

IMMIGRATION.

No. 51 of 1920.

An Act to amend the *Immigration Act* 1901-1912.

[Assented to 2nd December, 1920.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and
citation.

- 1.—(1.) This Act may be cited as the *Immigration Act* 1920.
- (2.) The *Immigration Act* 1901-1912 is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Immigration Act* 1901-1920.

Amendment of
s. 2.

2. Section two of the Principal Act is amended—

- (a) by omitting the words “Department of External Affairs,” and inserting in their stead the words “Home and Territories Department”; and
- (b) by omitting the definition of “the Minister.”

Prohibited
immigrants.

3. Section three of the Principal Act is amended—

- (a) by omitting paragraph (c) and inserting in its stead the following paragraph :—

“(c) any idiot, imbecile, feeble-minded person, epileptic, person suffering from dementia, insane person, person who has been insane within five years previously, or person who has had two or more attacks of insanity;”;

and

- (b) by inserting after paragraph (gc) the following paragraphs :—

“(gd) any person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials or who advocates or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization which entertains and teaches any of the doctrines and practices specified in this paragraph ;

“(ge) for the period of five years after the commencement of this paragraph, and thereafter until the Governor-General by proclamation otherwise determines, any person who in the opinion of an officer is of German, Austro-German, Bulgarian or Hungarian parentage and nationality, or is a Turk of Ottoman race ;

“(gf) any person who in the opinion of an officer is not under the age of sixteen years, and who, on demand by an officer, fails to prove that he is the holder of a passport—

(i) which was issued to him by and on behalf of the Imperial Government or any Government recognised by the Imperial Government ;

(ii) which contains a personal description sufficient to identify him and to which is attached a photograph of him ; and

(iii) which is still in force ; and

“(gg) any person who has been deported in pursuance of any Act ;”.

4. Section four of the Principal Act is amended by adding at the end of the proviso the following words :—

Certificates of exemption.

“but the owner owners agents or charterers of the vessel may, at any time within three years after the person entered the Commonwealth, be required, by notice in writing given by an officer, to provide a passage for him from the Commonwealth to the place whence he came, and in default of compliance with that requirement shall be guilty of an offence.

Penalty : One hundred pounds.”.

5. After section four A of the Principal Act the following section is inserted :—

“4AA. If the Minister notifies, by notice in the *Gazette*, that an arrangement has been made with the Government of any country under which persons who are British subjects or subjects or citizens of that country, are not, when proceeding from that country to the Commonwealth, or from the Commonwealth to that country, required to be in possession of passports, persons who are British subjects or subjects or citizens of that country shall not be subject to the prohibition contained in paragraph (gf) of section three of this Act.”.

Exemption from passport provision in case of countries with which arrangement in force.

6. Section five of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the word “stationed”, the words “or who obtains entrance or re-entrance into the Commonwealth by means of any certificate credentials or identification card which was not issued to him, or is forged, or has been obtained by false representations” ;

Immigrants evading the officers or found within the Commonwealth.

- (b) by omitting from sub-sections (2.) and (3.) the word "two" and inserting in its stead the word "three" ;
- (c) by inserting after sub-section (3.) the following sub-section:—
 "(3A.) The personal evidence of the defendant shall include a definite statement as to the date and place of his arrival in the Commonwealth, and the name of the vessel by which he travelled to Australia." ; and
- (d) by inserting after sub-section (4.) the following sub-section:—

"(4A.) In any prosecution under this section where it is alleged that the defendant was a member of the crew of a vessel, the averment of the prosecutor that the defendant was a member of the crew of that vessel shall be deemed to be proved in the absence of proof to the contrary if the prosecutor produces an identification card in the prescribed form relating to a member of the crew of a vessel of that name, and bearing a personal description, photographs and thumb prints of the defendant."

7. After section eight of the Principal Act the following sections are inserted:—

Deportation of
certain persons.

"8A.—(1.) Where the Minister is satisfied that, within three years after the arrival in Australia of a person who was not born in Australia, that person—

- (a) has been convicted in Australia of a criminal offence punishable by imprisonment for one year or longer ;
- (b) is living on the prostitution of others ;
- (c) has become an inmate of an insane asylum or public charitable institution ; or
- (d) is a person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State, or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials or who advocates or teaches the unlawful destruction of property, or who is a member of, or affiliated with, any organization which teaches any of the doctrines and practices specified in this paragraph,

he may, by notice in writing, summon the person to appear before a Board within the time and in the manner prescribed, to show cause why he should not be deported from the Commonwealth.

"(2.) A Board appointed for the purposes of the last preceding sub-section shall consist of three members to be appointed by the Minister.

"(3.) The Chairman shall be a person who holds or has held the office of Judge, or Police, Stipendiary or Special Magistrate.

- "(4.) (a) If the person fails, within the prescribed time, to show cause why he should not be deported, or
- (b) the Board recommends that he be deported from the Commonwealth,

the Minister may make an order for his deportation, and he shall be deported accordingly.

“(5.) Pending deportation the person may be kept in such custody as the Minister directs.

“8B.—(1.) A national of any country who, in pursuance of any treaty to which the Commonwealth is a party, is liable to be returned to that country, may be deported from the Commonwealth to that country pursuant to any order of the Minister.

Power to
deport foreign
nationals.

“(2.) The master, owners, agents and charterers of any vessel shall, when required so to do by the Minister or any person thereto authorized in writing by the Minister, provide a passage to any port to which the vessel is bound and such accommodation as the Minister, or any person thereto authorized in writing by the Minister, thinks fit for any person ordered to be deported from the Commonwealth in pursuance of the last preceding sub-section.”.

8. Section thirteen B of the Principal Act is amended by inserting, after the word “assistance”, the words “take all reasonable measures to”.

Amendment of
s. 13B.