authority of the Commonwealth, and that the presence of that person in Australia will be injurious to the peace, order or good government of the Commonwealth in relation to matters with respect to which the Parliament has power to make laws, may, by notice in writing, summon the person to appear before a Board, at the time specified in the summons and in the manner prescribed, to show cause why he should not be deported from the Commonwealth.

“(3.) Sub-sections (2.), (3.) and (4.) of section eight A of this Act shall apply in relation to the Board mentioned in the last preceding sub-section.

“8AB.—(1.) Where any person who was not born in Australia has, at any time, whether before or after the commencement of this section, within three years before the notice in writing referred to in this section, been convicted in Australia of an offence against the laws of the Commonwealth relating to trade and commerce or conciliation and arbitration for the prevention or settlement of industrial disputes, and the Minister is satisfied that any of the acts constituting the offence were directed towards hindering or obstructing, to the prejudice of the public, the production or transport of goods or the conveyance of passengers or the provision of necessary services, and

Deportation for offences to prejudice of public.

that the presence of that person in Australia will be injurious to the peace, order or good government of the Commonwealth, the Minister may, by notice in writing, summon the person to appear before a Board, at the time specified in the summons and in the manner prescribed, to show cause why he should not be deported from the Commonwealth.

“(2.) Sub-sections (2.), (3.), and (4.), of section eight A of this Act shall apply in relation to the Board mentioned in the last preceding sub-section.

Onus of proof  
as to place of  
birth.

“8AC. A person summoned to appear before a Board in pursuance of either of the last two preceding sections shall be deemed not to have been born in Australia unless he proves that he was born in Australia.”

8. After section eight B of the Principal Act the following section is inserted :—

Custody  
pending  
deportation.

“8C. Where the Minister has made an order under this Act for the deportation of any person, that person shall be deported accordingly, and may—

- (a) pending deportation and until he is placed on board a vessel for deportation from Australia ;
- (b) at any port in Australia at which the vessel calls after he has been placed on board ; and
- (c) on board the vessel until her departure from her last port of call in Australia,

be kept in such custody as the Minister or an officer directs.”

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

9. Section thirteen A of the Principal Act is amended—

- (a) by inserting therein after the word “immigrant” (second occurring) the words “or a person whose deportation has been ordered by the Minister in pursuance of section eight A or eight AA or eight AB of this Act” ;
- (b) by inserting therein after the word “immigrant” (third and fourth occurring) the words “or person” ; and
- (c) by inserting at the end thereof the following sub-sections :—

“(2.) The master, owner, agents or charterers of any vessel shall, on being required in writing by a Collector of Customs so to do, receive on board for conveyance to any port to which the vessel is bound and which is specified by the Collector, any person against whom an order for deportation under this Act has been made, and shall also receive on board for such time as is required by the Collector, any person charged with the custody of the person against whom the order has been made.

“(3.) For the services specified in the last preceding sub-section the Minister shall pay to the master, owner, agents, or charterers such passage money as is prescribed.”