Immigration Restriction Act 1901

No. 17, 1901

Compilation No. 1

Compilation date: 21 December 1905

Includes amendments: Act No. 19, 1905

Prepared by the Office of Parliamentary Counsel, Canberra

Rectified Authorised Version registered 21/08/2026 C2026C00362

About this compilation

This compilation

This is a compilation of the *Immigration Restriction Act 1901* that shows the text of the law as amended and in force on 21 December 1905 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au).

Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to place certain restrictions on Immigration and to provide for the removal from the Commonwealth of prohibited Immigrants

1 Short title

This Act may be cited as the *Immigration Restriction Act 1901*.

2 Definition

In this Act, unless the contrary intention appears:

Officer means any officer appointed under this Act, or any Officer of Customs;

The Minister means the Minister for External Affairs.

3 Prohibited immigrants

The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (hereinafter called ***prohibited immigrants***) is prohibited, namely:

(a) Any person who when asked to do so by an officer fails to write out at dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer;

(b) any person likely in the opinion of the Minister or of an officer to become a charge upon the public or upon any public or charitable institution;

(c) any idiot or insane person;

(d) any person suffering from an infectious or contagious disease of a loathsome or dangerous character;

(e) any person who has within three years been convicted of an offence, not being a mere political offence, and has been sentenced to imprisonment for one year or longer therefor, and has not received a pardon;

(f) any prostitute or person living on the prostitution of others;

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Exemptions

But the following are excepted:

(h) Any person possessed of a certificate of exemption in force for the time being in the form in the Schedule, signed by the Minister or by any officer appointed under this Act whether within or without the Commonwealth;

(i) members of the King's regular land or sea forces;

(j) the master and crew of any public vessel of any Government;

(k) the master and crew of any other vessel landing during the stay of the vessel in any port in the Commonwealth: Provided that the master shall upon being so required by any officer, and before being permitted to clear out from or leave the port, muster the crew in the presence of an officer; and if it is found that any person, who according to the vessel's articles was one of the crew when she arrived at the port, and who would in the opinion of the officer be a prohibited immigrant but for the exception contained in this paragraph, is not present, then such person shall not be excepted by this paragraph, and until the contrary is proved shall be deemed to be a prohibited immigrant and to have entered the Commonwealth contrary to this Act;

(l) any person duly accredited to the Government of the Commonwealth by the Imperial or any other Government or sent by any Government on any special mission;

(m) a wife accompanying her husband if he is not a prohibited immigrant, and all children apparently under the age of eighteen years accompanying their father or mother if the father or mother is not a prohibited immigrant; but so that the exceptions in this paragraph shall not apply if suspended by proclamation; and such suspension may be of general application or limited to any cases or class of cases;

(n) any person who satisfies an officer that he has formerly been domiciled in the Commonwealth or in any colony which has become a State.

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4 Certificates of exemption

A certificate of exemption shall be expressed to be in force for a specified period only, and may at any time be cancelled by the Minister by writing under his hand.

Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Commonwealth, be treated as a prohibited immigrant offending against this Act:

Provided that in the case of a person entering the Commonwealth from any vessel under this section no penalty shall attach to the vessel or its master owners or charterers.

5 Immigrants evading the officers or found within the Commonwealth

(1) Any immigrant who evades an officer or who enters the Commonwealth at any place where no officer is stationed may if at any time thereafter he is found within the Commonwealth be asked to comply with the requirements of paragraph (a) of section three, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

(2) Any immigrant may at any time within one year after he has entered the Commonwealth be asked to comply with the requirements of paragraph (a) of section three, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

6 Entry permitted on certain conditions

Any prohibited immigrant within the meaning of paragraph (a) only of section three may if thought fit by an officer be allowed to enter the Commonwealth or to remain within the Commonwealth upon the following conditions:

(a) He shall on entering the Commonwealth or on failing to comply with the requirements of that paragraph deposit with an officer the sum of One hundred pounds.

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(b) He shall within thirty days after depositing such sum obtain from the Minister a certificate of exemption in the form of the Schedule, or depart from the Commonwealth, and thereupon the deposit shall be returned; but otherwise the deposit or any part thereof may be forfeited and he may be treated as a prohibited immigrant offending against this Act.

Provided that in the case of a person entering the Commonwealth from any vessel under this section no penalty shall attach to the vessel or its master owners or charterers.

7 Unlawful entry of prohibited immigrants

Every prohibited immigrant entering or found within the Commonwealth in contravention or evasion of this Act shall be guilty of an offence against this Act, and shall be liable upon summary conviction to imprisonment for not more than six months, and in addition to or substitution for such imprisonment shall be liable pursuant to any order of the Minister to be deported from the Commonwealth.

Provided that the imprisonment shall cease for the purpose of deportation, or if the offender finds two approved sureties each in the sum of Fifty pounds for his leaving the Commonwealth within one month.

8 Certain persons may be deported

Any person who is not a British subject either natural-born or naturalized under a law of the United Kingdom or of the Commonwealth or of a State, and who is convicted of any crime of violence against the person, shall be liable, upon the expiration of any term of imprisonment imposed on him therefor, to be required to write out at dictation and sign in the presence of an officer a passage of fifty words in length in an European language directed by the officer, and if he fails to do so shall be deemed to be a prohibited immigrant and shall be deported from the Commonwealth pursuant to any order of the Minister.

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9 Penalty on masters and owners of ships

The master, owners, and charterers of any vessel from which any prohibited immigrant enters the Commonwealth contrary to this Act shall be jointly and severally liable to a penalty not exceeding One hundred pounds for each prohibited immigrant so entering the Commonwealth.

Provided that in the case of an immigrant of European race or descent no penalty shall be imposed under this section on any master owner or charterer who proves to the satisfaction of the Court that he had no knowledge of the immigrant being landed contrary to this Act, and that he took all reasonable precautions to prevent it.

10 Detention of vessel

(1) The Minister, or any Collector of Customs specially empowered by him, may by writing under his hand authorize any officer to detain any vessel from which any prohibited immigrant has, in the opinion of the officer, entered the Commonwealth contrary to this Act; and the vessel may then be detained either at the place where she is found, or at any place to which the Minister or Collector may order her to be brought. The Minister or such Collector shall forthwith give notice to the owner or agent of the vessel of the detention of such vessel.

Powers of detaining officer

(2) For the purposes of the detention and other lawful dealing with the vessel the officer so authorized shall be entitled to obtain such writ of assistance or other aid as is provided under any law relating to the Customs with respect to the seizure of vessels or goods.

Detention to cease if bond given

(3) The detention shall be for safe custody only, and shall cease if a bond with two sufficient sureties to the satisfaction of the Minister or the collector be given by the master owners or charterers of the

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vessel for the payment of any penalty which may be adjudged under this Act to be paid for the offence or default.

Sale of vessel on default

(4) If default is made in payment of any such penalty, the officer may seize the vessel; and the like proceedings shall thereupon be taken for forfeiting and condemning the vessel as in the case of a vessel seized for breach of any law relating to the Customs, and the vessel shall be sold.

Application of proceeds

(5) The proceeds of the sale shall be applied first in payment of the penalty and of all costs incurred in and about the sale and the proceedings leading thereto, and the balance shall be paid to the owners of or other persons lawfully entitled to the vessel before condemnation and sale.

12 Assisting persons to contravene Act

(1) Any person who in any way wilfully assists any other person to contravene or attempt to contravene any of the provisions of this Act, or makes or authorizes any contract or agreement the performance of which would be a contravention of this Act, shall be guilty of an offence against this Act.

(2) Any person who makes or authorizes such contract or agreement shall be liable to the Commonwealth for any expense incurred by the Commonwealth in respect of any immigrant prohibited by reason of the contract or agreement.

13 Bringing idiots or insane persons into the Commonwealth

Any person who is wilfully instrumental in bringing or attempting to bring into the Commonwealth any idiot or insane person contrary to this Act shall, in addition to any other penalty, be liable to the Commonwealth for any expense in respect of the

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maintenance of the idiot or insane person whilst within the Commonwealth.

14 Powers to enforce Act

Every member of the police force of any State, and every officer, may with any necessary assistance prevent any prohibited immigrant, or person reasonably supposed to be a prohibited immigrant, from entering the Commonwealth, and may take all legal proceedings necessary for the enforcement of this Act.

15 Appointment of officers

Subject to any Act relating to the public service, the Governor-General may appoint officers for carrying out this Act, and may prescribe their duties.

16 Regulations

(1) The Governor-General may make regulations for carrying out this Act and for empowering officers to determine whether any person is a prohibited immigrant.

(2) All such regulations shall be notified in the Gazette, and shall thereupon have the force of law.

(3) All such regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament be then sitting, and if not then within thirty days after the next meeting of the Parliament.

17 Annual return showing persons refused admission

The Minister shall cause to be made annually a return which shall be laid before Parliament, showing the number of persons refused admission into the Commonwealth on the ground of being prohibited immigrants, the nations to which they belong and whence they came, and the grounds on which admission was refused; the number of persons who passed the test prescribed by

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paragraph (a) of section three, the nations to which they belong and whence they came; the number of persons admitted to the Commonwealth without being asked to pass the test, the nations to which they belong, and whence they came.

18 Penalties

Where no higher penalty is expressly imposed, a person guilty of any offence against this Act, or against any regulation made thereunder, shall be liable on summary conviction to a penalty not exceeding Fifty pounds, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

19 Pacific Island Labourers Acts of Queensland

This Act shall not apply to the immigration of Pacific Island labourers under the provisions of the Pacific Island Labourers Acts, 1880-1892, of the State of Queensland.

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Schedule

Section 3

Commonwealth of Australia.

Immigration Restriction Act 1901

This is to certify that of aged years, a [*insert trade, calling, or other description*] is exempted for a period of from the date hereof from the provisions of the *Immigration Restriction Act 1901*.

Dated at this day of 190 .

Minister for External Affairs

[*or as the case may be*].

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

C[x] = Compilation No. x

ch = Chapter(s)

cl = clause(s)

cont. = continued

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

Ord = Ordinance

orig = original

p = page(s)

para = paragraph(s)/subparagraph(s)/sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

pt = Part(s)

r = regulation(s)/Court rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)/rule(s)/subrule(s)/order(s)/suborder(s)

sch = Schedule(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

sub ch = Sub-Chapter(s)

sub div = Subdivision(s)

sub pt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act (Register ID)	Number and year	Assent	Commencement	Application, saving and transitional provisions
Immigration Restriction Act 1901 (C1901A00017)	17, 1901	23 Dec 1901	23 Dec 1901	
Contract Immigrants Act 1905 (C1905A00019)	19, 1905	21 Dec 1905	21 Dec 1905	s 10

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Endnote 4—Amendment history

Provision affected	How affected
s 3.....	am No 19, 1905
s 11.....	rep No 19, 1905

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