

Theatres and Public Halls Act 1908 No 13

[1908-13]



New South Wales

Status Information

Currency of version

Repealed version for 7 July 1999 to 31 March 2002 (accessed 18 July 2024 at 6:42)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by the *Summary Offences Amendment (Minors in Sex Clubs) and Theatres and Public Halls Repeal Act 2001 No 71*, sec 4 with effect from 1.4.2002.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

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Theatres and Public Halls Act 1908 No 13



New South Wales

An Act to provide for the licensing and regulation of theatres and public halls and places used for public entertainments or public meetings; to license and regulate the holding of public entertainments and public meetings in temporary structures; to repeal the *Public Entertainments Act 1897*; and for purposes consequent thereon or incidental thereto.

Part 1 Preliminary

1 Commencement and name of Act

This Act shall commence on the first day of January, one thousand nine hundred and nine, and may be cited as the *Theatres and Public Halls Act 1908*.

2-3A (Repealed)

4 Definitions

(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

building includes part of a building.

public entertainment means entertainment to which admission may ordinarily be procured by members of the public:

(a) upon payment of money or other consideration, or

(b) by a ticket, programme or other device purchased for money or other consideration,

notwithstanding:

(c) admission may also be procured thereto by any person without such payment, ticket, programme or device, or

(d) that such payment, ticket, programme or device is demanded:

(i) as the charge for a meal or other refreshment or for any other service or thing before admission may be procured to the entertainment, or

(ii) as the charge for the entertainment after admission thereto.

regulation means a regulation made under this Act.

theatre or public hall means a building of a permanent character where public entertainment or public meetings are held, and includes any building or premises used in connection therewith.

(2) (Repealed)

(3) In the definition of **public entertainment** in subsection (1), **entertainment** includes:

- (a) amusement provided by means of any ride or device or by any other means, and
- (b) exhibition, sporting event or contest.

4AA (Repealed)

Parts 2-3A

4A-26W (Repealed)

Part 4 General and supplemental

27 Prohibition or regulation of public entertainments

- (1) The Minister, if the Minister is of the opinion that it is fitting for the preservation of good manners and decorum, so to do, may by writing, prohibit or regulate the holding of any public entertainment, other than boxing or wrestling. Any person who for hire, holds, acts, represents, or causes to be acted or represented, any public entertainment, contrary to such prohibition, or contrary to any conditions imposed by such writing, shall be liable to a penalty not exceeding 20 penalty units.
- (2) The Minister may, if the Minister is of the opinion that it is fitting for the preservation of good manners and decorum to do so, by a notice in writing served on the holder of a licence under the [Liquor Act 1982](#) or a certificate of registration under the [Registered Clubs Act 1976](#), prohibit or regulate the holding, on the premises to which the licence or certificate of registration relates, of the type of entertainment (not being boxing or wrestling), or the particular entertainment (not being a boxing or wrestling contest or other display or exhibition of boxing or wrestling), specified in the notice, whether or not that entertainment would constitute public entertainment for the purposes of this Act.
- (3) Where any entertainment is held upon premises in respect of which a person upon whom a notice has been served under subsection (2) is the holder of a licence under the [Liquor Act 1982](#) or certificate of registration under the [Registered Clubs Act 1976](#) and the entertainment is so held contrary to any prohibition or condition imposed by

such notice, the holder of the licence or certificate of registration relating to the premises shall be liable to a penalty not exceeding 20 penalty units.

(4) A person notified by the Minister under this section may apply to the Administrative Decisions Tribunal for a review of a prohibition or regulation of the holding by that person of any public entertainment or other entertainment by the person.

(5)-(12) (Repealed)

(13) In this section, **boxing** has the same meaning as in the [Boxing Authority Act 1986](#).

(14) This section does not apply to or in respect of a boxing contest as defined in the [Boxing Authority Act 1986](#).

28 (Repealed)

29 Inspection

(1) A member of the police force who is of or above the rank of sergeant or who is in charge of a police station or a person appointed by the Minister for the purposes of this section may, at any reasonable time, enter and inspect any theatre or public hall or any place in which the member has reason to suspect a public entertainment or public meeting is being held or is proposed to be held.

(2) A member of the police force, or a person, conducting an inspection pursuant to subsection (1) may test or cause to be tested any equipment installed in the theatre or public hall or place being inspected.

(3) A person who assaults, threatens, resists, delays, obstructs or uses abusive language to, or incites or encourages any person to assault, threaten, resist, delay, obstruct or use abusive language to, a member of the police force, or a person, acting in pursuance of this section shall be liable to a penalty not exceeding 2 penalty units.

30 Proof in proceedings

In any proceedings under this Act:

(a), (b) (Repealed)

(c) the proof that a licence was issued or renewed, or that any approval or consent under this Act has been obtained, shall lie on the defendant.

31 Regulations

(1) The Governor may make regulations:

(a) for carrying out the provisions of this Act,

(a1) prescribing all matters which by this Act are required or permitted to be

prescribed or which are necessary or convenient to be prescribed for carrying this Act into effect.

(a2)-(d) (Repealed)

(2)-(5) (Repealed)

32 (Repealed)

33 Proceedings for offences against Act or regulations

Proceedings for an offence against this Act or the regulations may be taken before a Local Court constituted by a Magistrate sitting alone.

34 Offences by corporations

Where a body corporate is guilty of any contravention of or failure to comply with any provision of this Act or the regulations and liable to a penalty under this Act or the regulations, every person who at the time of the contravention or failure was a director or officer of the body corporate shall be liable to be proceeded against for the same contravention or failure and liable to the same penalty unless the person proves that the contravention was committed, or the failure occurred, without the person's knowledge or that the person used all due diligence to prevent the commission thereof.

Schedules 1, 2 (Repealed)