

# THEATRES AND PUBLIC HALLS (AMEND- MENT) ACT.

Act No. 27, 1946.

**George VI.**  
**No. 27, 1946.**

An Act to make further provision in relation to the licensing and regulation of theatres and public halls and the exhibition of cinematograph films; to amend the Theatres and Public Halls Act, 1908-1939; and for purposes connected therewith. [Assented to, 17th April, 1946.]

BE

**B**E it enacted by the King's Most Excellent Majesty, No. 27, 1946.  
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.** (1) This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1946." Short title, citation and commencement.

(2) The Theatres and Public Halls Act, 1908, as amended by subsequent Acts and by this Act, may be cited as the Theatres and Public Halls Act, 1908-1946.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** The Theatres and Public Halls Act, 1908-1939, is amended— Amendment of Act No. 13, 1908.

(a) by omitting section nine and by inserting in lieu thereof the following section:— Substituted sec. 9.

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

(b) Any such application shall be accompanied by—

- (i) plans and specifications (in duplicate) of the building and a block plan showing the site and means of access and adjoining buildings;
- (ii) the prescribed fee payable on the granting of the license; and
- (iii) such fee or fees for examination of plans as may be prescribed:

Provided that subparagraph (i) of this paragraph shall not, if the Minister so directs, apply to any theatre or public hall intended to be used for the screening of cinematograph films until an application under

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under section 13D of this Act in respect of such theatre or public hall has been granted in accordance with the provisions of that section.

(c) The Minister may provisionally approve of any such plans and specifications.

(d) No license shall be issued until—

- (i) the building in respect of which the application is made has been completed;
- (ii) some competent person has inspected the building on behalf of the Minister; and
- (iii) any alteration, addition or modification required by the Minister in respect of such building has been carried out.

(2) Where, before the commencement of the Theatres and Public Halls (Amendment) Act, 1946, the Minister has provisionally approved of the plans and specifications of any building under and in accordance with the provisions of the section which this section replaces and at the expiration of six months from the date of such commencement or such longer period as may be allowed by the Minister on the recommendation of the Commission no license has been issued in respect of such building such approval shall thereupon lapse and cease to have effect.

Sec. 13A.  
(Exhibition  
of cinematograph films—  
prescribed  
endorsement.)

- (b) (i) by omitting from subsection one of section 13A the words “on or after the first day of March one thousand nine hundred and thirty-eight”;
- (ii) by inserting in the same subsection after the words “Cinematograph Films (Australian Quota) Act, 1935” the words “as amended by subsequent Acts, nor to or in respect of any cinematograph film not exceeding two thousand feet in length, where in any such case such cinematograph film is, after the commencement of the Theatres and  
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and Public Halls (Amendment) Act, 1946, No. 27, 1946.  
exhibited in a theatre or public hall which  
before such commencement was used for the  
exhibition of cinematograph films referred  
to in the said paragraph (a), (b), (c), (d),  
(e), (f) or (g), and which is licensed under  
this Act”;

- (iii) by omitting from the same subsection the words “after the date of His Majesty’s assent to the Theatres and Public Halls (Amendment) Act, 1939”;
- (iv) by omitting from subsection two of the same section the words “issued either before or after the commencement of the Theatres, Public Halls and Cinematograph Films Act, 1937”;
- (v) by omitting from subsection three of the same section the words “either before or after the commencement of the Theatres, Public Halls and Cinematograph Films Act, 1937”;
- (vi) by omitting subsection four of the same section;
- (vii) by omitting from subsection five of the same section the words “after the commencement of the Theatres, Public Halls and Cinematograph Films Act, 1937”;
- (viii) by omitting subsections six and seven of the same section;
- (c) by inserting at the end of section 13B the following words and new subsection:—  
or the Commission in accordance with the provisions of subsection two of this section has determined that the prescribed endorsement should not be renewed.  
(2) (a) Any person specially authorised by the Minister in that behalf may make such inquiry and inspection as may be necessary to ascertain whether—
  - (i) any theatre or public hall is being used substantially or at all for the exhibition of cinematograph films;
  - (ii)

Sec. 13B.  
(Renewals.)

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- (ii) reasonably satisfactory seating or other accommodation has been provided in any theatre or public hall;
- (iii) the standard of motion picture entertainment in any theatre or public hall fails to satisfy or has failed to satisfy the reasonable requirements of the public;
- (iv) any increase or proposed increase in the charges made for admission to any theatre or public hall is unreasonable.

Any person so authorised may not later than three months before the expiration of the current license issued in respect of any theatre or public hall the subject of any inquiry and inspection as aforesaid report to the Commission upon any such inquiry and inspection and may in such report together with a statement of his reasons make a recommendation as to whether or not the prescribed endorsement should be renewed.

(b) Where any such report makes a recommendation that any prescribed endorsement should not be renewed the Commission shall forthwith serve upon the holder of the license a notice containing a copy of the reasons aforesaid and stating that a recommendation has been made that the prescribed endorsement be not renewed.

(c) The holder of the license may, within twenty-eight days of service of such notice, by a statement of facts and circumstances duly verified by statutory declaration answer the reasons set forth in such notice and otherwise show cause why the recommendation should not be given effect to.

(d) As soon as practicable after the receipt of any such statement the Commission shall consider the matter and, not later than twenty-eight days after such receipt, determine whether or not the prescribed endorsement should be renewed.

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The Commission shall in making such determination have regard to the reasons given by the person specially authorised by the Minister under paragraph (a) of this subsection and any statement of facts and circumstances lodged by the holder of the license under paragraph (c) of this subsection. No. 27, 1946.

(e) Notice of any determination of the Commission under paragraph (d) of this subsection shall be forthwith given to the holder of the license.

(f) (i) The holder of the license may within one month after the date upon which notice of the determination of the Commission has been given to him appeal against such determination to the District Court of the district within which the theatre or public hall to which such license relates is situated.

(ii) The appeal shall be in the nature of a re-hearing.

(iii) The decision of the District Court shall be final, and for the purposes of this Act shall be deemed to be the final determination of the Commission, and shall be carried into effect.

(iv) The District Court shall have jurisdiction to hear and decide any appeal under this paragraph and the provisions of the District Courts Act, 1912, as amended by subsequent Acts, shall with such modifications as may be necessary to give effect to this paragraph, apply to and in respect of the appeal.

(v) Without prejudice to the generality of subparagraph (iv) of this paragraph the District Court may, on any appeal under this paragraph, make such order as to costs as it thinks fit.

(d)

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Sec. 13D.  
(Reference of  
applications  
to  
Commission.)

(d) (i) by omitting paragraph (a) of subsection one of section 13D;

(ii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph:—

(b) An application made after the commencement of section four of the Theatres, Public Halls and Cinematograph Films (Amendment) Act, 1938, for the prescribed endorsement on a license issued under this Part and current at the date of the application.

(iii) by omitting subsection two of the same section;

(iv) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) (a) In making such determination the Commission shall have regard to—

(i) any valid objection lodged in respect of the application and any statement accompanying such objection;

(ii) any statement lodged by the applicant pursuant to paragraph (c) of subsection eight of this section; and

(iii) where the application is made by a person who has been the lessee of a theatre or public hall in the same locality as the theatre or public hall in respect of which such application is made and such person held a prescribed endorsement on the license issued in respect of such first-mentioned theatre or public hall and has been refused a renewal of the lease of such theatre or public hall or offered a renewal conditionally upon payment of increased rent, the circumstances regarding such refusal of the renewal of the lease or the proposed increased rent.

(b)

(b) Any determination made by the Commission that an application shall be granted may—

- (i) in the case of a proposed building be subject to a condition that such building shall be completed and used wholly or mainly for the purpose of exhibiting cinematograph films within such period not exceeding twelve months as may be specified by the Commission; and
  - (ii) in the case of an existing building be subject to a condition that such building shall be used wholly or mainly for the exhibition of cinematograph films within such time not exceeding six months as may be specified by the Commission.
- (v) by inserting at the end of the same section the following new subsection:—

(12) Where an application under this section has been refused for some reason other than a technical informality no further application relating to a prescribed endorsement on a license in respect of a theatre or public hall in the same municipality or the same riding of a shire as that in which the theatre or public hall in respect of which such refused application relates is situated shall be considered until after the expiration of one year from the date of such refusal.

**3.** The Theatres and Public Halls Act, 1908-1939, is further amended—

- (a) by omitting paragraphs (c) and (d) of Schedule I and by inserting in lieu thereof the following new paragraphs:—

- (c) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than seven hundred and fifty but not more than one thousand persons.
- (d)

Further  
amendment of  
Act No. 13,  
1908.  
Schedule I.  
(Grades of  
theatres  
and public  
halls.)



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- (d) 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 seven hundred and fifty persons.
- (e) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than three hundred but not more than five hundred persons.
- (f) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for not more than three hundred persons.

Substituted  
Schedule II.

- (b) by omitting Schedule II and by inserting in lieu thereof the following Schedule:—

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

- (a) Twenty-five pounds per annum.
- (b) Ten pounds per annum.
- (c) Five pounds per annum.
- (d) Three pounds per annum.
- (e) Two pounds per annum.
- (f) One pound per annum.

Provided, however, that if the license in respect of the public halls or buildings referred to in paragraphs (b), (c), (d), (e) and (f) of Schedule I bears the prescribed endorsement referred to in section 13A of this Act, the fees payable in respect of such public halls or buildings shall, respectively, be as follows:—

- (b) Twenty pounds per annum.
- (c) Fifteen pounds per annum.
- (d) Ten pounds per annum.
- (e) Five pounds per annum.
- (f) Two pounds per annum.