

**MISCELLANEOUS ACTS (THEATRES AND PUBLIC
HALLS) AMENDMENT ACT 1989 No. 11**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendments

SCHEDULE 1—AMENDMENTS

**MISCELLANEOUS ACTS (THEATRES AND PUBLIC HALLS)
AMENDMENT ACT 1989 No. 11**

NEW SOUTH WALES



Act No. 11, 1989

An Act to amend certain Acts as a consequence of the enactment of the
Local Government (Theatres and Public Halls) Amendment Act 1989.
[Assented to 18 April 1989]

Miscellaneous Acts (Theatres and Public Halls) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Theatres and Public Halls) Amendment Act 1989.

Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

(2) Items (1)–(3) of the provisions of Schedule 1 relating to the Boxing Authority Act 1986, item (5) (c) of the provisions of Schedule 1 relating to the Theatres and Public Halls Act 1908, and section 3 in its application to those items, commence on the date of assent to this Act.

Amendments

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Boxing Authority Act 1986 No. 11—

(1) Long title—

After “functions”, insert “; to regulate the conduct of wrestling and amateur boxing contests”.

(2) Section 1 (**Short title**)—

Omit “Boxing Authority Act”, insert instead “Boxing and Wrestling Control Act”.

(3) Part 8A—

After Part 8, insert:

PART 8A—CONTROL OF WRESTLING AND AMATEUR BOXING CONTESTS

Application of Part and definitions

62A. (1) This Part applies to—

- (a) wrestling contests; and
- (b) amateur boxing contests,

held for public entertainment.

(2) In this Part—

“amateur boxing contest” means a contest, display or exhibition of boxing, but does not include a boxing contest as defined by section 3 (1);

*Miscellaneous Acts (Theatres and Public Halls) Amendment 1989*SCHEDULE 1—AMENDMENTS—*continued*

“public entertainment” means—

- (a) a public entertainment within the meaning of the Theatres and Public Halls Act 1908; or
- (b) the entertainment of—
 - (i) patrons of any premises licensed under the Liquor Act 1982 or registered under the Registered Clubs Act 1976; or
 - (ii) the public or a section of the public at any theatre or public hall, or any temporary structure, licensed under the Theatres and Public Halls Act 1908, whether or not the entertainment would constitute a public entertainment referred to in paragraph (a);

“wrestling contest” means a contest, display or exhibition of wrestling, whether or not for a monetary prize or other reward.

Permits required for wrestling or amateur boxing contests

62B. A person shall not hold or promote a wrestling contest or an amateur boxing contest—

- (a) without a permit under this Part; or
- (b) contrary to the conditions subject to which such a permit was granted.

Maximum penalty: 20 penalty units.

Application for and granting of permits

62C. (1) Any application for a permit under this Part—

- (a) shall be made to the Minister; and
- (b) shall be made not less than 21 days before the date of the proposed wrestling contest or amateur boxing contest.

(2) The Minister—

- (a) may grant a permit unconditionally or subject to such conditions as the Minister thinks fit to impose; or
- (b) may refuse to grant a permit.

(3) A permit may be granted so as to authorise a single contest, or 2 or more contests.

(4) The Minister may delegate to any person the Minister’s powers under subsection (2).

(5) A permit granted under section 27 (8) of the Theatres and Public Halls Act 1908 for a contest to be held after the commencement of this section shall be taken to have been granted under this section.

*Miscellaneous Acts (Theatres and Public Halls) Amendment 1989*SCHEDULE 1—AMENDMENTS—*continued***Prohibition on female boxing contests**

62D. (1) A female person of any age shall not take part in any amateur boxing contest.

(2) A person shall not hold or promote an amateur boxing contest in which a female person is a contestant.

Maximum penalty: 20 penalty units.

(4) Section 62A (Application of Part and definitions)—

Section 62A (2), definition of “public entertainment”—

(a) From paragraph (a), omit “the Theatres and Public Halls Act 1908”, insert instead “Division 4BA of Part 11 of the Local Government Act 1919”.

(b) Omit paragraph (b) (ii), insert instead:

(ii) the public or a section of the public at any place of public entertainment, or any temporary structure, the subject of an approval in force under Division 4BA of Part 11 of the Local Government Act 1919,

Cinematograph Films Act 1935 No. 41—

Section 7B (Right of exhibitor to reject restricted and unclassified films)—

Omit section 7B (1), insert instead:

(1) In this section—

“restricted exhibition film” means—

(a) a film that has been classified as an “R” film; or

(b) a film that has been refused classification,

under the Film and Video Tape Classification Act 1984.

Film and Video Tape Classification Act 1984 No. 155—

Section 3 (Definitions)—

Section 3 (3)—

Omit “the Theatres and Public Halls Act, 1908”, insert instead “Division 4BA of Part 11 of the Local Government Act 1919”.

Gaming and Betting Act 1912 No. 25—

Section 3 (Definitions)—

Section 3 (1), definition of “Street”—

Omit “the Theatres and Public Halls Act 1908–1937”, insert instead “in respect of which an approval is in force under Division 4BA of Part 11 of the Local Government Act 1919”.

*Miscellaneous Acts (Theatres and Public Halls) Amendment 1989*SCHEDULE 1—AMENDMENTS—*continued***Liquor Act 1982 No. 147—**(1) Section 4 (**Definitions**)—

(a) Section 4 (1), definition of “public hall”—

Omit the definition, insert instead:

“public hall” means a public hall the subject of an approval in force under Division 4BA of Part 11 of the Local Government Act 1919;

(b) Section 4 (1), definition of “theatre”—

Omit the definition, insert instead:

“theatre” means a theatre the subject of an approval in force under Division 4BA of Part 11 of the Local Government Act 1919;

(c) Omit section 4 (4).

(2) Section 68 (**Grounds for complaint**)—

After section 68 (1) (g), insert:

(g1) that entertainment has been conducted on the licensed premises otherwise than in accordance with—

(i) the conditions of an approval; or

(ii) the provisions of an ordinance,

under Division 4BA of Part 11 of the Local Government Act 1919; or

(3) Section 89 (**Entertainment areas**)—

Omit the section.

(4) Section 126A (**Lawful keeping etc. of approved amusement devices**)—

Omit section 126A (3).

(5) Section 156 (**Regulations**)—

Omit section 156 (1) (i).

Parliamentary Electorates and Elections Act 1912 No. 41—Section 151B (**Exhibition of posters**)—

Section 151B (3) (b)—

Omit “theatre, or public hall licensed under the Theatres and Public Halls Act 1908”, insert instead “theatre or public hall the subject of an approval in force under Division 4BA of Part 11 of the Local Government Act 1919”.

SCHEDULE 1—AMENDMENTS—*continued***Registered Clubs Act 1976 No. 31—****Section 23 (Functions on club premises)—**

Omit section 23 (3A), (3B), (3C) and (11).

Search Warrants Act 1985 No. 37—**Section 10 (Definitions)—**

Section 10, definition of “search warrant”—

Insert, in alphabetical order:

section 317JS of the Local Government Act 1919;

Theatres and Public Halls Act 1908 No. 13—**(1) Sections 3 (Repeal), 3A (Application of Act)—**

Omit the sections.

(2) Section 4 (Definitions)—

Section 4 (1), definitions of “licensed capacity”, “owner”, “public meeting”—

Omit the definitions.

(3) Section 4^{AA} (This Act to prevail where inconsistent with Construction Safety Act 1912)—

Omit the section.

(4) Parts 2 (Theatres and Public Halls), 2A (Open-air and Drive-in Theatres), 3 (Temporary Structures)—

Omit the Parts.

(5) Section 27 (Prohibition or regulation of public entertainments)—**(a) Section 27 (1)—**

Omit “, notwithstanding the terms of any license under this Act,”.

(b) Omit section 27 (4).**(c) Omit section 27 (5)–(12).****(6) Section 28 (Register of licenses)—**

Omit the section.

(7) Section 30 (Proof in proceedings)—

Omit section 30 (a) and (b).

Miscellaneous Acts (Theatres and Public Halls) Amendment 1989

SCHEDULE 1—AMENDMENTS—*continued*

- (8) Section 31 (**Regulations**)—
- (a) Omit section 31 (1) (a2), (a3), (b), (c) and (d).
 - (b) Omit section 31 (2), (3) and (5).

[*Minister's second reading speech made in—*
Legislative Assembly on 17 November 1988
Legislative Council on 4 April 1989]