

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 5 June, 1901.

(*Brought in by the Prime Minister, the Right Honorable
Edmund Barton, P.C.*)

A BILL

To provide for the Regulation, Restriction, and
Prohibition of the Introduction of Labourers
from the Pacific Islands and for other
purposes.

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 *Pacific Island Labourers Act* Short title.
5 1901.

2. In this Act, unless the contrary intention appears—

Definition.

“Agreement” means any agreement for service made with a
Pacific Island Labourer within or under the Pacific Island
Labourers Acts 1880–1892 of the State of Queensland.

10 “Licence” means a licence under those Acts to introduce
labourers from the Pacific Islands.

“Minister” means the Minister for External Affairs.

[C. 19]—400/2.10.1901 (n.a.).—F. 6437.

“Pacific

“Pacific Island Labourer” includes all natives not of European extraction of any island except the islands of New Zealand situated in the Pacific Ocean beyond the Commonwealth as constituted at the commencement of this Act, but does not include—

5

- (a) persons registered under section eleven of the Queensland Act forty-seven Victoria number twelve on the ground of continuous residence in Queensland for a period of not less than five years before the first day of September 10 One thousand eight hundred and eighty-four; or
- (b) persons employed as part of the crew of a ship; or
- (c) persons possessed of certificates of exemption 15 under the *Immigration Restriction Act* 1901.

No Pacific Island labourer to enter after 31st March, 1904.

3. No Pacific Island labourer shall enter Australia on or after the thirty-first day of March One thousand nine hundred and four.

Nor before that date, except under a licence.

4. No Pacific Island labourer shall enter Australia before the thirty-first day of March One thousand nine hundred and four, except 20 under a licence.

Licences not to be granted except as provided.

5. No licence shall be granted except as provided in this Act.

Licences during 1901 and 1902.

6. Nothing in this Act shall prevent the granting of licences as follows :—

- (a) During the year One thousand nine hundred and two, to 25 the number of not more than three-fourths of the number of the Pacific Island labourers who have returned to their native islands during the year One thousand nine hundred and one.
- (b) During the year One thousand nine hundred and three, 30 to the number of not more than one-half of the number of the Pacific Island labourers who have returned to their native islands during the year One thousand nine hundred and two.

No agreements to remain in force after 31st December, 1906.

7. No agreement shall remain in force after the thirty-first day 35 of December, One thousand nine hundred and six.

Power to return labourers to their homes.

8. (1) An officer authorized in that behalf may bring before a Justice of the Peace a Pacific Island labourer found in Australia before the thirty-first day of December, One thousand nine hundred and six, whom he reasonably supposes not to be employed under an 40 agreement; and the Justice of the Peace, if satisfied that he is not and has not during the preceding month been so employed, shall order him to be returned to the place from which he was originally brought into Australia, and he shall be returned accordingly.

(2) The

(2) The Minister may order a Pacific Island labourer found in Australia after the thirty-first day of December, One thousand nine hundred and six, to be returned to the place from which he was originally brought into Australia, and thereupon he shall be returned
5 accordingly.

9. Any person who contrary to this Act—

Penalties.

(a) Introduces a Pacific Island labourer or allows a Pacific Island labourer to enter Australia; or

10 (b) Employs a Pacific Island labourer except under an agreement

shall be liable on summary conviction before a police stipendiary or special magistrate to a penalty not exceeding One hundred pounds.

10. In any proceeding under this Act, a person alleged to be a Pacific Island labourer shall be deemed to be a Pacific Island
15 labourer until the contrary is shown.

Onus of proof that person is not Pacific Island labourer.

11. (1) The Governor-General may make regulations for
carrying out this Act. Regulations.

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

20 (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.

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 5 June, 1901.

*(As reported from Committee of the Whole, and agreed to by the House,
7th November, 1901.)**(Brought in by the Prime Minister, the Right Honorable
Edmund Barton, P.C.)*

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Prohibition of the Introduction of Labourers
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labourers from the Pacific Islands.

“Minister” means the Minister for External Affairs.

[C. 19]—250/7:11.1901.—F.6437.

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- or
- (b) persons employed as part of the crew of a ship; or
- (c) persons possessed of certificates of exemption under the *Immigration Restriction Act* 1901. 15

No Pacific Island labourer to enter after 31st March, 1904.

Nor before that date, except under a licence.

Licences not to be granted except as provided.

Licences during 1901 and 1902.

3. No Pacific Island labourer shall enter Australia on or after the thirty-first day of March One thousand nine hundred and four.

4. No Pacific Island labourer shall enter Australia before the thirty-first day of March One thousand nine hundred and four, except under a licence. 20

5. No licence shall be granted except as provided in this Act.

6. Nothing in this Act shall prevent the granting of licences as follows :—

- (a) During the year One thousand nine hundred and two, to the number of not more than three-fourths of the number of the Pacific Island labourers who have returned to their native islands during the year One thousand nine hundred and one. 25
- (b) During the year One thousand nine hundred and three, to the number of not more than one-half of the number of the Pacific Island labourers who have returned to their native islands during the year One thousand nine hundred and two. 30

No agreements after 31st December, 1906.

7. No agreement shall be made or remain in force after the thirty-first day of December, One thousand nine hundred and six. 35

Power to return labourers to their homes.

8. (1) An officer authorized in that behalf may bring before a court of summary jurisdiction a Pacific Island labourer found in Australia before the thirty-first day of December, One thousand nine hundred and six, whom he reasonably supposes not to be employed under an agreement; and the court, if satisfied that he is not and has not during the preceding month been so employed, shall order him to be returned to the place from which he was originally brought into Australia, and he shall be returned accordingly. 40

(2) The

(2) The Minister may order a Pacific Island labourer found in Australia after the thirty-first day of December, One thousand nine hundred and six, to be returned to the place from which he was originally brought into Australia, and thereupon he shall be returned
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Onus of proof that person is not Pacific Island labourer.

11. (1) The Governor-General may make regulations for
carrying out this Act.

Regulations

- 20 (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
25 next meeting of the Parliament.

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, 8th November, 1901.

A BILL

INTITLED

AN ACT

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[C. 19]—150,8.11.1901.—F.6437.

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(2) The Minister may order a Pacific Island labourer found in Australia after the thirty-first day of December, One thousand nine hundred and six, to be returned to the place from which he was originally brought into Australia, and thereupon he shall be returned
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25 next meeting of the Parliament.

HOUSE OF REPRESENTATIVES.

PACIFIC ISLAND LABOURERS BILL.

SCHEDULE SHOWING THE AMENDMENTS MADE BY THE SENATE IN THE PACIFIC ISLAND LABOURERS BILL.

- No. 1.—Page 2, clause 8, lines 43 and 44, omit “returned to the place from which he was originally brought into,” insert “deported from.”
- No. 2.—Page 2, clause 8, line 44, omit “returned,” insert “deported.”
- No. 3.—Page 3, clause 8, lines 3 and 4, omit “returned to the place from which he was originally brought into,” insert “deported from.”
- No. 4.—Page 3, clause 8, line 4, omit “returned,” insert “deported.”

