



Title.

ANALYSIS

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1951, No. 14

Title.

AN ACT to amend the Immigration Restriction Act 1908.
[26 October 1951

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title and commencement.

1. (1) This Act may be cited as the Immigration Restriction Amendment Act 1951, and shall be read together with and deemed part of the Immigration Restriction Act 1908 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. III, p. 893

(2) This Act shall come into force on the first day of December, nineteen hundred and fifty-one.

Minister of Immigration.

2. (1) Section two of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:—

“ ‘Minister’ means the Minister of Immigration; and includes any person for the time being authorized to exercise or perform any of the Minister’s powers or functions:”.

(2) The principal Act is hereby amended by omitting the words “of Internal Affairs” from paragraph (a) of section thirteen, and from subsections one and three of section twenty-four.

(3) The Second Schedule to the principal Act is hereby amended by omitting from the form numbered (1) the words "Minister of Internal Affairs", and substituting the words "Minister of Immigration".

(4) Sections eight, nine, and thirteen of the Immigration Restriction Amendment Act 1920 are hereby amended by omitting the words "of Customs" wherever they occur after the word "Minister".

See Reprint
of Statutes,
Vol. III, p. 911

3. (1) Section two of the principal Act is hereby amended by adding to the definition of the term "Collector" the words "and includes any officer of the Department of Labour and Employment for the time being authorized by the Minister to exercise or perform any of the powers or functions of the Collector under this Act".

Officers
authorized to
exercise
powers of
officers of
Customs.

(2) Section two of the principal Act is hereby further amended by inserting, after the definition of the term "Minister", the following definition:—

“ ‘ Officer of Customs ’ means any person employed in the Customs Department; and includes any officer of the Department of Labour and Employment for the time being authorized by the Minister to exercise or perform any of the powers or functions of an officer of Customs under this Act:”.

4. (1) Whenever any person is convicted of an offence against section eighteen of the principal Act or against Part I of the Immigration Restriction Amendment Act 1920 the Court shall, in addition to or instead of any penalty that it may impose for the offence, direct that the offender be held in custody subject to the provisions of the next succeeding subsection.

Prohibited
immigrants to
be deported.

(2) Every person convicted of an offence referred to in subsection one of this section or of an offence against subsection four of this section shall be detained in any convenient prison or place of security, and shall at the first available opportunity be placed by any constable on board a ship which is about to leave New Zealand and on which suitable accommodation for that person is available:

Provided that, if he is not previously placed on any such ship, he shall at the expiration of one month after the date of his conviction, or, if he is then serving any

sentence of imprisonment, on his discharge therefrom, be again brought before a Magistrate or any two Justices, who may—

- (a) Direct that he be detained in custody for a further period not exceeding six months, in which event the foregoing provisions of this subsection shall continue to apply to him; or
- (b) Release him on bail for a sum not exceeding two hundred pounds with, if the Court so orders, not more than two sureties for the like amount, and subject to such conditions as to reporting to the police, as to leaving New Zealand, and otherwise as the Court thinks fit to impose; or
- (c) Release him on probation under the Offenders Probation Act 1920 for a period of two years from the date of the conviction, subject to the condition that he leave New Zealand as and when directed by the Probation Officer, and subject also to the conditions set out in section ten of that Act:

See Reprint
of Statutes,
Vol. II, p. 493

Provided also that, where any person who has been directed to be detained in custody for a further period under the foregoing provisions of this subsection is not placed on a ship before the expiration of that period, he shall at the expiration of that period, or, if he is then serving any sentence of imprisonment, on his discharge therefrom, be again brought before a Magistrate or any two Justices, who shall direct that the person be released on bail for a sum not exceeding two hundred pounds on his own recognizance, subject to such conditions as to reporting to the police, as to leaving New Zealand, and otherwise as the Court thinks fit to impose, or that he be released on probation under the Offenders Probation Act 1920 for a period of two years from the date of the conviction, subject to the condition that he leave New Zealand as and when directed by the Probation Officer, and subject also to the conditions set out in section ten of that Act.

(3) Where any person has been released on probation under the provisions of subsection two of this section, the provisions of the Offenders Probation Act 1920 shall, as far as they are applicable and with the necessary modifications, apply to him as if he had been

convicted of an offence within the meaning of that Act and had been released on probation under section seven of that Act.

(4) Every person commits an offence who, having been released on bail or on probation under the provisions of subsection two of this section, fails to comply with any condition of his bail or probationary licence as to reporting to the police or leaving New Zealand, and every person who commits any such offence shall be liable on summary conviction to imprisonment for a term not exceeding three months. The Court by which any person is convicted for an offence against this subsection shall, instead of or in addition to any penalty that it may impose for the offence, direct that he be held in custody subject to the provisions of subsection two of this section.

(5) Any person convicted of an offence referred to in subsection one of this section or of an offence against subsection four of this section, including a person released on bail or on probation under the provisions of subsection two of this section, may at any time within two years after the conviction be taken into custody by any constable without warrant and placed on board any ship which is about to leave New Zealand and on which suitable accommodation for the person is available, and for this purpose may be held in custody without warrant for a period not exceeding fourteen days. Where any person so released on bail or on probation joins or is placed on board any ship and leaves New Zealand thereby at any time before a breach of any condition of the bail bond or probationary licence has been made, or where any person so released on bail or on probation has not left New Zealand within the time prescribed by this subsection and there has been no breach of any condition of his bail bond or probationary licence, the bail bond shall thereupon cease to have any effect, or, as the case may be, he shall be deemed to have been discharged from probation.

(6) Such sum as the Minister considers reasonable may be paid out of moneys to be appropriated by Parliament for the purpose to the owner or agent of the owner of any ship on account of the carriage from New Zealand of any person placed on board that ship pursuant to this section; and if after payment or offer of that sum

the owner, agent, or master of that ship refuses to receive or retain on board that person or the constable in whose custody he is, or connives at or is privy to that person leaving or escaping from the ship, the owner, agent, or master commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(7) Where a person convicted of an offence referred to in subsection one of this section or of an offence against subsection four of this section is convicted (whether before or after the first mentioned conviction) of any other offence and is sentenced to a term of imprisonment, the provisions of this section as to deportation shall, notwithstanding anything in subsection five of this section, continue to apply to him during the period of six months following his discharge from serving his sentence for the last mentioned offence, or during the remainder of the period of two years from the date of his conviction for the first mentioned offence, whichever period is the longer.

(8) Section eighteen of the principal Act is hereby consequentially amended as follows:—

(a) By omitting the words “ and also to be removed from New Zealand, and, pending such removal, to be detained in prison or other safe custody for any period not exceeding six months ”:

(b) By repealing the proviso.

(9) Section eleven of the Immigration Restriction Amendment Act 1920 is hereby consequentially amended by omitting the words “ and may be deported from New Zealand ”.

See Reprint
of Statutes,
Vol. III, p. 914

Evidence.

5. In any proceedings for an offence against section eighteen of the principal Act or against Part I of the Immigration Restriction Amendment Act 1920—

(a) A person who has entered New Zealand shall, in the absence of proof to the contrary, be deemed to be a person who is required by Part I of the Immigration Restriction Amendment Act 1920 to obtain a permit to enter New Zealand:

(b) The production by an officer of Customs of the documents delivered by the master of a ship under paragraph (a) of subsection one of section thirty-one of the Customs Act 1913,

Ibid., p. 911

Ibid., Vol. VII,
p. 108

together with evidence that the ship has subsequently departed from New Zealand, shall, in the absence of proof to the contrary, be sufficient evidence that any person who is in New Zealand, and who bears a name that appears in the list of passengers or crew in those documents, has entered New Zealand from that ship:

- (c) Where a person who is in New Zealand has suffered imprisonment as mentioned in paragraph (d) of subsection one of section fourteen of the principal Act, he shall, in the absence of proof to the contrary, be deemed to have arrived in New Zealand earlier than two years after the termination of that imprisonment.

6. Every person who commits an offence against the principal Act (including any amendment thereof) for which no other penalty is provided shall be liable on summary conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both.

Penalty for offences.