

STATUTORY RULES.

1926. No. 185.

REGULATIONS UNDER THE IMMIGRATION ACT 1901-1925.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Immigration Act 1901-1925*, to come into operation forthwith.

Dated this seventeenth day of December, 1926.

STONEHAVEN,
Governor-General.

By His Excellency's Command,
T. W. GLASGOW,
Minister of State for Home and Territories.

REGULATIONS UNDER THE IMMIGRATION ACT 1901-1925.

1. These Regulations may be cited as the *Immigration Regulations*. Short title.

2. (1) In these Regulations "the Act" means the *Immigration Act 1901-1925*. Definition.

(2) Any reference in these Regulations to a Form shall be a reference to a Form in the schedule to these Regulations.

3. The detention referred to in section 31. of the Act may be in such place and in such custody as the officer thinks fit, and for such time as may, in his opinion, be necessary for the complete examination of the immigrant. Detention for medical examination.

4. (1) An alien passenger shall, on arrival at the first port of call in Australia, furnish to the Customs Boarding Officer or other authorized officer a statement, duly completed and signed, in accordance with Form A. Immigrants to furnish statement.

(2) The passenger shall, on demand by an officer, acknowledge his signature and state whether the particulars contained in the statement are true and correct.

(3) Any alien passenger who makes a false statement in supplying information required by Form A, or presents to an officer a statement in accordance with Form A which is false in any particular, shall be guilty of an offence against these Regulations.

(4) This regulation shall not apply to—

(a) a foreign Consular Officer or a public officer of a foreign State duly accredited to the Commonwealth;

(b) a wife accompanying her husband; and

(c) a child under sixteen years of age accompanying his or her parent.

(5) In any prosecution for an offence against this regulation, the production of a paper purporting to be a declaration made and signed by the defendant shall be evidence that the declaration was made by the defendant and presented by him to an officer if the officer pro-

C.17165.—PRICE 5d.

ducing the declaration proves that it was presented to him by the defendant, and that the defendant either signed the declaration in his presence or acknowledged to the officer that it had been signed by him.

Conveyance of prohibited immigrants for purposes of deportation.

5. (1) Upon the arrival in Australia, in an overseas ship, of any person who is a prohibited immigrant under section three of the Act, the Collector of Customs of the State in which the immigrant arrives may make an order authorizing an officer to convey the immigrant to another ship, either in the same port or at another port in Australia, for the purpose of deporting him from Australia.

(2) This regulation shall not affect the liability of any person under section 9 of the Act.

Searching vessels for prohibited immigrants.

6. An officer may, at any time, enter into or upon any vessel, other than a public vessel of any Government, and may search, or cause a search to be made, in every part of the vessel, for the purpose of determining whether any prohibited immigrant is on board.

Searching premises for documents relating to immigration of prohibited immigrants.

7. Any officer authorized in that behalf by the Minister, or by the Secretary to the Home and Territories Department may, at any reasonable hour in the day time, enter and search any building, premises, or place in which he has reasonable ground for believing that there are documents, books, or papers relating to the immigration of prohibited immigrants, and may seize any such documents, books, or papers and impound and retain them for such time as he thinks necessary.

Authorized officer may search building for exempted persons.

8. Any officer authorized in that behalf by the Minister may, at any reasonable hour in the day time, enter and search any building, premises, or place in which he has reasonable ground for believing that any person, who would in the opinion of the officer be a prohibited immigrant but for the exception contained in paragraph (h) or paragraph (k) of section 3 of the Act, is engaged in the performance of work or duties of a kind different from those which he was expressly permitted to enter the Commonwealth to perform.

Production of passport, certificates or credentials.

9. Any immigrant, or person coming to Australia, who claims to be—

- (a) possessed of a passport, or certificate of identity in lieu of a passport;
- (b) possessed of a certificate of exemption;
- (c) possessed of a certificate exempting from the dictation test;
- (d) possessed of a certificate of naturalization, as defined in section 12B of the Act;
- (e) possessed of a certificate of birth, as defined in section 12B of the Act; or
- (f) duly accredited to the Government of the Commonwealth by the Imperial or any other Government, or sent by any Government on any special mission,

shall, when required by an officer, produce the passport, certificate, or his credentials, as the case may be.

Persons, other than British subjects, convicted of crimes of violence.

10. Where any person, not being a British subject either natural born or naturalized under a law of the United Kingdom, or of the Commonwealth or a State, has been convicted of any crime of violence

against the person, and has, upon the expiration of any term of imprisonment imposed on him therefor, been required to pass the dictation test, and has failed to do so, an officer may detain him in such custody for such time as is, under all the circumstances, reasonably necessary to enable a deportation order to be made by the Minister.

11. (1) Any person desiring a certificate under section 4B of the Act may make application therefor in accordance with Form B to the Collector of Customs for the State in which he resides, or to an officer authorized in that behalf by the Minister. Certificates exempting from dictation test.

(2) The applicant shall furnish to the Collector, with his application, certificates of character by at least two reputable citizens of the Commonwealth, and six unmounted and unretouched photographs of himself—three of his full face and three of his profile.

(3) The certificate shall contain all matters necessary in the opinion of the Collector for the identification of the holder, and may be in accordance with Form C.

(4) The certificate shall be in duplicate, and one part shall be delivered to the applicant and the other part shall be retained.

(5) The fee for issue of the certificate shall be £1.

12. Officers are empowered to determine whether any person is a prohibited immigrant or an immigrant, and for that purpose any officer may put such questions as are, in his opinion, necessary, and may remove such persons from place to place or take such other action as is, in the officer's opinion, necessary or desirable to assist him in arriving at his determination; and every person shall answer all questions which are put to him by an officer and which are, in the officer's opinion, necessary for determining whether he or any other person is a prohibited immigrant or an immigrant. Powers of officers to determine whether a person is a prohibited immigrant, &c.

13. Any person who refuses to answer any question lawfully put to him by an officer, or who knowingly makes a false statement, either in answer to any such question or in applying to an officer for any certificate under the Act or these Regulations, or in connexion with any passport, certificate, or identification card mentioned in the Act or these Regulations, shall be guilty of an offence against these Regulations. Persons refusing to answer questions or making false statements.

14. Any interpreter who misleads or attempts to mislead an officer examining any person with a view to determining whether he is a prohibited immigrant shall be guilty of an offence against these Regulations. Interpreters.

15. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any passport, certificate, credentials, or identification card, referred to in the Act or in these Regulations, shall be guilty of an offence against these Regulations. Unlawful transfer of passports, certificates, identification cards, &c.

16. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, has in his possession— Unlawful possession of certificates, passports, identification cards, &c.

(a) a certificate of exemption which does not belong to him; or

(b) any passport, certificate, credentials, or identification card, referred to in the Act or in these Regulations, and not belonging to him; or

(c) any such passport, certificate, credential or identification card which is forged or false, shall be guilty of an offence against these Regulations.

Persons obstructing officers.

17. Any person who obstructs or hinders an officer in the carrying out of the Act or of these Regulations shall be guilty of an offence against these Regulations.

Proceedings under section 8AA or 8AB of the Act.

18. (1) A summons under section 8AA or 8AB of the Act shall specify the place at which the person summoned is required to appear before the Board.

(2) The person summoned may appear either personally or by counsel.

Power to summon witnesses and require production of documents.

19. A member of a Board appointed under section 8AA or 8AB of the Act may, by writing under his hand, summon any person to attend the Board at a time and place named in the summons and then and there to give evidence and to produce any books, documents, or writings in his custody or control which he is required by the summons to produce.

Power to examine upon oath.

20. A member of any such Board may administer an oath to any person appearing as a witness before the Board, whether the witness has been summoned or appears without having been summoned, and may examine the witness upon oath.

Affirmation in lieu of oath.

21. (1) Where any witness to be examined before any such Board conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked him.

(2) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

Penalty for failing to attend or produce documents.

22. (1) If any person served with a summons to attend any such Board, whether the summons is served personally or by being left at his usual place of abode, fails without reasonable excuse to attend the Board, or to produce any documents, books, or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

(2) It shall be a defence to a prosecution under this regulation for failing without reasonable excuse to produce any documents, books, or writings if the defendant proves that the documents, books, or writings were not relevant to the inquiry.

Penalty for refusing to be sworn or to give evidence.

23. If any person appearing as a witness before any such Board refuses to be sworn or to make an affirmation or to answer any questions relevant to the inquiry put to him by any member of the Board, he shall be guilty of an offence.

Duty of witness to continue in attendance.

24. Every witness who has been summoned to attend any such Board shall appear and report himself from day to day unless excused by the Chairman of the Board, or until he is released from further attendance by the Chairman.

25. Any such Board may inspect any documents, books, or writings produced before it, and may retain them for such reasonable period as it thinks fit, and may make copies of such matter as is relevant to the inquiry or take extracts therefrom. Power of Board in relation to documents produced.

26. Any witness appearing before any such Board shall be paid such reasonable sum for the expenses of his attendance as is fixed by the Chairman of the Board. Witnesses to be paid expenses.

27. Any witness before a Board who knowingly gives false testimony touching any matter material in the inquiry being made by the Board, shall be guilty of an offence. Giving false testimony.

Penalty: One hundred pounds or imprisonment for six months.

28. (1) The master of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth, from parts beyond the Commonwealth, with any passengers on board for that port, shall, before making entry at the Customs, deliver to an officer a list of all the passengers for the port, specifying, to the best of his knowledge, the name, age, sex, nationality, race, port of embarkation, and calling or occupation of each of those passengers. Master to supply information regarding passengers.

(2) The master and the medical officer (if any) of the vessel shall make and sign a statement in writing on the list stating, to the best of their knowledge and belief, as to each of the passengers, whether he or she is insane, idiotic, deaf and dumb, blind, infirm, or destitute, or is suffering from any infectious or contagious disease of a loathsome or dangerous character, or is suffering from any other disease or mental or physical defect likely to cause him or her to become a charge upon any public or charitable institution.

(3) The master or medical officer of a vessel who refuses or neglects to make and sign the statement required by this section, or who makes or signs any statement under this section which is incorrect in any material particular, shall be guilty of an offence against these Regulations.

(4) The furnishing by the master of a vessel of a list of incoming passengers in accordance with the *Navigation Act 1912-1926*, and by the master and medical officer (if any) of Health Reports in accordance with the requirements of the *Quarantine Act 1908-1924*, shall be deemed to be a sufficient compliance with this regulation.

29. The master of every vessel, other than a public vessel of any Government, arriving at a port in the Commonwealth from parts beyond the Commonwealth, shall, if required by an officer, deliver to an officer a list showing the number and names of the crew, and their nationality and race, and produce the vessel's articles. Master to supply information regarding crew.

30. The master of every vessel shall afford to an officer every facility for performing his duties. Master to facilitate work of officers.

31. Where any person has been placed on board a vessel for the purpose of deportation from the Commonwealth pursuant to an order issued by the Minister under the Act, the master of the vessel shall, if so requested by an officer, produce the deportee to the officer prior to the vessel's departure from the last port of call in Australia. Master to produce deportee if requested.

Offences by
master of
vessel.

32. The master of a vessel who—

- (a) refuses or neglects to afford all reasonable facilities to an officer for the performance of his duties; or
- (b) refuses or neglects to deliver to an officer any list or certificate required by these Regulations; or
- (c) delivers to an officer any list or statement which is incorrect in any material particular; or
- (d) refuses or neglects to comply with a request made by an officer in pursuance of regulation 31 of these Regulations.

shall be guilty of an offence against these Regulations.

Members of
crews not
producing
identification
cards.

33. (1) Any officer may prevent any member of the crew of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth from parts beyond the Commonwealth, from landing during the vessel's stay at that port unless the identification card of that member has been produced to the officer on demand, and may without warrant arrest any member who attempts to land before his identification card has been so produced.

(2) In any case where any such member whose identification card has not been produced to the officer on demand lands at any Australian port the master of the vessel and the member of the crew shall each be guilty of an offence against these Regulations.

Members of
crews suffering
from
communicable
diseases.

34. (1) Any officer may prevent any member of the crew of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth from parts beyond the Commonwealth, from landing during the vessel's stay at such port unless he is satisfied that such member of the crew is free from a communicable disease; and to enable the officer to become so satisfied, he may make any physical examination, either personally or with the assistance of a Quarantine Officer or medical practitioner, and may ask such questions as are in his opinion necessary in connexion with the matter.

(2) In any case where any such member of the crew who has been found to be suffering from a communicable disease lands at any Australian port without permission from an officer, the master of the vessel and such member of the crew shall be guilty of an offence against these Regulations.

Prescribed
diseases,
disabilities, &c.

35. With regard to paragraph (g) of section 3 of the Act, the following diseases, disabilities, and disqualifications are hereby prescribed, viz. :—

- chronic alcoholism;
- paralysis;
- cancer or other malignant growths;
- chronic rheumatism;
- scabies.

Certificate of
exemption.

36. The certificate of exemption referred to in paragraph (h) of section three and in section four of the Act may be in accordance with Form D.

Identification
card.

37. The identification card mentioned in the proviso to paragraph (k) of section three of the Act, may be in accordance with Form E.

38. In any proceedings under the Act before any Court with respect to any person who is alleged to have been convicted of a crime within the meaning of paragraph (ga) or (gb) of section three of the Act, finger-print records, photographs, and documents shall be admissible in evidence in proof of such conviction, provided that such records, photographs, and documents—

Evidence in proof of previous conviction.

- (a) are produced out of the custody of a police or prison officer of a State of the Commonwealth or a territory under the authority of the Commonwealth; and
- (b) purport to be certified under the hand of any police or prison officer, or like authority, in any place beyond the Commonwealth.

39. Any person who aids, abets, counsels, or procures, or is in any way, directly or indirectly, knowingly concerned in or privy to the commission of any offence against these Regulations, shall be deemed to have committed that offence, and shall be punishable accordingly.

Persons aiding, &c., commission of offences against regulations.

40. Any person who is guilty of an offence against these Regulations is, under section eighteen of the Act, liable, upon summary conviction, to a penalty not exceeding £50, and, in default of payment, to imprisonment with or without hard labour for any period not exceeding three months.

Penalties.

41. The Regulations under the *Immigration Act 1901-1925* (Statutory Rules 1913, No. 307, as amended by Statutory Rules 1914, No. 182; 1915, No. 272; 1919, No. 152; 1923, Nos. 50 and 56; 1924, No. 100; 1925, Nos. 146 and 147) are hereby repealed.

Regulations repealed.

THE SCHEDULE.

FORM A.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1925.

Personal Statement by Alien Passenger.

By Regulation 4 of the Immigration Regulations, this statement must be furnished to the Customs Boarding Officer or other authorized Officer at the first port of call in Australia by every alien passenger arriving from overseas.

NOTE.—The following persons are exempt from furnishing the statement—

- (a) Any foreign Consular Officer or public officer of a foreign State duly accredited to the Commonwealth;
- (b) Any wife accompanying her husband; and
- (c) Any child under sixteen years of age accompanying his or her parent.

(I) The answers must be given in English, and should be written clearly and legibly in ink.

(II) If the reply to any question is in the negative, the answer "No" must be given.

(III) Any alien member of a crew of an overseas ship who desires to be discharged at any Australian port shall, before being paid off, fill in and sign the subjoined personal statement, and lodge it with a Customs Officer at his port of discharge.

(IV) In order to avoid any confusion and delay to the person arriving in Australia, the personal statement should be properly filled in and signed in readiness to hand to the Customs Officer when the vessel arrives at the

first port in Australia. The passenger will be required, on demand by an Officer, to acknowledge his signature and to state whether the particulars contained in the statement are correct. If required, he shall also furnish a fresh signature.

Warning.—Any person knowingly making a false statement in his answers to the questions in this Form, or presenting to an officer a statement on the Form which is false in any particular is liable to penalties of fine or imprisonment

<i>Name of Ship.</i>	<i>Class Travelled.</i>	<i>Date of Arrival.</i>	<i>Port of Arrival.</i>
1. Surname			
2. Christian name			
3. Place of birth		(Town)	(Country).
4. Date of birth.			
5. Nationality			
6. Race			
7. Particulars of passport or permit held—			
(a) Number		(d) Where issued	
(b) Date of issue		(e) If visaed by a British Consul,	
(c) By whom issued		state place and date of visa.	
8. Married or single			
9. If accompanied by wife and/or children under the age of 16 years, give particulars of each—			
	<i>Name.</i>	<i>Sex.</i>	<i>Age.</i>
	<i>Birthplace.</i>		
	Wife		
	Children (1)		
	„ (2)		
	„ (3)		
10. Last permanent address abroad			
11. Occupation or profession			
12. Intended occupation in Australia			
13. Personal description (extract from passport)			
	Height	Hair	Eyes
			Marks
14. —			
(a) Do you intend to settle in Australia?			
(b) If temporary business visit, state intended duration			
(c) If tourist visit, state intended duration			
15. If you have			
(a) relatives, in Australia, give names and addresses of two.			
(b) friends			
	<i>Name.</i>	<i>Address.</i>	
	.(a) Relatives (1)		
	„ (2)		
	(b) If no relative, but friend (1)		
	„ „ „ (2)		
16. Proposed permanent address in Australia. (If not known, state temporary address)			
17. What amount of money your own <i>bona fide</i> property can you produce? —£ . (If more than £100, state £100. If less than £40, state whether maintenance or employment has been guaranteed by any resident of Australia, and, if so, give name and address of such person.)			

18. Are you and any dependants accompanying you in sound mental and physical health. (If not, state disability).

19. Have you had any training—

- (a) Navy In what country.
- (b) Army
- (c) Air Force

20. Are you a Reservist If so, state in what unit

21. Have you previously resided in Australia If so, state period
of residence date of leaving Australia port of departure

DECLARATION.

I hereby declare that I understand the above questions, and that the answers given by me to the questions are true and correct. I undertake that while in Australia I will faithfully observe and obey the laws of Australia.

Signature

Date

Correctness of signature and particulars herein acknowledged by the declarant before me at at
this 19 .

Officer of Customs.

FORM B.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1925.

Application for Certificate Exempting from Dictation Test.

SIR,

I apply for a certificate under the *Immigration Act 1901-1925*, section 4B, and Regulations, and I forward herewith a Statutory Declaration in support of my application.

I wish to visit for months.

I attach certificates of my character, and six unmounted
and unretouched photographs of myself (three full face and three profile).

I undertake and intend not to bring with me or to introduce into the Commonwealth on my return to the Commonwealth any relative who is not possessed of an unexpired or unrevoked certificate, excepting him or her from the provisions of paragraph (a) of section 3 of the above Act, and I also undertake and intend not to be directly or indirectly privy to the bringing to or introduction into the Commonwealth of any such relative.

If my application is granted, please intimate the fact to me at the above address.

Yours faithfully,

The Collector H.M. Customs.

NOTE.—The Statutory declaration should set out the length of residence in Australia, and should verify all documents accompanying the application, and should be in the form required by the *Statutory Declarations Act 1911-1922*.

FORM C

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1925.

Certificate exempting from the Dictation Test.

I, the Collector of Customs for the State of
in the said Commonwealth, hereby certify that
hereinafter described, who is leaving the
Commonwealth temporarily, will be exempted from the provisions of paragraph (a) of section 3 of the Act if he returns to the Commonwealth within a period of from the date of departure shown below.

Date

Collector of Customs.

Description.

Nationality—	Birthplace—
Age—	Complexion—
Height—	Hair—
Build—	Eyes—
Particular marks—	

(For thumb prints see back of this document.)

Photographs.

Full face.	Profile.
Date of Departure—	Port of embarkation—
Ship—	Destination—
Date of Return—	Ship—
Port—	

Customs Officers.

Form No. 2.

FORM D.
No.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1925.

State of	Port of	Date of issue	19
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CERTIFICATE OF EXEMPTION.

This is to certify that _____ who is described hereunder, is exempted from the provisions of the *Immigration Act 1901-1925* for a period of _____ months from the _____ day of

19

Nationality	Birthplace	Age
Particular marks		
Occupation		
Signature of person exempted		

(Signature of Collector of Customs or other authorized officer)

(See other side.)

(To be printed on back of form.)

NOTE.—This certificate must be retained by the person to whom it is issued while he or she remains in Australia, but must be returned to the Customs authorities at the expiration of the stated period of exemption or on the holder's departure from the Commonwealth.

Section 4 of the Act states:—"4. A certificate of exemption shall be expressed to be in force for a specified period only, and may at any time be cancelled by the Minister by writing under his hand.

"Upon the expiration or cancellation of any such certificate, the person named therein shall, if found within the Commonwealth, be deemed to be a prohibited immigrant offending against this Act, and may be deported from the Commonwealth pursuant to any order of the Minister"

Regulation No. 15 states:—"15. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any passport, certificate, credentials, or identification card referred to in the Act or in these Regulations shall be guilty of an offence against these Regulations."

Regulation No. 40 states:—"40. Any person who is guilty of an offence against these Regulations is, under section eighteen of the Act, liable, upon summary conviction, to a penalty not exceeding £50, and, in default of payment, to imprisonment with or without hard labour for any period not exceeding three months."

