



Western Australia.

ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. III.

AN ACT for the Restriction of Chinese Immigration.

[Assented to, 29th November, 1889.]

WHEREAS at a Meeting of Representatives of Australasian Governments, held at Sydney in the month of June, One thousand eight hundred and eighty-eight, it was amongst other things resolved that it was desirable that uniform Australasian Legislation should be adopted for the Restriction of Chinese Immigration: And whereas the chief provisions of this Act were approved by such Representatives as the basis of such uniform Legislation: And whereas it is desirable to legislate on such basis accordingly:

Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited for all purposes as “The Chinese Immigration Restriction Act, 1889.”

Short title.

2. THIS Act shall come into force and operation on the first day of May, One thousand eight hundred and ninety.

Commencement of Act.

3.

The Chinese Immigration Restriction Act, 1889.

Repeal of 50 Vict.,
No. 13.

3. THE Act passed by the Legislative Council of Western Australia in the fiftieth year of Her Majesty, intituled "An Act to regulate and restrict Chinese Immigration," shall be and is hereby repealed.

Interpretation.

4. FOR the purposes of this Act the following words in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:—

"Chinese,"—Every person of Chinese race not exempted from the provisions of this Act.

"Vessel,"—Any ship, boat, or vessel of whatsoever kind or description.

"Master,"—The person, other than a pilot, for the time being in command or charge of any such vessel.

5. THIS Act shall not apply—

Exemptions.

- i. To any person duly accredited to any Australasian colony by any Government as its representative or on any special mission:
- ii. To the crew of any vessel not being discharged therefrom in the Colony and not landing in the Colony except in the discharge of duties in connection with such vessel:
- iii. To any person being the holder of the certificate mentioned in the eleventh section of the 50th Vict., No. 13:
- iv. To any laborer brought into the Colony under the provisions of the 48th Vict., No. 25:
- v. To any person within the Colony at the date when this Act comes into operation who shall, after the coming into operation of this Act, have applied for and obtained a certificate of exemption from the provisions of this Act. Any Government Resident, Resident Magistrate, or Police Magistrate may grant such certificate, and such certificate shall state the name of the Chinese and such particulars as are necessary for his identification, together with a statement of the reasons moving the said Magistrate to grant such certificate:
- vi. To any person, or class of persons, to whom the Governor in Council shall, by proclamation published in the *Government Gazette*, have declared that the provisions of this Act shall not apply either generally or for any time to be fixed by such proclamation, any such proclamation

The Chinese Immigration Restriction Act, 1889.

proclamation being revocable by the like authority in the like manner.

6. THE Governor, with the advice of the Executive Council, may make regulations for carrying out the provisions of this Act. A copy of such regulations shall, within fourteen days after the making thereof, be laid before the Legislative Council if it be then in Session, and if not then in Session within fourteen days after the commencement of the next Session; and if disapproval of such regulations is not expressed by resolution of the Legislative Council within fourteen days thereafter, they shall have the force of law.

Power to make Regulations.

7. THE master of every vessel, upon arrival at any port or place in this Colony from parts beyond the Colony, and having any Chinese on board, shall forthwith, and before making any entry at the Customs, deliver to the Collector or other principal officer of Customs at such port or place a statement specifying, to the best of his knowledge and means of information, the number of Chinese on board such vessel, and the places of shipment and destination, and the name, calling, or occupation of each such Chinese; and for any default in the observance of this section such master shall on conviction be liable to a penalty not exceeding One hundred pounds.

Master on arrival to report Chinese on board.

8. NO vessel shall enter any port or place in the Colony having on board a greater number of Chinese than in the proportion of one Chinese to every five hundred tons of the registered tonnage of such vessel, such tonnage to be ascertained if the vessel shall be British by her certificate of registry, and if otherwise, or if such certificate shall not be produced, then according to the rules of measurement provided by the Imperial statute, "The Merchant Shipping Act, 1854." And if any vessel shall enter any port or place in the Colony, having on board any Chinese in excess of such number, the owner, master, or charterer of such vessel shall, on conviction, be liable to a penalty of Five hundred pounds for each Chinese in excess of such number.

No vessel to bring more than one Chinese passenger for every 500 tons register.

9. ANY vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this Colony shall be deemed to be a vessel bringing Chinese into this Colony from parts beyond this Colony, and shall, and the owner, master, or charterer thereof shall, be subject to the provisions of this Act.

Provision against evading Act by transhipping Chinese into other vessels.

10. ANY Chinese who shall enter this Colony by land, without first obtaining a permit in writing from some person to be appointed by the Governor in Council, shall be guilty of an offence against this Act, and shall be liable on conviction to a penalty of not less than Five pounds nor more than Twenty pounds, and in addition or substitution

Penalty on entry by land without permit.

The Chinese Immigration Restriction Act. 1889.

substitution for any such penalty shall be liable, pursuant to any warrant or order of the Colonial Secretary, to be removed or deported to the colony from whence he shall have come: Provided that this section shall only operate during such time as may from time to time be fixed by the Governor in Council by proclamation to be published in the *Government Gazette* of Western Australia, and any such proclamation may be revoked by the like authority in the like manner.

Chinese convicted liable to be removed or deported.

11. ANY Chinese convicted in any Australasian colony of any offence against the provisions of any Act for the restriction of Chinese immigration in force in such Colony, by entering such Colony by land from Western Australia, without lawful authority, and who shall be directed by any warrant or order under any such Act to be removed or deported to Western Australia, shall be liable to be so removed or deported, and the warrant or order for such removal or deportation shall be valid and effectual for all the purposes of such Act in this Colony.

Evidence of person being a Chinese.

12. FOR the purposes of all proceedings under this Act, the Government Resident, Resident Magistrate, Police Magistrate, or Justices may decide, upon his or their own view and judgment, whether any person produced before him or them is a Chinese within the meaning of this Act.

Abolition of poll-tax.

13. NO poll-tax shall hereafter be taken or demanded from or in respect of any Chinese.

Appropriation of penalties and payments under Act.

14. ALL penalties and all moneys ordered to be paid, or being the proceeds of any sale made under the authority of this Act, shall be paid into the General Revenue.

Penalties how recovered.

15. ALL penalties and sums of money recoverable under this Act shall be recovered in a summary way, at the suit of any officer of Customs or other officer authorised by the Chief Collector of Customs, before any Government Resident, Resident Magistrate, Police Magistrate, or any two or more Justices of the Peace, in accordance with the provisions of the Acts regulating proceedings on summary conviction. And it shall be lawful for the Chief Collector of Customs, by writing under his hand, to authorise any officer to detain any vessel the master whereof shall, in the opinion of the said Chief Collector of Customs, have committed an offence, or be a defaulter under 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 said Chief Collector of Customs may order such vessel to be brought. For the purposes of such detention the officer so authorised shall be entitled to obtain in the customary manner any

The Chinese Immigration Restriction Act, 1889.

any aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the Act or Acts regulating Customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only, and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and such other sums as may be adjudged to be paid under the provisions of this Act: Provided that if default be made in payment of any such penalty incurred by such master in the terms of any conviction adjudging the payment thereof, it shall be lawful for such officer to seize such vessel, and for him and any other officer or person duly authorised or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessel as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the Customs laws of the said Colony: Provided that the proceeds of sale of any such vessel shall be paid into the Consolidated Revenue, and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto, the balance shall be placed by the Chief Collector of Customs to a trust account, and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

16. THERE shall be an appeal from any decision by any Magistrate or Justices under this Act, or from any order dismissing any information or complaint, which appeal shall be to the Supreme Court. ^{Appeal.}

In the name and on behalf of the Queen I hereby assent
to this Act.

F. NAPIER BROOME, Governor.