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UNDESIRABLE IMMIGRANTS EXCLUSION BILL.

EXPLANATORY MEMORANDUM.

THE object of this Bill is to control the entry into New Zealand of Germans, Austrians, and other persons.

Clause 3 : This clause requires every person landing in New Zealand to furnish to an officer of Customs the particulars referred to in the Schedule to the Bill. The clause is practically a continuance of regulations now in force under the War Regulations Act.

Clause 4 : This clause prohibits the landing in New Zealand of any German or Austrian without the prior authority of the Attorney-General.

Clause 5 : This clause empowers the Attorney-General to prohibit any person (not being a person permanently resident in New Zealand) from landing in New Zealand if he is satisfied that such person is disaffected or disloyal or that his presence in New Zealand would be injurious to peace, order, and good-government.

Clause 6 : This clause enables the Attorney-General, acting by the direction of the Governor-General in Council, to deport certain persons from New Zealand.

Clause 7 : This clause provides for the arrest and detention of persons proposed to be deported, pending deportation.

Clause 8 : This clause makes it an offence for any person who has been deported from New Zealand to return to New Zealand without the authority of the Attorney-General.

Clause 9 : This clause provides for the cost of deportation being paid out of the Consolidated Fund.

Clause 10 : This clause provides that any orders made under the Act may be in like manner revoked.

Clause 11 : This clause enables any officer of Customs or Police to detain temporarily any person proposing to land in New Zealand until the will of the Attorney-General with respect to him is known.

Clause 12 : This clause prescribes penalties for offences against the Act.

Clause 13 : This clause excludes the operation of section 49 of the Justices of the Peace Act, 1908 (limiting the time within which prosecutions for offences must be commenced).

Clause 14 : This clause extends the Act to the Cook Islands.

Clause 15 : This clause is merely declaratory of the fact that the Immigration Restriction Act is not affected by the present measure.

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.

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House of Representatives,
1st November, 1919.

Right Hon. Mr. Massey.

UNDESIRABLE IMMIGRANTS EXCLUSION.

ANALYSIS.

1. Short Title and commencement.	7. Attorney-General may order arrest of person proposed to be deported. Provision as to detention pending deportation.
2. Interpretation.	8. Persons deported from New Zealand not entitled to return without permission.
3. Declarations required from persons arriving in New Zealand. Exemptions. Offences under this section.	9. Costs of deportation.
4. Germans or Austrians not to land in New Zealand without license of the Attorney-General.	10. Attorney-General may revoke orders under this Act.
5. Attorney-General may prohibit the landing in New Zealand of undesirable persons.	11. Officer of Customs or of police may issue temporary order prohibiting person from landing in New Zealand.
6. Attorney-General, acting by direction of Governor-General in Council, may order disaffected or disloyal persons to leave New Zealand.	12. Penalty for offences against this Act.
	13. Certain provisions of Justices of the Peace Act, 1908, not to apply.
	14. Act to apply within the Cook Islands.
	15. Immigration Restriction Act, 1908, not affected by this Act.
	Schedule.

A BILL INTITULED

AN ACT to prevent the Entry into New Zealand of Undesirable Immigrants. 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 Undesirable Immigrants Exclusion Act, 1919, and shall come into operation on the first day of January, nineteen hundred and *twenty*. Short Title and commencement.
- 10 2. In this Act— Interpretation.
“Officer of Customs” means any person employed in the service of the Customs Department of the Executive Government of New Zealand;
“Officer of police” means any member of the Police Force of New Zealand.
- 15 3. (1.) Save with the authority of the Attorney-General, no person shall land in New Zealand from any place beyond the seas unless and until he has made and delivered to an officer of Customs a declaration in the form in the Schedule hereto. Declarations required from persons arriving in New Zealand.
- 20 (2.) The *last preceding* subsection shall not apply— Exemptions.
(a.) To a child under the age of fifteen years; or

(b.) To a person arriving in New Zealand as the master or a member of the crew of the vessel in which he arrives.

(3.) Any person who arrives in New Zealand from any place beyond the seas as the master or a member of the crew of any vessel may thereupon, or at any time thereafter, whether before or after he has landed from that vessel, be required by any officer of Customs or of police to make and deliver to that officer a declaration in the form in the Schedule hereto. 5

Offences under this section.

(4.) Every person commits an offence against this Act and shall be liable accordingly who— 10

(a.) Being required by this section to make and deliver a declaration before landing in New Zealand, lands in New Zealand without having made and delivered such declaration; or

(b.) Being required by an officer of Customs or of police to make and deliver a declaration pursuant to this section, refuses or fails to make and deliver the same accordingly; or 15

(c.) Makes any declaration under this section which is in any respect wilfully false or misleading.

Germans or Austrians not to land in New Zealand without license of the Attorney-General.

4. (1.) No person who has at any time been a subject of the State of Germany or of Austria-Hungary as those States existed on the fourth day of August, nineteen hundred and fourteen (being the date of the commencement of the war with Germany), and no alien born in any place which on that date was within the limits of the German Empire in Europe or within the limits of the monarchy of Austria-Hungary, shall land in New Zealand without a license in that behalf issued by the Attorney-General. 20 25

(2.) For the purposes of this section no person being the master or a member of the crew of any vessel arriving in New Zealand from beyond the seas shall be deemed to have landed in New Zealand if he leaves New Zealand with that vessel within one month after arrival in New Zealand or within such extended time as the Attorney-General may allow in that behalf. 30

(3.) In any prosecution for an offence against this section the burden of proving that the accused is not a person to whom this section applies shall lie on the accused. 35

(4.) In any prosecution for an offence against this section the Court may admit such evidence as it thinks fit, whether such evidence would be legally admissible in other proceedings or not.

(5.) This section shall not apply to an alien who at the time when he arrives in New Zealand is already domiciled there and has not been absent therefrom for a longer period than two years. 40

Attorney-General may prohibit the landing in New Zealand of undesirable persons.

5. (1.) When the Attorney-General is satisfied that any person is not permanently resident in New Zealand and is disaffected or disloyal, or of such a character that his presence in New Zealand would be injurious to the peace, order, and good government of that Dominion, and that such person is about to arrive or land in New Zealand from parts beyond the seas, the Attorney-General may, by order signed by him, prohibit that person from landing in New Zealand. 45 50

(2.) If the person against whom such order has been made lands in New Zealand with knowledge of the fact that the order has been made against him, he shall be guilty of an offence against this Act and shall be liable accordingly.

(3.) Any person who is found on shore in New Zealand at any time after an order has been so made against him may be arrested without warrant by any constable and placed and detained on board the ship by which he arrived in New Zealand or on board any other
5 ship belonging to the same owner and about to leave New Zealand, and may, pending his removal to such ship, be detained in such custody and in such place as the Attorney-General may direct.

(4.) If the owner, charterer, or master of any such ship having knowledge of the making of such order refuses to permit the person
10 against whom the order is made to remain on board the ship in obedience to the order or refuses to receive that person on board the ship when brought thereto in custody in accordance with this Act, or connives at or is privy to the escape of that person from the ship, such owner, charterer, or master shall be guilty of an offence against
15 this Act and shall be liable accordingly.

6. (1.) The Attorney-General, if so directed by the Governor-General in Council, may, by order signed by him, order any person to leave New Zealand in any of the cases following, that is to say:—

Attorney-General, acting by direction of Governor-General in Council, may order disaffected or disloyal persons to leave New Zealand

(a.) If he is satisfied that such person is disaffected, disloyal, or
20 likely to be a source of danger to the peace, order, and good government of New Zealand and that he is not permanently resident in New Zealand, or has not, at the date of the order, been permanently resident in New Zealand for at least twelve months; or

(b.) If he is satisfied that such person is an alien born in any
25 place which on the fourth day of August, nineteen hundred and fourteen, was within the limits of the German Empire in Europe or within the limits of the monarchy of Austria-Hungary, and further that he is disaffected, disloyal, or likely to be a source of danger
30 to the peace, order, and good government of New Zealand; or

(c.) If such person has been convicted of the offence of landing
in New Zealand in breach of section *four* of this Act; or

(d.) If such person has landed in New Zealand by the license
35 of the Attorney-General under section *four* of this Act, and the Attorney-General is satisfied that in the public interest such person should not be permitted to remain longer in New Zealand.

(2.) If any person remains in New Zealand for twenty-eight
40 days after the day on which such an order or a copy or duplicate thereof is served on him, he shall be guilty of an offence against this Act and shall be liable accordingly.

7. (1.) When the Attorney-General, in pursuance of the
45 authority conferred on him by this Act, has ordered any person to leave New Zealand, he may, by the same or any subsequent order, if he thinks such a course necessary in the public interest, and whether default has yet been made in obedience to the order or not, authorize the arrest of that person and his deportation from
50 New Zealand on a vessel named by the Attorney-General and about

Attorney-General may order arrest of person proposed to be deported.

to leave New Zealand, and thereupon any constable may without warrant arrest that person and place him on board that vessel, and detain him there until the vessel has left New Zealand.

Provision as to detention pending deportation.

(2.) When any person ordered to leave New Zealand has been so arrested, he may, pending his deportation from New Zealand, be detained in such custody as the Attorney-General may direct. 5

Persons deported from New Zealand not entitled to return without permission.

8. No person ordered to leave New Zealand as aforesaid shall at any time after compliance with the order, or after having been placed on board any vessel as aforesaid, return to or land in New Zealand without the permission in writing of the Attorney-General, and every person who so returns or lands shall be guilty of an offence against this Act. 10

Costs of deportation.

9. Such sum as the Attorney-General considers reasonable may be paid out of the Consolidated Fund, without further appropriation than this Act, to the owner, charterer, or master of any vessel on account of the carriage from New Zealand of any person so ordered to leave New Zealand and placed on board that vessel under arrest, and if after payment or offer of that sum the owner, charterer, or master of that vessel refuses to receive or retain on board the person so arrested or the officer in whose custody he is, or connives at or is privy to the escape from the ship of any person so ordered to leave New Zealand, he commits an offence against this Act and shall be liable accordingly. 20

Attorney-General may revoke orders under this Act.

10. (1.) An order made by the Attorney-General under this Act may at any time be revoked by him. 25

(2.) The revocation of any such order shall not operate so as to render unlawful anything theretofore done pursuant to the order, or anything that may be thereafter done by any person in intended pursuance of the order without notice of its revocation.

Officer of Customs or of police may issue temporary order prohibiting person from landing in New Zealand.

11. (1.) If an officer of Customs or of police has reason to believe or suspect that any person arriving in New Zealand from beyond the seas is a person whose landing in New Zealand is prohibited by this Act, or whose intention to land in New Zealand should be communicated to the Attorney-General for the purposes of this Act, such officer may, by order signed by him, temporarily prohibit that person from landing in New Zealand. 35

(2.) Every such order shall, unless sooner revoked, expire in forty-eight hours after the day on which it was signed.

(3.) Every person who, with knowledge that such an order has been made against him, lands in New Zealand while the order remains in force, commits an offence against this Act and shall be liable accordingly. 40

Penalty for offences against this Act.

12. Every person who commits, or attempts to commit, or does any act with intent to commit, or counsels, procures, aids, abets, or incites any other person to commit, or conspires with any other person (whether in New Zealand or elsewhere) to commit, an offence against this Act shall be liable on summary conviction before a Stipendiary Magistrate to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds. 45

Certain provisions of Justices of the Peace Act, 1908, not to apply.

13. Section forty-nine and section one hundred and twenty-two of the Justices of the Peace Act, 1908, shall have no application to a prosecution under this Act. 50

14. (1.) This Act shall be in force in the Cook Islands.

Act to apply within the Cook Islands.

(2.) In the application of this Act to the Cook Islands—

(a.) All references to the Attorney-General shall be deemed to be references to the Resident Commissioner of Niue, in respect of the Island of Niue, and to the Resident Commissioner of Rarotonga, in respect of the Cook Islands other than Niue; and

(b.) All references to an officer of Customs or of police shall be deemed to be references to an officer of Customs or a European officer of police in the Cook Islands Public Service.

15. This Act is in addition to and not in substitution for any of the provisions of the Immigration Restriction Act, 1908, and its amendments.

Immigration Restriction Act, 1908, not affected by this Act.

SCHEDULE.

Schedule.

UNDESIRABLE IMMIGRANTS EXCLUSION ACT, 1919.

Section 3.

Declaration to be made by Persons arriving in New Zealand.

1. What is your name?
2. What is your occupation?
3. What is your usual place of residence?
4. Are you a permanent resident in New Zealand returning thereto after not more than twelve months' absence?

[N.B.—If the last preceding question is answered in the affirmative the following questions need not be answered.]

5. In what country were you born?
6. What is your age?
7. What are the names of your parents?
Father:
Mother:
8. In what country were your parents born?
Father:
Mother:
9. Are you a British subject?
If so, are you—
(a.) A natural-born British subject?
or
(b.) A naturalized British subject?
10. If you are a naturalized British subject,—
(a.) When and where were you naturalized?
(b.) What was your former nationality?
11. If you are not a British subject, what is your nationality?
12. Do you intend to become permanently resident in New Zealand?
13. If not, what is the date of your intended departure from New Zealand?
14. What is your purpose in coming to New Zealand?

I do solemnly declare that the above answers made by me to the above questions are true.

[Signature] :

Declared at this day of , 19 , before me—

....., { Officer of Customs [or
Officer of Police].