

## **TOTALISATOR AGENCY BOARD BETTING.**

10° Elizabeth II., No. XV.

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**No. 15 of 1961.**

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### **AN ACT to amend the Totalisator Agency Board Betting Act, 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 *Totalisator Agency Board Betting Act Amendment Act, 1961.*

(2) In this Act the Totalisator Agency Board Betting Act, 1960, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Totalisator Agency Board Betting Act, 1960-1961.

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

Ss. 46A and  
46B added.

46A. (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 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 unlawful betting; and
- (f) to detain such betting material until the owner or owners thereof appear before a stipendiary magistrate or two justices to claim the betting material and satisfy the magistrate or justices how and for what use or purposes it was intended.

(3) The stipendiary magistrate or justices may confiscate all or any of the betting material as he or they deem fit, if—

- (a) the owner or owners thereof do not appear before the magistrate or justices within twenty-one days after the seizure of the betting material; or
- (b) if he or they do so appear, and do not show to the satisfaction of the magistrate or justices after due examination that the betting material was not in the place or public place or upon the persons found therein or thereupon for the purpose of being used in relation to, or in connection with, unlawful betting.

(4) In this section and in section forty-six B of this Act—

- (a) “unlawful betting” means any contravention of or failure to observe any provision of section forty-five or forty-six of this Act; and
- (b) “betting material” means—
  - (i) lists, cards, books, tickets, vouchers and papers and other documents whether they are of the same kind as or a different kind from, those previously specified;
  - (ii) money, machines and devices; and
  - (iii) tables and blackboards.

(5) No female person shall be searched under the 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.

46B. If, on the hearing of any complaint for an offence against section forty-five or forty-six of this Act, the Court is of opinion that any

betting material 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 forty-six 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 was used or designed for use in contravention of the purposes and provisions of the firstmentioned 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.

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

Second  
Schedule  
added.

#### SECOND SCHEDULE.

S. 46A.

##### 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 forty-six A of the Totalisator Agency Board Betting Act, 1960, as amended, is being or is about to be carried on upon a certain place or public place, to wit, .

This is therefore to authorise and require 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 or break open if necessary and search all things found therein or thereupon and to search all persons found therein or thereupon subject to subsection (5) of the said section forty-six A and if necessary to use force in making such entry into or upon the place or public place, 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 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

