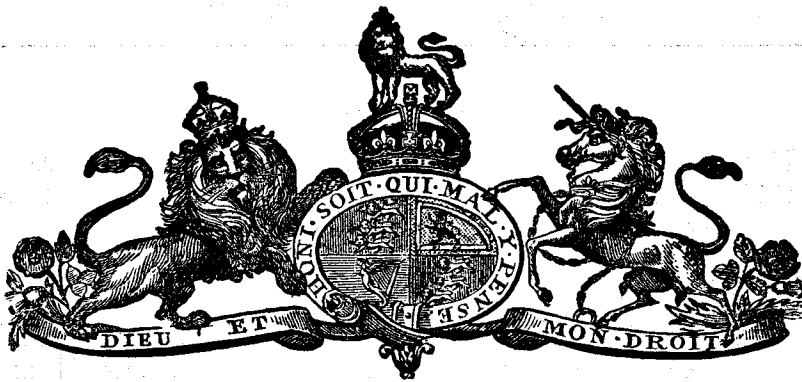


TASMANIA



1909.

ANNO NONO

EDWARDI VII. REGIS,

No. 34.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. Persons convicted in other States coming into this State guilty of offence. 4. Master liable if persons improperly brought to this State. 5. Persons convicted of offence against this Act and imprisoned to leave this State. 6. Persons so convicted and discharged on recognizance committing breach of recognizance. | <ol style="list-style-type: none"> 7. Penalty for harbouring. 8. Punishment for offence against this Act. 9. Apprehension without warrant. Power to grant search warrant. 10. Persons arrested on suspicion to be allowed bail. 11. Forfeiture of property. 12. Application of penalties and forfeitures. 13. Evidence of previous conviction. 14. Offences to be dealt with summarily. |
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AN ACT to prevent the Influx of Criminals into *Tasmania*, and to prevent certain Criminals from remaining in or returning to the said State. [22 December, 1909.]

A.D. 1909.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

6d.]

Influx of Criminals Prevention.

A.D. 1909.

Preliminary.

Short title.

1 This Act may be cited as "The Influx of Criminals Prevention Act, 1909," and shall commence and take effect on the First day of *January*, One thousand nine hundred and ten.

Interpretation.
Cf. 3 Ed. VII.
No. 6, s. 2
(N.S.W.).
Cf. 5 Ed. VII.
No. 24, s. 2
(Q.).

2 In this Act—

"Other State" means State of the Commonwealth of *Australia*, not being the State of *Tasmania* and its Dependencies:

"Vessel" includes every description of ship or boat.

Prohibition as to Criminals.

Persons convicted
in other States
coming into this
State guilty of
offence.
N.S.W., s. 3.
Q., s. 3.

3 If any person, other than a person who has been resident in this State at or prior to the commencement of this Act—

i. Has, before or after the commencement of this Act, been convicted in any other State, or in any place beyond the limits of this State—

(a) Of an offence against the Commonwealth Act, intituled "The Immigration Restriction Act, 1901," 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 the said Subsection (*e*) or (*f*);
or

(b) On Two or more occasions of an offence for which in such other State or place he was liable to suffer death, or to be imprisoned for One year or longer:

and—

n. Comes into this State before the lapse of Three years after the termination of any imprisonment suffered by him, or of any term of release on probation or of recognizance or suretyship to be of good behaviour in respect of any such offence—

he shall be guilty of an offence against this Act.

Master liable if
persons im-
properly brought
to this State.
N.S.W., s. 4.
Q., s. 4.

4 If any master or other person commanding any vessel brings in such vessel to any port or place in this State any person who, to his knowledge, has been convicted in any other State, or in any place beyond the limits of this State, of any offence mentioned in paragraph (*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, on summary conviction, to a penalty not exceeding One

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hundred Pounds, or to imprisonment for any term not exceeding Six months, or to both such penalty and imprisonment. A.D. 1909.

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 this State for a period of One month after the termination of any imprisonment suffered in respect of such offence, or having left returns to this State 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 this State. N.S.W., s. 5. Q., s. 5.

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 police magistrate or justices shall forfeit the recognizance entered into by the offender and his sureties. Persons so convicted and discharged on recognizance committing breach of recognizance. N.S.W., s. 6. Q., s. 6.

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, on summary conviction, to a penalty not exceeding One hundred Pounds, or to imprisonment for any term not exceeding Twelve months. Penalty for harbouring. N.S.W., s. 7. Q., s. 7.

Punishment.

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 this State upon the order in that behalf of the Minister Provided that any such offender may be released from any imprisonment imposed under this section— Punishment for offence against this Act. N.S.W., s. 8. Q., s. 8.

- I. For the purposes of the deportation of the offender : or
- II. 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 this State within Seven days after his release, and not return to this State within Three years after the date of his release : or
- III. 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.

9—(1.) Any constable may, without any warrant other than this Act, apprehend any person whom he has reasonable cause to suspect to be guilty of an offence against this Act. Apprehension without warrant. Q., s. 9, ss. (1.).

Influx of Criminals Prevention.

A.D. 1909.

Power to grant
search warrant.
N.S.W., s. 9.
Q., s. 9.

(2.) 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.

(3.) All persons apprehended as aforesaid shall be forthwith taken before a police magistrate or justices to be dealt with as in this Act provided.

Persons arrested
on suspicion to be
allowed bail.
N.S.W., s. 10.
Q., s. 10.

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 the justice directs, conditioned that such person shall appear at the time and place named in the recognizance.

Forfeiture of
property.
N.S.W., s. 11.
Q., s. 11.

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 magistrate or justices, be forfeited and sold.

Supplemental.

Application of
penalties and
forfeitures.
N.S.W., s. 12.
Q., s. 12.

12 All penalties, and the proceeds of the sale of any property forfeited under this Act, shall be paid into the Police Provident Fund, except such portion thereof, not exceeding One-half, as the convicting magistrate or justices may award to the informer.

Evidence of
previous conviction.
N.S.W., s. 13.
Q., s. 13.

13 A certificate signed by the commissioner or other head or acting head of the police force of any other State or place beyond the limits of this State, setting forth—

- i. The name or names by which a person previously convicted in such State or place is known;
- ii. A description of such person;
- iii. The fact that he was so convicted; and
- iv. The date on which, the place where, the offence for which, and 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

Influx of Criminals Prevention.

facts stated in such certificate, and that such accused person was the person convicted and sentenced as therein set forth, and no proof shall be required of the signature or official position of the person appearing to have signed such certificate. A.D. 1909.

14 All informations for offences against this Act, and all penalties imposed by this Act, shall be heard, determined, and recovered in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act." Offences to be dealt with summarily. 19 Vict. No. 8.

