

Act No. 26, 1897.

An Act to consolidate the Acts for regulating places of Public Exhibition and Entertainment. [6th December, 1897.]

PUBLIC
ENTERTAINMENTS
—

BE it enacted by the Queen'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:—

1. (I) This Act may be cited as the "Public Entertainments Act, 1897." Short title and
repeals.

(II) The Acts mentioned in the First Schedule hereto are hereby repealed. First Schedule.

2. In the construction of this Act the term "Public Entertainment" means any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melodrama, pantomime, stage dancing, tumbling, horsemanship, or other entertainment of the stage whatsoever, to which admission shall or may be procured by payment of money or by tickets, or by any other means, token, or consideration as the price, hire, or rent of admission. Interpretation.
14 Vic. No. 23, s. 2.

3.

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Places may be authorised or licensed.

14 Vic. No. 23, s. 2.

Colonial Secretary may grant general licenses.

36 Vic. No. 8, s. 2.

And may revoke same.

Form of general license.

Ibid s. 4.

Second Schedule.

Penalty for acting, &c., without general license in unlicensed place.

14 Vic. No. 23, s. 2.

Penalty for letting, &c., unlicensed place.

Ibid. s. 2.

Unlicensed houses, &c., exhibiting public entertainments to be deemed disorderly; and all persons found therein to be deemed rogues and vagabonds.

Ibid. s. 3.

3. The Colonial Secretary may by writing authorise or license any place as a place wherein any public entertainment may be acted, represented, performed, or exhibited.

4. (I) The Colonial Secretary may grant to such person or persons as he thinks fit, a general license to give public entertainments at any place or places within the Colony (not being within the corporate boundaries of the City of Sydney) for such a period and under such conditions and restrictions as shall be specified in such general license.

(II) The Colonial Secretary may at any time revoke and cancel any such general license for any cause which may appear to him sufficient in that behalf.

(III) Every such general license shall be granted according to the form contained in the Second Schedule hereto.

5. Whosoever shall (unless under the authority of a general license granted as aforesaid) act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward, any public entertainment in any place not authorised or licensed in that behalf as aforesaid shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds.

6. Whosoever shall (unless in respect of a public entertainment given under the authority of a general license granted as aforesaid) take or receive, or cause to be taken or received, any money, goods, or valuable thing whatsoever, by way of rent, fee, or reward, for the use or hire of any theatre, house, room, building, garden, or place (not authorised or licensed in that behalf as aforesaid) wherein any public entertainment is acted, represented, performed, or exhibited, or being the owner or occupier of such theatre, house, room, building, garden, or place, shall knowingly permit or suffer the same to be so used and applied shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds.

7. Every theatre, house, room, building, garden, or place wherein any public entertainment is acted, represented, performed, or exhibited, unless the same is authorised and licensed as aforesaid, or unless such public entertainment is acted, represented, performed, or exhibited under the authority of a general license granted as aforesaid, shall be deemed a disorderly theatre, house, room, building, garden, or place; and it shall be lawful for any constable, with such assistance as may be necessary, being authorised by warrant under the hand of any justice of the peace, which warrant any such justice is hereby empowered and authorised to issue, upon complaint being made to him on oath that there is reason to suspect that any theatre, house, room, building, garden, or place is used for the purposes aforesaid, without being duly authorised or licensed, and without the authority of a general license, to enter into such theatre, house, room, building, garden, or place,

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place, and to seize every person found therein, and every person so found shall be deemed to be a rogue and vagabond, and shall be liable and subject to all such penalties and punishments as are inflicted on or are appointed for the punishment of rogues and vagabonds.

8. In any proceedings instituted against any person for any offence against the provisions of sections five and six of this Act, if it is proved that such theatre, house, room, building, garden, or place is used for the performance of public entertainments, the burden of proof that such theatre, house, room, building, garden, or place was at the time when the offence was alleged to have been committed duly authorised or licensed or used under the authority of a general license shall lie on the party accused:

Proof of being duly licensed to lie on the party accused.
14 Vic. No. 23, s. 4.

Provided always that no person shall be liable to be prosecuted for any offence against this Act unless such prosecution is commenced within three months next after the offence committed.

9. The Colonial Secretary may, whenever he is of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do, forbid by writing under his hand the acting or representing any public entertainment, or any part thereof, or any prologue or epilogue, or any part thereof in such theatres or other places for which an authority or license, or general license may have been granted under the authority of this Act; and every person who shall for hire act or represent, or cause to be acted or represented any public entertainment, or any part thereof, or any prologue or epilogue, or any part thereof contrary to such prohibition as aforesaid shall for every such offence forfeit and pay any sum not exceeding fifty pounds; and every authority or license (in case there be any such) by or under which the theatre or other place was opened in which such offence shall have been committed shall become absolutely void.

Colonial Secretary may prohibit certain entertainments or parts thereof.
Ibid. s. 5.

10. All proceedings in respect of any offence against this Act may be heard and determined, and every forfeiture and penalty in respect thereof be awarded and imposed by or before any two justices of the peace in a summary way, and any person feeling aggrieved by any summary judgment or conviction under this Act may appeal therefrom in the manner provided by the Act fifth William the Fourth number twenty-two, or any other law in force for the time being in that behalf:

Proceedings under this Act to be in a summary way.
Ibid. s. 6.

Provided that any justice to whom complaint is made of any offence against this Act may summon the party complained against before any two justices, and on such summons such justices may hear and determine the matter of such complaint, and on proof of the offence, may convict the offender and may adjudge him to pay the penalty or forfeiture incurred, and may proceed to recover the same although no information in writing has been exhibited or taken by or before any such justice or justices, and all such proceedings by summons without information shall be as valid and effectual as if an information in writing had been exhibited.

Appeal given.

11.

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Costs, &c., of
informer or person
prosecuting.
14 Vic. No. 23, s. 7.

11. The informer or person prosecuting in respect of any offence against this Act shall, in addition to the share of fines, forfeitures, and penalties to which he is entitled by law, be entitled to his costs and charges to be ascertained and assessed by the justices before whom the case is heard.

Limitation of
actions—pleading.
Ibid. s. 9.

12. No action at law shall lie against any justice of the peace, constable, or other peace officer, for or on account of any matter or thing whatsoever done or commanded by him in the execution of his duty or office under this Act against any party offending or suspected to be offending against the provisions of this Act, unless there be direct proof of corruption or malice, and unless such action be commenced within three months next after the cause of action or complaint shall have arisen, and if any person is sued for any matter or thing which he has so done in the execution of this Act he may plead the general issue and give the special matter in evidence.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

Reference to Act.	Title of Act.	Extent of repeal.
14 Vic. No. 23	An Act to amend the law for regulating places of Public Exhibition and Entertainment.	The whole Act.
36 Vic. No. 8	An Act to amend an Act intituled an Act to amend the Law for regulating places of Public Exhibition and Entertainment.	The whole Act.

Section 4.

SECOND SCHEDULE.

General License.

WHEREAS by an Act passed in the _____ year of the reign of Her Majesty intituled "*An Act to Consolidate the Acts for regulating Places of Public Exhibition and Entertainment*" it was enacted that it should be lawful for the Colonial Secretary to grant general licenses to give public entertainments as therein provided: And whereas

of _____ has applied to me to grant him a general license and authority to give public exhibitions and entertainments in the said Colony under and in pursuance of the provisions of the said Acts: Now I the Honorable _____, Esquire, Colonial Secretary for the time being of the Colony of New South Wales, in virtue of the power and authority vested in me by the said Acts, do hereby grant unto the said _____

a general license and authority to give public exhibitions and entertainments in the said Colony (save and except within the City of Sydney), subject to the approval of the local Benches of Magistrates of the several districts in which the performance shall take place; and in any district so approved by the Bench as aforesaid it shall be lawful for him to Act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward on such day or days in every week as he may think proper (save and except Sunday, Good Friday, and Christmas Day) any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melodrama, pantomime,

Distillation.

pantomime, or any stage-dancing, tumbling, or horsemanship, or any other entertainment of the stage whatsoever, licensed to be performed at any theatre in England, or in the representation of which express permission in writing shall have been given by the Colonial Secretary for the time being: And I declare and direct that this license continue in force for the period of _____ unless the same shall be the sooner revoked by the Colonial Secretary for the time being of the said Colony: But if the Colonial Secretary for the time being shall by reason of any irregularity or upon any ground appearing to him sufficient in that behalf see fit to revoke this license the same shall thereupon cease to have any force or effect, and shall be considered as no longer subsisting: And it is further provided that this license shall come into operation only on the approval of the Bench of Magistrates of the place or district in which the performance shall take place, such approval to be signified by endorsement on the license signed by two or more of the resident justices who will fix and specify in such endorsement the time and place for holding the entertainment.

Given under my hand at the Colonial Secretary's Office, at Sydney, this
day of _____ in the year of
our Lord one thousand eight hundred and seventy

Colonial Secretary.
