

POLICE.

No. 41 of 1974.

AN ACT to amend the Police Act, 1892-1972.

[Assented to 15th November, 1974.]

BE 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, 1974*. Short title and citation.

(2) In this Act the Police Act, 1892-1972, is referred to as the principal Act. Reprinted as approved for reprint 7th June, 1972.

(3) The principal Act as amended by this Act may be cited as the Police Act, 1892-1974.

Section
50AA added.

2. The principal Act is amended by inserting immediately after section 50A a new section as follows—

Particulars
of identity.

50AA. (1) Where any person is in lawful custody for any offence punishable on indictment or summary conviction, any officer or constable of the Police Force may take or cause to be taken all such particulars as he may think necessary or desirable for the identification of that person, including his photograph, measurements, fingerprints and palmprints.

(2) Where the photographs, fingerprints, palmprints or other identification particulars of a person are taken under subsection (1) of this section and that person is found not to be guilty of any offence arising out of the circumstances leading to the taking of those particulars, the original negatives and all other copies available of the photograph, fingerprints, palmprints and other particulars taken shall, if so requested by that person, be destroyed in his presence but not until the time for an appeal from the finding has expired or an appeal from the finding has been resolved in favour of the accused person.

Section 65
amended.

3. Section 65 of the principal Act is amended by deleting the passage commencing with the designation “(2)”, in line fifteen, and ending with the passage “only.”, in line twenty-six.

Section 90A
amended.

4. Subsection (3) of section 90A of the principal Act is repealed and re-enacted with amendments as follows—

(3) A court convicting a person of an offence under this section may, in addition to, or without, imposing any penalty, order that person to pay the amount of any wages attributable to, or expenses reasonably incurred with respect to, any investigation, inquiry or search made, whether by a member of the

Police Force or otherwise, as a result of the statement or act by reason of which the person is convicted.

(4) An order made under subsection (3) of this section—

- (a) shall specify to whom and in what manner the amount is to be paid; and
- (b) may be enforced as though the amount so ordered to be paid were a penalty imposed under this section.

(5) A person guilty of an offence against this section is liable on conviction to a fine not exceeding two hundred dollars and to imprisonment for a term not exceeding six months, or both.

5. Subsection (7) of section 94E of the principal Act is repealed and a new subsection substituted as follows—

Section 94E
amended.

(7) In any legal proceedings under this Part of this Act or the regulations made thereunder—

- (a) any analyst appointed under the Health Act, 1911, may give a certificate in the form prescribed and signed by him with respect to any analysis made by him of any drug or substance submitted to him in pursuance of the regulations;
- (b) the production of a certificate purporting to be signed by such an analyst with respect to an analysis made by him shall, without proof of the signature of the person appearing to have signed the certificate or that he is such an analyst, be sufficient evidence—
 - (i) of the identity, and of the container or external description of the thing received for analysis;

- (ii) of the result of the analysis; and
- (iii) of the matters relevant to those proceedings stated in the certificate,

unless the defendant by not less than three days' notice in writing delivered to the complainant and by a like three days' notice delivered to the analyst (opportunity to deliver which notices shall be afforded to the defendant) requires the analyst to attend as a witness; and

- (c) the court may, in addition to any other order as to costs, make such order as it thinks just as to the conduct money of the analyst and the expenses and remuneration to be paid for any analysis.
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