

Rt. Hon. R. J. Seddon.

IMMIGRATION RESTRICTION.

ANALYSIS.

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A BILL INTITULED

AN ACT to place certain Restrictions on Immigration into New Zealand. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Immigration Restriction Act, 1898." Short Title.

2. This Act shall not apply to—

10 (1.) Any person possessed of and named in a certificate in the form numbered one in the Schedule hereto, signed by the Colonial Secretary, or any officer, whether in or outside of New Zealand, whom the Governor in Council authorises to grant such certificates; nor to

15 (2.) Any person of a class for whose immigration into New Zealand provision is made by law, or by a scheme approved by the Governor in Council; nor to

(3.) Any person or class of persons exempted from this Act by the Governor in Council; nor to

20 (4.) Her Majesty's land and sea Forces; nor to

(5.) The officers and crew of any ship of war of any Government; nor to

25 (6.) Any person being one of the officers or crew of any mercantile vessel: Provided that he is not discharged in New Zealand, and also that he is on board the vessel when she is cleared outwards, and leaves New Zealand with her; nor to "Alien Immigration Restriction Bill, 1897," clause 12, altered.

(7.) Any person duly accredited to the Government of New Zealand by or under the authority of the Imperial or any other Government.

Persons prohibited from landing in New Zealand.

3. Except in so far as is otherwise provided in the subsequent sections of this Act, it shall not be lawful for any person of any of the following classes (hereinafter called "prohibited immigrant") to land in New Zealand, that is to say:— 5

Natal Act, sec. 3, altered and extended.

(1.) Any person who, when asked so to do by an officer appointed under this Act by the Governor, fails to himself write out and sign, in the characters of any language of Europe, an application in the form numbered *two* in the Schedule hereto, or in such other form as the Colonial Secretary from time to time directs either generally for all cases or specifically in specific cases: 10

(2.) Any idiot or insane person: 15

(3.) Any person suffering from a contagious disease which is loathsome or dangerous:

(4.) Any person who, not having received a free pardon, has within two years next preceding the date on which he lands, been convicted in any country of any offence which, if committed in New Zealand, would be punishable by imprisonment for two years or upwards, not being a mere political offence. 20

Certain persons may land if deposit made and certificate thereafter obtained.
Natal Act, sec. 5, altered.

4. Any person appearing to be a prohibited immigrant within the meaning of section *three* of this Act, but not coming within the meaning of subsections *two*, *three*, or *four* of that section, may lawfully land in New Zealand upon the following conditions, that is to say:— 25

(1.) He shall, before landing, deposit with an officer under this Act the sum of *one hundred* pounds: 30

(2.) He shall, within the period of *fourteen* days after landing, obtain from the Colonial Secretary or a Stipendary Magistrate a certificate that he does not come within the prohibition of this Act:

(3.) If within such period he duly obtains such certificate, such deposit shall be returned to him and he shall cease to be subject to this Act, but if not, then by force of this Act such deposit shall be forfeited to Her Majesty, and he shall be deemed to be a prohibited immigrant who has unlawfully landed in New Zealand: 35 40

Deposit forfeited if certificate not granted.

Provided that the forfeiture of his deposit shall be deemed to be in satisfaction of the penalty of *one hundred* pounds hereinafter prescribed, and also that no liability shall attach to the vessel, its master or owners, by reason of his having landed, except the liability for the expenses of his removal from New Zealand, and of his detention and maintenance in New Zealand pending such removal, as hereinafter prescribed. 45

Status of wife and child.
Natal Act, sec. 7, altered.

5. In any case where any person, not being a prohibited immigrant, lands in New Zealand accompanied by his wife or infant child, such wife or child shall not be deemed to be a prohibited immigrant. 50

Former resident may be exempted.

6. In any case where any person when landing in New Zealand satisfies an officer under this Act that he is or formerly was

domiciled in New Zealand, and also that he does not come within the meaning of subsections *two*, *three*, or *four* of section *three* of this Act, he shall not be deemed to be a prohibited immigrant.

Natal Act, sec. 5, altered.

7. In every case where any prohibited immigrant unlawfully lands in New Zealand the following provisions shall apply:—

Penalties and costs in respect of unlawful landing of prohibited immigrant.

(1.) He is liable to a penalty of *one hundred* pounds.

(2.) Irrespective of such penalty, he is also liable to be removed from New Zealand, and, pending such removal, to be detained in prison or other safe custody for any period not exceeding *six* months:

Natal Act, secs. 4 and 8, altered.

Provided that upon the aforesaid penalty of *one hundred* pounds being paid, he may at any time be released from detention for the purpose of being removed from New Zealand, or upon his finding two approved sureties, each in the sum of *fifty* pounds, that he will leave New Zealand within one month:

(3.) The master and owner of the vessel by which he was brought to New Zealand are jointly and severally liable—

(a.) To a penalty of *one hundred* pounds in respect of each such immigrant; and also

(b.) To defray the expenses incurred by the Government in respect of such immigrant's removal from New Zealand, and of his detention and maintenance in New Zealand pending such removal.

8. In any case where prohibited immigrants are transhipped from one vessel to another for the purpose of being brought to New Zealand, the provisions of this Act shall apply to both such vessels, their masters and owners, in like manner as if such immigrants had been brought to New Zealand by both such vessels.

Liability where prohibited immigrants transhipped.

"Alien Immigration Restriction Bill, 1897," clause 11, altered.

9. No vessel shall be cleared out of any port of New Zealand unless and until all the provisions of this Act relating to such vessel, its master and owner, have been duly complied with, nor until all penalties and other moneys payable by such master or owner have been fully paid, or have been duly secured by bond in manner herein-after provided.

No vessel to be cleared out until Act complied with.

"Alien Immigration Restriction Bill, 1897," clause 13.

10. In any case where the Commissioner of Customs is of opinion that the master or owner of any vessel has committed any offence, or made any default, or is liable for the payment of any penalty or other moneys under this Act, the following special provisions shall apply:—

Vessel may be detained if Act not complied with.

"Alien Immigration Restriction Bill, 1897," clause 14; also Natal Act, sec. 8, altered.

(1.) The Commissioner may by writing under his hand authorise any person, being an officer of Customs or member of the Police Force, to detain such vessel.

(2.) Such detention may be either at the port or place where such vessel is found, or at any port or place to which the Commissioner orders such vessel to be brought.

(3.) For the purposes of such detention, the person authorised to effect the same shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with the vessel as would be available in the case of vessels or goods seized under any Act relating to the Customs.

(4.) Such detention shall be for safe custody only, and shall be discontinued if a bond with two sufficient sureties to the satisfaction of the Commissioner is given by the master or owner for the full payment of all penalties and other moneys then payable or that may thereafter be adjudged to be payable under this Act in respect of any such offence, default, or liability (including the costs incurred in and about the detention of the vessel). 5

In default of payments due under Act vessel may be sold.

"Alien Immigration Restriction Bill, 1897," clause 15; also Natal Act, sec. 8, altered.

11. If default is made by the master or owner of any vessel in paying or in securing by bond as aforesaid the full payment of any penalty or other moneys payable under this Act by such master or owner, then the following provisions shall apply:— 10

(1.) Such vessel may be seized and sold under the provisions for seizure and sale of vessels or goods contained in any Act relating to the Customs, and for that purpose the provisions of subsection *three* of the *last-preceding* section hereof shall *mutatis mutandis* apply. 15

(2.) The proceeds of such sale shall be applied: first, in payment of the costs incurred in and about the detention, seizure, and sale of the vessel; secondly, in payment of all penalties and other moneys payable under this Act as aforesaid by the master or owner, and the surplus (if any) shall be paid to the owner or other person lawfully entitled thereto. 20

Court may give time to pay.

"Alien Immigration Restriction Bill, 1897," clause 16.

12. Upon the conviction of any prohibited immigrant under any of the foregoing provisions of this Act, whereby he is adjudged to pay a sum of money, the Court, if it sees fit, may order that such sum or any part thereof shall be payable at some future day, not being longer than three months from the date of such order, provided security by way of recognisance to Her Majesty to the satisfaction of the Court is given for the payment of the amount mentioned in and at the time fixed by any such order. 25 30

Governor may remit penalties.

"Alien Immigration Restriction Bill, 1897," clause 17.

Provisions with respect to removal of prohibited immigrants from New Zealand.

Natal Act, sec. 10, altered.

13. The Governor may remit the whole or any part of any penalty, forfeiture, or sum of money payable under any of the foregoing provisions of this Act. 35

14. For the purposes of the removal from New Zealand of prohibited immigrants, the following provisions shall apply:—

(1.) The Colonial Secretary, or any person authorised by him, may make a contract with the master, owner, or agent of any vessel for the passage of any such immigrant to the port or place whence he came, or to any port or place in or near to his country of birth. 40

(2.) Upon the contract being made, such immigrant may, with his personal effects, be placed on board such vessel by any officer under this Act, or by any officer of police, and the master shall keep such immigrant on board, and (if necessary) under custody, until the vessel has sailed. 45

(3.) If the immigrant appears to be destitute, the officer placing him on board may supply him with such sum of money as the Colonial Secretary or any Justice of the Peace certifies to be reasonably required, in order to enable him to maintain himself for one month after disembarking from the vessel at the end of the voyage. 50

- (4.) All moneys expended under this section shall be included in computing the expenses incurred in respect of the immigrant's removal from New Zealand.
- 5 **15.** Every person is liable to a penalty not exceeding *one hundred* pounds who in any way—
- (1.) Wilfully assists a prohibited immigrant to unlawfully land in New Zealand; or
- (2.) Wilfully assists any person to evade or contravene any of the provisions of this Act; or
- 10 (3.) Obstructs or hinders any officer in the discharge of his functions or duties under this Act; or
- (4.) Commits any breach of any of the provisions of this Act for which no specific penalty is imposed by this Act elsewhere than in this section.
- 15 **16.** If any person wilfully assists any idiot or insane person to land in New Zealand, then, in addition to the penalty imposed by the *last-preceding* section hereof, he is also liable for the cost of the maintenance of such idiot or insane person whilst in New Zealand.
- 20 **17.** All sums and penalties paid or recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.
- 25 **18.** All sums and penalties payable under this Act may be recovered in a summary manner, and the proceedings for such recovery shall be taken by any officer under this Act or any officer of Customs.
- 19.** The Governor in Council may from time to time, as he thinks fit,—
- 30 (1.) Declare any disease to be a contagious disease which is loathsome or dangerous within the meaning of this Act:
- (2.) Appoint officers for the purposes of this Act, and define their functions and powers:
- 35 (3.) Make such regulations as he deems necessary for prescribing forms under this Act, inspecting vessels, their passengers, crews, and papers in order to enforce the provisions and prevent evasions of this Act, and generally for any purpose for which regulations are contemplated or required by this Act, or which he deems necessary in order to give effect to this Act.
- 40 **20.** "The Asiatic Restriction Act, 1896," which was reserved for the signification of Her Majesty's pleasure thereon, is hereby declared to have never been in operation, and is hereby repealed.
- 45 **21.** Nothing in this Act contained shall apply to Chinese within the meaning of "The Chinese Immigrants Act, 1881"; but all such Chinese shall continue to be subject to the provisions of that Act in like manner as if neither this Act nor "The Asiatic Restriction Act, 1896," had ever been passed.

Penalties.

Natal Act, secs. 11, 12, 17, and 18, altered.

Penalty for assisting idiot or insane person to land.

Natal Act, sec. 13, altered.

Moneys received payable to Public Account.

Recovery of sums and penalties.

"Alien Immigration Restriction Bill, 1897," clause 22, limited.

Appointment of officers, and regulations.

Repeal.

"The Chinese Immigrants Act, 1881," not affected.

Schedule.

SCHEDULE.

FORM 1.—CERTIFICATE OF EXEMPTION UNDER "THE IMMIGRATION RESTRICTION ACT, 1898."

[Signature of
exempted person.]

UNDER the provisions of "The Immigration Restriction Act, 1898," I hereby certify that [Full name, occupation, and address], whose signature appears in the margin, is exempt from the operation of that Act.

Dated at _____, this _____ day of _____.

A. B.,
Colonial Secretary
[Or otherwise, as the case may be].

FORM 2.—APPLICATION FOR ADMISSION INTO NEW ZEALAND.

UNDER the provisions of "The Immigration Restriction Act, 1898," I, [Full name, occupation, and address], hereby make application for admission into New Zealand, and declare that I am not a prohibited immigrant within the meaning of that Act.

Dated at _____, this _____ day of _____.

[Signature of Applicant.]