

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section :—

“(4.) Upon the expiration or cancellation of any such certificate, the Minister may declare the person named in the certificate to be a prohibited immigrant and that person may thereupon be deported from the Commonwealth in pursuance of an order of the Minister.”.

4. Where, before the commencement of this Act, a person (being a person empowered by or under the *Immigration Restriction Act* 1901, or by or under that Act as amended, to issue certificates of exemption) purported to issue a certificate of exemption to a person named in the certificate (being, at the time when the certificate was issued, a prohibited immigrant or an immigrant who might be required to pass the dictation test) and—

- (a) the person named in the certificate was, at the commencement of this Act, an immigrant ; or
- (b) the certificate purported to have been in force at any time within the period of two years immediately preceding the commencement of this Act,

the certificate shall be deemed to have been validly issued, and the provisions of the Principal Act, as amended by this Act, shall apply to and in relation to the person named in the certificate, and to and in relation to the certificate, as if the certificate had been issued under the Principal Act as so amended.

Validation of certificates issued prior to this Act.

WAR-TIME REFUGEES REMOVAL.

No. 32 of 1949.

An Act to provide for the Removal from Australia of certain Persons who entered Australia during the Period of Hostilities.

[Assented to 12th July, 1949.]

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 *War-time Refugees Removal Act* 1949. Short title
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement
- 3.—(1.) In this Act, unless the contrary intention appears— Interpretation
 - “ approved form ” means a form approved by the Minister ;
 - “ deportee ” means a person for whose deportation the Minister has made an order under this Act ;

“ officer ” means an officer of the Department of Immigration, and includes, in relation to the exercise of any power or the discharge of any function under this Act, an officer of the Commonwealth, or a member of the police force of a State or of a Territory, being part of the Commonwealth, who is authorized in writing by the Minister to exercise that power or discharge that function ;

“ the period of hostilities ” means the period from and including the third day of September, One thousand nine hundred and thirty-nine to and including the second day of September, One thousand nine hundred and forty-five.

(2.) Any reference in this Act to a vessel, to the master of a vessel or to a port shall include a reference to an aircraft, to the pilot in command of an aircraft or to an airport, respectively.

Persons to whom this Act applies.

4.—(1.) This Act shall apply to every person—

- (a) who entered Australia during the period of hostilities and is an alien ;
- (b) who, during the period of hostilities, entered Australia as a place of refuge, by reason of the occupation, or threatened occupation, of any place by an enemy, and has not left Australia since he so entered ; or
- (c) who, during the period of hostilities, entered Australia by reason of any other circumstances attributable to the existence of hostilities and has not left Australia since he so entered,

not being—

- (d) a person who, at the time of that entry, was domiciled in Australia ;
- (e) a person who was born in Australia ;
- (f) a diplomatic or consular representative or official trade commissioner of a foreign country, or a member of the staff of any such representative or commissioner, who has been sent to Australia by the Government of the foreign country ; or
- (g) the wife or a dependent relative of any person referred to in the last preceding paragraph.

(2.) The Minister may, by writing under his hand, certify that a person named in the certificate is a person specified in paragraph (a), (b) or (c) of the last preceding sub-section and any such certificate shall, for the purposes of this Act (including any proceedings arising under this Act or in which a question arises as to the application of this Act to any person), be *prima facie* evidence of the fact so certified.

Deportation of certain persons.

5. The Minister may, at any time within twelve months after the commencement of this Act, make an order for the deportation of a person to whom this Act applies and that person shall be deported in accordance with this Act.

6.—(1.) The master, owner, agent or charterer of a vessel shall, when required so to do by notice in writing by the Minister or by an officer, receive a deportee on board, for conveyance to such port to which the vessel is bound as is specified in the notice, and shall also receive on board, for such time as is specified in the notice, any person charged with the custody of the deportee.

Duty of master, &c., of vessel in connexion with deportation.

(2.) For the services specified in the last preceding sub-section the Commonwealth shall be liable to pay to the master, owner, agent or charterer the passage money of the deportee and such sum on account of the maintenance of the deportee and of the person (if any) charged with the custody of the deportee as the Minister considers reasonable.

(3.) The master, owner, agent or charterer of a vessel shall not refuse or fail, without reasonable cause, proof whereof shall lie upon him, to comply with a notice issued under sub-section (1.) of this section.

Penalty: Where the offence is committed by a body corporate, a fine of Two hundred pounds; in any other case, a fine of One hundred pounds or imprisonment for six months, or both.

7.—(1.) A deportee may—

- (a) pending his deportation and until he is placed on board a vessel for deportation from Australia;
- (b) on board the vessel until its departure from its last port of call in Australia; and
- (c) at any port in Australia at which the vessel calls after he has been placed on board,

Custody pending deportation.

be kept in such custody as the Minister or an officer directs.

(2.) The Minister may direct that a deportee be not kept in custody or be released from custody if two persons give security, each in the value of One hundred pounds, by—

- (a) a deposit of cash, Treasury bonds or negotiable instruments, together with a memorandum of deposit in the approved form; or
- (b) a security in the approved form,

that the deportee will leave Australia within such time as is specified in the memorandum of deposit or security.

(3.) A security given in pursuance of the last preceding sub-section shall suffice for all the purposes of a bond or guarantee, and shall, without sealing, bind its subscriber as if it were sealed.

8. The master of a vessel upon which a deportee has been placed in pursuance of this Act shall—

Production of deportee upon request.

- (a) upon being requested so to do, by an officer, produce the deportee for inspection by the officer; and
- (b) afford all reasonable facilities to an officer for the performance of his duties.

Penalty: One hundred pounds or imprisonment for six months.

Arrest of
deportees.

9. An officer may, without warrant, arrest a person reasonably supposed to be a deportee and a person shall not resist or prevent any such arrest.

Penalty : One hundred pounds or imprisonment for six months.

Concealing
deportees or
assisting
deportees to
evade
deportation.

10. A person shall not—

- (a) conceal, receive or harbour a person whom he knows to be a deportee ;
- (b) aid or assist a person whom he knows to be a deportee in concealing himself ; or
- (c) assist a person whom he knows to be a deportee to evade deportation under this Act.

Penalty : One hundred pounds or imprisonment for six months.

Regulations.

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding Fifty pounds or imprisonment not exceeding three months, or both, for any offence against the regulations.

WHALING INDUSTRY.

No. 33 of 1949.

An Act to provide for the Establishment of an Australian Whaling Commission and for the carrying on by the Commission of Whaling Activities in certain Waters, and of Activities incidental thereto.

[Assented to 12th July, 1949.]

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.

Short title.

1. This Act may be cited as the *Whaling Industry Act 1949*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Parts.

3. This Act is divided into Parts, as follows :—

Part I.—Preliminary.

Part II.—The Australian Whaling Commission.

Division 1.—Establishment and Constitution of the Commission.