



ANNO DECIMO QUARTO

GEORGII V REGIS.

A.D. 1923.

No. 1599.

An Act to repeal the Immigration Acts, 1911 and 1913, to make further and better provision for encouraging Immigration into South Australia, and for other purposes.

[Assented to, December 6th, 1923.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. This Act may be cited as the “ Immigration Act, 1923.” Short title.
2. The Immigration Acts, 1911 and 1913, are hereby repealed. Repeal of Acts No. 1057 of 1911, and No. 1134 of 1913.
3. In this Act, unless inconsistent with the context, or some other meaning is clearly intended— Interpretation.
 - “ Agreement ” means an agreement under this Act :
 - “ Boy immigrant ” means any male person over the age of fifteen years and under the age of twenty-one years who comes to the State from any country with the assistance of the Government of the Commonwealth :
 - “ Girl immigrant ” means any female person over the age of eighteen years and under the age of twenty years who comes to the State from any country with the assistance of the Government of the Commonwealth :
 - “ Immigrant ” means any boy immigrant or girl immigrant as hereinbefore defined.

4. (1) The

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Appointment of
Director of
Immigration and
other officers.

4. (1) The Governor may appoint an officer to be styled the Director of Immigration, and such other officers, clerks, and servants as may be necessary for the purpose of carrying this Act into execution.

(2) Every officer, clerk, and servant employed in the Immigration Department of the Public Service of the State at the commencement of this Act is hereby continued in office as if appointed under this Act.

Provisions for Apprenticeship and Placing Out of Immigrants.

Powers of the
Minister with
respect to
immigrants assisted
to come to the
State.

5. With respect to any immigrant who—

(a) at the time of arrival in the State is under twenty years of age; and

(b) either before or after coming to the State, signs a statement in the form in the Schedule to this Act, or such other form as is prescribed in that behalf,

the Minister shall have the following powers and functions:—

Power to apprentice.

(1) Subject to the provisions of the Industrial Code, 1920, he may, from time to time, by agreement in writing, bind such immigrant to any person whom the Minister considers suitable, to be taught such trade or calling as the Minister approves; but the period of apprenticeship or service shall not extend beyond the day on which the immigrant attains the age of twenty-one years, and no immigrant, being a boy, shall be apprenticed to any employer for a longer period than three years, or being a girl, one year: Provided, however, that any girl immigrant who at the time of attaining the age of twenty-one years has not completed one year's apprenticeship or service may remain apprenticed after attaining the age of twenty-one years for such period as is necessary to complete one year's apprenticeship or service.

Power to place
out.

(2) He may, from time to time, by any such agreement, or otherwise, provide for such immigrant to reside and board with his or her employer or any other person, for such period as the Minister thinks proper: Provided that the Minister is satisfied that such employer or other person is able and willing to maintain such immigrant, and is a suitable person to be entrusted with the care, management, and control of such immigrant; but the period for which the immigrant is so placed out shall not extend beyond the day on which such immigrant, being a boy, attains the age of twenty-one years, or being a girl, attains the age of twenty-one years, or completes her apprenticeship, whichever is later.

Care and control.

(3) He shall have the care, management, and control of the person of such immigrant before he or she is placed out to reside as aforesaid and at any time when he or she ceases to be so placed out, and the supervision of such immigrant whilst so placed out, and at all times shall have the care, management, and control of his or her property.

6. The

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6. The Minister may, with the approval of the Governor, appoint institutions for the reception, detention, education, and employment of immigrants who come to the State, as mentioned in section 5, and make such provision as he deems necessary for their detention, maintenance, education, and employment in such institutions or in connection therewith.

Institutions for immigrants whilst not placed out.

7. (1) Any agreement may contain provisions, to the satisfaction of the Minister, for the proper keeping, maintaining, and (where the Minister deems it necessary) training and educating of the immigrant, and for the due payment of such wages as are payable thereunder, which in the case of a girl immigrant shall not be less than a boy immigrant of similar age.

Provisions of agreements.

(2) Any agreement shall be as effectual as if the immigrant were of full age at the date thereof, and had voluntarily executed the same.

To be binding notwithstanding infancy.

8. (1) The Minister may in any agreement provide that all, or such portion as is therein specified, of any wages to become due to the immigrant shall be paid by the employer to the Minister, to be held in the name of the Minister, on account of such immigrant; and every payment made as so provided shall be deemed to be a payment to such immigrant.

Portion of wages may be paid to Minister.

(2) All moneys so held by the Minister shall bear interest at such rate as is from time to time determined by the Minister.

9. (1) All or any part of the money so held on account of any immigrant, and the interest thereon, may be expended by the Minister—

Expenditure of moneys held on behalf of immigrants.

- (a) in repaying to the Government of the Commonwealth any expenses incurred by the Commonwealth on the immigrant's behalf before or during such immigrant's passage to the State or after his or her arrival in the State;
- (b) in repaying any money advanced by any person, society, or association, in the State or elsewhere, towards the passage-money of the immigrant, or expended in providing the immigrant with an outfit for the purposes of his coming to the State;
- (c) for the benefit of the immigrant, when and in such manner as the Minister from time to time deems advisable; and
- (d) in payment of subscriptions of the prescribed amount to the Immigrants' Sickness and Accident Fund established under this Act.

(2) The balance (if any) of the moneys so held, and the interest thereon, shall be payable to the immigrant at the option of the immigrant, either upon attaining the age of twenty-one years, or completing the term of his or her apprenticeship pursuant to the agreement entered into by the Minister in that behalf.

10. (1) The Minister may institute a fund to be called the "Immigrants' Sickness and Accident Fund," which shall be formed

Establishment of Immigrants' Sickness and Accident Fund.

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of subscriptions of the prescribed amount paid by or on behalf of immigrants, and any moneys paid or credited to the said fund under section 17 of this Act and any interest arising from the investment of moneys so subscribed.

(2) The said fund shall be vested in and be under the care, control, and management of the Minister, and shall be invested in such manner as the Minister thinks fit.

(3) The said fund shall be applied for the following purposes, namely :—

(a) payment of any expenses incurred by the Minister in connection with the institution and administration of the said fund :

(b) payment of sums of money of the prescribed amount to or on account of any immigrant by or on behalf of whom subscriptions to the said fund have been duly paid, for the purpose of defraying expenses or loss actually incurred by such immigrant by reason of sickness or accident.

Recovery of wages
by Minister.

11. The wages or earnings due by any person to any immigrant under any agreement, whether payable to such immigrant or not may be sued for and recovered by and in the name of the Minister, for the benefit of the immigrant.

Cancellation of
apprenticeship
agreement on
insolvency of
employer.

12. If the employer of any immigrant becomes insolvent, or in the opinion of the Minister becomes unable to carry out the terms of the agreement, or in the opinion of the Minister is guilty of such immoral or vicious conduct as to render him unsuitable to continue to be the employer of the immigrant, or is about to remove from the State, or if the Minister for any other reason thinks the agreement ought to be determined, the Minister, on application by such employer or the immigrant, or on his own motion, may make an order releasing and discharging such employer and the immigrant respectively from the agreement, and from every covenant and agreement therein contained or thereby implied.

If immigrant
absconds or dies
notice to be given.

13. (1) If an immigrant bound or placed out under this Act absconds or dies, the employer shall immediately give such notice and do all such further acts and things as are prescribed ; and in default thereof he shall be liable to a penalty not exceeding Five Pounds for every such offence.

(2) If any immigrant bound or placed out under this Act absconds from his or her employer, such immigrant shall be guilty of an offence against this Act and shall be liable to a penalty for a first offence not exceeding Five Pounds and for a second or any subsequent offence to a penalty not exceeding Ten Pounds.

(3) Any immigrant absconding as aforesaid may be apprehended without warrant by any member of the Police Force.

Immigrant not to
be transferred or
dismissed without
consent of Minister.

14. No employer shall have power to assign or transfer any agreement, or to transfer or make over to any other person the services

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services or care of the immigrant thereby bound or placed out, or (in any way) to discharge or dismiss such immigrant without the consent in writing of the Minister first had and obtained, and every such assignment, transfer, or discharge attempted to be made without such consent shall be null and void.

15. (1) When the agreement by or under which an immigrant is bound or placed out has been cancelled, or has otherwise become of no effect, the Minister may at any time, by order in writing signed by him, require such immigrant forthwith to return to any place or institution to be named in the order; and the Minister may, by the same or a separate order, require the employer forthwith to deliver such immigrant to some person therein named.

Control of immigrant when agreement cancelled.

(2) Any employer or other person who neglects or fails to obey such order shall be liable to a penalty not exceeding Five Pounds.

Penalty for disobeying order.

(3) Any member of the Police Force may, without any warrant, apprehend such immigrant and bring him or her to the place or institution named in the order, and for such purpose may enter upon or into any land or house whereon or wherein the immigrant is or is supposed to be.

Constable may apprehend immigrant without a warrant.

16. Any person who—

- (a) without the authority of the Minister takes or removes any immigrant from the employer to or with whom such immigrant is apprenticed or placed out under this Act before the expiration of the term of apprenticeship or service or placing out;
- (b) directly or indirectly counsels or induces any such immigrant to break his or her agreement, or to abscond from his or her employer before the expiration of the apprenticeship or service or placing out;
- (c) prevents any such immigrant from returning to his or her employer; or
- (d) knowing any such immigrant to have absconded from his or her employer, harbors or conceals, or assists in harboring or concealing, or gives employment to such immigrant,

Penalty for taking, removing, harboring, &c.

shall be liable to a penalty not exceeding Twenty Pounds, or may, at the discretion of the Special Magistrate or Justices, be imprisoned with or without hard labor for any term not exceeding six months.

17. (1) In case the Minister is satisfied that any such immigrant as mentioned in section 5 has been guilty of misbehaviour, or of wilful neglect of duty, or has absconded from his or her employer, or has failed to obey the reasonable instructions of the Minister, it shall be lawful for the Minister, by writing under his hand, to forfeit any moneys held by the Minister on behalf of such immigrant, or any part of such moneys, and the title of the immigrant to such moneys or part shall thereupon be absolutely determined.

Forfeiture of moneys in case of misbehavior and use of same for bonuses.

(2) Any

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(2) Any moneys so forfeited may be paid or credited to the Immigrants' Sickness and Accident Fund and used for the general purposes of such fund or may be applied by the Minister in the payment of bonuses to such of the immigrants mentioned in the section 5 as, having regard to their behaviour and attention to duty, are, in his opinion, deserving of reward, or in such a manner as the Minister considers suitable for carrying out the objects of this Act.

Power of Minister to release immigrants from compliance with Act.

18. (1) The Minister may by writing under his hand, if he thinks fit, release any immigrant who has completed his or her term of apprenticeship under this Act from any further obligation to comply with the provisions of this Act, notwithstanding that such immigrant being a boy, has not attained the age of twenty-one years, or being a girl, twenty years.

(2) Upon any immigrant being so released all moneys held on account of such immigrant in the name of the Minister, or otherwise due to such immigrant, shall, if such immigrant so requires, forthwith be paid to such immigrant.

Evidence.

19. In all proceedings in respect of offences against this Act the onus of showing that any immigrant described in any information as an immigrant bound or placed out under this Act, is not an immigrant so bound or placed out, shall be upon the defendant.

Assistance to Immigrants after Apprenticeship.

Immigrants' Assistance Board.

20. (1) A Board is hereby constituted for the purposes of this Act, called the "Immigrants' Assistance Board."

(2) The Board shall consist of the Director of Immigration, the Secretary for Lands, and one other person having knowledge and experience of agricultural pursuits, who shall be appointed by the Governor.

(3) The Board shall deal with all applications for advances under this Act, and shall have such other powers, duties, functions, and authorities in connection with boy immigrants and persons who have completed terms of apprenticeship as boy immigrants, as are prescribed.

Application for loans.

21. Any person who—

(a) as a boy immigrant has completed a term of apprenticeship in farming or any other prescribed pursuit under section 5 of this Act to the satisfaction of the Minister ;

(b) is, in the opinion of the Board, having regard to his age, and his aptitude for and knowledge and experience of agricultural or other prescribed pursuits, a suitable person to whom an advance under this Act might be made ;

(c) satisfies the Board that he is engaged or is about to engage in agricultural or other prescribed pursuits in the capacity of principal ; and

(d) complies with any other prescribed requirements,

may

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may apply to the Board for an advance under this Act, for the purpose of purchasing implements, stock, seeds, plants, trees, and such other things as may be deemed necessary for the successful occupation, cultivation, and working of land.

22. Such application shall be in the prescribed form, and shall contain all such particulars as are prescribed, or are required by the Board. Application how made.

23. (1) If the Board approves such application, it may make an advance to the applicant for all or any of the purposes mentioned in section 21 of this Act. Such advance may be of any sum not exceeding Three Hundred Pounds. Advances.

(2) Every such advance shall bear interest at such rate as the Minister determines, and shall be repayable at the prescribed times and in instalments of the prescribed amount, and shall be secured by a bill of sale or such other security as the Minister approves over the goods and chattels purchased out of the moneys advanced or over any crops owned or to be owned by the person to whom the advance is made: Provided that the Minister may, on the recommendation of the Board, dispense either wholly or in part with payment of interest under this section.

24. (1) Any person who has completed a term of apprenticeship under this Act as a boy immigrant may, with the consent of his employer, arrange with the Minister that all or any portion of the wages to become due to such person after the completion of such term of apprenticeship may be paid to the Minister by the employer to be held in the name of the Minister on account of such person; and every payment so made shall be deemed to be a payment to such person. Immigrants may deposit wages after completion of apprenticeship.

(2) Any such person may deposit with the Minister any sums of money to be held in the name of the Minister on account of such person.

(3) All moneys paid to or deposited with the Minister under this section shall bear interest at such rate as is determined by the Minister from time to time, and shall be repayable at such times and in such manner as may be mutually agreed upon.

25. (1) In addition to any power by any other section of this Act conferred on the Governor to make regulations (which power shall in every case be implied for the purpose of any section in which the word "prescribed" is used) the Governor may make regulations-- Regulations.

(a) prescribing the duties, powers, authorities, and privileges of any person employed in the administration of this Act;

(b) regulating the punishment of immigrants bound or placed out under this Act, and other immigrants mentioned in section 5, and for enforcing discipline on their part;

(c) prescribing

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- (c) prescribing the forms and contents of agreements, authorities, notices, orders, and other instruments and documents under or for purposes of this Act, and the mode of executing, serving, or delivering the same ;
 - (d) for the regulation and management of, and maintenance of discipline in institutions appointed under section 6 ;
 - (e) prescribing the manner of investing and administering the Immigrants' Sickness and Accident Fund constituted by this Act, and all matters necessary or convenient to be prescribed in connection with such fund ;
 - (f) prescribing the powers, duties, functions, and authorities of the Immigrants' Assistance Board constituted by this Act ;
 - (g) providing for the appointment of a Chairman and an Acting Chairman of the Immigrants' Assistance Board, and regulating the meetings, proceedings, and conduct of the business of the said Board ;
 - (h) prescribing the forms of applications for advances under this Act, the rates of interest on such advances and the amount of the instalments by which such advance is to be repaid ;
 - (i) prescribing the requirements to be complied with by persons applying for advances under this Act ; and
 - (j) prescribing the manner in which complaints made to the Minister by any immigrant may be dealt with and providing for the establishment of a Committee or Committees to deal with such complaints.
- (2) Any such regulation may fix penalties not exceeding in any case the sum of Ten Pounds for breach of the same or any other regulation.

Proceedings to be disposed of summarily.

26. All proceedings in respect of any offence against this Act shall be disposed of summarily.

Financial provisions.

27. The moneys required for purposes of this Act shall be paid out of moneys provided by Parliament for such purposes.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

TOM BRIDGES, Governor.

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THE SCHEDULE.

I, do hereby declare that I am desirous of coming under the provisions of the Immigration Act, 1923, of the State of South Australia. It has been explained to me that when I am in the State I shall, until I attain the age of twenty-one years, be under the control of the Commissioner of Crown Lands and Immigration of that State, who will have power to apprentice me or otherwise bind me for service under the provisions of the above-mentioned Act, and that the other provisions of that Act and the Regulations made thereunder will also apply to me. The following particulars are true and correct :—

My name is

My address is

My age is

Dated the.....day of.....19....

Signature.....