

**BETTING CONTROL.**

10° Elizabeth II., No. XIV.

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**No. 14 of 1961.**

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**AN ACT to amend the Betting Control Act,  
1954-1960.**

[Assented to 20th October, 1961.]

**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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Betting Control Act Amendment Act, 1961.*

(2) In this Act the Betting Control Act, 1954-1960, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Betting Control Act, 1954-1961.

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Reprinted  
Acts.  
Approved for  
reprint  
16th Febru-  
ary, 1959, and  
amended by  
Acts Nos. 76  
of 1959 and  
49 of 1960.

2. The principal Act is amended by adding after section twenty-eight the following sections—

Ss. 28A and  
28B added.

28A. (1) If it appears to a justice on complaint made on oath before him that there are reasonable grounds for suspecting that unlawful betting is or is about to be carried on in or upon any place or public place he may give to any member of the Police Force a warrant in the form of the Second Schedule to this Act.

Search  
warrant.

Cf. s. 25  
No. 30 of  
1918.

(2) A warrant so given authorises the member of the police force therein named, with such assistance as may be necessary,—

- (a) to enter into and upon and search the place or public place named in the warrant at any time during the day or night and to open and break open if necessary and search all things found therein or thereupon;
- (b) to use force if necessary in making entry whether by breaking open doors or otherwise;
- (c) to search all persons found therein or thereupon;
- (d) to arrest and bring before a stipendiary magistrate or two justices all persons found therein or thereupon;
- (e) to seize all betting material and money found therein or thereupon or upon the persons referred to in paragraph (c) of this subsection that may reasonably be supposed to have been used or designed for use in connection with or in relation to such suspected unlawful betting; and
- (f) to detain all such betting material and money until it is dealt with in accordance with the provisions of section twenty-eight of this Act.

"Unlawful betting".

(3) In this section "unlawful betting" means any contravention of or failure to observe any provision of section twenty-three or twenty-seven of this Act.

Search of female persons.

(4) No female person shall be searched under authority of a warrant given pursuant to this section, except by a female member of the Police Force and in the presence of female persons only.

Betting material prima facie evidence of offence.

28B. If, on the hearing of any complaint for an offence against section twenty-three or twenty-seven of this Act, the Court is of opinion that any betting material or money that has to its satisfaction been proved to have been found in any place or public place wherein it was suspected that unlawful betting was carried on and entered under a warrant given under section twenty-eight A of this Act and to have been so found in circumstances that in the mind of the Court raises a reasonable suspicion that the betting material or money was used or designed for use in contravention of the purposes and provisions of the first mentioned sections or either of them, such finding shall be deemed *prima facie* evidence of the commission by the accused person of the offence charged against him in the complaint.

Second Schedule added.

3. The principal Act is amended by adding after the Schedule a schedule as follows—

SECOND SCHEDULE.

FORM OF WARRANT.

To wit } To

WHEREAS it appears to me,  
a Justice of the Peace by the complaint on oath of  
(A. B.) of in the State  
(occupation) that there is reason  
to suspect that unlawful betting within the meaning  
of section twenty-eight A of the Betting Control Act,  
1954, as amended, is being or is about to be carried  
on in or upon a certain place or public place, to wit,

. This is therefore to authorise and request you, with such assistance as may be necessary, to enter into and upon and search such place or public place at any time during the day or night and there to open and break open if necessary and search all things found therein or thereupon and search all persons found therein or thereupon subject to subsection (4) of the said section twenty-eight A and if necessary to use force in making such entry, whether by breaking open doors or otherwise and to arrest and bring before a Stipendiary Magistrate or two Justices of the Peace all such persons as may be found therein or thereupon and seize all money and betting material as defined in the said Act found upon such persons or in or upon such place, as may reasonably be supposed to have been used or designed for use in connection with or in relation to such unlawful betting and to detain any such betting material and money so found to be dealt with according to law: And for so doing this shall be your Warrant.

Given under my hand at

in Western

Australia this

day of

19 .

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