

Act No. 13, 1908.

An Act to provide for the licensing and regulation of theatres and public halls and places used for public entertainments or public meetings; to license and regulate the holding of public entertainments and public meetings in temporary structures; to repeal the Public Entertainments Act, 1897; and for purposes consequent thereon or incidental thereto. [8th December, 1908.]

THEATRES AND PUBLIC HALLS.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act shall commence on the first day of January, one thousand nine hundred and nine, and may be cited as the "Theatres and Public Halls Act, 1908." Commencement and short title.

2. This Act is divided into Parts, as follows:—

Division of Act.

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—THEATRES AND PUBLIC HALLS—*ss.* 5-22.

PART III.—TEMPORARY STRUCTURES—*ss.* 23-26.

PART IV.—GENERAL AND SUPPLEMENTAL—*ss.* 27-33.

3. The Public Entertainments Act, 1897, is repealed: Provided that all licenses under the said Act in force at the commencement of this Act shall continue in force for the respective periods for which they were granted. Repeal.

4. (1) In this Act, unless the context otherwise requires,— Definitions.
"Licensed" means licensed under this Act or by license under the Public Entertainments Act, 1897, in force in pursuance of this Act.

"Minister" means Colonial Secretary.

"Owner" shall include trustee or committee of management.

"Prescribed" means prescribed by this Act or the regulations.

"Public

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“Public entertainment” means entertainment including dancing, boxing, or other amusement or contest to which admission may be procured by payment of money, or by any other means, as the price or condition of admission.

“Public hall” means room or building of a permanent character where public entertainments or public meetings are held, and includes any building and premises used in connection therewith.

“Public meeting” means an assemblage of persons for any public purpose of a political, religious, charitable, or intellectual nature, to which admission may be procured either upon or without the payment of money, or by ticket or by any other means, but does not include an assemblage of persons for religious worship only.

“Regulations” means regulations in force under this Act.

“Temporary structure” means booth, tent, or other temporary enclosure.

“Theatre” means theatre constructed or used for the representation therein of any entertainment of the stage, and includes any building and premises used in connection therewith.

Proviso.

(2) Provided that the determination whether a building is a theatre or public hall within the meaning of this Act shall be in the discretion of the Minister. Such determination shall be conclusive.

PART II.

THEATRES AND PUBLIC HALLS.

Licensing of theatres and public halls.

Application.

5. The Governor may, by proclamation in the Gazette, apply the provisions of this Part to such theatres and public halls as may be named therein, or as may be situate within the localities named or described therein, and this Part shall apply only to such theatres and public halls.

The Governor may, by a like proclamation, amend or revoke any proclamation published under this section.

The powers referred to in paragraph (xxiii) of section one hundred and nine of the Local Government Act, 1906, shall not be exercised, and the provisions of section one hundred and fourteen of the said Act shall not apply with respect to any theatre or public hall to which this Act applies.

Different grades of
licenses.
Schedule I.

6. Theatres and public halls shall, for the purposes of this Act, be of the grades set out in Schedule I.

7.

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7. The fees payable on the granting or renewal of the licenses Fees for licenses. of buildings of the grades aforesaid shall be at the annual rates set out in Schedule II, and shall be of a proportionate amount where the Schedule II. license is granted for less than twelve months.

8. The decision of the Minister as to the grade to which a Determination of grade. building belongs shall be final.

9. (1) On application made as prescribed by the owner or Grant of license. lessee of a theatre or public hall, the Minister may, under his hand or under the hand of any person appointed by him in that behalf, and on payment of the prescribed fee, issue a license under this Act in respect of the same.

In the case of a building, other than a building completed before the commencement of this Act, the application shall be accompanied by plans and specifications of the building, and a block plan showing the site and means of access, and showing the adjoining buildings. In such case, on application made as prescribed before the completion of the building, the Minister may provisionally approve of the plans and specifications, but the license shall not issue until the building has been completed.

(2) Before issuing any such license, the Minister shall cause Inspection. some competent person to make an inspection of the building and to report to him thereon.

10. No license shall be issued in respect of any building, the Plans of building to be approved by Minister. erection of which is begun after the commencement of this Act, unless the plans of such building have, before such erection is begun, been approved by the Minister.

11. The Minister may refuse a license if it appears to him— Refusal to issue license.

- (a) that the provisions of this Act or the regulations have not been complied with; or
- (b) that alterations or additions to the building are necessary in order to provide for public safety, health, or convenience; or
- (c) if, in his opinion, the building is not suitable for holding public entertainments or public meetings therein, or the site of such building is unsuitable.

But he may grant a temporary license, to have effect during the making of the necessary alterations and additions, and subject to such conditions as he may impose.

12. (1) Any such license may be renewed under the hand of the Renewal of license. Minister, or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. The Minister may cause the building to be inspected before renewing the license. Such renewal may be refused on any ground on which an application for a license may be refused.

(2) Any such license shall, unless previously cancelled, be in Period of license. force for such period as may be specified therein, not exceeding twelve months from the date of its issue or renewal.

13.

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Transfer of license.

13. Any such license may be transferred by endorsement as prescribed on the license. Such transfer shall be forwarded to the officer keeping the register of licenses, and shall be initialled by him, and entered on the register. Every such transfer shall be to an owner or lessee of the building licensed.

Governor's regulations as to conditions of issuing or renewing licenses.

14. The Governor may make regulations as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as to the following matters:—

- (a) The situation and construction in all respects of any building in respect of which such license is applied for.
- (b) The provision of sufficient means of exit from any such building, the construction and size of passages, staircases, and landings, and the construction and arrangement of seats to allow of speedy exit from the building.
- (c) Methods to be provided in any such building for the prevention and extinguishing of fires, including—
 - (i) methods of lighting and heating;
 - (ii) appliances in connection with lighting and heating;
 - (iii) the application to woodwork and other inflammable material of fire-resisting matter;
 - (iv) the construction of seats, fixtures, and other appliances;
 - (v) the situation and construction of workshops in theatres, and of places for the storage of scenery and properties;
 - (vi) the means of extinguishing fires;
- (d) the amount of air space and the ventilation of all places in such building;
- (e) sanitary conveniences and the sanitation of such building.

Regulation of licensed buildings.

Additions and alterations to buildings. Cancellation of licenses.

15. No additions to or alterations of any licensed building shall be made except with the approval of the Minister.

16. If, during the time that any such license is in force, the building so licensed is—

- (a) allowed to fall into disrepair; or
- (b) is added to or altered without the approval of the Minister; or
- (c) is encumbered with scenery, properties, or other combustible matter;

and the Minister, after having caused an inspection to be made of such building, is satisfied that the continued use of the building for public entertainments would be dangerous to the public or prejudicial to public health, he may, in his discretion, cancel such license.

Regulations for public safety, health, and convenience.

17. The Governor may, with respect to licensed theatres and public halls, make regulations as to the following matters:—

- (a) The method of using lights and lighting apparatus, fire-arms, fireworks, cinematograph or similar apparatus. (b)

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- (b) The method of using fires and heating apparatus.
- (c) The storage of scenery and properties and other combustible matter.
- (d) Prescribing and regulating the keeping on the premises of fire hydrants and appliances for extinguishing fires.
- (e) Prescribing the keeping of a fire watch during any public entertainment or public meeting, and prescribing and regulating the fire drill of employees.
- (f) The periodical inspections of all theatres and public halls.
- (g) The opening and keeping open of all passages and ways of exit from the premises.
- (h) Keeping the premises clean.
- (i) Generally for preventing and extinguishing fires, and for public safety, health, and convenience.
- (j) Imposing any penalty not exceeding twenty pounds for the breach of any such regulation.

Penalties.

18. (1) If any person holds a public entertainment or public meeting in any theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, he shall be liable to a penalty not exceeding fifty pounds for every day during which such public entertainment or public meeting is so held. Penalty for holding entertainment or meeting in unlicensed building.

(2) If any person, being the owner or lessee of a theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, lets the same, or receives rent in respect of the same, or knowingly permits the same to be used for a public entertainment or public meeting, he shall be liable to a penalty not exceeding fifty pounds. Penalty for letting unlicensed building for entertainment or meeting.

19. If a public entertainment or public meeting is held in a theatre or public hall licensed under this Act on any Sunday, Christmas Day, or Good Friday, the person so holding such public entertainment or public meeting, and the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding one hundred pounds: Provided that this section shall not apply to the use, with the previous approval of the Minister, of a theatre or public hall for sacred concerts on any such day. Penalty for holding entertainment or meeting on Sunday, Christmas Day, or Good Friday.

- 20.** (1) The license for a theatre or public hall shall state— Licenses.
- (a) the number of persons who may be seated therein;
 - (b) the number who may be accommodated therein otherwise than on seats, and
 - (c) the total number of persons who may be admitted thereto.

(2)

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(2) If in any licensed theatre or public hall in which a public entertainment is held or is about to be held—

(a) the number of persons present in the theatre or public hall and accommodated otherwise than on seats exceeds the number stated in that behalf in the license, or

(b) the total number of persons admitted to the theatre or public hall exceeds the total number stated in the license,

the person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding fifty pounds.

Prohibition to sell tickets when theatre or public hall is full.

21. If a seller of tickets for a licensed theatre or public hall, or any part thereof in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after the total number of persons stated in the license has been admitted to the theatre or hall, and after he has been warned by a police officer of or above the rank of a sergeant that such total number has been so admitted, he shall be liable to a penalty not exceeding ten pounds.

Persons not to be allowed in gangways or passage-ways.

22. If during any public entertainment in a licensed theatre or public hall any person is allowed to sit or stand in a gangway or passage-way in the auditorium, the person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall or holds such entertainment, shall be liable to a penalty not exceeding ten pounds.

PART III.

TEMPORARY STRUCTURES.

Licenses for entertainments and meetings in temporary structures.

Grant of license.

23. (1) On application made as prescribed, the Minister may, under his hand, or under the hand of a person appointed by him in that behalf, and on payment of the prescribed fee, issue to any person a license authorising him, subject to the terms of the license, and to this Act and the regulations, to hold a class of public entertainments therein specified in temporary and unlicensed structures.

(2) The annual fee for any such license, or for any renewal thereof, shall be one pound.

(3) The Minister may cancel any such license for any breach of the terms or conditions of the license.

24.

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24. (1) Such license may be renewed, under the hand of the Minister or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. Renewal of licenses

(2) Any such license shall, unless previously cancelled, be in force for the period therein mentioned, not exceeding twelve months from the date of issue or renewal. Period of licenses.

Penalties.

25. If any person holds a public entertainment in a temporary and unlicensed structure he shall, unless he is the holder of a license as aforesaid in that behalf then in force, be liable to a penalty not exceeding twenty pounds : Penalty for holding entertainment without license.

Provided that the Minister may, by proclamation in the Gazette, exempt any class of entertainments, or may, by document under his hand, exempt any particular entertainment from the operation of this section.

26. The Governor may make regulations relating to the following matters :— Regulations as to booths, tents, &c.

- (a) The construction of temporary structures, and any furnishings or fittings of the same, used for any public entertainment or public meeting.
- (b) The provision of sufficient means of exit and the arrangement of seats so as to allow of speedy exit.
- (c) Sanitary arrangements.
- (d) Keeping the premises clean.
- (e) Imposing penalties not exceeding twenty pounds for any breach of the regulations.

PART IV.

GENERAL AND SUPPLEMENTAL.

Prohibition of public entertainments.

27. The Minister, whenever he is of opinion that it is fitting for the preservation of good manners and decorum, so to do, may, notwithstanding the terms of any license under this Act, by writing under his hand, prohibit or regulate the holding of any public entertainment. Any person who for hire, holds, acts, represents, or causes to be acted or represented, any public entertainment, contrary to such prohibition, or contrary to any conditions imposed by such writing, shall be liable to a penalty not exceeding twenty pounds. Prohibition or regulation of public entertainments.

Register.

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Register of licenses.

28. The Minister shall cause a register to be kept as prescribed of applications made and licenses issued in pursuance of this Act, and may notify in the Gazette the particulars contained in such register and any alterations thereof.

Inspection.

Inspection.

29. Every theatre and public hall, and every place in which a public entertainment or public meeting is held or is proposed to be held, may be inspected by a person appointed by the Minister in that behalf, or by a police officer of or above the rank of sergeant. For the purpose of inspection, such person or officer may, at any reasonable times, enter any such theatre, hall, or place.

Legal proceedings.

Proof in proceedings.

- 30.** In any proceedings under this Act—
- (a) a person shall be deemed to hold a public entertainment if he conducts or is interested in the proceeds or profits of the same;
 - (b) the production of a certified copy of the register kept in pursuance of this Act, or of a copy published in the Gazette of such register, shall be evidence of the particulars therein contained;
 - (c) the proof that a license was issued or renewed, or that any approval or consent under this Act has been obtained, shall lie on the defendant.

Regulations.

General regulations.

- 31.** The Governor may make regulations—
- (a) for carrying out the provisions of this Act;
 - (b) prescribing the method of making applications under this Act;
 - (c) prescribing the forms of documents under this Act; and
 - (d) imposing any penalties not exceeding twenty pounds for any breach of such regulations.

Regulations to be published.

- 32.** All regulations so made shall—
- (i) be published in the Gazette;
 - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
 - (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session.

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session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Penalties.

33. All penalties imposed by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace in petty sessions. ^{Recovery of penalties.}

SCHEDULES.

SCHEDULE I.

GRADES of theatres and public halls.

- (a) Theatres or buildings specially constructed for stage plays where the seating accommodation is more than five hundred persons and where theatrical performances are given.
- (b) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than one thousand persons.
- (c) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than five hundred but not more than one thousand persons.
- (d) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for not more than five hundred persons.

SCHEDULE II.

The fees payable on the granting or renewal of licenses of buildings of the grades mentioned in Schedule I:—

- (a) Fifteen pounds per annum.
- (b) Ten pounds per annum.
- (c) Two pounds per annum.
- (d) One pound per annum.