

IMMIGRATION ORDINANCE 1932-1940. ⁽¹⁾

An Ordinance Relating to Immigration.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920-1926*, as follows:—

1. This Ordinance may be cited as the *Immigration Ordinance 1932-1940*.⁽¹⁾ Short title.
Amended by
No. 3 of 1934,
s. 50.
2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*.⁽¹⁾ Commencement.
3. In this Ordinance, unless the contrary intention appears— Definitions.
 - “immigrant” means a person (other than a person whose permanent home is, at the time of his entry into the Territory, in the Territory) who enters the Territory from a place outside the Territory;
 - “passport” includes a document of identity issued from official sources, whether within or outside the Territory, and having the characteristics of a passport; Inserted by
No. 12 of 1940,
s. 2.
 - “medical officer” means a legally qualified medical practitioner in the employment of the Administration;

(1) The *Immigration Ordinance 1932-1940* comprises the *Immigration Ordinance 1932*, as amended by the other Ordinances referred to in the following Table:—

TABLE.

PART I.—ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

| Short title, number and year. | Date on which made by Gov.-Gen. in Council. | Date on which notified in <i>Cwltth. Gaz.</i> | Date on which took effect. |
|---|---|---|--|
| <i>Immigration Ordinance 1932</i> (No. 7 of 1932) | 15.6.1932 | 16.6.1932 | 15.11.1932 (<i>N.G. Gaz.</i> of 15.10.1932) |
| <i>Immigration Ordinance 1933</i> (No. 8 of 1933) | 29.3.1933 | 6.4.1933 | 6.4.1933 (<i>Cwltth. Gaz.</i> of 6.4.1933) |

PART II.—ORDINANCES OF THE LEGISLATIVE COUNCIL.

| Short title, number and year. | Date of assent by Administrator. | Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council. | Date on which came into operation. |
|--|----------------------------------|--|--|
| <i>Immigration Ordinance 1935</i> (No. 30 of 1935) | 31.7.1935 | 15.2.1936 | 31.7.1935 (<i>Laws of T.N.G.</i> , Vol. XIII, p. 329) |
| <i>Immigration Ordinance 1938</i> (No. 18 of 1938) | 24.8.1938 | 30.11.1938 | 24.8.1938 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 140) |
| <i>Immigration Ordinance 1940</i> (No. 12 of 1940) | 24.9.1940 | 16.12.1940 | 24.9.1940 (<i>Laws of T.N.G.</i> , Vol. XV, p. 104) |

IMMIGRATION—

“officer” means any officer appointed under this Ordinance and includes any District Officer, any officer of Customs and any member of the European Constabulary Branch or of the Auxiliary European Constabulary Branch of the New Guinea Police Force;

Inserted by
No. 12 of 1940,
s. 2.

“master of a vessel” includes the pilot of any aeroplane, seaplane, or other means of aerial locomotion;

“Regulations” means Regulations made under this Ordinance;

Amended by
No. 12 of 1940,
s. 2.

“vessel” includes any aeroplane, seaplane, or other means of aerial locomotion.

Prohibited
immigrants.

4.—(1.) The entry into the Territory of the persons described in any of the following paragraphs of this sub-section (hereinafter called “prohibited immigrants”) is prohibited:—

- (a) Any person who fails to pass the dictation test, that is to say, who, when an officer or person duly authorized in writing by an officer dictates to him not less than fifty words in any language, fails to write them out in that language in the presence of the officer or authorized person;
- (b) Any person who, when directed by an officer to submit himself for examination by a medical officer, fails so to do or fails to satisfy the medical officer as to his physical and mental fitness;
- (c) Any idiot, imbecile, feeble-minded person, epileptic, person suffering from dementia, insane person, person who has been insane within five years previously, or person who has had two or more attacks of insanity;
- (d) Any person suffering from a serious transmissible disease or defect;
- (e) Any person suffering from pulmonary tuberculosis, trachoma, or any loathsome or dangerous communicable disease, either general or local;
- (f) Any person who, in the opinion of an officer, is likely, if he enters the Territory, to become a charge upon the public by reason of infirmity of mind or body, insufficiency of means to support himself, or any other cause;
- (g) Any person suffering from any other disease, disability or disqualification which is prescribed;
- (h) Any person who has been convicted of a crime and sentenced to imprisonment for one year or more;
- (i) Any person who has been convicted of any crime involving moral turpitude, but whose sentence has

Immigration Ordinance 1932-1940.

- been suspended or shortened conditionally on his emigration;
- (j) Any prostitute, procurer or person living on the prostitution of others;
 - (k) Any person who advocates the overthrow by force or violence of the established government of the Territory or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization which entertains and teaches any of the doctrines and practices specified in this paragraph;
 - (l) Any person who, on demand by an officer, fails to prove that he is the holder of—
 - (i) a permit to enter the Territory issued by or on behalf of the Administration; or
 - (ii) a passport which is issued to him—
 - (a) by or on behalf of the Government of the United Kingdom and which is endorsed specifically for the Territory; or
 - (b) by or on behalf of any Government recognized by the Government of the United Kingdom and which is viséed or endorsed specifically for the Territory by a British consular or passport officer; and
 - (c) which contains a personal description sufficient to identify him and to which is attached a photograph of him; and
 - (d) which is still in force;
 - (m) Any person who has been deported in pursuance of any law of the Territory and whose re-entry into the Territory has not been authorized by the Administrator; and
 - (n) Any person declared by the Administrator to be in his opinion, from information received from the Government of the United Kingdom or of any part of the British Dominions or from any foreign Government, through official or diplomatic channels, undesirable as an inhabitant of, or a visitor to, the Territory.

Paragraph (m)
amended by
No. 12 of 1940,
s. 3.

IMMIGRATION—

(2.) Nothing in the last preceding sub-section shall apply to the entry into the Territory of the following persons:—

- (a) Any person whose permanent home is in the Territory, unless such person has been deported in pursuance of any law of the Territory;
- (b) Any person possessed of a certificate of exemption as prescribed in force for the time being;
- (c) Members of the regular land, sea or air forces under the authority of His Britannic Majesty;
- (d) The master and the members of the crew of any public vessel of any Government;
- (e) The master and the members of the crew of any vessel, other than a public vessel of any Government, landing during the stay of the vessel in any port in the Territory:

Provided that the Administrator may, by order, prohibit any member of the crew of any such vessel from landing at any port in the Territory without the consent in writing of an officer of Customs:

Provided further that the master shall, upon being so required by an officer and before being permitted to clear out from or leave the port, muster his crew in the presence of an officer; and if it is found that any person, who according to the vessel's articles was one of the crew when it arrived at the port, and who would in the opinion of the officer be a prohibited immigrant but for the provisions of this paragraph, is not present, then such provisions shall cease to apply and until the contrary is proved such person shall be deemed to be a prohibited immigrant and to have entered the Territory contrary to this Ordinance:

Provided also that identification cards bearing the full name, thumbprint, photograph and prescribed description of each member of the crew, and indorsed by the master, have been produced to any officer on demand:

Provided also that the provisions of this paragraph shall not apply to any member of the crew as to whom the master reports in writing to an officer that the member has deserted or is absent without leave, and, until the contrary is proved, the member shall be deemed to be a prohibited immigrant and to have entered the Territory contrary to this Ordinance; and

- (f) Any person duly accredited to the Government of the Commonwealth or to the Administration by the

Immigration Ordinance 1932-1940.

Government of the United Kingdom or any other Government or sent by any Government on any special mission.

5. The Administrator may authorize a list of questions to be put to and answered by an immigrant on his examination by a medical officer.

Administrator may authorize list of questions.

6. An immigrant shall, when an officer so directs, submit himself for examination as to his physical and mental fitness by a medical officer, and shall answer the authorized list of questions put to him by the medical officer.

Medical examination of immigrants.

7. An officer may, if he thinks fit, detain an immigrant on his arrival in the Territory for an examination as to his physical and mental fitness by a medical officer:

Officer may detain immigrant for examination.

Provided that the detention of the immigrant shall not affect the liability, under section twenty-seven of this Ordinance, of the master, owners, agents or charterers of the vessel in which the immigrant came to the Territory.

8.—(1.) The Administrator, or an officer thereto authorized in writing by the Administrator (in this section referred to as "an authorized officer"), may issue a certificate of exemption in the prescribed form authorizing any person who, unless he possesses such a certificate, is liable to be prohibited under this Ordinance from entering or remaining in the Territory, to enter or remain in the Territory without being subject to any of the provisions of this Ordinance restricting entry into or stay in the Territory.

Certificate to enter or remain temporarily.
Section 8 substituted by No. 12 of 1940, s. 4.

(2.) The certificate shall be expressed to be in force for a specified period only, but the period may be extended from time to time by the Administrator or by an authorized officer.

(3.) Any such certificate may at any time be cancelled by the Administrator by writing under his hand.

(4.) Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Territory, be declared by the Administrator to be a prohibited immigrant and may thereupon be required by notice in writing given by an authorized officer, in accordance with the directions of the Administrator, to leave the Territory within a period to be specified in the notice.

(5.) If the person fails to leave the Territory within the period specified in the notice, he may be deported from the Territory pursuant to an order of the Administrator.

(6.) Where, in pursuance of this section, a person enters the Territory from any vessel, a penalty shall not attach to the vessel or its master, owners, agents, or charterers in respect of such entry;

IMMIGRATION—

but the master, owners, agents, or charterers of the vessel may, at any time within five years after the entry of the person into the Territory, be required by notice in writing given by any officer, to provide a passage for that person from the Territory to the place whence he came, and in default of compliance with that requirement shall be guilty of an offence.

Penalty: One hundred pounds.

Certificate
exempting
from dictation
test.

Sub-section
(1) amended
by No. 8 of
1933, s. 2.

9.—(1.) The Administrator or an officer authorized by him in that behalf may in his discretion issue a certificate in the prescribed form to any person residing in the Territory and who is about to depart from the Territory exempting him, if he returns to the Territory within the period limited in the certificate, from the provisions of paragraph (a) of sub-section (1.) of section four of this Ordinance.

(2.) Any person who obtains a certificate under this section by an untrue statement of fact or intention shall be guilty of an offence.

(3.) A person to whom a certificate under this section has been issued (which certificate has not been revoked) shall not, on his return to the Territory within the time limited by the certificate, and on the production and delivery of the certificate to an officer, be required to pass the dictation test.

Immigrants
evading an
officer or
found within
the Territory.

10.—(1.) Any immigrant who—

(a) evades or has, since the commencement of the *Laws Repeal and Adopting Ordinance 1921*,⁽²⁾ evaded an officer;

(b) enters or has, since the commencement of the *Laws Repeal and Adopting Ordinance 1921*,⁽²⁾ entered the Territory at any place where no officer is stationed;

(c) obtains or has, since the commencement of the *Laws Repeal and Adopting Ordinance 1921*,⁽²⁾ obtained entrance or re-entrance into the Territory by means of any permit, certificate, passport, credentials, identification card, or other document which was not issued to him, or is forged, or has been obtained by false representations,

Paragraph (c)
amended by
No 12 of 1940,
s. 5.

may, if at any time thereafter he is found within the Territory, be required to pass the dictation test, and shall, if he fails so to do, be deemed to be a prohibited immigrant.

(2.) Any immigrant may at any time within five years after he has entered the Territory be required to pass the dictation test, and shall, if he fails so to do, be deemed to be a prohibited immigrant.

(2) Now the *Laws Repeal and Adopting Ordinance 1921-1939*.

Immigration Ordinance 1932-1940.

(3.) In any prosecution under either of the last two preceding sub-sections, the averment of the prosecutor, contained in the information, that the defendant is an immigrant who—

- (a) has evaded an officer;
- (b) has entered the Territory at a place where no officer is stationed;
- (c) has obtained entrance or re-entrance into the Territory by means of any permit, certificate, passport, credentials, identification card, or other document which was not issued to him, or is forged, or was obtained by false representations; or
- (d) has entered the Territory within five years before failing to pass the dictation test,

Paragraph (c)
amended by
No. 12 of 1940,
s. 5.

shall be deemed to be proved in the absence of proof to the contrary by the personal evidence of the defendant either with or without other evidence.

(4.) Proof to the contrary by the personal evidence of the defendant, within the meaning of the last preceding sub-section, shall not (unless it is proved that the defendant was born in the Territory) be deemed to have been given unless the defendant in his personal evidence states truly the name of the vessel by which he travelled to the Territory and the date and place of his arrival in the Territory.

(5.) Where the prosecutor applies to the Court for an adjournment of the proceedings to obtain evidence in rebuttal of any evidence tendered by the defendant, the Court shall grant an adjournment for such time as is necessary for that purpose.

(6.) Official documents of the Commonwealth or of the Administration and telegrams and affidavits produced out of the official custody of the Administration or of the Commonwealth purporting to have been sent or taken by an officer shall, if they contain information or statements upon matters relevant to the proceedings, be admissible in evidence.

(7.) In any prosecution for an offence against sub-section (1.) or sub-section (2.) of this section, a defendant who gives evidence shall not be excused from answering any question put to him on the ground that the answer may tend to criminate him or make him liable to a penalty; but his answer shall not be admissible in evidence against him in any criminal proceeding other than a prosecution for perjury.

(8.) In any prosecution under this section where it is alleged that the defendant was a member of the crew of a vessel, the averment of the prosecutor that the defendant was a member of the crew of that vessel shall be deemed to be proved in the absence of proof to the contrary if the prosecutor produces an identification

IMMIGRATION—

card in the prescribed form relating to a member of the crew of a vessel of that name, and bearing a personal description, photograph and thumbprint of the defendant.

(9.) If an immigrant is, within five years of his entering the Territory, found to be suffering from or affected with any disease or disability either specifically mentioned or of a class mentioned in this Ordinance or the Regulations, he shall be deemed to be a prohibited immigrant, unless it is proved to the satisfaction of the Administrator that he was free from the disease or disability at the time he entered the Territory.

Sub-section
(10) added by
No. 30 of 1935,
s. 2.

(10.) Any person who is, by virtue of this section, deemed to be a prohibited immigrant shall be guilty of an offence.

Penalty: Imprisonment for six months and, in addition to or substitution for imprisonment, deportation from the Territory pursuant to an order in writing of the Administrator.

Entry
permitted
on certain
conditions.

11. Any prohibited immigrant within the meaning of paragraph (a) only of sub-section (1.) of section four of this Ordinance may, subject to the approval of an officer, be permitted to enter the Territory or to remain within the Territory upon the following conditions:—

- (a) He shall, on entering the Territory or on failing to pass the dictation test, deposit with an officer the sum of One hundred pounds; and
- (b) He shall, within thirty days after depositing such sum, obtain from the Administrator a certificate of exemption as prescribed or depart from the Territory, and thereupon the deposit shall be returned; but otherwise the deposit or any part thereof may be forfeited and he shall be deemed to be a prohibited immigrant:

Provided that, where any person enters the Territory from any vessel by virtue of permission granted under this section, a penalty shall not attach to the vessel or its master, owners, agents or charterers.

Unlawful entry
of prohibited
immigrants.

Sub-section
(1) amended
by No. 30 of
1935, s. 3.

12.—(1.) Every prohibited immigrant entering or found within the Territory in contravention or evasion of this Ordinance and every person who, by virtue of this Ordinance, is deemed to be a prohibited immigrant shall be guilty of an offence.

Penalty: Imprisonment for six months.

(2.) In addition to or substitution for any term of imprisonment imposed under the last preceding sub-section, a prohibited immigrant shall be liable, pursuant to any order in writing of the Administrator, to be deported from the Territory.

Immigration Ordinance 1932-1940.

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Proviso omitted by No. 30 of 1935, s. 3.

12A. Any imprisonment imposed for an offence against section ten or section twelve of this Ordinance shall cease for the purpose of deportation, or, subject to authority being granted by the Administrator, if the offender finds two sureties, each in the sum of One hundred pounds and each approved by an officer, for his leaving the Territory within two months or within such extended period as is authorized by the Administrator.

Deportation of prisoner.

Inserted by No. 30 of 1935, s. 4; amended by No. 12 of 1940, s. 6.

13. Where a person is convicted under section ten or section twelve of this Ordinance and appeals against his conviction, he shall not be released on bail unless he finds two sureties, each in the sum of One hundred pounds and each approved by an officer, for his appearance at the hearing of the appeal.

Sureties to be found where appeal lodged.

Amended by No. 30 of 1935, s. 5.

14. Where the Administrator is satisfied that, within five years after the arrival in the Territory of an immigrant who was not born in the Territory, that immigrant—

Deportation of certain immigrants.

- (a) has been convicted in the Territory of a criminal offence punishable by imprisonment for one year or longer;
- (b) is a prostitute or procurer or is living on the prostitution of others;
- (c) has become an inmate of an insane asylum or public charitable institution;
- (d) is a person whose presence in the Territory is injurious to the peace, order or good government of the Territory, or whose presence in the Territory is highly prejudicial to the well-being of the natives of the Territory; or
- (e) is a person who advocates the overthrow by force or violence of the established government of the Territory or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization which entertains and teaches any of the doctrines and practices specified in this paragraph,

the Administrator may make an order for the deportation of any such person:

Provided that in the case of any person to whom the Administrator is satisfied that the provisions of paragraph (d) or (e) apply, an order for the deportation of such person shall not be made unless the consent in writing of the Minister has first been obtained.

IMMIGRATION—

Dependants of
deportee.

15. Where an order has been made under this Ordinance for the deportation of any person, the wife and dependent children of that person may, if the wife so desires, be included in the order for deportation, and thereupon the provisions of this Ordinance relating to deportation shall apply to the wife and dependent children.

Custody
pending
deportation.
Section 16.
amended by
No. 12 of 1940,
s. 7.

16. Where the Administrator has made an order under this Ordinance for the deportation of any person, that person shall, unless the Administrator otherwise directs, be deported accordingly, and may—

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

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

Penalty on
master, &c., of
vessel.

17. The master, owners, agents and charterers of any vessel from which any prohibited immigrant enters the Territory contrary to this Ordinance shall be guilty of an offence, and shall be jointly and severally liable on summary conviction to a penalty of One hundred pounds for each prohibited immigrant so entering the Territory.

Penalty for
bringing
stowaways into
the Territory.

18.—(1.) If any vessel, having on board any stowaway who is a prohibited immigrant, comes into any port in the Territory, the master, owners, agents and charterers of the vessel shall be jointly and severally liable on summary conviction to a penalty of One hundred pounds for each such stowaway:

Provided that, where the master of the vessel has within the twelve months preceding the conviction been convicted of an offence against this section, he shall be liable to a penalty of Two hundred pounds for each prohibited immigrant so entering the Territory.

(2.) Every stowaway brought into any port on board a vessel shall be deemed to be a prohibited immigrant unless it is proved that he has passed the dictation test or that an officer has given him permission to land without restriction.

Power to
search vessels
for stowaways.

19.—(1.) Any officer may at any time search any vessel in any port or in any territorial waters of the Territory to ascertain whether there are any stowaways on board the vessel, and for that purpose may board the vessel and enter into any part of the vessel.

(2.) At the request of an officer, the master of a vessel shall facilitate the boarding of the vessel and shall, by all means in his power, facilitate the searching of the vessel by the officer, and

if he fails or neglects so to do he shall be liable on summary conviction to a penalty of One hundred pounds.

20.—(1.) Any officer may, by notice in writing to the master of the vessel, detain any vessel at any port or place for a reasonable time for the purpose of enabling him to search the vessel to ascertain whether there are any stowaways on board the vessel.

Power to detain vessel for searching.

(2.) If the master of any vessel detained in pursuance of this section moves his vessel, without the consent of the officer while the vessel is under detention, he shall be liable on summary conviction to a penalty of One hundred pounds.

21. Any person on board a vessel at the time of arrival from any place outside the Territory at any port in the Territory who is not—

Definition of a stowaway.

(a) a *bona fide* passenger on the vessel; or

(b) a member of the crew of the vessel whose name is on the articles,

shall be deemed to be a stowaway, unless the master of the vessel forthwith after the arrival of the vessel at the port gives notice to an officer that the person is on board the vessel, and does not permit him to land until the officer has had an opportunity of satisfying himself that the person is not a prohibited immigrant.

22.—(1.) The Administrator may, by writing under his hand, authorize any officer to detain any vessel from which any prohibited immigrant has, in the opinion of the officer, entered the Territory contrary to this Ordinance; and the vessel may then be detained either at the place where it is found, or at any place to which the officer may order the vessel to be brought.

Detention of vessel.

(2.) The Administrator or such officer shall forthwith give notice to the owner or agent of the vessel of the detention of the vessel.

(3.) For the purposes of the detention and other lawful dealing with the vessel, the officer so authorized shall be entitled to obtain such writ of assistance or other aid as is provided under any law of the Territory relating to the Customs with respect to the seizure of vessels or goods.

(4.) The detention shall be for safe custody only, and shall cease if a bond with two sufficient sureties to the satisfaction of the Administrator be given by the master, owners, agents or charterers of the vessel for the payment of any penalty which may be adjudged under this Ordinance to be paid for the offence or default.

(5.) If default is made in payment of any such penalty, the officer may seize the vessel; and the like proceedings shall thereupon be taken for forfeiting and condemning the vessel as in the case of

IMMIGRATION—

a vessel seized for breach of any law of the Territory relating to the Customs, and the vessel shall be sold.

(6.) The proceeds of the sale shall be applied first in payment of the penalty and of all costs incurred in and about the sale and the proceedings leading thereto, and the balance shall be paid to the owners of or other persons lawfully entitled to the vessel before condemnation and sale.

Assisting persons to contravene Ordinance.

23.—(1.) Any person who in any way wilfully assists any other person to contravene or to attempt to contravene any of the provisions of this Ordinance, or makes or authorizes any contract or agreement the performance of which would be a contravention of this Ordinance, shall be guilty of an offence.

(2.) Any person who makes or authorizes such contract or agreement shall be liable to the Administration for any expense incurred by the Administration in respect of any immigrant prohibited by reason of the contract or agreement.

Penalty for being concerned in bringing immigrants secretly to the Territory.

24. Every person who is directly or indirectly concerned in—

- (a) the bringing or coming to the Territory of any immigrant under circumstances which lead to the inference that the immigrant intended to land in the Territory secretly or without the knowledge of an officer; or
- (b) the concealing of any immigrant with intent to enable him to land in the Territory secretly or without the knowledge of an officer; or
- (c) the concealment of any immigrant with intent to prevent his discovery by an officer,

shall be guilty of an offence.

Penalty: Two hundred pounds or imprisonment for six months, or both.

False naturalization papers.

25. Any person arriving in the Territory who—

- (a) has in his possession, without lawful excuse (proof whereof shall lie upon him), any false certificate of naturalization or false certificate of birth; or
- (b) falsely represents to an officer that he is the person named in any certificate of naturalization or certificate of birth; or
- (c) produces to an officer any certificate of naturalization or certificate of birth with intent to deceive or mislead him,

shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

Immigration Ordinance 1932-1940.

26. Any person who is wilfully instrumental in bringing or attempting to bring into the Territory any prohibited immigrant within the meaning of paragraph (b), (c), (d), (e), (f), (g) or (j) of sub-section (1.) of section four of this Ordinance contrary to this Ordinance shall, in addition to any other penalty, be liable to the Administration for any expense in respect of the maintenance of the prohibited immigrant whilst within the Territory.

Bringing idiots or insane persons, &c., into Territory.

27.—(1.) The master, owners, agents or charterers of a vessel in which a prohibited immigrant, or a person who under section four or section ten of this Ordinance becomes a prohibited immigrant, or a person whose deportation has been ordered by the Administrator in pursuance of sections fourteen or fifteen of this Ordinance, comes to the Territory shall, on being required in writing by the Administrator so to do, without charge to the Administration, provide a passage for the prohibited immigrant, or person, to the place whence he came, and shall also be liable to pay to the Administration such sum to recoup it for the cost of keeping and maintaining the prohibited immigrant, or person, while awaiting his deportation from the Territory as the Administrator considers fair and reasonable.

Duty of master, &c., of vessel bringing prohibited immigrant to provide return passage.

(2.) The master, owners, agents or charterers of any vessel shall, on being required in writing by the Administrator so to do receive on board, for conveyance to any port to which the vessel is bound and which is specified by the Administrator, any person against whom an order for deportation under this Ordinance has been made, and shall also receive on board, for such time as is required by the Administrator, any person charged with the custody of the person against whom the order has been made.

(3.) For the services specified in the last preceding sub-section, the Administration shall pay to the master, owners, agents or charterers such sum of money as the Administrator thinks reasonable.

Sub-section (3) amended by No. 8 of 1933, s. 3.

28. The master of a vessel on which a prohibited immigrant, or a person reasonably supposed to be a prohibited immigrant, is, may with the necessary assistance take all reasonable measures to prevent the prohibited immigrant, or person, from entering the Territory from the vessel in contravention of this Ordinance.

Power of master to prevent prohibited immigrant from landing.

29. An officer may, with any necessary assistance, prevent any prohibited immigrant, or person reasonably supposed to be a prohibited immigrant, from entering the Territory, and may take all legal proceedings necessary for the enforcement of this Ordinance.

Power to enforce Ordinance.

30.—(1.) An officer may, without warrant, arrest any person reasonably supposed to be a prohibited immigrant, and any person who resists or prevents such arrest shall be guilty of an offence.

Power to arrest.

IMMIGRATION—

(2.) An officer may, without warrant, arrest any person reasonably supposed to be a person whose deportation has been ordered by the Administrator in pursuance of this Ordinance, and any person who resists or prevents such arrest shall be guilty of an offence.

Power to search for prohibited immigrants.

31.—(1.) An officer may stop and search any vessel or vehicle in which he has reason to suspect any prohibited immigrant to be.

(2.) An officer may, at any reasonable hour in the day time, enter any building, premises or place in which he has reasonable cause to believe any prohibited immigrant to be, and search the building, premises or place to ascertain whether any prohibited immigrant is therein.

Appointment of officers.

32. Subject to the provisions of the *Public Service Ordinance 1922-1930*,⁽³⁾ as amended from time to time, the Administrator may appoint officers for carrying out this Ordinance.

Service of process in absence of offender.

33.—(1.) In any prosecution under this Ordinance in respect of an offence committed by a firm, any summons or other legal process issued against any member of the firm may, in the event of that member not being, at the time the summons or process is served, within five miles of the place at which the Court sits out of which the summons or process is issued, be served upon the person in charge of the business or office of the firm at that place and such service shall for all purposes be as effectual as if the summons or process had been served upon the member of the firm.

(2.) Where service is effected in pursuance of this section, the burden of proving that the person to whom the summons or process is directed was, at the time of service, within five miles of the place at which the Court sits shall lie upon that person.

Penalties.

34. Where a higher penalty is not expressly imposed, a person guilty of any offence against this Ordinance or the Regulations shall be liable on conviction to a penalty not exceeding Fifty pounds, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

Annual return.

35. The Administrator shall cause to be made to the Minister annually a return in respect of the period of twelve months ending the thirtieth day of June in each year showing—

- (a) the number of persons refused admission into the Territory on the ground of being prohibited immigrants, the nations to which they belong and where they came, and the grounds on which admission was refused;

(3) Now the *Public Service Ordinance 1922-1940*.

Immigration Ordinance 1932-1940.

- (b) the number of persons who passed the test prescribed by paragraph (a) of sub-section (1.) of section four, the nations to which they belong and whence they came; and
- (c) the number of persons admitted to the Territory without being asked to pass that test, the nations to which they belong and whence they came.

36.—(1.) The Administrator in Council may make regulations,⁽⁴⁾ not inconsistent with this Ordinance, prescribing all matters, which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular for—

- (a) empowering officers to determine whether any person is a prohibited immigrant or an immigrant;
- (b) imposing and regulating charges for certificates granted under this Ordinance or the Regulations;
- (c) prescribing the forms of certificates to be granted under this Ordinance or the Regulations;
- (d) preventing members of the crew of a vessel from beyond the Territory from landing unless they satisfy an officer that they are free from a communicable disease;
- (e) requiring any person who seeks to enter the Territory to fill in and sign a statement in the prescribed form;
- (f) the issue of permits for persons to enter the Territory;
- (g) determining the conditions under which holders of passports may enter the Territory; and
- (h) requiring maintenance guarantees to be given, in such circumstances as the Administrator thinks fit, in relation to persons seeking to enter the Territory and providing for the enforcement of those guarantees.

Regulations.
Sub-section (1) amended by No. 18 of 1938, s. 2.

Paragraph (f) amended by No. 12 of 1940, s. 8.

Paragraph (h) inserted by No. 12 of 1940, s. 8.

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Sub-sections (2) and (3) omitted by No. 18 of 1938, s. 2.

(4) See the *Immigration Regulations*, printed on p. 2485.