



ANNO DECIMO

## GEORGII VI REGIS.

A.D. 1946.

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## No. 44 of 1946.

## An Act to amend the Police Act, 1936-1938.

[Assented to 19th December, 1946.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. (1) This Act may be cited as the " Police Act Amendment Act, 1946 ".

(2) The Police Act, 1936-1938, as amended by this Act may be cited as the " Police Act, 1936-1946 ".

(3) The Police Act, 1936-1938, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of  
s. 19 of  
principal Act—  
Personating or  
bribing police.

3. Section 19 of the principal Act is amended by striking out the words " a fine not exceeding ten pounds " at the end thereof and inserting in lieu thereof the words " the following penalty namely :—

(i.) for an offence against paragraph (a) of this section, where the offence consisted of the possession of arms or ammunition by the defendant, or an offence against paragraph (c) of this section, a fine not exceeding one hundred pounds or imprisonment for not more than twelve months.

(ii.) in the case of any other offence against this section, a fine not exceeding twenty-five pounds ".

5. Section 62 of the principal Act is amended—

- (a) by inserting after the word “ officer ” in the first line the words “ or non-commissioned officer ” ; and
- (b) by striking out at the end thereof the words “ and disturbing the peace and good order of the vessel, or with intent to provoke a breach of the peace or whereby a breach of the peace might be occasioned ”.

Amendment of s. 62 of principal Act—  
Persons disturbing peace on board ships.

6. Section 63 of the principal Act is amended by striking out the words “ one pound ” at the end of subsection (3) thereof and inserting in lieu thereof the words “ twenty-five pounds ”.

Amendment of s. 63 of principal Act—  
Control of places where games carried on.

7. Section 64 of the principal Act is amended by striking out at the end thereof the words “ and disturbing the peace and good order of those licensed premises, or with intent to provoke a breach of the peace, or whereby a breach of the peace might be occasioned ”.

Amendment of s. 64 of principal Act—  
Power to enter licensed premises.

8. Section 65 of the principal Act is amended by striking out in the eighth, ninth and tenth lines the words “ with intent to provoke a breach of the peace or whereby a breach of the peace might be occasioned ”.

Amendment of s. 65 of principal Act—  
Power to apprehend offenders.

9. Subsection (2) of section 72 of the principal Act is amended by inserting after the word “ request ” in the seventh line the words “ of the member of the police force in charge of the police station where the person is so in custody or ”.

Amendment of s. 72 of principal Act—  
Power to examine persons in custody.

10. The following section is enacted and inserted in the principal Act after s. 72 thereof:—

Enactment of s. 72a of principal Act—

72a. Any person who being lawfully in the custody of a member of the police force, or lawfully confined in a police prison, escapes or attempts to escape from that custody or prison shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for not more than twelve months.

Escape from custody.

11. Section 74 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection:—

Amendment of s. 74 of the principal Act—  
Penalty for drunkenness in public place.

(1) Any person who is drunk in any road, street, thoroughfare or public place shall be guilty of an offence, and shall be liable—

- (a) for a first or second offence to a fine not exceeding five pounds or imprisonment for any period not exceeding fourteen days ;
- (b) for a third or subsequent offence to a fine not exceeding ten pounds or imprisonment for any period not exceeding three months.

Amendment of  
s. 75 of  
principal Act—  
Obscene  
language in  
police stations.

**12.** Section 75 of the principal Act is amended by inserting after the word "behaviour" in paragraph (c) thereof the words "or of using obscene language,".

Amendment of  
s. 76 of  
principal Act—  
Disturbing  
good order in  
ship or public  
house.

**13.** Section 76 of the principal Act is amended—

- (a) by striking out at the end of paragraph (a) thereof the words "and disturbing the peace and good order of that vessel, or with intent to commit a breach of the peace or whereby a breach of the peace might have been occasioned" ; and
- (b) by striking out at the end of paragraph (b) thereof the words "and disturbing the peace of those licensed premises, or with intent to commit a breach of the peace whereby a breach of the peace might have been occasioned" .

Amendment of  
s. 78 of  
principal Act—  
Using vehicles  
or animals  
without  
consent of  
owner.

**14.** Section 78 of the principal Act is amended by adding at the end thereof the following subsection (the previous part of the section being read as subsection (1) thereof) :—

(2) The Court may in addition to imposing a fine under this section order the defendant to pay to the owner of any vehicle, horse, or beast of burden used in contravention of this section such a sum as the court thinks proper by way of compensation for any loss or damage suffered by that owner.

Enactment of  
s. 78a of  
principal Act

**15.** The following section is enacted and inserted in the principal Act after section 78 thereof :—

Interference  
with ships and  
boats without  
consent of  
owner.

**78a.** (1) Any person who damages, destroys, removes, or uses, any boat or ship without the consent of the owner of the boat or ship shall be guilty of an offence, and liable for a first offence to a fine of not more than fifty pounds or imprisonment for not more than three months, and for any subsequent offence to a fine of not more than one hundred pounds, or imprisonment for not more than six months.

(2) The court, in addition to or in lieu of imposing any other penalty under this section may order that a person who has committed an offence against this section shall pay to the owner of the boat or ship in connection with which the offence occurred, such a sum as the court thinks proper by way of compensation for any loss or damage suffered by the owner as a result of the offence.

(3) This section shall not apply to any member of the police force acting in the execution of his duty or to any person acting under or in pursuance of any enactment.

(4) In this section the words "boat" and "ship" shall respectively include the gear and tackle of a boat or ship.

16. Subsection (1) of section 85 of the principal Act is amended by striking out paragraph (f) thereof.

Amendment of  
s. 85 of  
principal Act—  
Idle and  
disorderly  
persons.

17. Subsection (1) of section 86 of the principal Act is amended—

Amendment of  
s. 86 of  
principal Act—  
Rogues and  
vagrabonds.

- (a) by inserting after the word "place" in the second line of paragraph (g) the words "or from premises occupied by any other person".
- (b) by striking out in the first line of paragraph (n) the word "found":
- (c) by inserting after the word "area" in the fifth line of paragraph (n) the words "or on any wharf, quay, jetty, ship, or boat,".

18. Sections 130 and 131 of the principal Act are repealed.

Repeal of ss.  
130, 131 of  
principal Act—  
Offensive  
matter.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.