



ANNO SECUNDO

GEORGII V REGIS.

A.D. 1911.

No. 1057.

An Act to Encourage Immigration into the State of South Australia, to Repeal certain Enactments relating to Immigration, including certain provisions of "The Railways Clauses Act, 1876," and for other purposes.

[*Assented to, December 14th, 1911.*]

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, 1911." Short title.

2. In this Act, unless inconsistent with the context or some other Interpretation. meaning is clearly intended—

"Emigration Agent" means an Emigration Agent continued in office by or appointed under this Act, and includes the Chief Emigration Agent so appointed:

"Justice" means Justices of the Peace for the State:

"Prescribed" means prescribed by this Act or by regulations:

"Regulations" means the regulations confirmed by this Act or regulations made under this Act:

"The Minister" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor:

"The State" means the State of South Australia.

The Immigration Act.—1911.

Repeal—No. 29 of
1872, No. 32 of 1876.

3. (1) “The Immigration Act, 1872,” and sections 14, 15, and 16 of “The Railways Clauses Act, 1876,” are hereby repealed.

(2) Subject to subsection (3) of this section, such repeal shall not affect any right, privilege, obligation, liability, or penalty acquired, accrued, incurred, or liable to be imposed, under the said enactments, or any legal or other proceedings or remedy in respect of any of such matters; and any such proceedings or remedy may be instituted, continued, or enforced as if such repeal had not taken place.

Land orders not to be
issued.

(3) No emigrant to whom an assisted passage has been granted under section 10 of “The Immigration Act, 1872,” and who has arrived in the State since the thirtieth day of June, nineteen hundred and eleven, and no person who under section 11 of the said Act has nominated any such emigrant for an assisted passage shall, on payment of the balance of the passage money or otherwise, be entitled to receive a land order under the provisions of the said Act; and after the passing of this Act no land order shall be issued under the provisions of section 12 of the said Act.

Appointment of
Emigration Agents
and Immigration and
other officers.

Immigration Act,
1872, s. 2.

4. (1) The Governor may appoint—

(a) A Chief Emigration Agent in Great Britain;

(b) Emigration Agents in Great Britain and elsewhere; and

(c) An Immigration Officer, and such other officers as he deems proper for the purposes of this Act, in the State.

(2) The officers appointed under “The Immigration Act, 1872,” who are in office at the time of the passing of this Act, are hereby continued in office as if appointed under this Act: Provided that the Governor may appoint one of the persons appointed under the said Act as Emigration Agents in Great Britain to be Chief Emigration Agent in Great Britain.

Agents may appoint
sub-agents and
other officers.

Ibid., s. 3.

5. The Chief Emigration Agent in Great Britain, or an Emigration Agent elsewhere, may, subject to the approval of the Minister, appoint such sub-agents and clerks and other officers as may be necessary for the performance of the duties entrusted to such Chief Emigration Agent or Emigration Agent, as the case may be.

Assisted passages.

Ibid., s. 10.

6. Subject to the regulations, an Emigration Agent may, upon the prescribed payments being made, grant assisted passages to the State to emigrants approved by him who in his opinion are unable to pay the whole cost of their passages to the State.

Nomination of emi-
grants.

Ibid., s. 11.

7. (1) Subject to the regulations, any natural-born or naturalised subject of His Majesty the King may nominate a person for the grant of an assisted passage to the State, and pay to the Minister the prescribed sum.

(2) Subject

The Immigration Act.—1911.

(2) Subject as aforesaid, if the person so nominated and in respect of whom such sum has been paid, is approved by an Emigration Agent, he shall be entitled to receive an assisted passage to the State.

(3) If the person so nominated is not approved by an Emigration Agent the nominator shall, subject to section 11, be entitled to the return of the sum paid by him as aforesaid.

8. (1) Before granting an assisted passage to any person under section 6 or section 7 of this Act, it shall be the duty of the Emigration Agent to inquire of such person what is the industry or what are the industries in which he intends to seek employment in the State.

Intending emigrants to be informed of conditions of employment in the State.

(2) (a) If the wages or rates of payment in any industry in which such person states that he intends to seek employment in the State have been fixed by any wages board or other authority having power by law to fix the same, the Emigration Agent shall inform such person what are the wages or rates of payment so fixed:

(b) If the wages or rates of payment in such industry have not been so fixed, the Emigration Agent shall inform such person what are the prevailing wages or rates of payment in such industry in the State.

And the assisted passage shall not be granted until such information has been so given.

9. (1) The Governor may make such regulations as may be necessary or convenient for fully effecting the provisions and objects of this Act, including (though without limiting the operation of this section) regulations prescribing—

Regulations.

Ibid., s. 15.

- i. Subject to sections 6 and 7, what persons shall be eligible for the grant of assisted passages under this Act or for nomination for such passages ;
- ii. The conditions under and subject to which such assisted passages may be granted ;
- iii. The payments to be made in respect of such assisted passages ;
- iv. The persons other than those to whom such assisted passages have been granted, who may be allowed the advantage of special fares arranged with the shipowners for emigrants ; and the payments and conditions upon and subject to which such advantage may be allowed ;
- v. The forms to be used for the purposes of this Act ; and
- vi. Penalties for breaches of regulations.

The Immigration Act.—1911.

(2) All such regulations—

(a) Shall be published in the *Government Gazette* :

(b) From the date of such publication, or from a later date fixed by the order making the same, shall (subject to subsection (3) hereof) be of the same effect as if they were contained in this Act ; and

(c) Shall be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

Disallowance by Parliament.

(3) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

Regulations made under repealed Act confirmed.

10. The regulations under “The Immigration Act, 1872,” published in the *Government Gazette* of the thirtieth day of March, nineteen hundred and eleven, are hereby confirmed, and shall continue in force until repealed by regulations made under this Act.

Penalty for false statement for obtaining assisted passage.

Immigration Act, 1872, s. 14, altered.

11. Any person who, in the said State or elsewhere, makes a false statement for the purpose of obtaining for himself, or for any other person, an assisted passage or other advantage under this Act, shall, whether such passage or advantage is granted or not, be guilty of an offence against this Act, and shall be liable to a penalty not exceeding One Hundred Pounds, and if the assisted passage has been granted he shall be liable to a further penalty of a sum equal to the total cost of the passage, less the amount actually paid in respect of the passage in accordance with the regulations.

Summary proceedings for offences.

12. Proceedings in respect of offences against this Act shall be by information or complaint, and shall be heard and determined in a summary way by a Special Magistrate or two Justices, and shall be regulated by the Ordinance No. 6 of 1850, and any Acts amending the same, or by any other Act or Acts for the time being in force regulating summary proceedings before Justices.

Appeals.

13. (1) There shall be an appeal to the Local Court of Adelaide in its Full Jurisdiction from any order or conviction by a Magistrate or Justices under this Act, or from any order by a Magistrate or Justices dismissing any information or complaint under this Act.

(2) Such

The Immigration Act.—1911.

(2) Such appeal shall be regulated by the said Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any Act for the time being in force regulating appeals to Local Courts: Provided that the Court may make any order as to costs although such costs exceed Ten Pounds.

(3) The Local Court may state a special case for the opinion of the Supreme Court.

14. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes. Provision of expenses by Parliament.

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

DAY H. BOSANQUET, Governor.