

No. , 1920.

A BILL

To prevent the unlawful detention of persons against their will; and for purposes consequent thereon or incidental thereto.

[SIR THOMAS HENLEY;— *November, 1920.*]

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:—

1. This Act may be cited as the "Unlawful Detention Act, 1920." Short title.

2. Any person who detains another person in any place against the will of that other person, except in the due exercise of a lawful power or authority (the onus of proof whereof shall lie upon the accused), shall be guilty of an offence against this Act. 5

3. (1) The Inspector-General of Police—

(a) shall upon complaint made to him in writing and signed by not less than five persons (whose signatures shall be attested by a justice or justices of the peace) ; and 10

(b) may of his own motion at any time appoint by writing under his hand an officer whose duty it shall be forthwith to enter upon and search any place where any person is detained, or believed by the Inspector-General of Police 15 to be detained, in breach of the provisions of this Act, and may obtain access to and examine such person either alone or in the presence of others.

(2) Where entry to such place or access to the person so detained, or believed to be detained, is denied to such officer he may use such force and obtain such assistance as may be necessary to effect such entry or secure such access. 20

(3) Any person who obstructs or interferes with such officer in the exercise of his powers under this Act shall be liable upon summary conviction to a penalty not exceeding *one hundred* pounds. 25

4. Such officer shall make a written report forthwith to the Inspector-General of Police, who shall thereupon 30 institute proceedings against any person who appears to have committed, or to be committing, any offence against the provisions of section two of this Act.

5. (1) Any person convicted of such offence shall be guilty of a misdemeanour, and shall be liable to a penalty 35 not exceeding *two hundred* pounds or to imprisonment for a term not exceeding *one* year, or to both penalty and imprisonment.

(2) The judge of the Supreme Court or chairman of quarter sessions before whom the defendant is tried 40 may, whether the defendant is convicted or not, make such

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such order as to the custody of the person alleged to be unlawfully detained as he may think fit, and such order may from time to time be varied or may be discharged by any judge of the Supreme Court or 5 chairman of quarter sessions sitting in chambers.

6. Nothing in this Act shall be deemed to affect the right of any person to apply for a writ of habeas corpus or to institute civil proceedings in respect of any unlawful detention.
