

STATUTORY RULES.

1913. No. 307.

REGULATIONS UNDER THE IMMIGRATION ACT 1901-1912.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Immigration Act 1901-1912* to come into operation forthwith, such Regulations to supersede the Provisional Regulations (Statutory Rules 1913, No. 141) made on the 15th day of May, 1913.

Dated this twenty-sixth day of November, One thousand nine hundred and thirteen.

DENMAN,
Governor-General.

By His Excellency's Command.
P. McM. GLYNN.

REGULATIONS UNDER THE IMMIGRATION ACT 1901-1912.

SHORT TITLE.

1. These Regulations may be cited as the "Immigration Regulations 1913."

DEFINITION.

2. In these Regulations "the Act" means the *Immigration Act 1901-1912*.

DETENTION FOR MEDICAL EXAMINATION.

3. The detention referred to in section 31. of the Act may be in such place and in such custody as the officer thinks fit, and for such time as may, in his opinion, be necessary for the complete examination of the immigrant.

SEARCHING VESSELS FOR PROHIBITED IMMIGRANTS

4. Any officer may, at any time, enter into or upon any vessel, other than a public vessel of any Government, and may search, or cause a search to be made, in every part of the vessel, for the purpose of determining whether any prohibited immigrant is on board.

PRODUCTION OF CERTIFICATES OR CREDENTIALS.

5. Any immigrant, or person coming to Australia, who claims to be—
- (a) possessed of a certificate of exemption ;
 - (b) possessed of a certificate exempting from the dictation test ;
 - (c) possessed of a certificate of naturalization, as defined in section 12B of the Act ;
 - (d) possessed of a certificate of birth, as defined in section 12B of the Act ; or
 - (e) duly accredited to the Government of the Commonwealth by the Imperial or any other Government, or sent by any Government on any special mission,

shall, when required by an officer, produce the certificate or his credentials, as the case may be.

PERSONS, OTHER THAN BRITISH SUBJECTS, CONVICTED OF CRIMES OF VIOLENCE.

6. Where any person, not being a British subject either natural born or naturalized under a law of the United Kingdom, or of the Commonwealth or a State, has been convicted of any crime of violence against the person, and has, upon the expiration of any term of imprisonment imposed on him therefor, been required to pass the dictation test, and has failed to do so, an officer may detain him in such custody for such time as is, under all the circumstances, reasonably necessary to enable a deportation order to be made by the Minister.

Where the Minister has made an order for the deportation of any such person, an officer may detain him in such custody, and for such time as is reasonably necessary to enable him to be deported pursuant to the order, and may for that purpose convey him to any place of shipment and on board any ship.

DEPORTATION OF PROHIBITED IMMIGRANTS UNDER SECTION 4 OF THE ACT.

7. Where the Minister has made an order for the deportation of any person, found within the Commonwealth, who is deemed to be a prohibited immigrant on the ground that his certificate of exemption has expired or been cancelled, an officer may detain him in such custody and for such time as is reasonably necessary to enable him to be deported pursuant to the order, and may for that purpose convey him to any place of shipment and place him on board any ship.

CERTIFICATES EXEMPTING FROM DICTATION TEST.

Applications, Fee, Etc.

8. (1) Any person desiring a certificate under section 4B of the Act may make application therefor in the form in Schedule A to the Collector of Customs for the State in which he resides, or to an officer authorized in that behalf by the Minister.

(2) The applicant shall furnish to the Collector, with his application, certificate of character by at least two reputable citizens of the Commonwealth, and six unmounted and unretouched photographs of himself—three of his full face and three of his profile.

(3) The certificate shall contain all matters necessary in the opinion of the Collector for the identification of the holder, and may be in accordance with the form in Schedule B.

(4) The certificate shall be in duplicate, and one part shall be delivered to the applicant and the other part shall be retained.

(5) The fee for issue of the certificate shall be £1.

POWERS OF OFFICERS TO DETERMINE WHETHER A PERSON IS A PROHIBITED IMMIGRANT, ETC.

9. Officers are empowered to determine whether any person is a prohibited immigrant or an immigrant, and for that purpose any officer may put such questions as are, in his opinion, necessary, and may remove such persons from place to place or take such other action as is, in the officer's opinion, necessary or desirable to assist him in arriving at his determination; and every person shall answer all questions which are put to him by an officer and which are, in the officer's opinion, necessary for determining whether he or any other person is a prohibited immigrant or an immigrant.

PERSONS REFUSING TO ANSWER QUESTIONS OR MAKING FALSE STATEMENTS.

10. Any person who refuses to answer any question lawfully put to him by an officer, or who knowingly makes a false statement, either in answer to any such question or in applying to an officer for any certificate under the Act or these Regulations, or in connexion with any certificate or identification card mentioned in the Act or these Regulations, shall be guilty of an offence against these Regulations.

INTERPRETERS.

11. Any interpreter, who misleads or attempts to mislead an officer examining any person with a view to determining whether he is a prohibited immigrant shall be guilty of an offence against these Regulations.

UNLAWFUL TRANSFER OR POSSESSION OF CERTIFICATES, IDENTIFICATION CARDS, ETC.

12. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any certificate, credentials, or identification card, referred to in the Act or in these Regulations, shall be guilty of an offence against these Regulations.

13. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, has in his possession—

- (a) a certificate of exemption which does not belong to him; or
- (b) any certificate, credentials, or identification card, referred to in the Act or in these Regulations, and not belonging to him; or

- (c) any such certificate, credential or identification card which is forged or false,

shall be guilty of an offence against these Regulations,

PERSONS OBSTRUCTING OFFICERS.

14. Any person who obstructs or hinders an officer in the carrying out of the Act or of these Regulations shall be guilty of an offence against these Regulations.

DUTIES OF MASTERS AND MEDICAL OFFICERS OF VESSELS.

15. (1) The master of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth, from parts beyond the Commonwealth, with any passengers on board for that port, shall, before making entry at the Customs, deliver to an officer a list of all the passengers for the port, specifying, to the best of his knowledge, the name, nationality, race, place of shipment, and calling or occupation of each of those passengers.

(2) The master and the medical officer (if any) of the vessel shall make and sign a statement in writing on the list stating, to the best of their knowledge and belief, as to each of the passengers, whether he or she is insane or mentally defective, or is suffering from epilepsy, pulmonary tuberculosis, trachoma, or any loathsome or dangerous communicable disease, either general or local, or is suffering from any other disease or mental or physical defect likely to cause him or her to become a charge upon any public or charitable institution.

(3) The master or medical officer of a vessel who refuses or neglects to make and sign the statement required by this section, or who makes or signs any statement under this section which is incorrect in any material particular, shall be guilty of an offence against these Regulations.

16. The master of every vessel, other than a public vessel of any Government, arriving at a port in the Commonwealth from parts beyond the Commonwealth, shall, if required by an officer, deliver to an officer a list showing the number and names of the crew, and their nationality and race, and produce the vessel's articles.

17. The master of every vessel shall afford to an officer every facility for performing his duties.

18. The master of a vessel who—

- (a) refuses or neglects to afford all reasonable facilities to an officer for the performance of his duties; or
- (b) refuses or neglects to deliver to an officer any list or certificate required by these Regulations; or
- (c) delivers to an officer any list or statement which is incorrect in any material particular,

shall be guilty of an offence against these Regulations.

18A. *ad. 15/151*

MEMBERS OF CREWS SUFFERING FROM COMMUNICABLE DISEASES.

19. (1) Any officer may prevent any member of the crew of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth, from parts beyond the Commonwealth, from landing during the vessel's stay at such port unless he is satisfied that such member of the crew is free from a communicable disease; and to enable the officer to become so satisfied, he may make any physical examination, either personally or with the assistance of a medical practitioner, and may ask such questions as are in his opinion necessary in connexion with the matter.

(2) In any case where any such member of the crew who has been found to be suffering from a communicable disease lands at any Australian port without permission from an officer, the master of the vessel and such member of the crew shall be guilty of an offence against these Regulations

PREScribed DISEASES, DISAbILITIES, ETC.

20. With regard to paragraph (g) of section 3 of the Act, the following diseases, disabilities, and disqualifications are hereby prescribed, viz. :—

insanity, an attack of insanity within five years of proposed emigration or a history of two or more attacks of insanity or mental derangement at any time, or dementia ;

chronic alcoholism ;

paralysis ;

cancer or other malignant growths ;

chronic rheumatism.

CERTIFICATE OF EXEMPTION.

21. The certificate of exemption referred to in paragraph (h) of section 3 and in section 4 of the Act may be in accordance with the form in Schedule C.

IDENTIFICATION CARD.

22. The identification card mentioned in the proviso of section 3, paragraph (k), of the Act, may be in accordance with the form in Schedule D.

CERTIFICATE OF HEALTH.

23. (1) The certificate of health referred to in the Act may be in accordance with the form in Schedule E.

(2) The fees for such certificate of health shall be Five shillings in the case of adults, and Two shillings in the case of children (under 16 years of age).

23A ad. 14/107
14/107

PERSONS AIDING, ETC., COMMISSION OF OFFENCES AGAINST REGULATIONS.

24. Any person who aids, abets, counsels or procures, or is in any way, directly or indirectly, knowingly concerned in or privy to the commission of any offence against these Regulations, shall be deemed to have committed that offence, and shall be punishable accordingly.

PENALTIES.

25. Any person who is guilty of an offence against these Regulations is, under section 18 of the Act, liable, upon summary conviction, to a penalty not exceeding £50. and, in default of payment, to imprisonment with or without hard labour for any period not exceeding three months.

REGULATIONS REPEALED.

26. The Regulations under the *Immigration Restriction Act 1901-1910* (1910, No. 108; and 1912, No. 171) are hereby repealed, save as to anything lawfully done thereunder, or as to any right, privilege, obligation, liability, or penalty acquired, accrued, or incurred thereunder.

SCHEDULE A.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1912.

SIR,

I apply for a certificate under the *Immigration Act 1901-1912*, section 4B, and Regulations, and I forward herewith a Statutory Declaration in support of my application.

I wish to visit _____ for _____ months.

I attach _____ certificates of my character, and six unmounted and unretouched photographs of myself (three full face and three profile).

I undertake and intend not to bring with me or to introduce into the Commonwealth on my return to the Commonwealth any relative who is not possessed of an unexpired or unrevoked certificate, excepting him or her from the provisions of paragraph (a) of section 3 of the above Act, and I also undertake and intend not to be directly or indirectly privy to the bringing to or introduction into the Commonwealth of any such relative.

If my application is granted, please intimate the fact to me at the above address.

Yours faithfully,

The Collector H.M. Customs.

NOTE.—The Statutory declaration should set out the length of residence in Australia, and should verify all documents accompanying the application, and should be in the form required by the *Statutory Declarations Act 1911*.

SCHEDULE B.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1912.

Certificate exempting from the Dictation Test.

I, _____ the Collector of Customs for the State of _____ in the said Commonwealth, hereby certify that hereinafter described, who is leaving the Commonwealth temporarily, will be exempted from the provisions of paragraph (a) of section 3 of the Act if he returns to the Commonwealth within a period of _____ from this date.

Date

Collector of Customs.

Description.

Nationality—	Birthplace—
Age—	Complexion—
Height—	Hair—
Build—	Eyes—
Particular marks—	

(For impression of hand see back of this document.)

Photographs.

Full face.	Profile.
Date of departure—	Port of embarkation—
Ship—	Destination—
Date of return—	Ship—
Port—	
	Customs Officers.

SCHEDULE C.

Form No. 2.

No.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1912.

State of	Port of	
	Date of issue	191 .

CERTIFICATE OF EXEMPTION.

This is to certify that _____ who is described hereunder, is exempted from the provisions of the *Immigration Act 1901-1912* for a period of _____ months from the _____ day of _____ 191 .

Nationality	Birth-place	Age
Particular marks		
Occupation		
Signature of person exempted		

(See other side.)

(To be printed on back of form.)

NOTE.—This Certificate must be retained by the person to whom it is issued while he or she remains in Australia, but must be returned to the Customs authorities at the expiration of the stated period of exemption or on the holder's departure from the Commonwealth.

Section 4 of the Act states:—"4. 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 shall, if found within the Commonwealth, be deemed to be a prohibited immigrant offending against this Act, and may be deported from the Commonwealth pursuant to any order of the Minister"

Regulation No. 12 states:—"12. Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any certificate, credentials, or identification card referred to in the Act or in these Regulations shall be guilty of an offence against these Regulations."

Regulation No. 25 states:—"25. Any person who is guilty of an offence against these Regulations is, under section 18 of the Act, liable, upon summary conviction, to a penalty not exceeding £50, and, in default of payment, to imprisonment with or without hard labour for any period not exceeding three months."

SCHEDULE D.

<i>Identification Card.</i>		<i>Photographs.</i>	
Ship		Full face.	Side face.
Name of person			
No. on Articles			
Employed as			
Nationality			
Age	Height		
Particular marks		<i>Thumb Prints.</i>	
		Left thumb.	Right thumb.
	Master's signature.		

SCHEDULE E.

COMMONWEALTH OF AUSTRALIA.

Immigration Act 1901-1912.

CERTIFICATE OF HEALTH.

I hereby certify that I have carefully examined ⁽¹⁾
 an intending emigrant or emigrants to Australia by the S ⁽²⁾
 his
 and have considered her personal statement, and having informed
 their
 myself of the provisions of the Commonwealth Immigration Act relating
 to the exclusion of persons from Australia on account of disease or
 he
 defect, I further certify that she is not suffering from any of the
 they are
 diseases or defects mentioned or indicated in the Act or Regulations issued
 thereunder.

(1) If one person
 give name; if
 more than one,
 insert "the
 undermentioned
 persons," and
 set out names in
 Schedule at
 bottom of
 certificate

(2) If the name
 of the vessel is
 not known,
 write "?".

Signature

Residence

Date

191 .

NOTE.—This certificate must be delivered to the master or purser of the vessel, and must subsequently be attached to the passenger list which is required to be handed to an officer at the port of entry in the Commonwealth.