



Australian Government



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An Act to provide for the Regulation, Restriction, and Prohibition of the Introduction of Labourers from the Pacific Islands and for other purposes - [Pacific Island Labourers Act 1901]

"Pacific Island Labourer" includes all natives not of European extraction of any race, except the islands of New Zealand situated in the South Ocean beyond the Commonwealth as constituted at the commencement of this Act, but does not include—

(a) persons employed under section eleven of the Queensland Act forty-seven Victoria number 1880, for a period of continuous residence in Queensland for a period of not less than six months from the first day of September 1884; and

(b) persons employed as part of the crew of a ship;

*No 16 of 1901*

### AN ACT

To provide for the Regulation, Restriction, and Prohibition of the Introduction of Labourers from the Pacific Islands and for other purposes. (*Assented to 17<sup>th</sup> December, 1901.*)

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 *Pacific Island Labourers Act* 1901. Short title.

2. In this Act, unless the contrary intention appears—

"Agreement" means any agreement for service made with a Pacific Island Labourer within or under the Pacific Island Labourers Acts 1880-1892 of the State of Queensland.

"Licence" means a licence under those Acts to introduce labourers from the Pacific Islands.

"Minister" means the Minister for External Affairs.

"Pacific

Definitions.



"Pacific Island Labourer" includes all natives not of European extraction of any island except the islands of New Zealand situated in the Pacific Ocean beyond the Commonwealth as constituted at the commencement of this Act, but does not include—

- (a) persons registered under section eleven of the Queensland Act forty-seven Victoria number twelve on the ground of continuous residence in Queensland for a period of not less than five years before the first day of September One thousand eight hundred and eighty-four; or
- (b) persons employed as part of the crew of a ship; or
- (c) persons possessed of certificates of exemption under the *Immigration Restriction Act 1901*.

3. No Pacific Island labourer shall enter Australia on or after the thirty-first day of March, One thousand nine hundred and four.

No Pacific Island labourer to enter after 31st March, 1904.

4. No Pacific Island labourer shall enter Australia before the thirty-first day of March, One thousand nine hundred and four, except under a licence.

Nor before that date, except under a licence.

5. No licence shall be granted except as provided in this Act.

Licences not to be granted except as provided.

6. Nothing in this Act shall prevent the granting of licences as follows :—

Licences during 1901 and 1902.

(a) During the year One thousand nine hundred and two, to the number of not more than three-fourths of the number of the Pacific Island labourers who have returned to their native islands during the year One thousand nine hundred and one.

(b) During the year One thousand nine hundred and three, to the number of not more than one-half of the number of the Pacific Island labourers who have returned to their native islands during the year One thousand nine hundred and two.

7. No agreement shall be made or remain in force after the thirty-first day of December, One thousand nine hundred and six.

No agreements after 31st December, 1906.

8. (1) An officer authorized in that behalf may bring before a court of summary jurisdiction a Pacific Island labourer found in Australia before the thirty-first day of December, One thousand nine hundred and six, whom he reasonably supposes not to be employed under an agreement; and the court, if satisfied that he is not and has not during the preceding month been so employed, shall order him to be deported from Australia, and he shall be deported accordingly.

Power to deport labourers.

(2) The



(2) The Minister may order a Pacific Island labourer found in Australia after the thirty-first day of December, One thousand nine hundred and six, to be deported from Australia, and thereupon he shall be deported accordingly.

9. Any person who—

Penalty.

- (a) contrary to this Act introduces a Pacific Island labourer or allows a Pacific Island labourer to enter Australia; or  
 (b) employs a Pacific Island labourer except under an agreement

shall be liable on summary conviction before a police stipendiary or special magistrate sitting as a court of summary jurisdiction to a penalty not exceeding One hundred pounds.

10. In any proceeding under this Act, a person alleged to be a Pacific Island labourer shall be deemed to be a Pacific Island labourer until the contrary is shown.

Onus of proof that person is not Pacific Island labourer.

11. (1) The Governor-General may make regulations for carrying out this Act.

Regulations.

(2) All such regulations shall be notified in the *Gazette* and shall thereupon have the force of law.

(3) All such regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament be then sitting, and if not then within thirty days after the next meeting of the Parliament.

I HEREBY CERTIFY that the above is a fair print of the Bill intituled "An Act to provide for the Regulation, Restriction, and Prohibition of the Introduction of Labourers from the Pacific Islands and for other purposes," which has been passed by the Senate and the House of Representatives, and that the said Bill originated in the House of Representatives.

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

*H. H. H. H.*  
 Governor-General.

*Government House*

*17<sup>th</sup> December 1901.*

*C. Savan Duffy*

*Clerk of the House of Representatives.*