

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

Act No. 3, 1898.

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. [Assented to, 3rd August, 1898.]

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 :—

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.

Preamble.

Short title and commencement.

Immigration Restriction.

Exemptions.

2. This Act shall not apply to—

- (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.

Prohibited immigrants.

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—

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.

Unlawful entry of prohibited immigrant.

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.

Entry permitted on certain conditions.

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:—

- (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)

Immigration Restriction.

(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.

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. Persons formerly domiciled in New South Wales.

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. Wives and children.

8. The master 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. Liability of master and owners of ship for illegal landing of 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. Disabilities of prohibited immigrants.

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. Offence of assisting in contraventions.

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. Powers of police to prevent entry.

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. Officers for carrying out Act.

Immigration Restriction.

Regulations.

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

Punishments.

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.

Jurisdiction of courts of summary jurisdiction.

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.

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.,

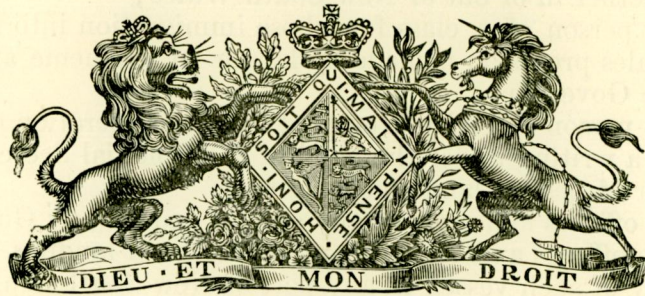
By Authority: WILLIAM APPELATE GULLICK, Government Printer, Sydney, 1898.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 7 July, 1898. }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

Act No. 3, 1898.

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. [Assented to, 3rd August, 1898.]

WHEREAS it is desirable to place certain restrictions on Preamble.
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:—

1. This Act may be cited as the "Immigration Restriction Short title and commencement.
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.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

JAS. ASHTON,
Temporary Chairman of Committees of the Legislative Assembly.

Immigration Restriction.

Exemptions .

2. This Act shall not apply to—

- (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.

Prohibited immi-
grants.

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—

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.

Unlawful entry
of prohibited
immigrant.

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.

Entry permitted on
certain conditions.

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 :—

- (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)

Immigration Restriction.

- (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.
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. Persons formerly domiciled in New South Wales.
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. Wives and children.
8. The master 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. Liability of master and owners of ship for illegal landing of 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. Disabilities of prohibited immigrants.
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. Offence of assisting in contraventions.
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. Powers of police to prevent entry.
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. Officers for carrying out Act.

Immigration Restriction.

Regulations.

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

Punishments.

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.

Jurisdiction of courts of summary jurisdiction.

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.

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.,

In the name and on the behalf of Her Majesty I assent to this Act.

Government House,
Sydney, 3rd August, 1898.

HAMPDEN,
Governor.

IMMIGRATION RESTRICTION BILL.

SCHEDULE of Amendments referred to in Message of 7th July, 1898.

- Page 2, clause 2. *After* subsection (e) *insert* new subsection (f)
- Page 2, clause 3, line 19. *Omit* "any of"
- Page 2, clause 3, line 19. *Omit* "classes" *insert* "class"
- Page 2, clause 3, line 20. *Omit* "s" from "subsections"
- Page 2, clause 3, lines 23 and 24. *Omit* "write out and sign in the characters of any
"language of Europe" *insert* "write out in his own handwriting in some
"European language and sign"
- Page 2, clause 3. *After* subsection (a) *omit* remainder of clause.
- Page 3, clause 5, lines 6 to 8. *Omit* "and not coming within the meaning of any of the
"subsections (c), (d), (e), (f) of the said section three"
- Page 3, clause 6, lines 25 to 27. *Omit* "and that he does not come within the meaning
"of any of the subsections (c), (d), (e), (f) of section three of this Act"
- Page 3, clause 8, line 33. *After* "landed" *insert* "before such immigrant is passed
"by an officer appointed for that purpose by the Government"
- Page 3, clause 8, lines 35 to 38. *Omit* "of not less than one hundred pounds sterling,
"and such penalty may be increased up to five thousand pounds sterling by sums
"of one hundred pounds sterling each for every five prohibited immigrants after
"the first five" *insert* "of one hundred pounds in respect of the landing
"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"
- Page 4, clause 10. *Omit* clause 10.
- Page 4, clauses 12 and 13. *Omit* clauses 12 and 13.
- Page 5, clause 19. *Omit* clause 19.
-



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 25 November, 1897.* }

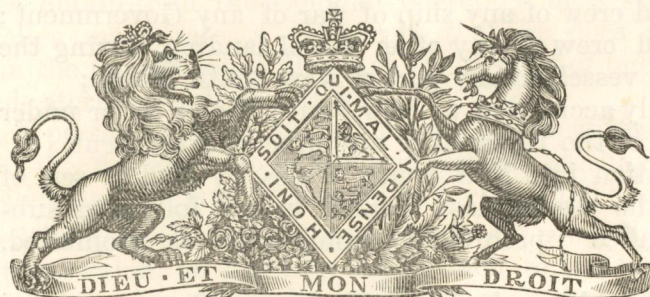
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 7th July, 1898.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

Act No. , 1898.

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.

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 :—

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.

75—A

2.

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Immigration Restriction.

2. This Act shall not apply to—

Exemptions.

- 5 (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 ;
- 10 (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 ;
- 15 (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 any of the classes **class** defined in the following sub-
 20 sections hereinafter called "prohibited immigrant," is prohibited, namely—

Prohibited immi-
grants.

- (a) any person who, when asked to do so by an officer appointed under this Act, shall fail to ~~himself write out and sign, in the characters of any language of Europe,~~ **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 ;
- 25 (b) any person being a pauper, or likely to become a public charge ;
- (c) any idiot or insane person ;
- (d) any person suffering from a loathsome or a dangerous contagious disease ;
- 30 (e) any person who, not having received a free pardon, has within two years been convicted of a felony or other infamous crime or misdemeanour involving moral turpitude, and not being a mere political offence ;
- 35 (f) any prostitute, and any person living on the prostitution of others.
- 40

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
 45 upon conviction may be sentenced to imprisonment not exceeding six months

Unlawful entry
of prohibited
immigrant.

Immigration Restriction.

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.

5 **5.** Any person appearing to be a prohibited immigrant within the meaning of section three of this Act ~~and not coming within the meaning of any of the subsections (e), (d), (e), (f) of the said section three~~ shall be allowed to enter New South Wales upon the following conditions:—

Entry permitted on certain conditions.

10 (a) He shall, before landing, deposit with an officer appointed under this Act the sum of one hundred pounds sterling.

15 (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.

20 (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:

20 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.

25 **6.** Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in New South Wales, ~~and that he does not come within the meaning of any of the subsections (e), (d), (e), (f) of section three of this Act,~~ shall not be regarded as a prohibited immigrant.

Persons formerly domiciled in New South Wales.

30 **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.

Wives and children.

35 **8.** The master 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 not less than one hundred pounds sterling, and such penalty may be increased up to five thousand pounds sterling by sums of one hundred pounds sterling each for every five prohibited immigrants after the first five,~~ of one hundred pounds in respect of the landing as aforesaid from his vessel of any prohibited
40 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
45 such penalty, and the vessel may be refused a clearance outwards until such

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

Immigration Restriction.

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.

- 5 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. Disabilities of prohibited immigrants.
- 10 10. Any officer thereto authorised by the Governor may make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in New South Wales to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel. Contract for return of prohibited immigrants.
- 15 11. 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. Offence of assisting in contraventions.
- 20 12. Any person who shall wilfully assist the entry into New South Wales of any prohibited immigrant of the class (f) in section three of this Act shall be deemed to have contravened this Act, and shall upon conviction be liable to be imprisoned with hard labour for any period not exceeding twelve months. Offence of assisting contravention by persons named in subsection (f).
- 25 13. Any person who shall be wilfully instrumental in bringing into New South Wales an idiot or insane person without a written or printed authority, signed by the Colonial Secretary, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony. Bringing insane persons into Colony.
- 30 14. 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. Powers of police to prevent entry.
- 35 15. 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. Officers for carrying out Act.
- 40 16. 13. The Governor may make regulations for the better carrying out of the provisions of this Act. Regulations.
- 45 17. 14. The penalty for any contravention of this Act, or of any regulation made thereunder where no higher penalty is expressly imposed, Punishments.

Immigration Restriction.

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.

18. 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.

19. ~~“Governor.” means the Governor with the advice of the Executive Council.~~ Interpretation.

SCHEDULE A.

10

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.

15

Dated at this day of

(Signature)

SCHEDULE B.

To the Colonial Secretary,

Sir,

20

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

25

I was born at in the year

Yours, &c.,

Amendment to the Constitution

imposed shall not exceed that of fifty pounds sterling or its equivalent, with an additional penalty of five pounds for every month in default of such fine on the day of the next meeting of the Council, but not exceeding in any case three months.

44. All communications of the Council or of any member thereof shall be in writing, and shall be signed by the member or members in whose name they are made, and shall be delivered to the Secretary of the Council, who shall be the only person authorized to receive and forward the same.

45. The Council shall have power to make and alter the rules and regulations of the Council, and to enforce the same, and to punish any member who shall be guilty of any offence against the same, and to suspend any member who shall be guilty of any offence against the same, and to expel any member who shall be guilty of any offence against the same.

46. The Council shall have power to make and alter the rules and regulations of the Council, and to enforce the same, and to punish any member who shall be guilty of any offence against the same, and to suspend any member who shall be guilty of any offence against the same, and to expel any member who shall be guilty of any offence against the same.

47. The Council shall have power to make and alter the rules and regulations of the Council, and to enforce the same, and to punish any member who shall be guilty of any offence against the same, and to suspend any member who shall be guilty of any offence against the same, and to expel any member who shall be guilty of any offence against the same.

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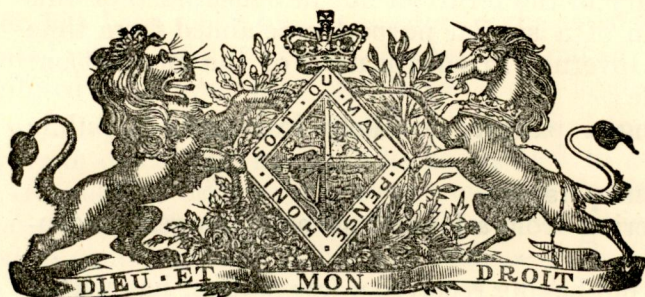
54. The Council shall have power to make and alter the rules and regulations of the Council, and to enforce the same, and to punish any member who shall be guilty of any offence against the same, and to suspend any member who shall be guilty of any offence against the same, and to expel any member who shall be guilty of any offence against the same.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assem'ly Chamber,
Sydney, 25 November, 1897.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. . (A.D. 1897.)

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.

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:—

1. This Act may be cited as the "Immigration Restriction Act, 1897," 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. Short title and commencement.
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 ;

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Immigration Restriction.

- (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 ;
- 5 (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) any person duly accredited to New South Wales by or under the authority of the Imperial or any other Government.
- 10 3. The immigration into New South Wales, by land or sea, of any person of any of the classes defined in the following subsections, hereinafter called "prohibited immigrant," is prohibited, namely—
- (a) any person who, when asked to do so by an officer appointed under this Act, shall fail to himself write out and sign, in the characters of any language of Europe, 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 ;
- 15 (b) any person being a pauper, or likely to become a public charge ;
- (c) any idiot or insane person ;
- (d) any person suffering from a loathsome or a dangerous contagious disease ;
- 20 (e) any person who, not having received a free pardon, has within two years been convicted of a felony or other infamous crime or misdemeanour involving moral turpitude, and not being a mere political offence ;
- (f) any prostitute, and any person living on the prostitution of others.
- 30 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.
- 35 5. Any person appearing to be a prohibited immigrant within the meaning of section three of this Act and not coming within the meaning of any of the subsections (c), (d), (e), (f) of the said section three shall be allowed to enter New South Wales upon the following conditions:—
- 40 (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.
- 50 (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 :
- 55 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.

Prohibited immigrants.

Unlawful entry of prohibited immigrant.

Entry permitted on certain conditions.

Immigration Restriction.

6. Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in New South Wales, and that he does not come within the meaning of any of the subsections (c), (d), (e), (f) of section three of this Act, shall not be regarded as a prohibited immigrant. Persons formerly domiciled in New South Wales.
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. Wives and children.
8. The master and owners of any vessel from which any prohibited immigrant may be landed shall be jointly and severally liable to a penalty of not less than one hundred pounds sterling, and such penalty may be increased up to five thousand pounds sterling by sums of one hundred pounds sterling each for every five prohibited immigrants after the first five, 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. Liability of master and owners of ship for illegal landing of 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. Disabilities of prohibited immigrants.
10. Any officer thereto authorised by the Governor may make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in New South Wales to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel. Contract for return of prohibited immigrants.
11. 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. Offence of assisting in contraventions.
12. Any person who shall wilfully assist the entry into New South Wales of any prohibited immigrant of the class (f) in section three of this Act shall be deemed to have contravened this Act, and shall upon conviction be liable to be imprisoned with hard labour for any period not exceeding twelve months. Offence of assisting contravention by persons named in subsection (f).
13. Any person who shall be wilfully instrumental in bringing into New South Wales an idiot or insane person without a written or printed authority, signed by the Colonial Secretary, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony. Bringing insane persons into Colony.
14. 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. Powers of police to prevent entry.
15. 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. Officers for carrying out Act.
16. The Governor may make regulations for the better carrying out of the provisions of this Act. Regulations.

Immigration Restriction.

17. 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.}

18. 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.}

10 19. "Governor" means the Governor with the advice of the Executive Council. ^{Interpretation.}

SCHEDULE A.

Colony of New South Wales.

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

Dated at _____ this _____ day of _____
(Signature)

SCHEDULE B.

20 To the Colonial Secretary,
Sir,

I claim to be exempt from the operation of the Immigration Restriction Act, 1897.

25 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.,