

**THEATRES AND PUBLIC HALLS (AMENDMENT)  
ACT.**

**New South Wales**



ANNO SEPTIMO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 70, 1968.**

An Act to amend the Theatres and Public Halls Act, 1908–1966, in certain respects; and for purposes connected therewith. [Assented to, 16th December, 1968.]

**B**E 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.** (1) This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1968".

(2) Short title, citation, construction and commencement.

*Theatres and Public Halls (Amendment).*

No. 70, 1968 (2) The Theatres and Public Halls Act, 1908, as subsequently amended and as amended by this Act, may be cited as the Theatres and Public Halls Act, 1908–1968.

(3) This Act shall be read and construed with the Theatres and Public Halls Act, 1908, as subsequently amended.

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

Amendment of Act No. 13, 1908. 2. The Theatres and Public Halls Act, 1908, as subsequently amended, is amended—

Sec. 5.  
(Application.)

(a) (i) by inserting in section five after the word “named” where firstly occurring the words “or described”;

(ii) by omitting from the same section the words “and this Part” and by inserting in lieu thereof the words “and, subject to subsection two of this section, this Part”;

(iii) by inserting at the end of the same section the following new subsection :—

(2) Subject to the condition referred to in subparagraph (iv) of paragraph (d) of subsection one of section nine of this Act, an application under this Part may, where no proclamation has been published under this section in respect of the building or proposed building to which the application relates, be made and dealt with as if such a proclamation were in force.

(b)

*Theatres and Public Halls (Amendment).*

- (b) (i) by omitting paragraph (a) of subsection one of section nine and by inserting in lieu thereof the following paragraph :—

No. 70, 1968  
 Sec. 9.  
 (Grant of  
 license.)

(a) Application for a license under this Part in respect of a theatre or public hall may be made as prescribed—

- (i) where the application is in respect of an existing building—by the owner or lessee of the building;
  - (ii) where the application is in respect of a proposed building—by the owner or lessee of the site of the proposed building; or
  - (iii) by any person duly authorised by such an owner or lessee.
- (ii) by inserting in subparagraph (i) of paragraph (b) of the same subsection after the word “building” the words “or proposed building”;
- (iii) by omitting from paragraph (d) of the same subsection the word “No” and by inserting in lieu thereof the words “The Minister may, under his hand or the hand of any person appointed by him in that behalf, issue a license applied for under paragraph (a) of this subsection, but no such”;
- (iv) by omitting from subparagraph (ii) of the same paragraph the word “and”;
- (v) by omitting from subparagraph (iii) of the same paragraph the word “out.” and by inserting in lieu thereof the following words and new subparagraph :—
- out; and
  - (iv) a proclamation has been published under section five of this Act in respect of the building to which the application relates.

(c)

*Theatres and Public Halls (Amendment).***No. 70, 1968**

(c) by omitting section ten;

**Sec. 10.**

(Plans of building to be approved by Minister.)

**Sec. 11.**

(Refusal to issue license.)

(d) (i) by inserting in section eleven after the word "building" wherever occurring the words "or proposed building";

(ii) by omitting from paragraph (c) of the same section the words "if, in his opinion," and by inserting in lieu thereof the word "that";

(iii) by inserting in the same section after the word "But" the words ", notwithstanding anything contained in subparagraph (iii) of paragraph (d) of subsection one of section nine of this Act,";

**Sec. 13c.**

(Statement as to use of building.)

(e) by omitting from section 13c the words "for provisional approval of plans and specifications of a proposed building shall, where the proposed building is intended to be used wholly or mainly" and by inserting in lieu thereof the words "shall, where the building or proposed building to which the application relates is intended to be used";

**Sec. 13D.**

(Reference of applications to the Commission.)

(f) (i) by inserting in paragraph (a) of subsection four of section 13D after the word "building" the words "or proposed building";

(ii) by inserting in the same paragraph after the word "is" the words "or is to be";

(iii) by inserting in subparagraph (iii) of paragraph (a) of subsection nine of the same section after the words "lessee of" the words ", and the holder of a license bearing the prescribed endorsement for,";

(iv)

*Theatres and Public Halls (Amendment).*

- (iv) by omitting from the same subparagraph the words "theatre or public hall" where secondly occurring and by inserting in lieu thereof the words "building or proposed building";
- (v) by omitting from the same subparagraph the words "held a prescribed endorsement on the license issued in respect of such first-mentioned theatre or public hall and";
- (vi) by omitting from the same subparagraph the words "such theatre or public hall" and by inserting in lieu thereof the words "the theatre or public hall for which that license is held,";
- (vii) by inserting in paragraph (b) of the same subsection after the word "Commission" where secondly and thirdly occurring the words "or, where before the expiration of the period so specified an extension of that period is approved by the Minister, within the extended period so approved";
- (viii) by omitting from subparagraph (ii) of the same paragraph the word "time" and by inserting in lieu thereof the word "period";
- (ix) by omitting from subsection twelve of the same section the words "theatre or public hall in respect of" and by inserting in lieu thereof the words "building or proposed building to";
- (x) by inserting in the same subsection after the word "is" the words "or is to be";
- (g) (i) by inserting in paragraph (b) of subsection four of section 22A after the word "building" the words "or a proposed building";
- (ii) by inserting in the same paragraph after the word "used" the words "or proposed to be used".

Sec. 22A.  
(Applica-  
tion of Act  
to open-air  
and  
drive-in  
theatres.)

*Theatres and Public Halls (Amendment).*

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**No. 70, 1968** 3. (1) In this section—

“application” means an application under the Principal Act;

“Principal Act” means the Theatres and Public Halls Act, 1908, and includes that Act as from time to time amended.

(2) No application made before the commencement of this Act shall be deemed ever to have been invalid by reason of the fact that the building or proposed building to which the application related was not, at the time the application was made, the subject of a proclamation under section five of the Principal Act.

(3) No license issued under the Principal Act before the commencement of this Act shall be deemed ever to have been invalid by reason of a failure to comply with section ten of the Principal Act.

(4) A proclamation published under section five of the Principal Act before the commencement of this Act shall be deemed always to have been valid if it would have complied with section five of the Principal Act, as amended by this Act, had this Act been enacted immediately before publication of the proclamation.

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