

Act No. 6, 1903.

An Act to prevent the Influx of Criminals into New South Wales, and to prevent certain Criminals from remaining in or returning to the said State. [3rd October, 1903.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

Short title.

1. This Act may be cited as the "Influx of Criminals Prevention Act, 1903," and shall commence and take effect on the first day of December, one thousand nine hundred and three.

Influ.v of Criminals Prevention.

2. In this Act—

Interpretation.

“Justice” means justice of the peace.

“State” means State of the Commonwealth of Australia.

“Vessel” includes every description of ship or boat.

Prohibition as to criminals.

3. If any person (other than a person who has been resident in New South Wales at or prior to the commencement of this Act), has before or after such commencement, been convicted in any other State—

Persons convicted in other States coming into New South Wales guilty of offence.

- (a) of an offence against the Immigration Restriction Act, 1901, of the Commonwealth, by reason of his being a prohibited immigrant within the definition in section three, subsection (e) or (f) of that Act, and being found within the Commonwealth in contravention or evasion of subsection (e) or (f) of that Act; or
- (b) of an offence for which in such State he was liable to suffer death, or to be imprisoned for one year or longer;

and if before the lapse of three years after the termination of any imprisonment suffered by him in respect of any such offence, such person comes into New South Wales, he shall be guilty of an offence against this Act.

4. If any master or other person commanding any vessel brings in such vessel to any port or place in New South Wales any person who to his knowledge has been convicted in any other State of any offence mentioned in subsection (b) of the last preceding section, and has within three years prior to the arrival of such vessel at such port or place been released from any imprisonment suffered in respect of such offence, he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding six months, or to both such penalty and imprisonment.

Master liable if persons improperly brought to New South Wales.

5. If any person having been convicted of an offence against this Act, and not having been discharged upon recognizance under this Act, remains in New South Wales for a period of one month after the termination of any imprisonment suffered in respect of such offence, or having left returns to New South Wales within three years after the termination of such imprisonment, he shall be guilty of an offence against this Act.

Persons convicted of offence against this Act and imprisoned to leave New South Wales.

6. If any person having been convicted of an offence against this Act, and having been discharged upon recognizance under this Act, commits a breach of such recognizance, he shall be guilty of an offence against this Act, and the convicting justices shall forfeit the recognizance entered into by the offender and his sureties.

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Penalty for harbouring.

7. If any person harbours or conceals any person whom he knows or believes to be guilty of an offence against this Act, he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any term not exceeding twelve months.

Punishment.

Punishment for offence against this Act.

8. Any person guilty of an offence against this Act shall be liable to imprisonment for a term not exceeding twelve months, and, in addition to or substitution for such imprisonment, shall be liable to be deported from New South Wales upon the order in that behalf of the Minister:

Provided that any such person may be released from any imprisonment imposed under this section—

- (a) for the purposes of the deportation of the offender; or
- (b) upon the offender entering into a recognizance in the sum of fifty pounds, with two approved sureties, each in a like sum, conditioned that he will leave New South Wales within seven days after his release, and not return to New South Wales within three years after the date of his release; or
- (c) upon the offender entering into a recognizance in the sum of two hundred pounds, with two approved sureties, each in a like sum, conditioned that he will be of good behaviour for a period of five years from the date of his release.

Apprehension and search warrants.

Power to grant search warrant.

9. Any justice before whom information on oath has been laid that any person is guilty of an offence against this Act and that such person is on board any vessel or is harboured or concealed in any house or other place may grant a general warrant to any constable to search for such person.

Any constable may by virtue of such warrant enter and search, by day or by night, any vessel on board of which such person may be suspected to be, or any dwelling-house, building, or other place wherein such person may be suspected to be harboured or concealed, and apprehend any person whom such constable has reasonable cause to suspect to be guilty of an offence against this Act, and may also apprehend any person found on board such vessel or in or about such dwelling-house, building, or place whom such constable has reasonable grounds to suspect and believe to have knowingly harboured or concealed any such suspected person.

All persons apprehended as aforesaid shall be forthwith taken before justices to be dealt with as in this Act provided.

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10. Any person apprehended on suspicion of being guilty of an offence against this Act may be discharged out of custody by any justice upon his entering into a recognizance, with or without sureties and in such several sums as such justice directs, conditioned that such person shall appear at the time and place named in such recognizance.

11. All property found upon or in the possession of any person so apprehended shall be seized and detained; and in the event of his being convicted and sentenced under this Act may, in the discretion of the convicting justices, be forfeited and sold.

Supplemental.

12. All penalties, and the proceeds of the sale of any property forfeited under this Act, shall be paid into the police reward fund, except such portion thereof, not exceeding one-half, as the convicting justices may award to the informer.

13. A certificate signed by the Inspector-General or other head or acting head of the police force of any State other than New South Wales, setting forth the name or names by which a person previously convicted in such State is known, together with a description of such person, the fact that he was so convicted, and—

- (1) the date on which;
- (2) the place where;
- (3) the offence for which;
- (4) the term of imprisonment to which

such person was so convicted or sentenced, shall be admissible in any legal proceeding taken against a person accused of an offence against this Act as *prima facie* evidence of the facts stated in such certificate, and that such accused was the person convicted and sentenced as therein set forth, and such certificate shall be deemed an official document for the purpose of section fifteen of the Evidence Act, 1898.