



Western Australia.

ANNO SECUNDO

EDWARDI VII. REGIS.

No. XXXI.

AN ACT to further amend the Police Act,
1892.

[Assented to, 20th December, 1902.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Police Act Amendment Act, 1902, and shall be read as one with the Police Act, 1892, hereinafter referred to as the principal Act.

Short title.

2. ANY person who—

(1.) Is charged before any Resident or Police Magistrate with having—

(a.) On his person, or on any animal, or in any cart or other vehicle; or

Offence of having possession of gold suspected of being stolen.

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(b.) In his possession on any premises of which he is the tenant or occupier, or reputed tenant or occupier,

any gold reasonably suspected of being stolen or unlawfully obtained; and

(2.) Does not prove to the satisfaction of the Magistrate that such gold was lawfully obtained,

is liable, on summary conviction, to a fine not exceeding Fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Occupier of premises where gold found deemed to be in possession thereof.

3. ANY person being the reputed tenant or occupier of any premises at the time when any gold reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any police officer shall be deemed to have been in possession of such gold until the contrary is proved.

Persons found upon premises where stolen gold seized may be convicted.

4. (1.) ANY person who—

(a.) Is charged before any Resident or Police Magistrate with being present at the time when any gold reasonably suspected of being stolen or unlawfully obtained is found and seized by any police officer on any premises, and

(b.) Is unable to give an account of his presence there to the satisfaction of the Magistrate,

is liable, on summary conviction, to a fine not exceeding Fifty pounds or to imprisonment, with or without hard labour, for any term not exceeding six months.

(2.) A person may be convicted under this section notwithstanding that no charge is laid or conviction obtained against the tenant or occupier or reputed tenant or occupier of the premises.

Accessories.

5. (1.) ANY person charged before any Resident or Police Magistrate with having assisted in the commission of an offence under section-two of this Act, who is unable to give an account of himself to the satisfaction of the Magistrate, is liable to a penalty of not more than Twenty-five pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months;

(2.) For the purpose of this section any person proved—

(a.) To have been watching or patrolling outside and in the vicinity of any premises on or about which gold reasonably suspected of being stolen or unlawfully obtained is found and seized by any police officer; or

(b.) To have been accompanying any person having on his person, or on any animal, or in any cart or vehicle,

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gold reasonably suspected of being stolen or unlawfully obtained, and which is seized by any police officer,

shall be deemed to be a person who has assisted in the commission of an offence under subsection one, unless the contrary is proved to the satisfaction of the Magistrate.

6. UPON a conviction under any of the preceding sections of this Act, the Magistrate may order the gold to be delivered to the person whose right to the same shall have been found by such Magistrate, and failing any such person, the gold shall be forfeited to the Crown.

Magistrate may order restitution of gold.

7. ANY person who—

- (1.) Keeps or manages, or acts or assists in the management of any premises for purposes of prostitution ; or
- (2.) Being the tenant, lessee, or occupier of any premises, knowingly permits such premises, or any part thereof, to be used for purposes of prostitution ; or
- (3.) Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, or collects the rent with the knowledge that such premises, or some part thereof, are or is to be used for purposes of prostitution, or is a party to the continued use of such premises, or any part thereof, for purposes of prostitution, is liable, on summary conviction,—
 - (a.) To a fine not exceeding Twenty pounds, or imprisonment, with or without hard labour, not exceeding six months, and
 - (b.) On a second or subsequent conviction, to a fine not exceeding Fifty pounds, or to imprisonment, with or without hard labour, not exceeding twelve months.

Summary proceedings against keepers, etc., of premises for purposes of prostitution.

It is immaterial whether the premises kept or occupied for prostitution are kept or occupied by one person or more than one person.

8. (1.) EVERY male person who—

- (a.) Knowingly lives wholly or in part on the earnings of prostitution ; or
- (b.) In any public place persistently solicits or importunes for immoral purposes ;

shall be deemed a rogue and vagabond within the meaning of the principal Act, and may be dealt with accordingly.

Summary proceedings against persons connected with prostitution.

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(2.) Where a male person lives with, or is habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

(3.) If it be made to appear by information on oath to any Police or Resident Magistrate that there is reason to suspect that any house or part of a house is used by any female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the said female, such magistrate may issue a warrant authorising any police constable to enter and search the house, and to arrest such male person.

Sunday entertain-
ments prohibited.

9. (1.) ANY person who, except by statutory authority or with the license, in writing, of the Colonial Secretary,—

(a.) Keeps, opens, or uses any premises for public entertainment or amusement on any Sunday, or during any part of any Sunday, and to which persons are admitted by payment of money, or by tickets sold for money, or in which, or in respect of which, a charge is made for seats, or a collection of money is made; or

(b.) Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, for such purpose.

is liable, on summary conviction, to a penalty not exceeding Fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

(2.) No prosecution shall be instituted under this section except with the consent, in writing, of an inspector or sub-inspector of police, of whose signature judicial notice shall be taken.

(3.) Any lecture, address, or discussion on science, ethics, social duties, literature, or art, or on any matter of public interest, shall not be deemed a public entertainment or amusement within the meaning of this section.

Damage to animals,
ants, etc., in
gardens.

10. WHOEVER wilfully or wantonly does or attempts to do any act which may, directly or indirectly, damage, injure, or destroy—

(a.) Any beast, bird, reptile, fish, or other living creature, or any egg or spawn thereof; or

(b.) Any garden, flower bed, tree, shrub, plant, or flower; or

(c.) Any building, structure, or other property,

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in any place maintained and used as a garden for zoological, botanical, or acclimatisation purposes, or for public resort and recreation, is guilty of an offence, and liable, on summary conviction, to a penalty not exceeding Ten pounds, or to imprisonment, with or without hard labour, not exceeding six months.

11. IN this Act—

Definitions.

“Gold” means gold bullion, retorted gold, gold ores, gold amalgam, gold alloys, precipitates containing gold, slag, concentrates, tailings, and residues.

“Police Officer” includes any constable or officer of police.

“Premises” include any house, shop, room, building, erection, yard, or other place.

In the name and on behalf of the King I hereby assent
to this Act.

E. A. STONE, Administrator.