

5 EDW. VII. No. 24, 1905. *Influx of Criminals Prevention Act.*

CRIMINAL LAW.

An Act to Prevent the Influx of Criminals into Queensland, and to Prevent certain Criminals from remaining in or returning to the said State.

5 EDW. VII.
No. 24.
THE INFLUX
OF CRIMINALS
PREVENTION
ACT OF 1905.

[ASSENTED TO 20TH DECEMBER, 1905.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Influx of Criminals Prevention Act of 1905*," and shall commence and take effect on and from the first day of January, one thousand nine hundred and six.

Short title and commencement of Act.

2. In this Act—

"Minister" means the Chief Secretary or other Minister of the Crown charged for the time being with the administration of this Act;

Interpretation
N.S.W., 1903,
s. 2.

"Justice" means justice of the peace;

"State" means State of the Commonwealth of Australia;

"Vessel" includes every description of ship or boat.

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

Persons convicted in other States coming into Queensland guilty of offence.
N.S.W., 1903,
s. 3.

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

(a) Of an offence against the Act of the Commonwealth 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) Of an offence for which in such State or place he was liable to suffer death or to be imprisoned for one year or longer;

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and

- (ii.) Comes into Queensland 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 person improperly brought to Queensland. N.S.W., 1903, s. 4.

4. If any master or other person commanding any vessel brings in such vessel to any port or place in Queensland any person who, to his knowledge, has been convicted in any other State or place beyond the limits of Queensland 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 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.

Offender convicted and imprisoned to leave Queensland. N.S.W., 1903, s. 5.

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 Queensland for one month after the termination of any imprisonment suffered in respect of such offence, or having left returns to Queensland within three years after the termination of such imprisonment, he shall be guilty of an offence against this Act.

Offender convicted and discharged on recognizance committing breach thereof. N.S.W., 1903, s. 6.

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.

Penalty for harbouring. N.S.W., 1903, s. 7.

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 for offence against this Act. N.S.W., 1903, s. 8.

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

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Provided that any such offender 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 Queensland within seven days after his release, and not return to Queensland 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.

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.

(2.) Any justice before whom complaint 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. Power to grant search warrant. N.S.W., 1903, s. 9.

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 justices to be dealt with as in this Act provided.

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Persons
arrested on
suspicion to
be allowed
bail.
N.S.W., 1903,
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 such justice directs, conditioned that such person shall appear at the time and place named in such recognizance.

Forfeiture of
property.
N.S.W., 1903,
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 justices, be forfeited and sold.

Application of
penalties and
forfeitures.
N.S.W., 1903,
s. 12.

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.

Evidence of
previous
conviction.
N.S.W., 1903,
s. 13.

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

- (a) The name or names by which a person previously convicted in such State or place is known ;
- (b) A description of such person ;
- (c) The fact that he was so convicted ; and
- (d) 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 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 forty-two of the "*Evidence and Discovery Act of 1867.*"*

* 31 Vic. No. 13, *supra*, page 707.