

4. Section seven of the Principal Act is repealed and the following section inserted in its stead :—

Issue of
passports.

“7.—(1.) Subject to the regulations, an officer authorized in that behalf by the Minister may issue Australian passports to Australian citizens and to British subjects who are not Australian citizens.

“ (2.) Australian passports shall be issued in the name of the Governor-General and shall be in such forms as are approved by the Minister.

“ (3.) An Australian passport in force under the *Passports Act* 1938 immediately prior to the commencement of this section shall, subject to this Act, continue in force as if issued under this Act.”.

IMMIGRATION.

No. 86 of 1948.

An Act to amend the *Immigration Act* 1901-1940.

[Assented to 21st December, 1948.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *Immigration Act* 1948.

(2.) The *Immigration Act* 1901-1940* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Immigration Act* 1901-1948.

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Definitions.

3. Section two of the Principal Act is amended—

(a) by inserting before the definition of “Collector of Customs” the following definition :—

“ ‘Authorized officer’, in relation to the exercise of any power or the discharge of any duty or function under this Act, means an officer authorized for that purpose by the Minister ;” ;

(b) by omitting from the definition of “Officer” the words “Department of the Interior” and inserting in their stead the words “Department of Immigration” ; and

* Act No. 17, 1901, as amended by No. 17, 1905 ; No. 19, 1905 ; No. 25, 1908 ; No. 10, 1910 ; No. 38, 1912 ; No. 51, 1920 ; No. 47, 1924 ; No. 7, 1925 ; No. 58, 1930 ; No. 26, 1932 ; No. 37, 1933 ; No. 13, 1935 ; and No. 36, 1940.

(c) by inserting after the definition of "Passport" the following definition:—

" 'Registered agent' means a person registered in pursuance of section fourteen H of this Act; "

4. Section three of the Principal Act is amended—

(a) by omitting sub-paragraph (i) of paragraph (gf) and inserting in its stead the following sub-paragraph:—

" (i) which was issued to him by and on behalf of the Government of the Commonwealth or any Government recognized by the Government of the Commonwealth; "

(b) by omitting sub-paragraph (iv) of that paragraph and inserting in its stead the following paragraph:—

" (iv) which, if issued by or on behalf of a Government other than a Government of any part of His Majesty's dominions, is, except where a visé is dispensed with in pursuance of an international arrangement to which the Commonwealth is a party, viséed or endorsed for entry into Australia by a consular or passport officer of the Commonwealth or of any other part of His Majesty's dominions; "

(c) by adding at the end of paragraph (j) the words "during the period of that vessel's stay in an Australian port"; and

(d) by adding at the end thereof the following sub-section:—

" (2.) An intending immigrant shall be required to make, in the prescribed form, a declaration as to whether he is such a person as is described in paragraph (gd) of the last preceding sub-section, and, unless he makes a declaration that he is not such a person, his immigration into the Commonwealth shall be prohibited and he shall be a prohibited immigrant within the meaning of this Act."

5. Section four of the Principal Act is amended by omitting sub-sections (4.) and (5.) and inserting in their stead the following sub-section:—

" (4.) Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Commonwealth, be declared by the Minister to be a prohibited immigrant and may thereupon be deported from the Commonwealth in pursuance of an order of the Minister."

6. After section thirteen B of the Principal Act the following section is inserted:—

" 13c.—(1.) A stowaway who is a prohibited immigrant and is brought into a port in Australia may—

(a) if an authorized officer so directs; or

Prohibited
immigrants.

Certificate to
enter or remain
temporarily.

Custody of
stowaway
during stay
of vessel in
Australia.

(b) if the master of the vessel on which the stowaway was brought into that port so requests and an authorized officer approves,

be taken ashore by an officer and kept in such custody, and for such period after the vessel's arrival in that port and before its departure from its last port of call in Australia, as the authorized officer directs, and may, upon the expiration of that period, be returned to the vessel by an officer.

"(2.) The master, owners, agents or charterers of the vessel shall be liable to pay to the Commonwealth a fair sum for the cost of keeping and maintaining the stowaway while he is kept in custody in pursuance of this section and the cost of the transportation of the stowaway and of any custodian between the vessel and the place of custody.

"(3.) A stowaway shall not, for the purposes of this Act, be deemed, by reason only of his having been taken ashore in pursuance of this section, to have entered the Commonwealth or to have been given permission to land."

7. After section fourteen D of the Principal Act the following sections are inserted:—

Unregistered
agents not to
charge fees.

"14E.—(1.) A person shall not demand or receive any fee, commission or other reward for or in relation to any services rendered or to be rendered by that person in respect of—

- (a) an application by or on behalf of an intending immigrant for admission to Australia; or
- (b) arranging or securing the passage of an intending immigrant to Australia,

unless that person is a registered agent.

Penalty: Two hundred pounds or imprisonment for one year.

"(2.) A person shall not be entitled to sue for, recover or set-off any fee, commission or other reward which he is prohibited by this section from demanding.

Advertising,
&c., by persons
other than
registered
agents.

"14F.—(1.) A person, not being a registered agent, shall not, directly or indirectly—

- (a) describe himself as or represent himself to be a registered agent; or
- (b) advertise in any manner whatsoever that he will render any services in respect of applications by or on behalf of intending immigrants for admission to Australia or arranging or securing the passages of intending immigrants to Australia.

Penalty: Two hundred pounds or imprisonment for one year.

Exemption.

"14G. The Minister or an authorized officer may, in his discretion, exempt from the operation of the last two preceding sections any person engaged in the business of the carriage of persons by ship or aircraft for remuneration if the Minister or authorized officer is satisfied that that person offers no special services for reward to intending immigrants seeking admission to Australia.

“ 14H.—(1.) A person who desires to become a registered agent Registration of agents. may make application for registration in the prescribed manner.

“ (2.) An application under this section—

(a) shall be accompanied by such lodgment fee as is prescribed ;
and

(b) shall be supported by such evidence of the good fame, integrity and character of the applicant as is prescribed or is required by the Minister or an authorized officer.

“ (3.) In the case of a company the evidence referred to in the last preceding sub-section shall relate to every director and every manager or other administrative officer of the company.

“ (4.) If the applicant satisfies an authorized officer that he is a fit and proper person, the authorized officer may register the applicant as a registered agent.

“ (5.) Upon registration of an agent under this Act the authorized officer shall issue to the registered agent a certificate of registration in the prescribed form.

“ 14J.—(1.) Subject to this Act, registration as an agent shall Duration of registration of agent. remain in force for such period as is specified in the certificate of registration, but that period may be extended from time to time upon application made as prescribed.

“ (2.) An authorized officer shall have the same discretion and powers in relation to the extension of the period of an agent's registration as he has under the last preceding section in relation to the original registration of an agent.

“ 14K.—(1.) The Minister or an authorized officer may cancel the Cancellation of registration of agent. registration of a registered agent upon being satisfied that the agent—

(a) has neglected the interests of a client ;

(b) has been guilty of any misconduct as an agent ;

(c) is not a fit and proper person to remain registered ; or

(d) has become bankrupt,

or, in the case of a company, that a director or the manager or other administrative officer of the company has been guilty of such neglect or misconduct or is not a fit and proper person to remain registered or that the company has gone into liquidation.

“ (2.) Where the registration of a registered agent is cancelled, an appeal shall lie to a County Court, District Court, Local Court of Full Jurisdiction or any court exercising in any part of the Commonwealth a limited civil jurisdiction and presided over by a Judge or a Police, Stipendiary or Special Magistrate, and the decision of the court on the appeal shall be final and conclusive.

“ 14L.—(1.) The regulations may prescribe the fees or charges Maximum fees. which may be made by registered agents in respect of any services specified in section fourteen E of this Act and, where the regulations contain no such provision, the Minister may, by notice in writing given to the registered agent who is supplying or has supplied any such service, fix the maximum charge for that service.

“(2.) Where the maximum charge for any service has been fixed by the Minister in pursuance of the last preceding sub-section, then, notwithstanding the terms of any agreement, a registered agent shall not demand or receive an amount which, together with any amount previously received in respect of that service, exceeds the maximum charge so fixed.

Penalty : Two hundred pounds or imprisonment for one year.

“(3.) Any amount received in respect of any such service before the maximum charge was so fixed shall, to the extent that it exceeds the maximum charge so fixed, be repayable and may be sued for and recovered in any court of competent jurisdiction.

Registered agent liable to furnish particulars of fees, &c.

“14M.—(1.) A registered agent shall, whenever required so to do by the Minister or an authorized officer, furnish particulars of any fee, commission or other reward charged or proposed to be charged by him, or of any agreement entered into or proposed to be entered into by him, in respect of any services specified in section fourteen E of this Act.

“(2.) A registered agent shall not refuse or fail to supply any particulars required under this section or make any false statement in or in connexion with those particulars.

Penalty : Two hundred pounds or imprisonment for one year.

Undertaking to provide passage to be carried out within a reasonable time.

“14N.—(1.) Where a person has, whether before or after the commencement of this Act, been paid moneys in consideration of providing a passage to Australia for an intending immigrant, that person shall, subject to this section and notwithstanding the terms of any agreement—

(a) provide the passage within such time as the Minister determines to be reasonable ; or

(b) within that time refund those moneys to the person by whom those moneys were so paid.

Penalty : Five hundred pounds or imprisonment for two years.

“(2.) Where the Minister makes a determination in pursuance of the last preceding sub-section, he shall give to the person who has been paid the moneys notice in writing of that determination.

“(3.) Nothing in this section shall be deemed to authorize or require the provision of a passage for an intending immigrant to Australia in contravention of any other provision of this Act.

Offences and proceedings.

“14P.—(1.) Where a person found guilty of an offence against this Act is a body corporate and the prescribed penalty for the offence is Two hundred pounds or imprisonment for one year, the penalty for the offence in the case of the body corporate shall be a fine not exceeding Four hundred pounds, and, where the prescribed penalty is Five hundred pounds or imprisonment for two years, the penalty for the offence in the case of the body corporate shall be a fine not exceeding One thousand pounds.

“(2.) Wherever any person is convicted of an offence under this Act and any other person has suffered loss by reason of that offence, the Court may, in addition to any penalty imposed upon the offender, order the offender to make to the person who suffered loss such reparation, by way of money payment or otherwise, as the Court thinks just.

“(3.) Nothing in this Act shall affect the right of any person aggrieved by any act or omission which is punishable as an offence under this Act to institute civil proceedings in any court of competent jurisdiction in respect of that act or omission.”

8. Section sixteen of the Principal Act is amended by inserting **Regulations.** after paragraph (c) the following paragraph :—

“(ca) prescribing the practice and procedure in connexion with appeals under section fourteen **κ** of this Act ;”

WOOL REALIZATION (DISTRIBUTION OF PROFITS).

No. 87 of 1948.

An Act to provide for the Distribution of any ultimate Profit accruing to the Commonwealth under the Wool Disposals Plan, and for other purposes.

[Assented to 21st December, 1948.]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Wool Realization (Distribution of Profits) Act 1948.* **Short title.**
2. This Act shall come into operation on the day on which it **Commencement.** receives the Royal Assent.
3. This Act is divided into Parts, as follows :— **Parts.**
 - Part I.—Preliminary.
 - Part II.—Distributable Profits.
 - Part III.—Persons Entitled.
 - Part IV.—Method of Distribution.
 - Part V.—Financial.
 - Part VI.—Miscellaneous.