

WESTERN AUSTRALIA

POLICE AMENDMENT ACT 1995

No. 49 of 1995

AN ACT to amend the *Police Act 1892*.

[Assented to 6 November 1995.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Police Amendment Act 1995*.

Commencement

2. This Act comes into operation on the day on which it receives the Royal Assent.

Part IVA inserted

3. The *Police Act 1892** is amended by inserting after Part IV the following Part —

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PART IVA — USE OF POLICE PROPERTY IN RELATION TO ADVERTISING

Interpretation

39A. In this Part —

“**contract**” means a contract of a kind provided for under section 39B;

“**Department**” means the department of the Public Service principally assisting the Minister in the administration of this Act;

“**Fund**” means the account established under section 39C (1);

“**police property**” means property of the State that is under the management or control of the Police Force or the Department;

“**Treasury**” means the Treasury of the State.

Contracts for advertising using police property

39B. (1) The Commissioner of Police, with the approval of the Minister may, on behalf of the State, enter into a written contract under which police property specified in the contract can be used for the purposes of advertising in return for money, goods or services.

(2) The Commissioner shall not enter into a contract if either the Commissioner or the Minister is of the view that the proposed use of the police property or the presence or nature of the proposed advertising would —

- (a) interfere with; or
- (b) otherwise be inappropriate having regard to,

any operation or function of the Police Force or the Department.

(3) Subject to subsections (1) and (2) and to section 39C, a contract shall be on such terms and conditions as are set out in the contract.

Financial provisions relating to contracts

39C. (1) There shall be an account at the Treasury called the “Police Fund” which shall form part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*.

(2) Moneys received on behalf of the State under a contract shall be credited to the Fund.

(3) Without limiting section 12 of the *Financial Administration and Audit Act 1985*, moneys received under a contract and credited to the Fund may be applied for the purposes of providing, maintaining or operating the police property that is the subject of the contract but if so applied, shall be applied in a manner not inconsistent with the contract.

(4) The administration of the Fund shall, for the purposes of section 52 of the *Financial Administration and Audit Act 1985*, be deemed to be a service of the Department.

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[* *Reprinted as at 24 April 1992.*

For subsequent amendments see 1994 Index to Legislation of Western Australia, Table 1, pp. 167-8 and Act No. 103 of 1994.]
