

Act No. 3, 1898.

IMMIGRATION
RESTRICTION.
—

An Act to place certain restrictions on immigration; to provide for the removal from the Colony of prohibited immigrants; to impose certain disabilities upon them whilst in the Colony; and for other purposes incidental to, or consequent upon, the before-mentioned objects. [3rd August, 1898.]

Preamble.

WHEREAS it is desirable to place certain restrictions on immigration: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and
commencement.

1. This Act may be cited as the "Immigration Restriction Act, 1898," and shall take effect on and after the expiration of three months from the day when the fact of Her Majesty's assent has been proclaimed by the Governor in the Gazette.

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2. This Act shall not apply to—

Exemptions.

- (a) any person possessed of a certificate in the form set out in the Schedule A to this Act annexed, and signed by the Colonial Secretary, or the Agent-General of New South Wales, or any officer appointed by the Governor for the purposes of this Act, whether in or out of New South Wales ;
- (b) any person of a class for whose immigration into New South Wales provision is made by law or by a scheme approved by the Governor ;
- (c) any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary ;
- (d) Her Majesty's land and sea forces ;
- (e) the officers and crew of any ship of war of any Government ;
- (f) the officers and crew of any other vessel landing, during the stay of such vessel, in any port of New South Wales ;
- (g) any person duly accredited to New South Wales by or under the authority of the Imperial or any other Government.

3. The immigration into New South Wales, by land or sea, of any person of the class defined in the following subsection hereinafter called "prohibited immigrant," is prohibited, namely—

of Prohibited immigrants.

any person who, when asked to do so by an officer appointed under this Act, shall fail to write out in his own handwriting in some European language, and sign an application to the Colonial Secretary in the form set out in Schedule B of this Act, or in a form of a similar purport proclaimed from time to time by the Governor in substitution of the form set out in such Schedule.

4. Any prohibited immigrant making his way into, or being found within, New South Wales, in disregard of the provisions of this Act, shall be deemed to have contravened this Act, and shall be liable, in addition to any other penalty, to be removed from the Colony, and upon conviction may be sentenced to imprisonment not exceeding six months without hard labour : Provided that such imprisonment shall cease for the purpose of deportation of the offender, or if he shall find two approved sureties, each in the sum of fifty pounds sterling, that he will leave the Colony within one month.

Unlawful entry of prohibited immigrant.

5. Any person appearing to be a prohibited immigrant within the meaning of section three of this Act shall be allowed to enter New South Wales upon the following conditions :—

Entry permitted on certain conditions.

- (a) He shall, before landing, deposit with an officer appointed under this Act the sum of one hundred pounds sterling.
- (b) If such person shall, within one week after entering New South Wales, obtain from the Colonial Secretary, or a stipendiary or police magistrate, a certificate that he does not come within the prohibition of this Act, the deposit of one hundred pounds sterling shall be returned.
- (c)

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(c) If such person shall fail to obtain such certificate within one week, the deposit of one hundred pounds sterling may be forfeited, and he may be treated as a prohibited immigrant :

Provided that, in the case of any person entering New South Wales under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port in the Colony.

Persons formerly domiciled in New South Wales.

6. Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in New South Wales shall not be regarded as a prohibited immigrant.

Wives and children.

7. The wife and any minor child of a person not being a prohibited immigrant shall be free from any prohibition imposed by this Act.

Liability of master and owners of ship for illegal landing of immigrants.

8. The masters and owners of any vessel from which any prohibited immigrant may be landed before such immigrant is passed by an officer appointed for that purpose by the Government shall be jointly and severally liable to a penalty of one hundred pounds in respect of the landing as aforesaid from his vessel of any prohibited immigrant, and to a further penalty of twenty pounds for each such immigrant so landed in excess of the number of five : Provided that the total amount of penalties incurred in any one voyage of the vessel shall not exceed five thousand pounds, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any such penalty, and the vessel may be refused a clearance outwards until such penalty has been paid, and until provision has been made by the master to the satisfaction of an officer appointed under this Act for the conveyance out of the Colony of each prohibited immigrant who may have been so landed.

Disabilities of prohibited immigrants.

9. A prohibited immigrant shall not be entitled to a license to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise any Parliamentary or municipal franchise, and any license or franchise right which may have been acquired in contravention of this Act shall be void.

Offence of assisting in contraventions.

10. Any person who shall in any way wilfully assist any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act.

Powers of police to prevent entry.

11. Any member of the police force or other officer appointed therefor under this Act, may, subject to the provisions of section five, prevent any prohibited immigrant from entering New South Wales by land or sea.

Officers for carrying out Act.

12. The Governor may from time to time appoint, and at pleasure remove, officers for the purpose of carrying out the provisions of this Act, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the Ministerial head of their Department.

Regulations.

13. The Governor may make regulations for the better carrying out of the provisions of the Act.

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Trustee.

14. The penalty for any contravention of this Act, or of any regulation made thereunder where no higher penalty is expressly imposed shall not exceed a fine of fifty pounds sterling, or imprisonment, with or without hard labour, until payment of such fine or in addition to such fine, but not exceeding in any case three months. Punishments.

15. All contraventions of this Act or of regulations thereunder and suits for penalties or other moneys not exceeding one hundred pounds sterling shall be cognizable by any court of summary jurisdiction. Jurisdiction of courts of summary jurisdiction.

SCHEDULE A.

Colony of New South Wales.

This is to certify that _____ of _____ aged _____ by trade or calling a _____ is a fit and proper person to be received as an immigrant in New South Wales.

Dated at _____ this _____ day of _____
(Signature)

SCHEDULE B.

To the Colonial Secretary,
Sir,

I claim to be exempt from the operation of the Immigration Restriction Act, 1898.

My full name is _____
My place of abode for the past twelve months has been _____
My business or calling is _____
I was born at _____ in the year _____

Yours, &c.,
