



Western Australia.

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VICTORIÆ REGINÆ.

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No. XIII.

AN ACT to place certain Restrictions on Immigration.

[Assented to, 23rd December, 1897.]

WHEREAS it is desirable to place certain restrictions on Immigration: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. THIS Act may be cited as the Immigration Restriction Act, 1897.

Short title.

2. THIS Act shall not apply to—

- (a.) Any person possessed of a certificate in the form set out in the Schedule to this Act, and signed by the Colonial Secretary or the Agent General of Western Australia, or any officer appointed by the Governor for the purposes of this Act, whether in or out of Western Australia;
- (b.) Any person of a class for whose immigration into Western Australia provision has been made by law, or by a scheme approved by the Governor;

Exemptions.

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- (c.) Any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary or any officer appointed in that behalf by the Governor ;
- (d.) Her Majesty's land and sea forces ;
- (e.) The officers and crew of any ship of war of any Government ;
- (f.) Any person duly accredited to the Government of Western Australia by or under the authority of the Imperial or any other Government ;
- (g.) Any person landed in Western Australia under the Imported Labour Registry Act for the time being in force, or any Act amending the same.
- (h.) Persons returning to the Colony under certificates granted under former Acts authorising such return.

Prohibited  
immigrants.

**3.** THE immigration into Western Australia by land or sea of any person of any of the classes defined in the following sub-sections of this section, hereinafter called "prohibited immigrant," is prohibited, namely:—

- (a.) Any person who, on being asked to do so by an officer appointed under this Act, shall fail to himself write out, in the presence of such officer, in the characters of any language of Europe, a passage in English of fifty words in length taken by such officer from a British author, and to append his name thereto in his own language ;
- (b.) Any person being a pauper or likely to become a public charge ;
- (c.) Any idiot or insane person ;
- (d.) Any person suffering from a loathsome or dangerous contagious disease ;
- (e.) Any person who has within three years been convicted of a felony or infamous crime, or a misdemeanour involving moral turpitude, and not being a mere political offence, and has not received a pardon therefor ; and
- (f.) Any prostitute and any person living on the prostitution of others.

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4. EVERY prohibited immigrant making his way into or being found within Western Australia, in disregard of this Act, shall be deemed to have contravened this Act, and shall be liable, in addition to any other penalty, to be removed from the Colony, and upon conviction may be sentenced to imprisonment for not more than six months without hard labour: Provided that such imprisonment shall cease for the purpose of the offender being conveyed out of the Colony, or if he shall find two approved sureties each in the sum of Fifty pounds for his leaving the Colony within one month.

Unlawful entry of prohibited immigrants.

5. ANY person appearing to be a prohibited immigrant within the meaning of the Third Section of this Act, and not coming within the meaning of sub-sections (c.), (d.), (e.), or (f.) thereof, shall be allowed to be in Western Australia upon the following conditions:—

Entry permitted on certain conditions.

- (a.) He shall, at landing in or entering the Colony, deposit with an officer appointed under this Act the sum of One hundred pounds;
- (b.) If such person shall, within fourteen days after entering the Colony, obtain from the Colonial Secretary, or person appointed under this Act, a certificate that he does not come within the prohibition of this Act, the deposit of One hundred pounds shall be returned;
- (c.) If such person shall fail to obtain such certificate within fourteen days, the deposit of One hundred pounds may be forfeited, and he may be treated as a prohibited immigrant:

Provided that, in the case of a person entering the Colony under 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 the Colony.

6. EVERY person who shall satisfy the Colonial Secretary, or an officer appointed under this Act, that he does not come within the meaning of any of the sub-sections (c.), (d.), (e.), or (f.) of the Third Section of this Act, and—

Persons possessed of property in Western Australia, or domiciled or lately domiciled there.

- (a.) That he is and for the preceding two years has been the registered owner of an estate in fee simple in real estate of the value of Three hundred pounds in Western Australia; or
- (b.) That he is or has formerly been domiciled in Western Australia, and possesses a certificate of the Colonial Secretary or an officer appointed under this Act under which he is then authorised to return to the Colony;

shall not be deemed a prohibited immigrant.

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Wives and children of persons not prohibited from entering Western Australia.

**7.** THE wife and every minor child of any person not being a prohibited immigrant, or forbidden to enter the Colony, shall be free from any prohibition imposed by this Act.

Liability of master and owners of ship for illegal landing of immigrants.

**8.** THE master and owners of any vessel from which any prohibited immigrant is landed shall be jointly and severally liable to a penalty of not less than One hundred pounds, and not more than Five hundred pounds for each prohibited immigrant so landed.

The vessel may be arrested and sold by order of the Supreme Court in satisfaction of any such penalty, or may be refused a clearance outward until such penalty has been paid and until provision has been made by the master or owners to the satisfaction of an officer appointed under this Act for the conveyance out of the Colony of each prohibited immigrant who has been so landed.

Disabilities of prohibited immigrants who are not allowed to enter.

**9.** A PROHIBITED immigrant, unless allowed to enter the Colony under the fifth section of this Act, shall not be entitled to a license to carry on any trade or calling, nor be entitled to acquire a lease or any beneficial interest in land, or to vote at any Parliamentary or municipal election or to be inscribed on any roll of the persons so entitled; and any license, lease, beneficial interest, or franchise granted or acquired in contravention of this section shall be void.

Contract for carrying away prohibited immigrants.

**10.** AN officer thereto authorised by the Governor may make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in Western Australia 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 Western Australia; and every such immigrant, with his personal effects, may be placed by a police officer on board such vessel, and shall, in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel.

Offence of aiding persons to contravene the Act.

**11.** EVERY person who in any way wilfully assists any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act.

Offence of aiding persons described in s. 3 (f.) to enter the Colony.

**12.** EVERY person who wilfully assists the entry into Western Australia of any prohibited immigrant of the class described in sub-section (f.) of the Third Section of this Act shall be deemed to have contravened this Act, and shall, upon conviction, be liable to be imprisoned with hard labour for any period not exceeding twelve months; but shall not be charged under this and under the last preceding section with the same offence.

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**13.** EVERY person who shall be wilfully instrumental in bringing into Western Australia any idiot or insane person, not being domiciled or a member of a family domiciled there, without an authority signed by the Colonial Secretary, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person while in the Colony.

Bringing idiots or insane persons into the Colony.

**14.** EVERY member of the police force, and every person appointed therefor under this Act may, subject to the provisions of the Fifth Section of this Act, prevent any prohibited immigrant from entering Western Australia by land or sea.

Powers of police and others to prevent entry in contravention of the Act.

**15.** THE Governor may from time to time appoint, and from time to time suspend and remove officers for carrying out the provisions of this Act, and may prescribe the duties of such officers; and such officers shall carry out the instructions from time to time given by the Minister administering this Act.

Appointment of officers for carrying out the Act.

**16.** THE Governor may from time to time make, repeal, and alter regulations for carrying this Act into effect, and, in relation to persons brought into Western Australia for employment in the pearl shell fishery, regulating—

Regulations.

The registration of such persons;

Their employment;

Their landing and the length of time and the conditions under which they may remain on shore; and generally

For preventing their entering on any portion of the Colony beyond the limits in this Act mentioned in that behalf;

and such regulations shall be published in the *Government Gazette*, and shall be laid before the 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 when so published shall have the force of law, and shall continue in force unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

**17.** WHERE no higher penalty is expressly imposed, a person convicted of any contravention of this Act shall be subject to a fine not exceeding Fifty pounds, and to be imprisoned, with or without hard labour, until such fine is paid, or in addition to such fine, but not in any case for a period exceeding three months.

Penalties.

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Jurisdiction of  
Magistrates.

**18.** TWO Justices of the Peace in petty sessions or a Resident or Police Magistrate may adjudicate on all offences under this Act, except in cases involving pecuniary penalties exceeding One hundred pounds.

Saving of Act 48  
Vict., No. 25.

**19.** NOTHING in this Act contained shall affect the provisions of the Imported Labour Registry Act, 1884, or any future Act regulating the registration of imported labour; or

And the Pearl  
Fishery.

(Save so far as regulations under this Act extend) any person brought into Western Australia for employment in the pearl shell fishery, and kept employed under contract in such fishery, or in temporary employment on shore and only on that part of the coast of Western Australia situate to the Northward of the twenty-seventh parallel of South latitude and according and subject to the regulations made under this Act.

Repeal of 53 Viet., 3,  
sec. 5, sub-sec. 5.

**20.** SUB-SECTION five of Section five of the Chinese Immigration Restriction Act, 1889, is hereby repealed.

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

GERARD SMITH, Governor.

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## The Schedule.

Colony of Western Australia.

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 this Colony.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18

(Signature.)