

## POLICE (No. 2).

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No 91 of 1975.

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### AN ACT to amend the Police Act, 1892-1975.

[Assented to 20th November, 1975.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Police Act Amendment Act (No. 2), 1975*.

Short title  
and citation.

(2) In this Act the Police Act, 1892-1975, is referred to as the principal Act.

Reprinted as  
approved for  
reprint, 7th  
June, 1972 as  
amended by  
Acts Nos. 94  
of 1972;  
41 of 1974,  
and 18 of  
1975.

(3) The principal Act as amended by this Act may be cited as the Police Act, 1892-1975.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 9  
amended.

3. Section 9 of the principal Act is amended by deleting the passage "referred to in paragraph (ca) of subsection (2) of section forty-six of the Licensing Act, 1911", in lines seventeen and eighteen.

Section 10  
amended.

4. Section 10 of the principal Act is amended by deleting the word "from" in line seventeen.

Section 12  
amended.

5. Section 12 of the principal Act is amended by deleting the word "twenty", in line fifteen and substituting the word "fifty".

Section 13  
amended.

6. Section 13 of the principal Act is amended by deleting the word "thirty", in line fourteen, and substituting the words "one hundred".

Section 15  
amended.

7. Section 15 of the principal Act is amended by deleting the word "one", in line twelve, and substituting the word "five".

Section 16  
amended.

8. Section 16 of the principal Act is amended, as to subsection (1), by deleting the word "one", in line twenty, and substituting the word "five".

Section 16A  
amended.

9. Section 16A of the principal Act is amended, as to subsection (1), by deleting the word "One", in line fourteen, and substituting the word "Five".

Section 18  
amended.

10. Section 18 of the principal Act is amended by deleting the word "twenty", in line fourteen, and substituting the words "one hundred".

11. Section 19 of the principal Act is amended by deleting the word "twenty", in line five, and substituting the words "one hundred".

Section 19.  
amended.

12. Section 20 of the principal Act is amended by deleting the word "one", in line six, and substituting the word "five".

Section 20  
amended.

13. Section 23 of the principal Act is amended by deleting the word "thirty", in line nine, and substituting the words "two hundred".

Section 23  
amended.

14. Section 24 of the principal Act is amended by deleting the word "twenty", in line six, and substituting the words "one hundred and fifty".

Section 24  
amended.

15. Section 27 of the principal Act is amended by deleting the passage "Curator of Intestates' Estates", in the last line, and substituting the words "Public Trustee".

Section 27  
amended.

16. Section 31 of the principal Act is amended by deleting the word "one" in line eight, and substituting the word "five".

Section 31  
amended.

17. Section 41 of the principal Act is amended by deleting the word "one", in line forty, and substituting the word "five".

Section 41  
amended.

18. Section 42 of the principal Act is amended by deleting the word "forty", in line twenty-four, and substituting the words "one hundred".

Section 42  
amended.

19. Section 44 of the principal Act is amended by deleting the word "forty", in line thirty-six, and substituting the words "one hundred".

Section 44  
amended.

Section 47  
amended.

20. Section 47 of the principal Act is amended by deleting the passage “and all reputed rogues and vagabonds, or incorrigible rogues” in lines four and five.

Section 52  
amended.

21. Section 52 of the principal Act is amended by deleting the word “forty”, in the penultimate line, and substituting the words “one hundred”.

Section 53  
amended.

22. Section 53 of the principal Act is amended—

- (a) by deleting the word “two”, in line four, and substituting the word “ten”; and
- (b) by deleting the word “ten”, in line eight, and substituting the word “twenty-five”.

Section 54  
amended.

23. Section 54 of the principal Act is amended by deleting the word “one”, in line five, and substituting the word “five”.

Section 54A  
amended.

24. Section 54A of the principal Act is amended, as to subsection (3), by deleting the word “One”, in line six of that subsection, and substituting the word “Five”.

Section 57  
amended.

25. Section 57 of the principal Act is amended—

- (a) by deleting the word “forty”, in line five, and substituting the words “one hundred”;
- (b) by deleting the passage “Traffic Act, 1919,”, in line eight, and substituting the passage “Road Traffic Act, 1974,”; and
- (c) by deleting the passage commencing with the word “under”, in line nine, and ending with the word “public”, being the last word in the section, and substituting the words “apply under that Act”.

26. Section 58A of the principal Act is amended by deleting the word “three”, in line thirteen, and substituting the word “five”. Section 58A amended.

27. Section 61 of the principal Act is amended— Section 61 amended.

(a) by adding after the section number “61.” the subsection designation “(1)”;

(b) by deleting the passage “on a Sunday except between the hours of ten o’clock in the forenoon and six o’clock in the afternoon,” in lines seven, eight and nine, and substituting the passage “except between the permitted hours specified in subsection (2) of this section”;

(c) by deleting the word “forty”, in line eleven and again in line twenty-five and substituting in each case the words “one hundred”; and

(d) by adding two new subsections as follows—

(2) For the purposes of subsection (1) of this section the following are the permitted hours—

(a) between eight o’clock in the forenoon and midnight on any day other than a Sunday, Christmas Day or Good Friday; and

(b) between ten o’clock in the forenoon and eight o’clock in the afternoon on any Sunday, not also being Christmas Day.

(3) In subsection (1) of this section “billiard table” means any table used or designed for use for the playing of billiards, snooker, pool of any kind, skitla, or any like game.

28. Section 62A of the principal Act is repealed. Section 62A repealed.

29. Section 64 of the principal Act is amended by deleting the word “forty”, in line five, and substituting the words “two hundred and fifty”. Section 64 amended.

Section 64A  
amended.

30. Section 64A of the principal Act is amended, as to subsection (1)—

- (a) by deleting the word “one”, in line three of paragraph (c), and substituting the word “five”; and
- (b) by deleting the words “five hundred”, in line three of paragraph (d), and substituting the words “one thousand”.

Section 65  
amended.

31. Section 65 of the principal Act is amended—

- (a) by deleting the passage “be deemed an idle and disorderly person within the meaning of this Act, and shall on conviction be liable”, in lines two, three and four, and substituting the words “on summary conviction be liable to a fine not exceeding five hundred dollars or”; and
- (b) as to paragraph (4a), by deleting the words “offensive or lethal weapon or instrument”, in the last line of that paragraph, and substituting the passage “article made or adapted for use for causing injury to the person, or intended by him for such use by him”.

Section 66  
amended.

32. Section 66 of the principal Act is amended—

- (a) by deleting the passage “be deemed a rogue and vagabond within the meaning of this Act, and shall on conviction be liable”, in lines two, three and four, and substituting the words “on summary conviction be liable to a fine not exceeding one thousand dollars or”;
- (b) by deleting paragraph (1), and substituting a new paragraph as follows—
  - (1) Every person committing an offence against section sixty-five of this Act, having been previously convicted of an offence against that section. ;

- (c) by deleting paragraph (2c); and
- (d) as to paragraph (7), by deleting the words “as an idle and disorderly person”, in lines one and two, and substituting the words “for an offence against section sixty-five of this Act”.

**33.** Section 67 of the principal Act is amended— Section 67  
amended.

- (a) by deleting the passage “shall be deemed an incorrigible rogue, and”, in lines two and three;
- (b) by inserting after the word “liable”, in line four, the words “to a fine not exceeding one thousand five hundred dollars or”;
- (c) by deleting the passage “which shall subject him to be dealt with as a rogue and vagabond, such person having been previously convicted as a rogue and vagabond”, in lines nine to thirteen, and substituting the passage “against section sixty-six of this Act, having been previously convicted of an offence against that section”; and
- (d) by deleting the words “as a rogue and vagabond”, in lines fourteen and fifteen, and substituting the words “for an offence against section sixty-six of this Act”.

**34.** The principal Act is amended by inserting after section 67 a new section, to stand as section 67A, as follows— Section 67A  
added.

67A. Any person who aids, harbours, maintains, or employs another person who, to his knowledge, has broken or escaped out of any legal custody and is illegally at large, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding six months or both. .

Aiding an  
escaped  
prisoner.

Section 68  
amended.

35. Section 68 of the principal Act is amended—

- (a) by deleting the passage “being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue,” in line two to line four, and substituting the passage “an offence against section sixty-five, section sixty-six or section sixty-seven of this Act”; and
- (b) by deleting the passage “shall be adjudged to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue,” in line nine to line eleven, and substituting the passage “is convicted of an offence against section sixty-five, section sixty-six or section sixty-seven of this Act”.

Section 69  
amended.

36. Section 69 of the principal Act is amended by deleting the words “four hundred”, in line eight, and substituting the words “two thousand”.

Section 71  
amended.

37. Section 71 of the principal Act is amended—

- (a) by deleting the words “one hundred”, in line twenty-three, and substituting the words “one thousand”; and
- (b) by deleting the word “six”, in the last line, and substituting the word “twelve”.

Section 76A  
amended.

38. Section 76A of the principal Act is amended by deleting the word “one”, in line sixteen, and substituting the word “five”.

Section 76C  
amended.

39. Section 76C of the principal Act is amended by deleting the word “one”, in line eleven, and substituting the word “five”.

Section 76D  
amended.

40. Section 76D of the principal Act is amended by inserting immediately before the word “fifty”, in line six, the words “two hundred and”.

41. Section 76H of the principal Act is amended by deleting the word “one”, in line eighteen, and substituting the word “five”. Section 76H amended.

42. Section 77 of the principal Act is repealed. Section 77 repealed.

43. Section 79A of the principal Act is amended by deleting the words “two hundred”, in lines twelve and thirteen, and substituting the words “one thousand”. Section 79A amended.

44. Section 80 of the principal Act is amended by deleting the word “three”, in line six, and substituting the word “five”. Section 80 amended.

45. Section 81 of the principal Act is amended by deleting the words “five hundred”, in line five, and substituting the words “two thousand”. Section 81 amended.

46. Section 82 of the principal Act is amended— Section 82 amended.

- (a) as to paragraph (1), by deleting the word “twenty”, in line nine of that paragraph, and substituting the words “one hundred”;
- (b) as to paragraph (2), by deleting the word “twenty”, in line fourteen of that paragraph, and substituting the words “one hundred”; and
- (c) as to paragraph (3), by deleting the word “forty”, in line thirteen of that paragraph, and substituting the words “two hundred and fifty”.

Section 82A  
amended.

47. Section 82A of the principal Act is amended, as to subsection (1), by deleting the word “twenty”, in line eight, and substituting the words “one hundred”.

Section 83  
amended.

48. Section 83 of the principal Act is amended—

- (a) as to paragraph (1), by deleting the word “forty”, in line nine of that paragraph, and substituting the words “two hundred”; and
- (b) as to paragraph (2), by deleting the word “forty”, in line nine of that paragraph, and substituting the words “two hundred”.

Section 84  
amended.

49. Section 84 of the principal Act is amended—

- (a) as to subsection (1)—
    - (i) by deleting the word “forty”, in line ten of that subsection, and substituting the words “two hundred and fifty”;
    - (ii) by deleting the words “one month”, in line twelve of that subsection, and substituting the words “three months”;
    - (iii) by deleting the passage “Wines, Beer, and Spirit Sale Act, 1880”, in lines thirteen and fourteen of that subsection and substituting the passage “Liquor Act, 1970”; and
    - (iv) by deleting the words “the tenor of his license of the Act under which it is granted”, in the penultimate and last lines of that subsection, and substituting the words “that Act or the regulations made thereunder”;
- and

- (b) as to subsection (2), by deleting the word “forty”, in line nine of that subsection, and substituting the words “one hundred”.

50. Section 84C of the principal Act is amended by deleting the word “two”, in line fourteen, and substituting the word “five”. Section 84C amended.

51. Section 84D of the principal Act is amended by deleting the words “one hundred”, in lines twenty-four and twenty-five, and substituting the words “two hundred and fifty”. Section 84D amended.

52. Section 84G of the principal Act is amended by deleting the word “sixty”, in line sixteen, and substituting the words “two hundred”. Section 84G amended.

53. Section 86 of the principal Act is amended— Section 86 amended.

- (a) by deleting the words “two hundred”, in line seven, and substituting the words “one thousand”; and
- (b) by deleting the word “six”, in line nine, and substituting the word “twelve”.

54. Section 89A of the principal Act is amended— Section 89A amended.

- (a) by adding after subsection (4) a new subsection, to stand as subsection (4a), as follows—

(4a) Where a member of the Police Force finds a slot machine that he has reasonable grounds for suspecting to be a slot machine (or to be of a class of slot machine) named or described in a proclamation made under subsection (1) of this section, he may require the person having the slot machine in his possession to open the slot machine and permit it to be examined by the member of the Police

Force or other person nominated by the member of the Police Force, and if the person having the slot machine in his possession fails to comply with that requirement the member of the Police Force may seize, take and carry away the machine and cause or permit the machine to be broken open in order to permit the machine to be examined by him or some other person nominated by him. ; and

- (b) as to subsection (5), by inserting immediately before the word “fifty”, in the last line of that subsection, the words “two hundred and”.

Section 90  
amended.

55. Section 90 of the principal Act is amended—

- (a) by deleting the words “two hundred”, in line fifteen, and substituting the words “two thousand”; and
- (b) by deleting the words “six calendar months”, being the last words of the section, and substituting the words “two years”.

Section 90A  
amended.

56. Section 90A of the principal Act is amended, as to subsection (5), by deleting the word “two”, in line three of that subsection, and substituting the word “five”.

Section 94  
amended.

57. Section 94 of the principal Act is amended—

- (a) by deleting the words “two hundred”, in line fourteen, and substituting the words “two thousand”; and
- (b) by deleting the words “twelve calendar months” being the last words of the section, and substituting the words “two years”.

58. Section 94A of the principal Act is amended— Section 94A amended.

- (a) by deleting the definition of the term “cannabis” and substituting a new definition as follows—

“cannabis” means any plant of the genus *Cannabis*, sometimes known as marijuana, and includes any part of such a plant; ;

and

- (b) by inserting after the definition of the term “cannabis” a new definition as follows—

“cannabis resin” means the separated resin, whether crude or purified, obtained from any plant or plants of the genus “*Cannabis*”; .

59. The principal Act is amended by inserting after section 94B a new section, to stand as section 94BA as follows— Section 94BA added.

94BA. (1) If any person has in his possession or at his order or disposition any money, valuable security or thing received directly or indirectly by way of, or for the purposes of, the commission of an offence against the provisions of this Part of this Act or the regulations, or as or for the consideration for the commission of any such offence, or any acknowledgement, note, or other thing purporting or intended to entitle the bearer or any other person to receive any money or money’s worth in such circumstances, he is guilty of an offence against this Part of this Act and is liable to the like penalty as if he had been convicted of the unlawful sale to another of a drug to which this Part of this Act applies. Possession of proceeds of sale, etc.

(2) Where a person is convicted under subsection (1) of this section, the court shall order any money, security, acknowledgement, note or other thing found to relate to that offence to be forfeited to Her Majesty. .

Section 94D  
repealed  
and  
re-enacted.

60. Section 94D of the principal Act is repealed and re-enacted with amendments as follows—

Powers of  
search,  
entry and  
seizure.

94D. (1) Any member of the Police Force or other person authorised in that behalf by any general or special order of the Minister shall, for the purposes of the execution of this Part of this Act, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller, or distributor of any drug to which this Part of this Act applies, and to demand the production of and to inspect any books or documents relating to dealings in any such drug, and to inspect any stocks of any such drug.

(2) Where any member of the Police Force has reasonable grounds for suspecting—

- (a) that any opium or drug to which this Part of this Act applies is, in contravention of the provisions of this Part of this Act or the regulations, in the possession or under the control of any person; or
- (b) that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would, if carried out, be an offence against this Part of this Act, is in the possession or under the control of any person,

he may, with such assistance as he considers necessary in the performance of his duties, apprehend that person and search him together with any packages, vehicle or other thing which may have been found in his possession or use, or under his control, and for that purpose may use force if necessary and may stop and detain any vehicle, boat or aircraft.

(3) If a Justice is satisfied by information on oath that there is reasonable grounds for suspecting that any such opium or drug, or any such document, may be on any premises the Justice may grant a search warrant authorising any member of the Police Force and any other person named in the warrant to enter upon the premises named in the warrant and to search the premises and any person or thing found therein or thereon, using such force and with such assistance as is necessary, at any time or times within one month from the date of the warrant.

(4) If there is reasonable ground for suspecting—

- (a) that an offence against this Part of this Act or the regulations has been committed in relation to any such opium or drug which may be so found;
- (b) that any document which may be so found is a document of the kind referred to in this section; or
- (c) that any money or other thing so found relates to a contravention of the provisions of this Part of this Act or the regulations,

any member of the Police Force, or any other person so authorised, may seize and detain that opium, drug, document, money or other thing and convey the same before a Justice or deliver it into the custody of a person authorised by the Minister to receive it.

(5) If any person wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any such books, stocks, opium, drug, documents, money or other thing, he shall be guilty of an offence against this Part of this Act. .

Section 94GA  
added.

61. The principal Act is amended by inserting after section 94G a new section, to stand as section 94GA, as follows—

Possession  
of proceeds  
of sale, etc.

94GA. (1) If any person has in his possession or at his order or disposition any money, valuable security or thing received directly or indirectly by way of, or for the purposes of, the commission of an offence against the provisions of this Part of this Act, or as or for the consideration for the commission of any such offence, or any acknowledgement, note, or other thing purporting or intended to entitle the bearer or any other person to receive any money or money's worth in such circumstances, he is guilty of an offence against this Part of this Act and is liable to the like penalty as if he had been convicted of the unlawful sale to another of the drug.

(2) Where a person is convicted under subsection (1) of this section, the court shall order any money, security, acknowledgement, note, or other thing found to relate to that offence to be forfeited to Her Majesty.

Section 94H  
repealed  
and  
re-enacted.

62. Section 94H of the principal Act is repealed and re-enacted with amendments as follows—

Powers of  
search,  
entry and  
seizure.

94H. (1) Any member of the Police Force or other person authorised in that behalf by any general or special order of the Minister shall, for the purposes of the execution of this Part of this Act, have power to enter the premises of any person carrying on the business of a producer, manufacturer, seller, or distributor of the drug, and to demand the production of and to inspect any books or documents relating to dealings in the drug, and to inspect any stocks of the drug.

(2) Where any member of the Police Force has reasonable grounds for suspecting—

- (a) that the drug is, in contravention of the provisions of this Part of this Act, in the possession or under the control of any person; or
- (b) that any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would, if carried out, be an offence against this Part of this Act, is in the possession or under the control of any person,

he may, with such assistance as he considers necessary in the performance of his duties, apprehend that person and search him together with any packages, vehicle or other thing which may have been found in his possession or use, or under his control, and for that purpose may use force if necessary and may stop and detain any vehicle, boat or aircraft.

(3) If a Justice is satisfied by information on oath that there is reasonable grounds for suspecting that the drug, or any such document, may be on any premises the Justice may grant a search warrant authorising any member of the Police Force and any other person named in the warrant to enter upon the premises named in the warrant and to search the premises and any person or thing found therein or thereon, using such force and with such assistance as is necessary, at any time or times within one month from the date of the warrant.

(4) If there is reasonable ground for suspecting—

- (a) that an offence against this Part of this Act has been committed in relation to any quantity of the drug which may be so found;

- (b) that any document which may be so found is a document of the kind referred to in this section; or
- (c) that any money or other thing so found relates to a contravention of the provisions of this Part of this Act,

any member of the Police Force, or any other person so authorised, may seize and detain that drug, document, money or other thing and convey the same before a Justice or deliver it into the custody of a person authorised by the Minister to receive it.

(5) If any person wilfully delays or obstructs any person in the exercise of his powers under this section or fails to produce or conceals or attempts to conceal any such books, stocks, drug, document, money or other thing he is guilty of an offence and is liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding three years or both.

(6) Where a person is convicted of an offence against section ninety-four G or section ninety-four GA of this Act, the provisions of subsections (1a), (1b), (3), (4), (5), (6) and (7) of section ninety-four E of this Act apply to the person, the offence, and any proceedings against the person for the offence, with such adaptations as the circumstances require, and for the purposes of giving effect to subsection (7) of that section as so applied, the Governor may make regulations providing for the analysing of any drug or substance by an analyst as defined in the Health Act, 1911.

(7) A complaint for an offence against paragraph (c) or (d) of subsection (1) of section ninety-four G or against section ninety-four GA of this Act shall be heard by a court of summary jurisdiction constituted by a stipendiary magistrate sitting alone.

63. Section 97 of the principal Act is amended by deleting the word "fifty", in line eight, and substituting the words "five hundred".

Section 97  
amended.

64. Section 102 of the principal Act is amended by deleting the word "forty", in line thirteen, and substituting the words "one hundred".

Section 102  
amended.

65. Section 107 of the principal Act is amended by deleting the word "fifty", in line six, and substituting the words "five hundred".

Section 107  
amended.

66. Section 109 of the principal Act is amended by deleting the word "forty", in line nine, and substituting the words "one hundred".

Section 109  
amended.

67. Section 122 of the principal Act is amended—

Section 122  
amended.

- (a) by deleting the passage "hereinbefore described to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue", in line two to line four, and substituting the passage "who has been convicted of an offence against section sixty-five, section sixty-six or section sixty-seven of this Act"; and
- (b) by deleting the passage "idle and disorderly person, rogue and vagabond, or incorrigible rogue", in line fourteen to line sixteen, and substituting the words "convicted person".

68. Section 124 of the principal Act is amended by deleting the word "twenty", in line four, and substituting the words "one hundred".

Section 124  
amended.

69. Section 125 of the principal Act is amended by deleting the word "one", in line nine, and substituting the word "five".

Section 125  
amended.