



ANNO QUARTO

GEORGII V REGIS.

A.D. 1913.

No. 1134.

An Act to amend "The Immigration Act, 1911," and for other purposes.

[Assented to, December 18th, 1913.]

BE it Enacted by the Governor of the State of South Australia, by and with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as "The Immigration Act Amendment Act, 1913." Short titles.

(2) "The Immigration Act, 1911" (hereinafter referred to as "the principal Act"), and this Act may be cited together as "The Immigration Acts, 1911 and 1913." No. 1057 of 1911.

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation with principal Act.

3. In this Act, unless inconsistent with the context,— Interpretation.

"Agreement" means an agreement made under this Act:

"Boy" means any male person over the age of fifteen years and under the age of twenty-one years:

"Employer" means any person to or with whom any boy is bound or placed out under this Act, and includes the executors, administrators, and assigns of such person:

"The State" means the State of South Australia.

4. With

The Immigration Act Amendment Act.—1913.

Powers of the
Minister with respect
to boys assisted to
come to the State.

4. With respect to any boy who—

- (a) comes to the State from any country with the assistance of the Government of the State, and
- (b) at the time when he comes to the State is under nineteen years of age, and
- (c) either before or after coming to the State, signs a statement in the form in the Schedule to this Act, or such other form as is prescribed in that behalf,—

the Minister shall have the following powers and functions:—

Power to apprentice.

(1) He may, from time to time, by agreement in writing, bind such boy to any person whom the Minister considers suitable, to be taught such trade or calling as the Minister approves; but the period of apprenticeship or service shall not extend beyond the day on which the boy attains the age of twenty-one years, and he shall not be apprenticed to any farmer for a longer period than three years.

Power to place out.

(2) He may from time to time, by any such agreement, or otherwise, provide for such boy to reside and board with his employer or any other person, for such period as the Minister thinks proper: Provided that the Minister is satisfied that such employer or other person is able and willing to maintain such boy and is a suitable person to be entrusted with his care, management, and control; but the period for which the boy is so placed out shall not extend beyond the day on which he attains the age of twenty-one years.

Care and control.

(3) He shall have the care, management, and control of the person of such boy before he is placed out to reside as aforesaid and at any time when he ceases to be so placed out, and the supervision of him whilst he is so placed out, and at all times shall have the care, management, and control of his property.

Institutions for boys
whilst not placed out.

5. The Minister may, with the approval of the Governor, appoint institutions for the reception, detention, education, and employment of boys who come to the State, as mentioned in section 4, and make such provision as he deems necessary for their detention, maintenance, education, and employment in such institutions or in connection therewith.

Provisions of
agreements.

6. (1) Any agreement may contain provisions, to the satisfaction of the Minister, for the proper keeping, maintaining, and (where the Minister deems it necessary) training and educating of the boy, and for the due payment of such wages as are payable thereunder.

To be binding,
notwithstanding
infancy.

(2) Any agreement shall be as effectual as if the boy were of full age at the date thereof, and had voluntarily executed the same

Portion of wages may
be paid to Minister.

7. (1) The Minister may in any agreement provide that all, or such portion as is therein specified, of any wages to become due to the boy shall be paid by the employer to the Minister, to be held

The Immigration Act Amendment Act.—1913.

held in the name of the Minister, on account of such boy; and every payment made as so provided shall be deemed to be a payment to such boy.

(2) All moneys so held by the Minister shall bear interest at the rate of Four Pounds per centum per annum.

8. (1) All or any part of the money so held on account of any boy, and the interest thereon, may be expended by the Minister—

Moneys to be held and expended for boy's benefit.

(a) in repaying to the Government of the State any expenses incurred by the State on the boy's behalf before or during his passage to the State or after his arrival in the State; and

(b) in repaying any money advanced by any person, society, or association, in the State or elsewhere, towards the passage-money of the boy, or expended in providing him with an outfit for the purposes of his coming to the State; and also

(c) for the benefit of the boy, when and in such manner as the Minister from time to time deems advisable.

(2) The balance (if any) of the moneys so held, and the interest thereon, shall be payable to the boy upon his attaining the age of twenty-one years.

9. The wages or earnings due by any person to any boy under any agreement, whether payable to such boy or not, may be sued for and recovered by and in the name of the Minister for the benefit of the boy.

Minister may recover wages.

10. If the employer of any boy becomes insolvent, or in the opinion of the Minister becomes unable to carry out the terms of the agreement, or in the opinion of the Minister is guilty of such immoral or vicious conduct as to render him unsuitable to continue to be the employer of the boy, or is about to remove from the State, the Minister, on application by such employer or the boy, or on his own motion, may make an order releasing and discharging such employer and the boy respectively from the agreement, and from every covenant and agreement therein contained or thereby implied.

On insolvency, &c., of employer indenture or agreement may be cancelled.

11. If a boy bound or placed out under this Act absconds or dies, the employer shall immediately give such notice and do all such further acts and things as are prescribed; and in default thereof he shall be liable to a penalty not exceeding Five Pounds for every such offence.

If boy absconds or dies notice to be given.

12. No employer shall have power to assign or transfer any agreement, or to transfer or make over to any other person the services or care of the boy thereby bound or placed out, or to in any way discharge or dismiss such boy, without the consent in writing of the Minister first had and obtained, and every such assignment, transfer, or discharge attempted to be made without such consent shall be null and void.

Boy not to be transferred or dismissed without consent of Minister.

13. (1) When

The Immigration Act Amendment Act.—1913.

Minister may order
return of boy when
agreement cancelled.

13. (1) When the agreement by or under which a boy is bound or placed out has been cancelled, or has otherwise become of no effect, the Minister may at any time by order in writing signed by him require such boy forthwith to return to any place or institution to be named in the order; and the Minister may by the same or a separate order require the employer forthwith to deliver such boy to some person therein named.

Penalty for
disobeying order.

(2) Any employer or other person who neglects or fails to obey such order shall be liable to a penalty not exceeding Five Pounds.

Constable may apprehend
boy without a
warrant.

(3) Any member of the Police Force may, without any warrant, apprehend such boy and bring him to the place or institution named in the order, and for such purpose may enter upon or into any land or house whereon or wherein the boy is or is supposed to be.

Penalty for taking,
removing, harboring,
etc.

14. Any person who—

- (a)** without the authority of the Minister takes or removes any boy from the employer to or with whom such boy is apprenticed or placed out under this Act before the expiration of the term of apprenticeship or service or placing out;
- (b)** directly or indirectly counsels or induces any such boy to break his agreement, or to abscond from his employer before the expiration of his apprenticeship or service or placing out;
- (c)** prevents any such boy from returning to his employer; or
- (d)** knowing any such boy to have absconded from his employer, harbors or conceals, or assists in harboring or concealing, such boy;

shall be liable to a penalty not exceeding Twenty Pounds, or may, at the discretion of the Special Magistrate or Justices, be imprisoned with or without hard labor for any term not exceeding six months.

Minister may forfeit
moneys in case of
misbehaviour and use
same for bonuses.

15. (1) In case the Minister is satisfied that any such boy as mentioned in section 4 has been guilty of misbehaviour, or of wilful neglect of duty, it shall be lawful for the Minister, by writing under his hand, to forfeit any moneys held by the Minister on behalf of such boy, or any part of such moneys, and the title of the boy to such moneys or part shall thereupon be absolutely determined.

(2) Any moneys so forfeited may be applied by the Minister in the payment of bonuses to such of the boys mentioned in section 4 as, having regard to their behaviour and attention to duty, are, in his opinion, deserving of reward, or in such a manner as the Minister considers suitable for carrying out the objects of this Act.

Regulations.

16. (1) In addition to any regulations which the Governor has power to make under the principal Act, the Governor may make such regulations as may be necessary or convenient for fully effecting

The Immigration Act Amendment Act.—1913.

effecting the provisions and objects of this Act, including (though without limiting the operation of this section) regulations—

- (a) prescribing the duties, powers, authorities, and privileges of any person employed in the administration of this Act:
 - (b) regulating the punishment of boys bound or placed out under this Act and other boys mentioned in section 4, and for enforcing discipline on their part:
 - (c) prescribing the forms and contents of agreements, authorities, notices, orders, and other instruments and documents under or for the purposes of this Act, and the mode of executing, serving, or delivering the same:
 - (d) for the regulation and management of, and maintenance of discipline in, institutions appointed under section 5:
 - (e) imposing penalties not exceeding Five Pounds for any breach of any regulation made under this Act.
- (2) The provisions of subsections (2) and (3) of section 9 of the principal Act shall apply to and in respect of regulations made under this Act.

17. In all proceedings in respect of offences against this Act the onus of showing that any boy described in any information as a boy bound or placed out under this Act, is not a boy so bound or placed out, shall be upon the defendant. Evidence.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.

The Immigration Act Amendment Act.—1913.

THE SCHEDULE.

Section 4.

I, _____, do hereby declare that I am desirous of coming under the provisions of "The Immigration Act Amendment Act, 1913," of the State of South Australia. It has been explained to me that when I am in that State I shall, until I attain the age of twenty-one years, be under the control of the Commissioner of Crown Lands and Immigration of that State, who will have the power to apprentice me or otherwise bind me for service under the provisions of the above-mentioned Act, and that the other provisions of that Act and the Regulations made thereunder will also apply to me. The following particulars are true and correct:—

My name is

My address is

My age is.....

Dated the _____ day of _____ 19 .

[Signature].....