

Immigration Amendment Act 1968

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An Act to amend the Immigration Act 1964

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

1 Short Title

This Act may be cited as the Immigration Amendment Act 1968, and shall be read together with and deemed part of the Immigration Act 1964 (hereinafter referred to as the principal Act).

2 Repeal of enactment relating to transhipment of prohibited immigrants

The principal Act is hereby amended by repealing section 7.

3 Offence to obtain permit by false representation

The principal Act is hereby further amended by repealing section 16, and substituting the following section:

“16.

- “(1) Every person commits an offence against this Act who, for the purpose of obtaining a permit to enter New Zealand (either for himself or for any other person) —
- “(a) Makes any declaration or representation which to his knowledge is false or misleading in a material particular; or
 - “(b) Utters, produces, or makes use of any such declaration or representation, or any document containing any such declaration or representation; or
 - “(c) Utters, produces, or makes use of any document knowing that it is not genuine.
- “(2) In this section ‘representation’ means a representation—
- “(a) Of a matter of fact, either present or past; or
 - “(b) About a future event; or
 - “(c) About an existing intention, opinion, belief, knowledge, or other state of mind.”

4 Persons convicted of offences after arrival in New Zealand

Section 22 of the principal Act is hereby amended by omitting from subsection (1) the words “(being a British subject who is not a New Zealand citizen)”, and substituting the words “(being neither a New Zealand citizen nor an alien within the meaning of section 2 of the Aliens Act 1948)”.

5 Powers of Immigration Officers and constables

The principal Act is hereby further amended by inserting, after section 33, the following section:

“33a.

- “(1) Where any Immigration Officer or constable has good cause to suspect that any person has committed an offence against paragraph (a) of subsection (1) of section 5 or subsection (5) of section 22 or any provision of Part II of this Act, the officer or constable may require that person to do all or any of the following things:
- “(a) Produce his passport (if any):
 - “(b) Produce his permit to enter New Zealand (if any):
 - “(c) Produce documentary or other evidence of his identity.
- “(2) If any such person refuses or, without reasonable excuse, fails to comply with any such requirement, the officer or constable shall warn the person that, if he persists in the refusal or failure to comply, he may be charged with having committed an offence against subsection (4) of this section.
- “(3) If, after being warned in accordance with subsection (2) of this section,—

“(a) The person continues to persist in his refusal or failure to comply and the officer or constable believes on reasonable grounds that the person has committed one of the offences specified in subsection (1) of this section; or

“(b) Notwithstanding that the person has complied with the requirements of any such officer or constable under this section, the officer or constable believes on reasonable grounds that the person has committed any such offence,—

the constable, or, in any case where only an officer is present, any constable called by the officer to assist him, may, without warrant, arrest the person, whereupon the provisions of section 316 of the Crimes Act 1961, so far as they relate to the arrest of persons without warrant, shall apply.

“(4) Every person commits an offence, and is liable to a fine not exceeding two hundred dollars, who, after being warned in accordance with subsection (2) of this section, refuses or, without reasonable excuse, fails to comply with any requirement of an Immigration Officer or constable made pursuant to this section.

“(5) Before an Immigration Officer requires any person pursuant to this section to produce any passport, permit to enter New Zealand, or evidence of his identity, the officer shall produce to that person a warrant issued under the hand of the Minister or the Secretary of Labour showing the officer’s authority to exercise or perform the powers or functions of an Immigration Officer under this Act.”

This Act is administered in the Department of Labour.