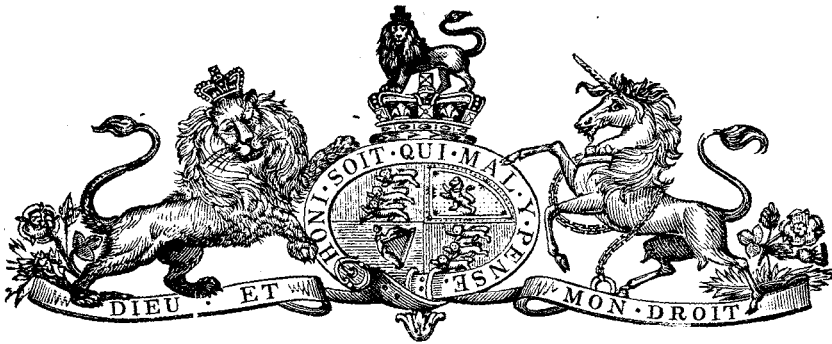


T A S M A N I A .

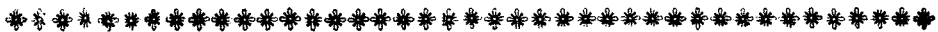


1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 69.



AN ACT to place certain Restrictions on Immigration. A.D. 1898.

[Reserved, 29 October, 1898 ; Royal Assent proclaimed, 27 February, 1899.]

**W**HEREAS it is desirable to place certain restrictions on Immig- **PREAMBLE.**  
ration :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows :—

**1** This Act may be cited as “The Immigration Restriction Act, Short title.  
1898.”

**2** In this Act, the expression—

Interpretation.

“Collector of Customs” shall include the principal Officer of  
Customs at every port or place in *Tasmania* :

“Prohibited Immigrant” shall mean any person who is  
described in Section Four of this Act, and whose immi-  
gration into *Tasmania* is prohibited by this Act.

**3** This Act shall not be deemed to prohibit the immigration into  
*Tasmania* of—

Exemptions.

- i. Any person producing and delivering up to the Collector of  
Customs, or any officer appointed under this Act, a certifi-  
cate in such person’s favour in the form set out in the  
Schedule (1.) to this Act, and signed by the Agent-General

See *Natal Act*,  
1897, No. 1 s 2  
and *W.A. Act*,  
1897, No. 13 s 2  
Schedule (1.).

*Immigration Restriction.*

98.

for *Tasmania*, or any officer, whether in or out of *Tasmania*, appointed by the Governor in Council for the purpose of issuing such certificates :

- ii. Her Majesty's land and sea forces :
- iii. The officers and crew of any ship belonging to and used in the service of any Government :
- iv. The officers and crew of any other vessel landing during the stay of such vessel in any port in *Tasmania* : or
- v. Any person specially exempted from the operation of this Act by a writing under the hand of the Chief Secretary :
- vi. Any person duly accredited to the Government of any of Her Majesty's possessions in *Australasia* by any Government as its representative, or any person sent by any Government on any special mission.

**4** The immigration into *Tasmania* is prohibited of any person described in any of the following paragraphs of this Section, namely :—

- i. Any person who, on being asked to do so by any Collector of Customs, shall fail to write out, in his own handwriting, in the presence of such officer, in some European language, and sign an application to the Chief Secretary of the Colony in the form set out in Schedule (2.) of this Act, or in a form of a similar purport prescribed from time to time by the Governor in substitution of the form set out in the said Schedule :
- ii. Any person being a pauper or likely to become a public charge :
- iii. Any idiot or insane person :
- iv. Any person suffering from an infectious or contagious disease of a loathsome or dangerous character : and
- v. Any person who not having received a free pardon has, within Two years previously to the time of his arriving in *Tasmania*, been convicted of a felony or infamous crime, or a misdemeanour involving moral turpitude, and not being a mere political offence.

**5** Every prohibited immigrant who lands or attempts to land or being found in *Tasmania* in disregard or evasion of this Act, shall be deemed to have contravened this Act, and shall be liable on conviction to imprisonment for not more than Six Months, and in addition or substitution for such imprisonment, to be removed from *Tasmania*. Provided that such imprisonment shall cease for the purpose of the offender being conveyed out of *Tasmania*, or if he finds Two approved sureties each in the sum of Fifty Pounds for his leaving *Tasmania* within One Month.

**6** Any person who in the opinion of any Collector of Customs is a prohibited immigrant within the meaning of Paragraph One of Section Four of this Act, may by such officer be allowed to be in *Tasmania* upon the following conditions, namely :—

- i. He shall at landing in *Tasmania* deposit with the Collector of Customs the sum of One hundred Pounds :
- ii. If such person within Fourteen days after depositing such sum obtains from the Chief Secretary or any Police or Stipen-

prohibited  
immigrants.

*Natal Act*,  
No. 1 s. 3.  
Act, 1897,  
13 s. 3.

Schedule (2.)

lawful entry  
prohibited  
immigrants.

*Imp. Natal Act*,  
No. 1 s. 4  
*W.A. Act*,  
No. 13 s. 4.

entry permitted  
on certain  
alternative  
conditions.

See *Natal Act*,  
1897, No. 1 s. 5.  
*W.A. Act*, 1897,  
No. 13 s. 5.

*Immigration Restriction.*

diary Magistrate a certificate that he does not come within the prohibition of this Act, the deposit of One hundred Pounds shall be returned ; and

- iii. If such person fails to obtain such certificate within such Fourteen days, the deposit of One hundred Pounds or any part thereof may be forfeited, and he may be treated as a prohibited immigrant.

Provided that in the case of a person landing in *Tasmania* under the provisions of this section, no penalty shall attach to any vessel or the owners of any vessel in which he shall have arrived at any port of *Tasmania*.

**7** Every person who satisfies the Collector of Customs that he does not come within the meaning of any of the paragraphs iii., iv., or v. of Section Four of this Act, and—

- i. That he is and for the preceding Two years has been the owner or proprietor of an estate in fee simple in real estate of the value of Three hundred Pounds in *Tasmania* ; or
- ii. That he is or has formerly been domiciled in *Tasmania*, and that when so domiciled the Collector of Customs granted him a certificate authorizing him to return to *Tasmania* on the production and delivery up of such certificate to the Collector of Customs,

shall not be deemed a prohibited immigrant.

**8** Unless otherwise specially ordered by the Governor in Council, the wife and also every child under Eighteen years of age of any person, not being a prohibited immigrant, shall be free from any prohibition imposed by this Act.

**9**—(1.) The master and owners of any vessel from which any prohibited immigrant may be landed, before such immigrant is passed by the Collector of Customs, shall be jointly and severally liable to a penalty of One hundred Pounds in respect of the landing as aforesaid from his vessel of any prohibited immigrant ; and to a further penalty of Twenty Pounds for each such immigrant so landed in excess of the number of Five : Provided that the total amount of penalties in any one voyage of the vessel shall not exceed Five thousand Pounds.

(2.) No penalty shall be imposed under this section on any master or owner of a vessel who proves to the satisfaction of the Court before which the offence is being inquired into that he had no knowledge of any prohibited immigrant being landed from such vessel contrary to the provisions of this Act, and that he took all reasonable precautions to prevent the occurrence of any such offence.

**10**—(1.) The Collector of Customs may detain any vessel from which any prohibited immigrant is in the opinion of any such Collector of Customs landed contrary to the provisions of this Act. Such detention may be either at the port or place where such vessel is found or at any port or place to which the Collector of Customs may order such vessel to be brought.

(2.) For the purposes of such detention the Collector of Customs shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or

A.D. 1898.

Persons possessors of property in *Tasmania* or domiciled or lately domiciled there. See *Natal Act*, 1897, No. 1. *W.A. Act*, 1897, No. 13.

Wives and children not prohibited from entering *Tasmania*. See *ib.* s. 7.

Liability of master and owners of ship for illegally landing immigrants. See *ib.* s. 8. See *ib.* s. 8.

Collector of Customs may detain vessel.

Officer detaining may obtain writ of assistance,

*Immigration Restriction.*

1898.

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See *Natal Act*,  
1897, No. 1 s. 9.

See *W.A. Act*,  
1897, No. 13 s. 9.

Contract for  
carrying away  
prohibited  
immigrants.

*Ib.*, s. 10.

*Ib.*, s. 10.

Offences of  
aiding persons to  
contravene the  
Act.

*Ib.*, s. 11

*Ib.*, s. 11.

Powers to prevent  
entry in contra-  
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Act and to  
enforce Act.

*Ib.*, s. 14.

*Ib.*, s. 14.

Regulations.

*Ib.*, s. 16.

*Ib.*, s. 16.

other lawful dealing with such vessel as are by law provided under any Act relating to the Customs with reference to seizure of vessels or goods.

(3.) Such detention shall be for safe custody only and shall cease and be discontinued if a bond with Two sufficient sureties to the satisfaction of the Secretary for Customs be given by such master or owners of such vessel for the payment of the amount of any penalty and other sums of money which may be adjudged to be paid for such offence or default under the provisions of this Act.

(4.) If default is made in payment of any such penalty and other sums of money incurred by such master or owners in terms of any conviction adjudging the payment thereof, it shall be lawful for the Collector of Customs to seize such vessel; the like proceedings shall thereupon be taken for forfeiting and condemning such vessel as in the case of a vessel seized and forfeited for breach of any law relating to the Customs, and such vessel shall be sold.

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

**11** Notwithstanding anything contained in any Act a prohibited immigrant (unless allowed to be in *Tasmania* under Section Six of this Act) shall not be entitled to a licence to carry on any trade or calling; and any licence granted or acquired in contravention of this Section shall be void.

**12** A Collector of Customs may, with the approval of the Secretary for Customs, make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in *Tasmania* to a port in or near to such immigrant's country of birth, or in or near to the place from which he set out for *Tasmania*, and every such immigrant with his personal effects may be placed by any Collector of Customs on board such vessel, and shall in such case, if destitute, be supplied with such sum of money as the Secretary for Customs thinks sufficient to enable him to live for One month according to his circumstances in life after disembarking from such vessel.

**13** Every person who wilfully assists any prohibited immigrant to contravene or attempt to contravene any of the provisions of this Act shall be deemed to have contravened this Act.

**14** Every Collector and Officer of Customs may, subject to the provisions of Section Six of this Act, prevent any prohibited immigrant from entering *Tasmania*, and every such collector and officer may take all legal proceedings necessary for the enforcement of the provisions of this Act.

**15**—(1.) The Governor in Council may make regulations for carrying the provisions of this Act into effect.

(2.) Such Regulations shall be published in the *Hobart Gazette*, and a copy thereof shall be laid before both Houses of Parliament within Fourteen days after such publication if the Parliament is then sitting, and if the Parliament is not then sitting, within Fourteen days of its next meeting; and if disapproval of such Regulations be not

62° VICTORIÆ. No. 69.

Immigration Restriction.

expressed by resolution of either House of Parliament within Fourteen A.D. 1898. days after the same have been laid before such House they shall have the force of law.

16 All penalties and sums of money recoverable under this Act shall be recovered in a summary way before any Two or more Justices of the Peace in the mode prescribed by The Magistrates Summary Procedure Act, and any person aggrieved by any summary conviction may appeal therefrom in the mode prescribed by The Appeals Regulation Act. Penalties how recovered. 19 Vict. No. 8 19 Vict. No. 10

17 Where no penalty is expressly imposed a person convicted of a contravention of any provision of this Act shall on conviction be liable to a penalty not exceeding Fifty Pounds, and to be imprisoned until such penalty is paid, or in addition to such penalty, but not in any case for a period not exceeding Three months. Penalties. Natal Act, 189 No. 1 s. 17. W.A. Act, 1897 No. 13 s. 17.

18 Nothing in this Act contained shall be deemed to repeal or remove any restriction or condition imposed by "The Chinese Immigration Act, 1887," upon the admission of Chinese into Tasmania. Effect on 51 Vict. No. 9.

19 This Act shall not come into force before the Thirty-first day of March, One thousand eight hundred and ninety-nine. Commencement of Act.

SCHEDULE.

(1.)

"Immigration Restriction Act, 1898."

Colony of Tasmania.

This is to certify that of aged years, a [insert trade, calling, or other description] is a fit and proper person to be received as an immigrant in Tasmania.

Dated at this day of 18

[Signature.] Agent-General. (or as the case may be.)

Sec. 3. See W.A. Act, Schedule.

(2.)

To the Chief Secretary of Tasmania.

SIR, I claim to be exempt from the operation of "The Immigration Restriction Act, 1898."

My full name is My place of abode for the past Twelve months has been My business or calling is I was born at in the year

Yours, &c.

Sec. 4.

