

1910.

THE PARLIAMENT OF THE COMMONWEALTH.

## HOUSE OF REPRESENTATIVES.

Read 1<sup>o</sup> 9 November, 1910.

(Brought in by the Minister for External Affairs, the Honorable  
E. L. Batchelor.)

## A BILL

FOR

## AN ACT

Relating to the Emigration from Australia of Young  
Persons and Aboriginal Natives.

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

1. This Act may be cited as the *Emigration Act* 1910. Short title.
- 5 2. In this Act, unless the contrary intention appears— Definitions.
- “ Aboriginal native ” means an aboriginal native of Australia  
and includes any native in whom the aboriginal native  
blood preponderates ;
- “ Child ” means a child under the age of sixteen years ;
- 10 “ Guardian ” includes any person (not being a parent of the  
child or aboriginal native) who has or assumes the actual  
custody or care of any child or aboriginal native ;
- “ Officer ” means any officer appointed under this Act or any  
officer of Customs or any member of the police force of a  
15 State ;
- “ Prohibited emigrant ” means any person whose emigration  
from Australia is prohibited by this Act.

Emigration of  
children and  
natives  
prohibited  
in certain cases.

3.—(1.) The emigration from, or taking out of, the Commonwealth, except in pursuance of a permit under this Act, of any of the following persons is prohibited—

- (a) any child who is under contract to perform theatrical, operatic, or other work outside the Commonwealth ; 5
- (b) any child of European race or extraction unless in the care or charge of some adult person of European race or extraction ; and
- (c) any aboriginal native.

(2.) Any person who takes or attempts to take any child or aboriginal native out of the Commonwealth in contravention of this section shall be guilty of an offence against this section. 10

(3.) Proceedings for an offence against this section may be instituted for the summary conviction of the accused or for his commitment for trial on indictment. 15

(4.) A person convicted of an offence against this section shall be punishable as follows :—

- (a) if convicted on indictment, by imprisonment not exceeding two years, or by a penalty not exceeding Two hundred pounds ; 20
- (b) if convicted by a court of summary jurisdiction, by imprisonment not exceeding six months, or by a penalty not exceeding One hundred pounds.

When child  
deemed to be  
under contract.

4. A child shall be deemed to be under contract to perform theatrical, operatic, or other work outside the Commonwealth if any agreement or arrangement exists between the child, or a parent or guardian of the child, and any other person, under which the child is to perform, or take part in the performance of, any theatrical, operatic, or other work outside the Commonwealth. 25

When aboriginal  
native deemed  
taken out of the  
Commonwealth.

5. A person shall be deemed to take an aboriginal native out of the Commonwealth if— 30

- (a) he enters into any agreement or arrangement with the aboriginal native, or with a parent or guardian of the aboriginal native, for the native to go or be placed on board any vessel or boat for any purpose whatsoever ; 35  
and
- (b) the aboriginal native goes or is placed thereon and is taken therein to any place outside the territorial limits of the Commonwealth.

Appointment of  
officers.

6. The Minister may, by writing under his hand, appoint any persons to be officers under this Act. 40

Grant of  
permits.

7.—(1) Permits under this Act may be granted under and subject to the regulations by the Minister or, subject to the terms of the authority, by any person authorized by him.

(2.) The Minister may authorize any person to grant permits under this Act either generally or in any specified cases or class of cases. 45

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8. Before granting any permit the Minister or person authorized by him may require the applicant for the permit to give security by bond or otherwise, with one or more sureties, in such amount as the Minister or person authorized by him thinks fit, for the compliance by the applicant with such conditions as the Minister or person authorized by him thinks fit to impose.

Security by applicants for permits.

9. The master, owner, or agent of any vessel who has reason to suspect that any passenger or intending passenger by the vessel for any place outside the Commonwealth is a prohibited emigrant, shall, before the departure of the vessel, give notice in writing to the Collector or other principal officer of Customs at the port where the vessel, is stating the name of the passenger or intending passenger and his reason for suspecting that the passenger or intended passenger is a prohibited emigrant.

Master, &c. of vessel to give notice of suspected prohibited emigrants.

15 Penalty : Twenty pounds.

10.—(1.) Any officer who is an officer of Customs or an officer appointed under this Act may at any time search any vessel or boat in any port or in any territorial waters of the Commonwealth to ascertain whether there are any prohibited emigrants on board the vessel or boat, and for that purpose may board the vessel or boat and enter into any part of the vessel.

Powers of officers.

(2.) At the request of the officer the master or person in charge of the vessel or boat shall—

- 25 (a) facilitate the boarding of the vessel or boat by the officer ;
- (b) facilitate the searching of the vessel or boat by the officer ;
- (c) muster the passengers or crew or part of the passengers or crew of the vessel or boat for inspection by the officer ; and
- 30 (d) render to the officer all assistance in his power in the removal of any prohibited emigrants from the vessel or boat.

Penalty : Fifty pounds.

11. An officer may ask any person, having or believed to have the charge or care of any child or aboriginal native on board any vessel or boat in any port or in any territorial waters of the Commonwealth, any questions he thinks fit to ask concerning the child or aboriginal native, and the person shall to the best of his knowledge information and belief truly answer the questions asked him.

Power of officer to ask questions.

40 Penalty : Fifty pounds.

12.—(1.) Any officer may with any necessary assistance remove from any vessel or boat any child or aboriginal native who he has reasonable ground to believe is about to be taken out of the Commonwealth in contravention of this Act.

Power of officer to remove child or aboriginal native from vessel.

45 (2.) Any child removed from a vessel or boat in pursuance of this section shall be restored to the parents or guardian of the child, or delivered to the custody of the proper Commonwealth or State authority.

(3.) Any

(3.) Any aboriginal native removed from a vessel or boat in pursuance of this section shall be dealt with as directed by the Minister or as prescribed.

**Aiders and abettors.**

13. Any person who aids, abets, counsels, or procures, or is in any way knowingly directly or indirectly concerned in or party to the commission of any offence against this Act, shall be deemed to have committed that offence and shall be punishable accordingly. 5

**Proceedings for offences.**

14. Proceedings for offences against this Act may be instituted by any officer or by any person authorized by the Minister to institute such proceedings. 10

**Regulations.**

15. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters and things which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

THIS Bill originated in the House of Representatives ; and, having this day passed, is now ready for presentation to the Senate for its concurrence.

C. GAVAN DUFFY,  
*Clerk of the House of Representatives.*

House of Representatives,  
Melbourne, 10th November, 1910.

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

1. This Act may be cited as the *Emigration Act 1910*. Short title.
- 5 2. In this Act, unless the contrary intention appears— Definitions.
  - “ Aboriginal native ” means an aboriginal native of Australia and includes any native having one aboriginal parent ;
  - “ Child ” means a child under the age of eighteen years ;
  - 10 “ Guardian ” includes any person (not being a parent of the child or aboriginal native) who has or assumes the actual custody or care of any child or aboriginal native ;
  - “ Officer ” means any officer appointed under this Act or any officer of Customs or any member of the police force of a State ;
  - 15 “ Prohibited emigrant ” means any person whose emigration from Australia is prohibited by this Act.

Emigration of  
children and  
natives  
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in certain cases.

3.—(1.) The emigration from, or taking out of, the Commonwealth, except in pursuance of a permit under this Act, of any of the following persons is prohibited—

- (a) any child who is under contract to perform theatrical, operatic, or other work outside the Commonwealth ; 5
- (b) any child of European race or extraction unless in the care or charge of some adult person of European race or extraction ; and
- (c) any aboriginal native.

(2.) Any person who takes or attempts to take any child or aboriginal native out of the Commonwealth in contravention of this section shall be guilty of an offence against this section. 10

(3.) Proceedings for an offence against this section may be instituted for the summary conviction of the accused or for his commitment for trial on indictment. 15

(4.) A person convicted of an offence against this section shall be punishable as follows :—

- (a) if convicted on indictment, by imprisonment not exceeding two years, or by a penalty not exceeding Two hundred pounds ; 20
- (b) if convicted by a court of summary jurisdiction, by imprisonment not exceeding six months, or by a penalty not exceeding One hundred pounds.

(5.) No permit shall be given under paragraphs (a) and (b) of sub-section (1.) of this section unless the Minister or authorized officer is satisfied that the child will not be subject to conditions liable to be detrimental to its welfare. 25

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4. A child shall be deemed to be under contract to perform theatrical, operatic, or other work outside the Commonwealth if any agreement or arrangement exists between the child, or a parent or guardian of the child, and any other person, under which the child is to perform, or take part in the performance of, any theatrical, operatic, or other work outside the Commonwealth. 30

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5. A person shall be deemed to take an aboriginal native out of the Commonwealth if— 35

- (a) he enters into any agreement or arrangement with the aboriginal native, or with a parent or guardian of the aboriginal native, for the native to go or be placed on board any vessel or boat for any purpose whatsoever ; and 40
- (b) the aboriginal native goes or is placed thereon and is taken therein to any place outside the territorial limits of the Commonwealth.

Certain contract  
with child  
or aboriginal  
native to be  
filed.

6.—(1.) Every contract with a child or aboriginal native, by the terms of which the child or aboriginal native is required to depart from Australia, shall be in writing ; and unless— 45

- (a) a copy of the contract is forthwith filed with the Minister, and, if he so requires, is verified on oath, and
  - (b) the Minister in writing approves of the contract,
- the contract shall be absolutely void. (2.) Every 50

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(2) Every person who enters into any such contract with a child or aboriginal native, and does not forthwith file a copy of the contract with the Minister, and, if the Minister so requires, verify it on oath, shall be guilty of an offence.

5 Penalty : Twenty pounds.

7. The Minister may, by writing under his hand, appoint any persons to be officers under this Act. Appointment of officers.

8.—(1) Permits under this Act may be granted under and subject to the regulations by the Minister or, subject to the terms of the authority, by any person authorized by him. Grant of permits.

(2). The Minister may authorize any person to grant permits under this Act either generally or in any specified cases or class of cases.

9. Before granting any permit the Minister or person authorized by him may require the applicant for the permit to give security by bond or otherwise, with one or more sureties, in such amount as the Minister or person authorized by him thinks fit, for the compliance by the applicant with such conditions as the Minister or person authorized by him thinks fit to impose. Security by applicants for permits.

10. The master, owner, or agent of any vessel who has reason to suspect that any passenger or intending passenger by the vessel for any place outside the Commonwealth is a prohibited emigrant, shall, before the departure of the vessel, give notice in writing to the Collector or other principal officer of Customs at the port where the vessel is, stating the name of the passenger or intending passenger and his reason for suspecting that the passenger or intended passenger is a prohibited emigrant. Master, &c. of vessel to give notice of suspected prohibited emigrants.

Penalty : Twenty pounds.

11.—(1.) Any officer who is an officer of Customs or an officer appointed under this Act may at any time search any vessel or boat in any port or in any territorial waters of the Commonwealth to ascertain whether there are any prohibited emigrants on board the vessel or boat, and for that purpose may board the vessel or boat and enter into any part of the vessel. Powers of officers.

(2.) At the request of the officer the master or person in charge of the vessel or boat shall—

(a) facilitate the boarding of the vessel or boat by the officer ;  
(b) facilitate the searching of the vessel or boat by the officer ;

(c) muster the passengers or crew or part of the passengers or crew of the vessel or boat for inspection by the officer ; and

(d) render to the officer all assistance in his power in the removal of any prohibited emigrants from the vessel or boat.

45 Penalty : Fifty pounds.

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12. An officer may ask any person, having or believed to have the charge or care of any child or aboriginal native on board any vessel or boat in any port or in any territorial waters of the Commonwealth, any questions he thinks fit to ask concerning the child or aboriginal native, and the person shall to the best of his knowledge information and belief truly answer the questions asked him. 5

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(2.) Any child removed from a vessel or boat in pursuance of this section shall be restored to the parents or guardian of the child, or delivered to the custody of the proper Commonwealth or State authority. 15

(3.) Any aboriginal native removed from a vessel or boat in pursuance of this section shall be dealt with as directed by the Minister or as prescribed.

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14. Any person who aids, abets, counsels, or procures, or is in any way knowingly directly or indirectly concerned in or party to the commission of any offence against this Act, shall be deemed to have committed that offence and shall be punishable accordingly. 20

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