

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*14th August, 1946.*

*Hon. Mr. Parry*

## PASSPORTS

### ANALYSIS

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### A BILL INTITULED

AN ACT to make Provision for the Issue of Passports in New Zealand and by New Zealand Representatives Overseas, and for the Production of Passports by Persons arriving in New Zealand from Overseas. Title.

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

1. This Act may be cited as the Passports Act, 1946. Short Title.

Interpretation.

2. In this Act, unless the context otherwise requires,—

- “British passport” means a passport issued by or on behalf of the Government of any part of His Majesty’s dominions: 5
- “British protected person” means a person who belongs to a British protectorate, protected State, or mandated territory, or to any trust territory in respect of which the Government of any part of His Majesty’s dominions is designated as administering authority (either alone or together with any other State) in accordance with Article 81 of the Charter of the United Nations, and who enjoys the protection of His Majesty: 10 15
- “British subject” includes a person who in New Zealand is entitled to all political and other rights, powers, and privileges to which a natural-born British subject is entitled: 15
- “Minister” means the Minister of Internal Affairs: 20
- “Officer” means any officer of the Department of Internal Affairs; and includes any officer of Customs, or constable; and also includes any other person authorized by the Minister to exercise the powers conferred on officers by this Act: 25
- “Overseas representative” means a diplomatic representative for New Zealand or a representative of the Government of New Zealand in any other country; and includes a High Commissioner or a Trade Commissioner for New Zealand in any other country: 30
- “Passport” means a document which is issued by or on behalf of the Government of any country, and which purports to establish the identity and nationality of the holder: 35
- “Prescribed” means prescribed by this Act, or by regulations under this Act, or by the Minister. 40

*Issue of Passports*

3. (1) The Minister, or any officer authorized by him in that behalf, may issue passports in New Zealand to British subjects or British protected persons.
- 5 (2) Every such passport shall be issued in the name of the Governor-General, and shall be in the prescribed form.
- (3) A passport issued in New Zealand may be cancelled by the Minister, or by an officer authorized
- 10 by him in that behalf, and the passport shall thereupon become void.
4. (1) The Minister, or any officer authorized by him in that behalf, may renew and endorse British passports, and grant *visas* on any passports requiring
- 15 British *visas*.
- (2) Any such renewal, endorsement, or *visa* made or granted pursuant to this Act may be cancelled by the Minister, or by an officer authorized by him in that behalf, and thereupon the renewal, endorsement, or
- 20 *visa* shall be void.
5. Every person commits an offence against this Act who, for the purpose of obtaining a passport, or a renewal, endorsement, or *visa* in respect of a passport, knowingly makes any false representation or any
- 25 statement that is false in a material particular.
6. (1) The Minister or any officer may take and retain possession of any British passport in any case where he has good reason to believe that the passport is in the wrongful possession of any person, or that the
- 30 passport, or a renewal, endorsement, or *visa* in respect of the passport, has been obtained by means of any false representation or of any statement that is false in a material particular.
- (2) Any person having in his possession or under his control any such passport shall, on demand by an
- 35 officer, forthwith deliver it to the officer.
- (3) Any person who fails without reasonable excuse so to deliver any such passport upon demand commits an offence against this Act.
- 40 7. The Minister, or any officer authorized by him in that behalf, may issue certificates of identity or other travel documents, in such form as may be prescribed.

Issue of passports in New Zealand. Cf. 1938, No. 15, s. 7 (Aust.)

Power to renew and endorse British passports, and grant *visas*.

Offence to obtain passport, &c., by false representation.

Power to take possession of certain passports.

Power to issue certificates of identity.

Minister may authorize issue of passports by New Zealand representatives overseas.

8. (1) The Minister may from time to time, by writing under his hand, authorize any overseas representative in any other country to exercise in that country all or any of the powers and functions that the Minister is authorized by this Act to exercise in New Zealand, and in every such case the provisions of this Act shall, so far as they are applicable and with the necessary modifications, apply accordingly. 5

(2) In the exercise of any such powers or functions every overseas representative shall act in accordance with all directions, general or special, given to him by the Minister. 10

(3) Any authority or directions under this section may be given to a specified person or to persons of a specified class, or may be given to the holder or holders for the time being of a specified office or appointment or class of offices or appointments. 15

Saving of passports issued, &c.

9. All passports and all renewals, endorsements, and *visas* in respect of passports, issued, made, or granted in New Zealand or by any New Zealand representative in any other country before the commencement of this Act, and generally all acts of authority in relation to any such passports, renewals, endorsements, or *visas*, which are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. 20 25

*Production of Passports by Persons arriving in New Zealand* 30

Governor-General in Council may make regulations requiring the production of passports by persons arriving in New Zealand from overseas.

10. (1) The Governor-General may from time to time, by Order in Council, make regulations—

(a) Requiring the production of passports by persons arriving in New Zealand from overseas: 35

(b) Requiring that any passport so produced shall comply with any conditions as to form or contents, or date of issue, or *visas*:

(c) Exempting, either conditionally or unconditionally, or upon or subject to such conditions as may be prescribed, any persons or specified classes of persons from the requirement to produce passports or from any requirement in relation to any passport produced.

(2) Every person who, being required by regulations under this section to produce on arrival in New Zealand a passport complying with those regulations, lands in New Zealand without complying with that requirement commits an offence against this Act.

(3) Nothing in the *last preceding* subsection shall apply with respect to any person who, being required by regulations under this section to produce a passport complying with those regulations on arrival in New Zealand, lands in New Zealand without such a passport, but with the sanction of the Minister or of an officer authorized by him in that behalf, if and so long as that person conforms to the conditions (if any) attached by the Minister or officer to the authority to land in New Zealand.

(4) Every person convicted of an offence under the foregoing provisions of this section shall be deemed for all purposes to be a prohibited immigrant within the meaning of Part II of the Immigration Restriction Act, 1908.

See Reprint of Statutes, Vol. III, p. 896

11. (1) Any person who is required by regulations under this Act to produce a passport on arrival in New Zealand shall, if required, deliver his passport to an officer before leaving the vessel or aircraft in which he enters the country.

Power to order passport to be delivered.

(2) If any such person is allowed to retain his passport, he shall, if required by an officer at any time, deliver it to the officer.

Cf. 1938, No. 15, s. 9 (2) (Aust.)

(3) Any passport delivered to an officer in accordance with the provisions of this section may, subject to any direction of the Minister, be retained by the officer or be returned to the person who delivered it, as the officer thinks fit.

(4) Any person who fails without reasonable excuse to deliver his passport as and when required in accordance with the provisions of this section commits an offence against this Act.

*Miscellaneous*

- Regulations. **12.** (1) The Governor-General may from time to time, by Order in Council, make regulations for any purpose for which regulations are contemplated by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. **5**
- (2) All regulations made under this section shall be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session. **10**
- Fees. **13.** Such fees as may be prescribed shall be payable in respect of the issue of passports and in respect of any other matters arising out of this Act. **15**
- Penalty for offences. **14.** (1) Every person who commits an offence against this Act shall be liable on summary conviction to a fine not exceeding *one hundred* pounds or to imprisonment for a term not exceeding *three* months. **20**
- (2) Section fifty of the Justices of the Peace Act, 1927, shall not apply with respect to any prosecution for an offence against this Act.
- See Reprint of Statutes, Vol. II, p. 365
- Repeal and saving of existing regulations. 1934, No. 7  
Serial numbers 1939/135, 1941/8
- 15.** (1) The Passports Act, 1934, is hereby repealed. **25**
- (2) The Passport Emergency Regulations 1939, and the Passport Emergency Regulations 1939, Amendment No. 1, shall, unless sooner revoked, continue in force until regulations made under the authority of this Act come into force, and shall then be deemed to be revoked.