

Act No. 10 of 1989

## LOCAL GOVERNMENT (THEATRES AND PUBLIC HALLS) AMENDMENT BILL 1988

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Miscellaneous Acts (Theatres and Public Halls) Amendment Bill 1988 is cognate with this Bill.

The object of this Bill is to amend the Local Government Act 1919 so as—

- (a) to make provision for the approval and regulation of places of public entertainment and temporary structures; and
- (b) to enact savings and transitional provisions; and
- (c) to enact other provisions of a minor, consequential or ancillary nature.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments.

### SCHEDULE 1—AMENDMENTS

**Schedule 1 (1)** amends section 10 consequentially.

**Schedule 1 (2)** amends section 289G by way of statute law revision.

**Schedule 1 (3)** inserts a new Division 4BA into Part 11. The proposed Division contains sections 317JD–317JS.

Proposed section 317JD defines certain expressions (in particular, the expressions “approval”, “authorised officer”, “drive-in theatre”, “licensed premises”, “open-air theatre”, “place of public entertainment”, “public entertainment”, “public meeting”, “temporary structure” and “theatre or public hall”) for the purposes of the proposed Division.

Proposed section 317JE provides that the proposed Division is to bind the Crown.

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- Proposed section 317JF prohibits the use of a building or place of public entertainment for the purposes of public entertainment unless an approval is in force in respect of that building or place. Contravention of the section will attract a penalty of 10 penalty units (\$1,000) for individuals or 20 penalty units (\$2,000) for corporations.
- Proposed section 317JG prohibits the use of licensed premises for the purposes of entertainment unless an approval is in force in respect of those premises. Contravention of the section will attract a penalty of 10 penalty units (\$1,000) for individuals or 20 penalty units (\$2,000) for corporations.
- Proposed section 317JH prohibits the use of a temporary structure for the purposes of public entertainment unless an approval is in force in respect of that structure. Contravention of the section will attract a penalty of 10 penalty units (\$1,000) for individuals or 20 penalty units (\$2,000) for corporations.
- Proposed section 317JI prohibits the use of a building for the purposes of public meetings unless an approval is in force in respect of that building. Contravention of the section will attract a penalty of 10 penalty units (\$1,000) for individuals or 20 penalty units (\$2,000) for corporations.
- Proposed section 317JJ provides for the making of ordinances in relation to places of public entertainment and temporary structures.
- Proposed section 317JK enables a council to give approvals for places of public entertainment, and enables the Minister to give directions to a council in relation to the revocation and suspension of approvals and the imposition, variation and rescission of conditions to which approvals may be subject.
- Proposed section 317JL enables an authorised officer to exercise the functions of a council (in relation to the giving of approvals) in respect of certain specified places of public entertainment and in respect of all temporary structures. The decisions of an authorised officer are to be subject to review by the Minister. Unlike the decisions of a council, the decisions of the Minister will not be subject to a right of appeal.
- Proposed section 317JM subordinates the provisions of the Construction Safety Act 1912 to those of the proposed Division in relation to amusement devices within the meaning of that Act.
- Proposed section 317JN enables a council to issue an emergency closure order in respect of a place of public entertainment or temporary structure in which an entertainment or meeting is being conducted if it appears that the conduct of the entertainment or meeting constitutes a life-threatening hazard. Contravention of such an order will attract a penalty of 50 penalty units (\$5,000) or imprisonment for 6 months, or both, for individuals or 100 penalty units (\$10,000) for corporations.
- Proposed section 317JO empowers the Minister to exercise the powers of a council under proposed section 317JN in respect of specified places of public entertainment and in respect of all temporary structures.
- Proposed section 317JP empowers an authorised officer to exercise the powers of entry conferred on a council by section 524 for the purpose of determining whether a place of public entertainment complies with the provisions of an ordinance under the proposed Division or with the conditions of any approval relating to the place.
- Proposed section 317JQ empowers an authorised officer to exercise the powers conferred on a council by Division 4B of Part 11 in respect of specified buildings. These powers enable a council to require the owner of a building to carry out necessary improvements on the building.
- Proposed section 317JR empowers an authorised officer or member of the police force to enter premises (other than residential premises) and temporary structures in or on which it is suspected that a provision of the proposed Division, or of an ordinance under the proposed Division, is being or has been contravened.

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Proposed section 317js provides for the issue of search warrants to enable an authorised officer or member of the police force to enter residential premises in or on which it is believed that a provision of the proposed Division, or of an ordinance under the proposed Division, is being or has been contravened.

**Schedule 1 (4)** amends the definition of “applicant” in section 317k so as to ensure that the provisions of Division 4c of Part 11 (dealing with appeals) apply in relation to applications determined by a council under proposed Division 4BA of that Part.

**Schedule 1 (5)** amends section 319 by way of statute law revision.

**Schedule 1 (6)** amends section 635 so as to ensure that obstruction of an authorised officer within the meaning of proposed Division 4BA of Part 11 constitutes an offence under that section.

**Schedule 1 (7)** inserts a new section 656. The proposed section gives effect to proposed Schedule 12 to be inserted by Schedule 1 (8).

**Schedule 1 (8)** inserts a new Schedule 12. The proposed Schedule contains—

- (a) provisions enabling the Governor-in-Council to make ordinances of a savings or transitional nature (Part 1: clause 1); and
  - (b) provisions consequent on the enactment of the proposed Act and of the proposed Miscellaneous Acts (Theatres and Public Halls) Amendment Act 1988 (Part 2: clauses 2–9).
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