



ANNO DUODECIMO

# GEORGII V REGIS.

A.D. 1921.

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## No. 1491.

An Act to amend the Police Act, 1916.

[*Assented to, December 7th, 1921.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited alone as the "Police Act Amendment Act, 1921." Short titles.

(2) The Police Act, 1916 (hereinafter referred to as "the principal Act"), and this Act may be cited together as the "Police Acts, 1916 and 1921." No. 1257 of 1916.

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

3. Section 20 of the principal Act is amended—

(a) by striking out in subdivision (a) of subsection (1) thereof the passage "a penalty not exceeding Ten Pounds or to imprisonment, with or without hard labor, for any period not exceeding three months," and inserting in lieu thereof the following passage "a penalty not exceeding Twenty Pounds or to imprisonment, with or without hard labor, for any period not exceeding six months"; and

Amendment of principal Act, s. 20—  
Penalty for assaulting or resisting police.

(b) by

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(b) by striking out in subsection (2) thereof the passage “a penalty not exceeding Five Pounds, or to imprisonment, with or without hard labor, for any period not exceeding two months” and inserting in lieu thereof the following passage “a penalty not exceeding Ten Pounds, or to imprisonment, with or without hard labor, for any period not exceeding three months.”

Amendment of principal Act, s. 42 (4)—  
Power to grant general search warrants.

4. Subsection (4) of section 42 of the principal Act is repealed, and the following subsection is substituted therefor:—

(4) The member of the Police Force named in any such warrant may, at any time in the day or night, with such assistants as he thinks necessary, enter into and search any house, building, premises, or place where he has reasonable cause to suspect that—

(a) any felony or misdemeanor has been recently committed, or is about to be committed; or

(b) any stolen goods are; or

(c) there is anything which may afford evidence as to the commission of any felony or misdemeanor; or

(d) there is anything which may be intended to be used for the purpose of committing any felony or misdemeanor,

and may break open the same. Such member may also break open and search any cupboards, drawers, chests, trunks, boxes, packages, or other things, whether fixtures or not, in which he has reasonable cause to suspect that—

i. any stolen goods may be found; or

ii. any thing may be found which may afford evidence as to the commission of any felony or misdemeanor, or which may be intended to be used for the purpose of committing any felony or misdemeanor,

and may seize any such goods or things, to be dealt with according to law.

Amendment of principal Act, Fourth Schedule—  
Form of General Search Warrant.

5. The form of General Search Warrant contained in the Fourth Schedule to the principal Act is repealed, and the following form is substituted therefor:—

South [Royal Arms] Australia.

*General Search Warrant.*

To

You are hereby authorised at any time in the day or night, with such assistants as you think necessary, to enter into and search any house, building, premises, or place where you have reasonable cause to suspect that—

(a) any felony or misdemeanor has been recently committed, or is about to be committed; or

(b) any

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- (b) any goods obtained by any felony or misdemeanor are ; or  
 (c) there is anything which may afford evidence as to the commission of any felony or misdemeanor ; or  
 (d) there is anything which may be intended to be used for the purpose of committing any felony or misdemeanor,

and to break open such house, building, premises, or place, and to break open and search any cupboards, drawers, chests, trunks, boxes, packages, or other things, whether fixtures or not, in which you have reasonable cause to suspect that—

- i. any goods obtained by any felony or misdemeanor may be found ; or  
 ii. any thing may be found which may afford evidence as to the commission of any felony or misdemeanor, or which may be intended to be used for the purpose of committing any felony or misdemeanor,

and to seize any such goods or things, to be dealt with according to law. This warrant shall remain in force for six months from the date hereof. [*If for a shorter period state how long.*]

Dated this                      day of                      19 . . . . .

Commissioner of Police.

**6.** Section 48 of the principal Act is amended by adding at the end thereof the following subsections (the preceding part of the said section being read as subsection (1) thereof) —

Amendment of principal Act, s. 48—  
Power to require offenders to give name and address.

(2) Any such member of the Police Force may, whether or not he apprehends any such person, require him to give his full name and address ; and if he has reason to suspect that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

(3) If any such person refuses to comply with such requirement, or gives a name or address which is false in any particular, or produces false evidence with respect to such name or address, he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment for any period not exceeding three months.

**7.** Subsection (5) of section 55 of the principal Act is amended by striking out in the second line thereof the words “or within one hour thereafter”.

Amendment of principal Act, s. 55 (5) —  
Persons arrested without a warrant, how dealt with.

**8.** Section 56 of the principal Act is amended by striking out therein the passage “for the first offence be liable to a penalty not exceeding One Pound, or to imprisonment, with or without hard labor, for any period not exceeding three days, and for any subsequent offence”, and substituting in lieu thereof the words “be liable”.

Amendment of principal Act, s. 56—  
Penalty for drunkenness in public place.

**9.** Section 57 of the principal Act is amended—

- (a) by inserting after the word “riotous” in the first line of subdivision (a) thereof the word “offensive” ; and  
 (b) by inserting after the word “riotous” in subdivision (c) thereof the word “offensive”.

Amendment of principal Act, s. 57—  
Fighting, or riotous or indecent conduct.

**10.** Section

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Amendment of  
principal Act, s. 66—  
Idle and disorderly  
persons.

**10.** Section 66 of the principal Act is amended—

- (a) by substituting for the words “two months” in the third and fourth lines thereof the words “three months”; and
- (b) by striking out in the first line of subdivision (f) thereof the words “being an habitual drunkard”.

Amendment of  
principal Act, s. 67—  
Rogues and  
vagabonds.

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

- (a) by substituting for the words “three months” in the third line thereof the words “six months”; and
- (b) by substituting for the words “any unlawful game” in subdivision (i) thereof the words “the purse trick, the three card trick, or any other game played in the same way, or of a kindred nature”; and
- (c) by substituting for the word “frequents” in the first line of subdivision (l) thereof the words “is in, on, or near”; and
- (d) by adding at the end of subdivision (n) thereof the words “or without lawful excuse”.

Amendment of  
principal Act, s. 71—  
Penalty for unlawful  
possession of goods.

**12.** Subsection (1) of section 71 of the principal Act is amended—

- (a) by substituting for the words “Twenty-five Pounds” in the thirteenth line thereof the words “One Hundred Pounds”; and
- (b) by substituting for the words “twelve months” in the fourteenth line thereof the words “two years”.

Repeal of section 77  
of principal Act—  
Playing unlawful  
game.

**13.** Section 77 of the Police Act, 1916, is repealed.

Vehicles or animals  
not to be used without  
consent of owner.  
Cf. Motor Vehicles  
Act, 1921, s. 37.

**14.** Any person who—

- (a) drives or uses any vehicle (other than a motor vehicle within the meaning of the Motor Vehicles Act, 1920); or
  - (b) works or uses any horse or other beast of burden,
- without first obtaining the consent of the owner thereof, shall be liable to a penalty not exceeding Twenty Pounds.

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

W. E. G. A. WEIGALL, Governor.