

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 19 November, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

**ELIZABETHÆ II REGINÆ**

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Act No.           , 1969.

An Act to make further provisions with respect to the licensing of theatres and public halls; to provide for the censorship of cinematograph films; for these and other purposes to amend the Theatres and Public Halls Act, 1908; to validate certain matters; and for purposes connected therewith.

**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, 1969".

Short title  
and construction.

(2)

*Theatres and Public Halls (Amendment).*

(2) The Theatres and Public Halls Act, 1908, as amended by subsequent Acts in force immediately before the commencement of section two of this Act, is in that section referred to as the Principal Act.

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

2. (1) The Principal Act is amended—

Amendment  
of Act No.  
13, 1908.

10 (a) by omitting from subsection one of section four the words “unless the context otherwise requires,” and by inserting in lieu thereof the words “except in so far as the context or subject-matter otherwise indicates or requires”;

Sec. 4.  
(Defini-  
tions.)

(b) by inserting next after the heading to Part II the following new section and short heading thereto :—

New sec.  
4A.

*Definition.*

15 4A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires, “license” means a license under this Part.

Definition.

20 (c) by omitting section seven and by inserting in lieu thereof the following section :—

Subst.  
sec. 7.

25 7. (1) In the case of a license granted on or after the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

Fees for  
licenses.  
Schedule II.

(a) the period of twelve months next following the granting of the license; and

(b) each period of twelve months after that period,

the appropriate fee set out in Schedule II.

30 (2) In the case of a license in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

(a) the period of twelve months next following the period for which the license was granted,

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or,

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or, where it was renewed under this Act as in force before that commencement, next following the period for which it was last renewed; and

- 5 (b) each period of twelve months after the period of twelve months referred to in paragraph (a) of this subsection,

the appropriate fee set out in Schedule II.

- 10 (3) The fee payable under paragraph (b) of subsection one or under subsection two of this section in respect of a period of twelve months shall be delivered or forwarded so as to be received in the office of the Minister before the commencement of that period.

- 15 (4) Where a fee payable under paragraph (b) of subsection one or under subsection two of this section is not received in the office of the Minister before the commencement of the period in respect of which it is payable—

- 20 (a) the fee may, without prejudice to the power of the Minister to suspend or cancel the license to which the fee relates, be paid or received in the office of the Minister after that commencement; and

- 25 (b) if the fee is so received after that commencement, there shall be paid such additional fee as may be prescribed, unless the Minister in a particular case directs that the additional fee be not payable.

- 30 (5) Where the grade of a theatre or public hall is, during a period of twelve months referred to in subsection one or two of this section, changed to another grade, the change shall, for the purposes only of the payment of the appropriate fee set out in Schedule II, be deemed to take effect as from the  
35 commencement of the period of twelve months next following that firstmentioned period of twelve months.

(6)

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(6) Schedule II may be amended or substituted by regulations made under this Act, and the Schedule as so amended or substituted shall be Schedule II.

- 5 (d) (i) by omitting from paragraph (a) of subsection Sec. 9.  
one of section nine the words "under this (Grant of  
Part"; license.)
- (ii) by inserting at the end of subparagraph (i) of  
paragraph (b) of the same subsection the  
10 word "and";
- (iii) by omitting subparagraph (ii) of the same  
paragraph;
- (iv) by omitting from subparagraph (iii) of para-  
graph (d) of the same subsection the word  
15 "and";
- (v) by inserting at the end of subparagraph (iv)  
of the same paragraph the following word and  
new subparagraph :—  
; and
- 20 (v) the fee payable under subsection one  
of section seven of this Act in respect  
of the period of twelve months next  
following the granting of the license  
has been received in the office of the  
25 Minister.
- (e) by omitting section twelve and by inserting in lieu Subst.  
thereof the following sections :— sec. 12, and  
new secs.  
12A, 12B.  
Continuance  
of license.
- 30 12. (1) A license that is in force immediately  
before the commencement of section two of the  
Theatres and Public Halls (Amendment) Act,  
1969, or that is issued on or after that commence-  
ment, shall continue in force until cancelled under  
this Act.
- (2)

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5 (2) Notwithstanding anything in subsection one of this section, a license that is suspended under section sixteen of this Act shall, for the purposes of section eighteen of this Act, be deemed not to be in force while it is so suspended.

12A. (1) A license shall be subject to such conditions as the Minister may from time to time determine in respect of that license. Conditions upon license.

10 (2) The conditions referred to in subsection one of this section may relate to any matter provided for in this Act or the regulations, or to any other matter connected with the theatre or public hall to which the license relates.

15 12B. A substitute license may be issued in the place of— Substitute license.

- (a) a license that is lost, defaced or destroyed;
- (b) a license the prescribed endorsement on which has been cancelled; or
- 20 (c) a license that was issued before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969.

(f) by omitting from section thirteen the word "such" where firstly occurring; Sec. 13. (Transfer of license.)

25 (g) (i) by omitting from subsection one of section 13A the words "issued under this Act" and by inserting in lieu thereof the word "issued"; Sec. 13A. (Exhibition of cinematograph films —prescribed endorsement.)

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

(iii) by omitting from subsection three of the same section the words "issued under this Part and current" and by inserting in lieu thereof the words "in force";

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(iv) by omitting from subsection five of the same section the words "an original license in respect of" and by inserting in lieu thereof the words "a license for";

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(h)

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(h) (i) by omitting subsection one of section 13B and by inserting in lieu thereof the following subsections :—

Sec. 13B.  
(Continu-  
ance and  
cancellation  
of the  
prescribed  
endorse-  
ment.)

5 (1) Where a license bears the prescribed  
endorsement immediately before the com-  
mencement of section two of the Theatres and  
Public Halls (Amendment) Act, 1969, or an  
application for the prescribed endorsement on  
10 a license is granted on or after that commence-  
ment, the prescribed endorsement shall con-  
tinue in force until the license is cancelled, or  
the prescribed endorsement is, in accordance  
with subsection (1A) of this section, cancelled,  
whichever first occurs.

15 (1A) The Minister may cancel the pre-  
scribed endorsement on a license if the Com-  
mission makes a determination that the pre-  
scribed endorsement should be cancelled in  
accordance with subsection two of this section  
20 or if the holder of the license requests in  
writing that the prescribed endorsement be  
cancelled.

25 (ii) by omitting from paragraph (a) of subsection  
two of the same section the words "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  
30 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." and by inserting in lieu thereof the  
35 words "Where a person so authorised makes  
such an inquiry and inspection in respect of  
any theatre or public hall, he may report to

the

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- 5 the Commission thereupon and may in the report, together with a statement of his reasons, make a recommendation as to whether or not the prescribed endorsement on the license issued in respect of the theatre or public hall should be cancelled.”;
- 10 (iii) by omitting from paragraph (b) of the same subsection the words “not be renewed” and by inserting in lieu thereof the words “be cancelled”;
- (iv) by omitting from the same paragraph the words “not renewed” and by inserting in lieu thereof the word “cancelled”;
- 15 (v) by omitting from paragraph (d) of the same subsection the word “renewed” and by inserting in lieu thereof the word “cancelled”;
- (vi) by inserting next after paragraph (e) of the same subsection the following new paragraph : —
- 20 (e1) If the determination of the Commission under paragraph (d) of this subsection is that the prescribed endorsement should be cancelled, the Commission shall specify the date as from which the cancellation shall take effect, being a date that is not earlier than
- 25 one month after the date upon which notice of the determination has been given under paragraph (e) of this subsection.
- 30 (i) (i) by omitting from paragraph (b) of subsection Sec. 13D. one of section 13D the words “issued under this Part and current” and by inserting in lieu thereof the words “in force”; (Reference of applications to the Commission.)
- (ii)

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- (ii) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "held in respect of" and by inserting in lieu thereof the word "for";
- 5 (iii) by omitting from subsection six of the same section the words "a fee of ten dollars" and by inserting in lieu thereof the words "the prescribed fee,";
- 10 (iv) by omitting from subparagraph (iii) of paragraph (a) of subsection nine of the same section the word "for" wherever occurring and by inserting in lieu thereof the words "in respect of";
- 15 (v) by omitting from subsection ten of the same section the words "subsection eleven of this section" and by inserting in lieu thereof the words "this section,";
- (vi) by omitting subsection twelve of the same section;
- 20 (j) (i) by omitting from section fourteen the words "as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as" and by inserting in lieu thereof the words "for or with respect to the conditions to be fulfilled before a license is issued for a building and the conditions subject to which a license issued for a building continues in force, and in particular for or with respect";
- 25 (ii) by omitting from paragraph (a) of the same section the words "any building in respect of which such license is applied for" and by inserting in lieu thereof the words "the building";
- 30 (iii) by omitting from paragraphs (b) and (c) of the same section the words "any such building" and by inserting in lieu thereof the words "the building";
- 35

Sec. 14. (Regulations as to conditions for a license.)

(iv)



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(iv) by omitting from paragraphs (d) and (e) of the same section the words "such building" and by inserting in lieu thereof the words "the building";

5 (k) by omitting section sixteen and by inserting in lieu thereof the following section :— Subst. sec. 16.

16. (1) The Minister may suspend or cancel a license if it appears to him— Suspension or cancellation of license.

10 (a) that the provisions of this Act or the regulations have not been complied with by the holder of the license;

(b) that any condition to which the license is for the time being subject has not been complied with;

15 (c) that the building to which the license relates—

(i) has been allowed to fall into disrepair;

20 (ii) has been added to or altered without the approval of the Minister; or

(iii) is encumbered with scenery, properties or other combustible matter,

and that the public safety, health or convenience is prejudiced;

25 (d) that alterations to the building to which the license relates are necessary in order to provide for public safety, health or convenience; or

30 (e) that the building to which the license relates is not suitable for holding public entertainments or public meetings therein, or the site of the building is unsuitable.

(2) The Minister may cancel or restore a license that is suspended under this section.

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- (1) (i) by omitting from section seventeen the words "as to the following matters" and by inserting in lieu thereof the words "for or with respect to the following matters"; Sec. 17. (Regulations for public safety, health and convenience.)
- 5 (ii) by inserting next after paragraph (h) of the same section the following new paragraphs :—
- (h1) Requiring the attendance of such number of persons having specified skills as is sufficient for the proper use of any specified apparatus or appliances.
- 10 (h2) Persons smoking.
- (h3) The possession or consumption of spirituous or other alcoholic liquors or beverages.
- 15 (iii) by inserting in paragraph (i) of the same section after the word "preventing" the word ", controlling";
- 20 (iv) by inserting in the same paragraph after the word "convenience" the words ", whether in relation to persons resorting to or using theatres or public halls, or otherwise";
- (m) by omitting from subsection one of section twenty the word "for" and by inserting in lieu thereof the words "in respect of"; Sec. 20. (Licenses.)
- 25 (n) by omitting subsection three of section 22A and by inserting in lieu thereof the following subsection :— Sec. 22A. (Application of Act to open-air and drive-in theatres.)
- 30 (3) The fee payable in respect of the license of a drive-in theatre and the fee payable in respect of the license of an open-air theatre shall be as prescribed.
- (o) by omitting from subsection two of section twenty-three the words "two dollars" and by inserting in lieu thereof the words "as prescribed"; Sec. 23. (Grant of license.)

(p)

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- (p) (i) by inserting next after paragraph (a1) of section thirty-one the following new paragraphs :— Sec. 31. (General regulations.)
- 5 (a2) for or with respect to the refund of any fee under this Act or any part of such a fee;
- (a3) providing for the delivery up of licenses under this Act;
- 10 (ii) by inserting at the end of the same section the following new subsections :—
- (2) Any regulation under this Act may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified subject-matter or class of subject-matter.
- 15 (3) Any such regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by any person specified therein, either generally or for any class of cases or in any particular case.
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- (q) by inserting next after section thirty-three the following new section :— New sec. 34.
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34. 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 he proves that the contravention was committed, or the failure occurred, without his knowledge or that he used all due diligence to prevent the commission thereof. Offences by corporations.
- 30
- 35

(r)

*Theatres and Public Halls (Amendment).*

- (r) by omitting Schedule II and by inserting in lieu thereof the following Schedule :— Subst.  
Sch. II.

## SCHEDULE II.

5 The fees payable in respect of licenses of theatres, public halls or buildings of the grades mentioned in Schedule I shall, respectively, be as follows:—

- (a) Sixty dollars per annum.
- (b) Thirty dollars per annum.
- (c) Fifteen dollars per annum.
- 10 (d) Ten dollars per annum.
- (e) Six dollars per annum.
- (f) Three dollars per annum.

15 Provided 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 those public halls or buildings shall, respectively, be as follows:—

- (b) Sixty dollars per annum.
- 20 (c) Forty-five dollars per annum.
- (d) Thirty dollars per annum.
- (e) Fifteen dollars per annum.
- (f) Six dollars per annum.

(2) The purported renewal—

- 25 (a) before the commencement of this section; and
- (b) after the day on which it would, if not renewed, have expired,

of a license issued under the Theatres and Public Halls Act, 1908, as in force at the relevant time, shall be deemed to have  
30 been as valid as it would have been had it been renewed before that day.

(3)

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*Theatres and Public Halls (Amendment).*

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(3) Where a license in respect of a theatre or public hall, not being a license cancelled under the Principal Act, would, but for this subsection, have expired during the period of twelve months next preceding the commencement of this section, that license shall be deemed to have been renewed 5 under the Principal Act on the day on which it would have so expired.

(4) A reference to a license in subsection three of this section includes a reference to the prescribed endorsement (if 10 any) on that license.

(5) Where the fee payable under section seven of the Principal Act on the renewal of a license referred to in subsection three of this section was not paid before the commencement of this section, the Minister may (whether or not that 15 fee is paid after that commencement) suspend or cancel the license under section sixteen of the Principal Act, as amended by subsection one of this section, as if a provision of that Act, as so amended, had not been complied with.

(6) The provisions of subsections two, three, four and 20 five of this section apply, mutatis mutandis, to and in respect of licenses issued in respect of drive-in theatres and open-air theatres.

(7) A regulation purporting, before the commencement of this section, to have been made under the Theatres 25 and Public Halls Act, 1908, as in force at the time of the making of the regulation, shall be deemed to have been validly made under that Act, as so in force, if it could have been made under the Principal Act, as amended by subsection one of this section, had the Principal Act, as so amended, 30 been in force at that time.

(8) This section shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

*Theatres and Public Halls (Amendment).*

3. The Theatres and Public Halls Act, 1908, is further amended— Further amendment of Act No. 13, 1908.

(a) by inserting in section two next after the matter relating to Part III the following new matter : — Sec. 2. (Division of Act.)

5 PART IIIA.—CENSORSHIP OF FILMS—ss. 26A–26W.

(b) by inserting next after Part III the following new Part : — New Part IIIA.

PART IIIA.

CENSORSHIP OF FILMS.

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26A. (1) This Part shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette. Commencement and operation of this Part.

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(2) While an agreement referred to in section 26C of this Act is not in operation, this Part shall not have any force or effect except for the purpose of enabling an arrangement so referred to or such an agreement to be entered into or for the purpose of enabling regulations to be made for the purposes of this Part.

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26B. In this Part, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

25

“censor” means censor of films for the purposes of this Part;

“cinematograph” means cinematograph and any other similar apparatus for the exhibition of moving pictures;

30

“film” means film used or proposed to be used for the purpose of exhibiting a picture;

“picture” means picture or other optical effect exhibited or proposed to be exhibited by means of a cinematograph;

“scenario”

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“scenario” includes any statement or summary—

(a) of the plot of any play or story;  
or

(b) of the incidents,

5 depicted or intended to be depicted by means of a film.

26c. (1) The Governor may arrange with the Governor-General of the Commonwealth for the exercise and discharge by officers or authorities of the Commonwealth on behalf of the Government of the State of the powers, authorities, duties and functions of a censor. Power to arrange with Commonwealth as to discharge, etc., of duties, etc.

15 (2) An agreement relating to an arrangement under subsection one of this section may make provision for all or any matters necessary or convenient to be provided for or incidental to carrying out the arrangement and shall contain a provision to the effect that such an arrangement may be terminated by the Governor at any time.

20 (3) An agreement under this section shall be valid and effectual for all purposes.

25 26D. The powers, authorities, duties and functions of a censor may be exercised and discharged by an officer or authority of the Commonwealth in accordance with an arrangement under section 26C of this Act. Exercise of powers and duties of censor.

30 26E. (1) No person shall exhibit any picture in a theatre or public hall or cause it to be so exhibited unless and until the film used for the purpose of exhibiting that picture has been registered by a censor. No film to be exhibited unless registered by censor.

35 (2) Applications for the registration of a film by a censor shall be made in the prescribed manner and shall be accompanied by the prescribed particulars and the prescribed fee (if any).

26F.

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26F. (1) The Governor may, by the regula- Exemptions.  
tions—

- 5 (a) exempt from the operation of this Part to  
the extent prescribed in the regulations any  
specified class of films (including films  
registered, whether before or after the  
commencement of this Part, pursuant to  
any regulations made under any Act of the  
Parliament of the Commonwealth); and
- 10 (b) specify what provisions (if any) of this Part  
and the regulations are (with such modifica-  
tions as are necessary or seem desirable) to  
apply with respect to any class or classes  
of films so exempted.

15 (2) Regulations made in pursuance of  
subsection one of this section may make provision  
for or with respect to any conditions that are to  
apply to or in respect of any films thereby  
exempted.

20 (3) A censor may, in any particular case,  
by direction in writing under his hand, exempt,  
subject to such conditions as he specifies in the  
direction, any film from the operation of this Part  
to the extent specified in the direction.

25 26G. A censor shall examine every film submitted  
to him for registration unless he otherwise deter-  
mines in any particular case. Duty of  
censor to  
examine  
films.

26H. (1) A censor may—

- (a) register a film unconditionally;
- 30 (b) register a film subject to such conditions as  
he imposes; or
- (c) refuse registration of a film.

Registration  
and classifica-  
tion of films.

(2)



*Theatres and Public Halls (Amendment).*

(2) Where a censor registers a film under subsection one of this section, the censor shall classify the film as being, in his opinion—

- (a) for general exhibition;
- 5 (b) not recommended for children; or
- (c) for adults only,

or as being, in his opinion, of such other class or classes (whether in addition to or in lieu of all or any of the classes specified in paragraphs (a), (b) and (c) of this subsection) as may be prescribed.

(3) A trailer film, poster, programme, advertisement or written, printed or oral matter in the nature of an advertisement, whether in a newspaper or otherwise, with respect to a film or the exhibition of any picture from a film shall, where a censor has classified the film in accordance with the provisions of subsection two of this section, contain a statement or symbol in the prescribed form denoting the censor's classification of the film.

(4) A person carrying on the business of exhibiting pictures or of distributing films or of selling, leasing or otherwise disposing of films or the right to use films for the exhibition of pictures therefrom who exhibits or presents, or causes to be exhibited or presented, a trailer film, poster, programme, advertisement, or written, printed, or oral matter in the way of an advertisement, whether in a newspaper or otherwise, that contravenes or does not comply with any of the provisions of subsection three of this section shall be liable for a first offence to a penalty not exceeding one hundred dollars and for a second or subsequent offence to a penalty not exceeding five hundred dollars.

(5) Nothing in subsection three or four of this section shall affect the liability of any person under any other provisions of this Part.

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(6) The regulations may make provision for or with respect to statements or symbols required under subsection three of this section.

5           26I. (1) A person aggrieved by any decision of **Appeal.**  
a censor or by the imposition by him of any condi-  
tion under the powers conferred on a censor by  
or under this Part may, within such time and upon  
such conditions as are prescribed, appeal therefrom  
10 to such person or authority as may be authorised  
to be the appeal authority pursuant to an arrange-  
ment under section 26C of this Act.

(2) An appeal under subsection one of this  
section shall be lodged, heard and determined as  
prescribed and shall be accompanied by the  
15 prescribed fee.

(3) The decision of the appeal authority  
shall be final and without appeal, and shall be given  
effect to.

20           26J. (1) The registration of a film by a censor **Certificate**  
under section 26H of this Act shall be signified by **of regis-**  
a certificate in such form as the censor thinks fit. **tration.**

(2) The classification of a film by a censor  
in accordance with section 26H of this Act shall  
be signified in the certificate given in relation to that  
25 film under subsection one of this section.

26K. (1) Subject to subsection two of this **No regis-**  
section, a censor shall not register a film under **tration in**  
subsection one of section 26H of this Act where, in **certain cases.**  
the opinion of the censor, the film depicts any  
30 matter—

(a) which is indecent or obscene; or

(b)

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(b) the exhibition of which—

(i) is likely to be injurious to morality  
or to encourage or incite to crime;  
or

5 (ii) is undesirable in the public interest.

(2) A censor shall not refuse registration  
of a film which in the opinion of the censor—

10 (a) in good faith and with artistic merit repro-  
duces or adapts any work of recognised  
literary merit; or

(b) in good faith and with artistic merit repre-  
sents any scriptural, historical, traditional,  
mythical or legendary story.

15 26L. (1) A censor may require an applicant for  
registration of a film to produce any scenario  
thereof. Power to  
require  
scenarios  
to be  
produced.

20 (2) In forming his opinion as to whether  
or not a film submitted for his registration should  
be registered, a censor may take into consideration  
not only the film itself but any scenario thereof and  
also any posters, photographs, sketches, pro-  
grammes and slides proposed to be used in  
25 connection with the exhibition of the picture to be  
exhibited from the film and any advertisements or  
written, printed or oral matter in the nature of  
advertisements of or with respect to the film or  
picture or any portion thereof.

30 26M. (1) A film registered by a censor shall,  
subject to any conditions imposed under this Part  
in relation thereto, be used in the exhibition of a  
picture exactly in the form and under the name by  
which it is registered and without any alteration or  
addition unless the censor first registers the film as  
altered or added to. Films to be  
exhibited  
in form  
registered.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) Where a registered film is altered or added to it shall be deemed never to have been registered as altered or added to.

5           26N. (1) An applicant for registration of a film by a censor shall, when required by the censor, submit to him for approval, and every person exhibiting the picture from a film after registration thereof pursuant to this Part, and every person exhibiting a picture from a film registered, whether before or after the commencement of this Part, pursuant to any regulations relating to films made under any Act of the Parliament of the Commonwealth, shall, when required by the censor, submit, together with the prescribed fee (if any), to him for approval a copy (in this Part referred to as a "sample copy") of every poster, photograph, sketch, programme, slide and advertisement or written, printed or oral matter in the nature of an advertisement intended to be used in connection with the exhibition within New South Wales of the picture from the film.

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Sample copies of posters, slides, etc., to be submitted for approval when required.

(2) A censor shall with regard to a sample copy and his approval thereof have the like powers and duties as he has with regard to films submitted for registration by him and his decision shall be subject to the like appeal as a decision by him in respect of a film submitted to him for registration.

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(3) Nothing in subsection two of this section requires the censor's approval of a sample copy to be signified by a certificate.

30

(4) A poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement a sample copy of which has been approved by the censor shall, in connection with the exhibition of a picture and so far as it relates to a film used for the

35

purposes

*Theatres and Public Halls (Amendment).*

5 purposes of such an exhibition, but subject to any conditions imposed under this Part in relation thereto, be used exactly in the form in which the sample copy was approved and without any addition or alteration, unless the approval of the censor to the sample copy altered or added to is first obtained.

10 (5) Where a sample copy is altered or added to it shall be deemed never to have been approved as altered or added to.

15 26O. A censor may at any time revoke his certificate of registration of any film which has been registered subject to a condition imposed by him if he is satisfied that the condition has not been complied with. Power of censor to revoke certificate.

20 26P. A censor may at any time order the withdrawal of a film from exhibition if it is shown to the satisfaction of the censor that such a course is necessary in the public interest, and the censor may revoke the certificate of registration in respect of the film in whole or in part and may issue an amended certificate. Withdrawal of film.

25 26Q. No action or suit shall be brought or maintained against— Protection of censor, etc.

(a) any officer or authority referred to in section 26D of this Act; or

(b) any person or authority authorised as referred to in section 26I of this Act,

30 for any act done or thing omitted to be done by him in the exercise or discharge of his powers, authorities, duties or functions as a censor or as appeal authority, as the case may require.

26R.

*Theatres and Public Halls (Amendment).*

26R. (1) Every person who, in contravention of the provisions of this Part, exhibits in a theatre or public hall any picture from a film which has not been registered as provided by this Part shall be liable to a penalty not exceeding five hundred dollars.

Penalty for exhibiting pictures from films not registered.

(2) The court by which a penalty is imposed under subsection one of this section may order the film in regard to which the penalty is imposed to be forfeited to the Crown.

(3) A film forfeited under subsection two of this section shall be dealt with in such manner as a censor directs.

26s. Subject to this Part any person who—

(a) publishes, distributes, exhibits, or otherwise disseminates in any manner or causes to be so published, distributed, exhibited, or disseminated any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement of or with respect to any film or portion of a film—

Penalty for publication of posters, advertisements, etc., as to films not registered or sample copies not submitted or not approved.

(i) which film or portion of a film has not been registered as provided by this Part; or

(ii) a sample copy of which poster, photograph, sketch, programme, slide, or advertisement or written, printed or oral matter in the nature of an advertisement is required by a censor to be submitted to him for approval and has not been so submitted or if so submitted has not been approved as provided by this Part; or

(iii)

*Theatres and Public Halls (Amendment).*

5 (iii) which poster, photograph, sketch,  
 programme, slide or advertisement  
 or written, printed or oral matter  
 in the nature of an advertisement  
 has been altered or added to after  
 approval of a sample copy thereof  
 by a censor and a sample copy  
 thereof as so altered or added to has  
 not been approved as provided by  
 10 this Part; or

(b) prints, publishes, distributes, or otherwise  
 disseminates in any manner or causes to be  
 so printed, published, distributed or dis-  
 15 seminated any photographic or other  
 reproduction of any film or portion of a  
 film which film or portion of a film has not  
 been registered as provided by this Part,  
 shall be liable to a penalty not exceeding one  
 hundred dollars for or in respect of each such  
 20 publication, distribution, exhibition, or dissemina-  
 tion or (as the case may be) each such printing,  
 publication, distribution or dissemination.

25 26T. A film or part of a film or a sample copy  
 of any poster, photograph, sketch, programme, slide  
 or advertisement or written, printed or oral matter  
 in the nature of an advertisement which film or part  
 thereof or which sample copy has been submitted  
 pursuant to this Part to a censor and to which he  
 has refused registration or approval (as the case  
 30 may require) may be retained by the censor, but  
 such film or such part of a film may be returned  
 to the person who submitted it for registration if  
 the censor is satisfied that it will be forthwith  
 disposed of in such manner as the censor directs.

Power of  
 censor to  
 retain  
 certain films  
 and sample  
 copies.

35 26U. In any proceedings under this Part, without  
 affecting the liability of any person for any offence  
 under this Part, a person shall be deemed to exhibit  
 a picture in a theatre or public hall if he conducts  
 the  
 What  
 deemed  
 exhibition  
 of a film.

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the exhibition of that picture therein or on the occasion in question has the superintendence or management of the theatre or public hall wherein that picture is exhibited.

- 5           26v. Every person who is guilty of any contra-  
vention of or failure to comply with any provision  
of this Part for which no penalty is expressly  
provided shall be liable to a penalty not exceeding  
one hundred dollars.
- 10           26w. In any proceedings for an offence against  
this Part, a certificate in the prescribed form signed  
or purporting to be signed by a censor and stating—
- (a) that a film has been registered under this  
          Part;
- 15           (b) that a film has not been registered under this  
          Part;
- (c) that an advertisement relating to a film has  
          been approved under this Part;
- 20           (d) that an advertisement relating to a film has  
          not been approved under this Part; or
- (e) the classification of a film registered under  
          this Part, in accordance with subsection two  
          of section 26H of this Act,
- 25           shall be prima facie evidence of the matter so stated  
          in the certificate.

Penalty for  
contraven-  
tions of  
Part not  
otherwise  
provided for.

Censor's  
certificate  
to be prima  
facie  
evidence.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[20c]



No. , 1969.

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## A BILL

To make further provisions with respect to the licensing of theatres and public halls; to provide for the censorship of cinematograph films; for these and other purposes to amend the Theatres and Public Halls Act, 1908; to validate certain matters; and for purposes connected therewith.

[MR WILLIS—25 *September*, 1969.]

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BE

*Theatres and Public Halls (Amendment).*

**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, 1969".

Short title and construction.

(2) The Theatres and Public Halls Act, 1908, as amended by subsequent Acts in force immediately before the commencement of section two of this Act, is in that section referred to as the Principal Act.

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

2. (1) The Principal Act is amended—

Amendment of Act No. 13, 1908.

(a) by omitting from subsection one of section four the words "unless the context otherwise requires," and by inserting in lieu thereof the words "except in so far as the context or subject-matter otherwise indicates or requires";

Sec. 4. (Definitions.)

(b) by inserting next after the heading to Part II the following new section and short heading thereto:—

New sec. 4A.

*Definition.*

4A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires, "license" means a license under this Part.

Definition.

(c) by omitting section seven and by inserting in lieu thereof the following section:—

Subst. sec. 7.

7. (1) In the case of a license granted on or after the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

Fees for licenses. Schedule II.

(a) the period of twelve months next following the granting of the license; and

(b)

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*Theatres and Public Halls (Amendment).*

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(b) each period of twelve months after that period,

the appropriate fee set out in Schedule II.

5 (2) In the case of a license in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

10 (a) the period of twelve months next following the period for which the license was granted, or, where it was renewed under this Act as in force before that commencement, next following the period for which it was last renewed; and

15 (b) each period of twelve months after the period of twelve months referred to in paragraph (a) of this subsection,

the appropriate fee set out in Schedule II.

20 (3) The fee payable under paragraph (b) of subsection one or under subsection two of this section in respect of a period of twelve months shall be delivered or forwarded so as to be received in the office of the Minister before the commencement of that period.

25 (4) Where a fee payable under paragraph (b) of subsection one or under subsection two of this section is not received in the office of the Minister before the commencement of the period in respect of which it is payable—

30 (a) the fee may, without prejudice to the power of the Minister to suspend or cancel the license to which the fee relates, be paid or received in the office of the Minister after that commencement; and

(b)

*Theatres and Public Halls (Amendment).*

5 (b) if the fee is so received after that commencement, there shall be paid such additional fee as may be prescribed, unless the Minister in a particular case directs that the additional fee be not payable.

10 (5) Where the grade of a theatre or public hall is, during a period of twelve months referred to in subsection one or two of this section, changed to another grade, the change shall, for the purposes only of the payment of the appropriate fee set out in Schedule II, be deemed to take effect as from the commencement of the period of twelve months next following that firstmentioned period of twelve months.

15 (6) Schedule II may be amended or substituted by regulations made under this Act, and the Schedule as so amended or substituted shall be Schedule II.

20 (d) (i) by omitting from paragraph (a) of subsection one of section nine the words "under this Part"; Sec. 9. (Grant of license.)

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

25 (ii) the fee payable under subsection one of section seven of this Act in respect of the period of twelve months next following the granting of the license; and;

30 (e) by omitting section twelve and by inserting in lieu thereof the following sections :— Subst. sec. 12, and new secs. 12A, 12B.

35 12. (1) A license that is in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, or that is issued on or after that commencement, shall continue in force until cancelled under this Act. Continuance of license.

(2)

*Theatres and Public Halls (Amendment).*

5 (2) Notwithstanding anything in subsection one of this section, a license that is suspended under section sixteen of this Act shall, for the purposes of section eighteen of this Act, be deemed not to be in force while it is so suspended.

12A. (1) A license shall be subject to such conditions as the Minister may from time to time determine in respect of that license. Conditions upon license.

10 (2) The conditions referred to in subsection one of this section may relate to any matter provided for in this Act or the regulations, or to any other matter connected with the theatre or public hall to which the license relates.

15 12B. A substitute license may be issued in the place of— Substitute license.

- 20 (a) a license that is lost, defaced or destroyed;  
 (b) a license the prescribed endorsement on which has been cancelled; or  
 (c) a license that was issued before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969.

(f) by omitting from section thirteen the word "such" where firstly occurring; Sec. 13. (Transfer of license.)

25 (g) (i) by omitting from subsection one of section 13A the words "issued under this Act" and by inserting in lieu thereof the word "issued"; Sec. 13A. (Exhibition of cinematograph films —prescribed endorsement.)  
 (ii) by omitting subsection two of the same section;  
 (iii) by omitting from subsection three of the same section the words "issued under this Part and current" and by inserting in lieu thereof the words "in force";

30 (iv) by omitting from subsection five of the same section the words "an original license in respect of" and by inserting in lieu thereof the words  
 35 "a license for";

(h)

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*Theatres and Public Halls (Amendment).*

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- (h) (i) by omitting subsection one of section 13B and by inserting in lieu thereof the following subsections :—

Sec. 13B.  
(Continu-  
ance and  
cancellation  
of the  
prescribed  
endorse-  
ment.)

5 (1) Where a license bears the prescribed  
endorsement immediately before the com-  
mencement of section two of the Theatres and  
Public Halls (Amendment) Act, 1969, or an  
application for the prescribed endorsement on  
10 a license is granted on or after that commence-  
ment, the prescribed endorsement shall con-  
tinue in force until the license is cancelled, or  
the prescribed endorsement is, in accordance  
with subsection (1A) of this section, cancelled,  
whichever first occurs.

15 (1A) The Minister may cancel the pre-  
scribed endorsement on a license if the Com-  
mission makes a determination that the pre-  
scribed endorsement should be cancelled in  
accordance with subsection two of this section  
20 or if the holder of the license requests in  
writing that the prescribed endorsement be  
cancelled.

25 (ii) by omitting from paragraph (a) of subsection  
two of the same section the words "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  
30 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." and by inserting in lieu thereof the  
words "Where a person so authorised makes  
35 such an inquiry and inspection in respect of  
any theatre or public hall, he may report to

the

*Theatres and Public Halls (Amendment).*

- 5 the Commission thereupon and may in the report, together with a statement of his reasons, make a recommendation as to whether or not the prescribed endorsement on the license issued in respect of the theatre or public hall should be cancelled.”;
- 10 (iii) by omitting from paragraph (b) of the same subsection the words “not be renewed” and by inserting in lieu thereof the words “be cancelled”;
- (iv) by omitting from the same paragraph the words “not renewed” and by inserting in lieu thereof the word “cancelled”;
- 15 (v) by omitting from paragraph (d) of the same subsection the word “renewed” and by inserting in lieu thereof the word “cancelled”;
- (vi) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- 20 (e1) If the determination of the Commission under paragraph (d) of this subsection is that the prescribed endorsement should be cancelled, the Commission shall specify the date as from which the cancellation shall take effect, being a date that is not earlier than
- 25 one month after the date upon which notice of the determination has been given under paragraph (e) of this subsection.
- 30 (i) (i) by omitting from paragraph (b) of subsection one of section 13D the words “issued under this Part and current” and by inserting in lieu thereof the words “in force”;
- (Reference of applications to the Commission.)
- (ii)

*Theatres and Public Halls (Amendment).*

- (ii) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "held in respect of" and by inserting in lieu thereof the word "for";
- 5 (iii) by omitting from subsection six of the same section the words "a fee of ten dollars" and by inserting in lieu thereof the words "the prescribed fee,";
- 10 (iv) by omitting from subparagraph (iii) of paragraph (a) of subsection nine of the same section the word "for" wherever occurring and by inserting in lieu thereof the words "in respect of";
- 15 (v) by omitting from subsection ten of the same section the words "subsection eleven of this section" and by inserting in lieu thereof the words "this section,";
- (vi) by omitting subsection twelve of the same section;
- 20 (j) (i) by omitting from section fourteen the words "as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as" and by inserting in lieu thereof the words "for or with respect to the conditions to be fulfilled before a license is issued for a building and the conditions subject to which a license issued for a building continues in force, and in particular for or with respect";
- 25 (ii) by omitting from paragraph (a) of the same section the words "any building in respect of which such license is applied for" and by inserting in lieu thereof the words "the building";
- 30 (iii) by omitting from paragraphs (b) and (c) of the same section the words "any such building" and by inserting in lieu thereof the words "the building";
- 35

(iv)



*Theatres and Public Halls (Amendment).*

(iv) by omitting from paragraphs (d) and (e) of the same section the words "such building" and by inserting in lieu thereof the words "the building";

5 (k) by omitting section sixteen and by inserting in lieu thereof the following section :— Subst.  
sec. 16.

16. (1) The Minister may suspend or cancel a license if it appears to him— Suspension  
or cancella-  
tion of  
license.

10 (a) that the provisions of this Act or the regula-  
tions have not been complied with by the  
holder of the license;

(b) that any condition to which the license is  
for the time being subject has not been  
complied with;

15 (c) that the building to which the license  
relates—

(i) has been allowed to fall into  
disrepair;

20 (ii) has been added to or altered without  
the approval of the Minister; or

(iii) is encumbered with scenery, proper-  
ties or other combustible matter,

and that the public safety, health or con-  
venience is prejudiced;

25 (d) that alterations to the building to which the  
license relates are necessary in order to  
provide for public safety, health or  
convenience; or

30 (e) that the building to which the license relates  
is not suitable for holding public entertain-  
ments or public meetings therein, or the  
site of the building is unsuitable.

(2) The Minister may cancel or restore a  
license that is suspended under this section.

(1)

*Theatres and Public Halls (Amendment).*

- (1) (i) by omitting from section seventeen the words "as to the following matters" and by inserting in lieu thereof the words "for or with respect to the following matters"; Sec. 17. (Regulations for public safety, health and convenience.)
- 5 (ii) by inserting next after paragraph (h) of the same section the following new paragraphs :—
- (h1) Requiring the attendance of such number of persons having specified skills as is sufficient for the proper use of any specified apparatus or appliances.
- 10 (h2) Persons smoking.
- (h3) The possession or consumption of spirituous or other alcoholic liquors or beverages.
- 15 (iii) by inserting in paragraph (i) of the same section after the word "preventing" the word ", controlling";
- 20 (iv) by inserting in the same paragraph after the word "convenience" the words ", whether in relation to persons resorting to or using theatres or public halls, or otherwise";
- (m) by omitting from subsection one of section twenty the word "for" and by inserting in lieu thereof the words "in respect of"; Sec. 20. (Licenses.)
- 25 (n) by omitting subsection three of section 22A and by inserting in lieu thereof the following subsection :— Sec. 22A. (Application of Act to open-air and drive-in theatres.)
- 30 (3) The fee payable in respect of the license of a drive-in theatre and the fee payable in respect of the license of an open-air theatre shall be as prescribed.
- (o) by omitting from subsection two of section twenty-three the words "two dollars" and by inserting in lieu thereof the words "as prescribed"; Sec. 23. (Grant of license.)
- (p)

*Theatres and Public Halls (Amendment).*

- (p) (i) by inserting next after paragraph (a1) of section thirty-one the following new paragraphs :— Sec. 31. (General regulations.)
- 5 (a2) for or with respect to the refund of any fee under this Act or any part of such a fee;
- (a3) providing for the delivery up of licenses under this Act;
- 10 (ii) by inserting at the end of the same section the following new subsections :—
- (2) Any regulation under this Act may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified subject-matter or class of subject-matter.
- 15 (3) Any such regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by any person specified therein, either generally or for any class of cases or in any particular case.
- 20 (q) by inserting next after section thirty-three the following new section :— New sec. 34.
- 25 34. 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 he proves that the contravention was committed, or the failure occurred, without his knowledge or that he used all due diligence to prevent the commission thereof. Offences by corporations.
- 30
- 35

(r)

*Theatres and Public Halls (Amendment).*

- (r) by omitting Schedule II and by inserting in lieu thereof the following Schedule :— Subst.  
Sch. II.

## SCHEDULE II.

5 The fees payable in respect of licenses of theatres, public halls or buildings of the grades mentioned in Schedule I shall, respectively, be as follows:—

- (a) Sixty dollars per annum.  
 (b) Thirty dollars per annum.  
 (c) Fifteen dollars per annum.  
 10 (d) Ten dollars per annum.  
 (e) Six dollars per annum.  
 (f) Three dollars per annum.

15 Provided 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 those public halls or buildings shall, respectively, be as follows:—

- (b) Sixty dollars per annum.  
 20 (c) Forty-five dollars per annum.  
 (d) Thirty dollars per annum.  
 (e) Fifteen dollars per annum.  
 (f) Six dollars per annum.

(2) The purported renewal—

- 25 (a) before the commencement of this section; and  
 (b) after the day on which it would, if not renewed, have expired,

of a license issued under the Theatres and Public Halls Act, 1908, as in force at the relevant time, shall be deemed to have  
 30 been as valid as it would have been had it been renewed before that day.

(3)

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*Theatres and Public Halls (Amendment).*

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(3) Where a license in respect of a theatre or public hall, not being a license cancelled under the Principal Act, would, but for this subsection, have expired during the period of twelve months next preceding the commencement of this section, that license shall be deemed to have been renewed under the Principal Act on the day on which it would have so expired.

(4) A reference to a license in subsection three of this section includes a reference to the prescribed endorsement (if any) on that license.

(5) Where the fee payable under section seven of the Principal Act on the renewal of a license referred to in subsection three of this section was not paid before the commencement of this section, the Minister may (whether or not that fee is paid after that commencement) suspend or cancel the license under section sixteen of the Principal Act, as amended by subsection one of this section, as if a provision of that Act, as so amended, had not been complied with.

(6) The provisions of subsections two, three, four and five of this section apply, mutatis mutandis, to and in respect of licenses issued in respect of drive-in theatres and open-air theatres.

(7) A regulation purporting, before the commencement of this section, to have been made under the Theatres and Public Halls Act, 1908, as in force at the time of the making of the regulation, shall be deemed to have been validly made under that Act, as so in force, if it could have been made under the Principal Act, as amended by subsection one of this section, had the Principal Act, as so amended, been in force at that time.

(8) This section shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

*Theatres and Public Halls (Amendment).*

3. The Theatres and Public Halls Act, 1908, is further amended— Further amendment of Act No. 13, 1908.

(a) by inserting in section two next after the matter relating to Part III the following new matter :— Sec. 2. (Division of Act.)

5 PART IIIA.—CENSORSHIP OF FILMS—*ss.* 26A–26w.

(b) by inserting next after Part III the following new Part :— New Part IIIA.

PART IIIA.

CENSORSHIP OF FILMS.

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26A. (1) This Part shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette. Commencement and operation of this Part.

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(2) While an agreement referred to in section 26C of this Act is not in operation, this Part shall not have any force or effect except for the purpose of enabling an arrangement so referred to or such an agreement to be entered into or for the purpose of enabling regulations to be made for the purposes of this Part.

20

26B. In this Part, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

25

“censor” means censor of films for the purposes of this Part;

“cinematograph” means cinematograph and any other similar apparatus for the exhibition of moving pictures;

30

“film” means film used or proposed to be used for the purpose of exhibiting a picture;

“picture” means picture or other optical effect exhibited or proposed to be exhibited by means of a cinematograph;

“scenario”

*Theatres and Public Halls (Amendment).*

“scenario” includes any statement or summary—

- (a) of the plot of any play or story;
- or
- (b) of the incidents,

5 depicted or intended to be depicted by means of a film.

26c. (1) The Governor may arrange with the Governor-General of the Commonwealth for the exercise and discharge by officers or authorities of the Commonwealth on behalf of the Government of the State of the powers, authorities, duties and functions of a censor.

Power to arrange with Commonwealth as to discharge, etc., of duties, etc.

(2) An agreement relating to an arrangement under subsection one of this section may make provision for all or any matters necessary or convenient to be provided for or incidental to carrying out the arrangement and shall contain a provision to the effect that such an arrangement may be terminated by the Governor at any time.

(3) An agreement under this section shall be valid and effectual for all purposes.

26d. The powers, authorities, duties and functions of a censor may be exercised and discharged by an officer or authority of the Commonwealth in accordance with an arrangement under section 26c of this Act.

Exercise of powers and duties of censor.

26e. (1) No person shall exhibit any picture in a theatre or public hall or cause it to be so exhibited unless and until the film used for the purpose of exhibiting that picture has been registered by a censor.

No film to be exhibited unless registered by censor.

(2) Applications for the registration of a film by a censor shall be made in the prescribed manner and shall be accompanied by the prescribed particulars and the prescribed fee (if any).

26f.

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*Theatres and Public Halls (Amendment).*

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26F. (1) The Governor may, by the regula- Exemptions.  
tions—

- 5 (a) exempt from the operation of this Part to  
the extent prescribed in the regulations any  
specified class of films (including films  
registered, whether before or after the  
commencement of this Part, pursuant to  
any regulations made under any Act of the  
Parliament of the Commonwealth); and
- 10 (b) specify what provisions (if any) of this Part  
and the regulations are (with such modifica-  
tions as are necessary or seem desirable) to  
apply with respect to any class or classes  
of films so exempted.

15 (2) Regulations made in pursuance of  
subsection one of this section may make provision  
for or with respect to any conditions that are to  
apply to or in respect of any films thereby  
exempted.

20 (3) A censor may, in any particular case,  
by direction in writing under his hand, exempt,  
subject to such conditions as he specifies in the  
direction, any film from the operation of this Part  
to the extent specified in the direction.

25 26G. A censor shall examine every film submitted  
to him for registration unless he otherwise deter-  
mines in any particular case. Duty of  
censor to  
examine  
films.

26H. (1) A censor may—

- (a) register a film unconditionally;
- 30 (b) register a film subject to such conditions as  
he imposes; or
- (c) refuse registration of a film.

Registration  
and classifica-  
tion of films.

(2)



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*Theatres and Public Halls (Amendment).*

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(2) Where a censor registers a film under subsection one of this section, the censor shall classify the film as being, in his opinion—

- (a) for general exhibition;
- 5 (b) not recommended for children; or
- (c) for adults only,

or as being, in his opinion, of such other class or classes (whether in addition to or in lieu of all or any of the classes specified in paragraphs (a), (b) and (c) of this subsection) as may be prescribed.

(3) A trailer film, poster, programme, advertisement or written, printed or oral matter in the nature of an advertisement, whether in a newspaper or otherwise, with respect to a film or the exhibition of any picture from a film shall, where a censor has classified the film in accordance with the provisions of subsection two of this section, contain a statement or symbol in the prescribed form denoting the censor's classification of the film.

(4) A person carrying on the business of exhibiting pictures or of distributing films or of selling, leasing or otherwise disposing of films or the right to use films for the exhibition of pictures therefrom who exhibits or presents, or causes to be exhibited or presented, a trailer film, poster, programme, advertisement, or written, printed, or oral matter in the way of an advertisement, whether in a newspaper or otherwise, that contravenes or does not comply with any of the provisions of subsection three of this section shall be liable for a first offence to a penalty not exceeding one hundred dollars and for a second or subsequent offence to a penalty not exceeding five hundred dollars.

(5) Nothing in subsection three or four of this section shall affect the liability of any person under any other provisions of this Part.

*Theatres and Public Halls (Amendment).*

(6) The regulations may make provision for or with respect to statements or symbols required under subsection three of this section.

5 26I. (1) A person aggrieved by any decision of Appeal.  
a censor or by the imposition by him of any condi-  
tion under the powers conferred on a censor by  
or under this Part may, within such time and upon  
such conditions as are prescribed, appeal therefrom  
10 to such person or authority as may be authorised  
to be the appeal authority pursuant to an arrange-  
ment under section 26C of this Act.

(2) An appeal under subsection one of this  
section shall be lodged, heard and determined as  
prescribed and shall be accompanied by the  
15 prescribed fee.

(3) The decision of the appeal authority  
shall be final and without appeal, and shall be given  
effect to.

20 26J. (1) The registration of a film by a censor  
under section 26H of this Act shall be signified by Certificate  
of regis-  
tration.  
a certificate in such form as the censor thinks fit.

(2) The classification of a film by a censor  
in accordance with section 26H of this Act shall  
be signified in the certificate given in relation to that  
25 film under subsection one of this section.

26K. (1) Subject to subsection two of this  
section, a censor shall not register a film under  
subsection one of section 26H of this Act where, in  
the opinion of the censor, the film depicts any  
30 matter—

(a) which is indecent or obscene; or

(b)

(b)

No regis-  
tration in  
certain cases.

*Theatres and Public Halls (Amendment).*

(b) the exhibition of which—

(i) is likely to be injurious to morality  
or to encourage or incite to crime;  
or

5 (ii) is undesirable in the public interest.

(2) A censor shall not refuse registration  
of a film which in the opinion of the censor—

10 (a) in good faith and with artistic merit repro-  
duces or adapts any work of recognised  
literary merit; or

(b) in good faith and with artistic merit repre-  
sents any scriptural, historical, traditional,  
mythical or legendary story.

15 26L. (1) A censor may require an applicant for  
registration of a film to produce any scenario  
thereof. Power to  
require  
scenarios  
to be  
produced.

20 (2) In forming his opinion as to whether  
or not a film submitted for his registration should  
be registered, a censor may take into consideration  
not only the film itself but any scenario thereof and  
also any posters, photographs, sketches, pro-  
grammes and slides proposed to be used in  
connection with the exhibition of the picture to be  
25 exhibited from the film and any advertisements or  
written, printed or oral matter in the nature of  
advertisements of or with respect to the film or  
picture or any portion thereof.

30 26M. (1) A film registered by a censor shall,  
subject to any conditions imposed under this Part  
in relation thereto, be used in the exhibition of a  
picture exactly in the form and under the name by  
which it is registered and without any alteration or  
addition unless the censor first registers the film as  
altered or added to. Films to be  
exhibited  
in form  
registered.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) Where a registered film is altered or added to it shall be deemed never to have been registered as altered or added to.

5           26N. (1) An applicant for registration of a film by a censor shall, when required by the censor, submit to him for approval, and every person exhibiting the picture from a film after registration thereof pursuant to this Part, and every person exhibiting a picture from a film registered, whether before or after the commencement of this Part, pursuant to any regulations relating to films made under any Act of the Parliament of the Commonwealth, shall, when required by the censor, submit, together with the prescribed fee (if any), to him for approval a copy (in this Part referred to as a "sample copy") of every poster, photograph, sketch, programme, slide and advertisement or written, printed or oral matter in the nature of an advertisement intended to be used in connection with the exhibition within New South Wales of the picture from the film.

Sample copies of posters, slides, etc., to be submitted for approval when required.

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25           (2) A censor shall with regard to a sample copy and his approval thereof have the like powers and duties as he has with regard to films submitted for registration by him and his decision shall be subject to the like appeal as a decision by him in respect of a film submitted to him for registration.

30           (3) Nothing in subsection two of this section requires the censor's approval of a sample copy to be signified by a certificate.

35           (4) A poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement a sample copy of which has been approved by the censor shall, in connection with the exhibition of a picture and so far as it relates to a film used for the

purposes

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*Theatres and Public Halls (Amendment).*

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5 purposes of such an exhibition, but subject to any conditions imposed under this Part in relation thereto, be used exactly in the form in which the sample copy was approved and without any addition or alteration, unless the approval of the censor to the sample copy altered or added to is first obtained.

10 (5) Where a sample copy is altered or added to it shall be deemed never to have been approved as altered or added to.

15 26O. A censor may at any time revoke his certificate of registration of any film which has been registered subject to a condition imposed by him if he is satisfied that the condition has not been complied with. Power of censor to revoke certificate.

20 26P. A censor may at any time order the withdrawal of a film from exhibition if it is shown to the satisfaction of the censor that such a course is necessary in the public interest, and the censor may revoke the certificate of registration in respect of the film in whole or in part and may issue an amended certificate. Withdrawal of film.

25 26Q. No action or suit shall be brought or maintained against— Protection of censor, etc.

(a) any officer or authority referred to in section 26D of this Act; or

(b) any person or authority authorised as referred to in section 26I of this Act,

30 for any act done or thing omitted to be done by him in the exercise or discharge of his powers, authorities, duties or functions as a censor or as appeal authority, as the case may require.

26R.

*Theatres and Public Halls (Amendment).*

26R. (1) Every person who, in contravention of the provisions of this Part, exhibits in a theatre or public hall any picture from a film which has not been registered as provided by this Part shall be liable to a penalty not exceeding five hundred dollars.

Penalty for exhibiting pictures from films not registered.

(2) The court by which a penalty is imposed under subsection one of this section may order the film in regard to which the penalty is imposed to be forfeited to the Crown.

(3) A film forfeited under subsection two of this section shall be dealt with in such manner as a censor directs.

26s. Subject to this Part any person who—

(a) publishes, distributes, exhibits, or otherwise disseminates in any manner or causes to be so published, distributed, exhibited, or disseminated any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement of or with respect to any film or portion of a film—

Penalty for publication of posters, advertisements, etc., as to films not registered or sample copies not submitted or not approved.

(i) which film or portion of a film has not been registered as provided by this Part; or

(ii) a sample copy of which poster, photograph, sketch, programme, slide, or advertisement or written, printed or oral matter in the nature of an advertisement is required by a censor to be submitted to him for approval and has not been so submitted or if so submitted has not been approved as provided by this Part; or

(iii)

*Theatres and Public Halls (Amendment).*

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(iii) which poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement has been altered or added to after approval of a sample copy thereof by a censor and a sample copy thereof as so altered or added to has not been approved as provided by this Part; or

(b) prints, publishes, distributes, or otherwise disseminates in any manner or causes to be so printed, published, distributed or disseminated any photographic or other reproduction of any film or portion of a film which film or portion of a film has not been registered as provided by this Part,

shall be liable to a penalty not exceeding one hundred dollars for or in respect of each such publication, distribution, exhibition, or dissemination or (as the case may be) each such printing, publication, distribution or dissemination.

26T. A film or part of a film or a sample copy of any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement which film or part thereof or which sample copy has been submitted pursuant to this Part to a censor and to which he has refused registration or approval (as the case may require) may be retained by the censor, but such film or such part of a film may be returned to the person who submitted it for registration if the censor is satisfied that it will be forthwith disposed of in such manner as the censor directs.

Power of censor to retain certain films and sample copies.

26U. In any proceedings under this Part, without affecting the liability of any person for any offence under this Part, a person shall be deemed to exhibit a picture in a theatre or public hall if he conducts the

What deemed exhibition of a film.

*Theatres and Public Halls (Amendment).*

the exhibition of that picture therein or on the occasion in question has the superintendence or management of the theatre or public hall wherein that picture is exhibited.

- 5           26v. Every person who is guilty of any contra-  
vention of or failure to comply with any provision  
of this Part for which no penalty is expressly  
provided shall be liable to a penalty not exceeding  
one hundred dollars. Penalty for  
contraven-  
tions of  
Part not  
otherwise  
provided for.
- 10           26w. In any proceedings for an offence against  
this Part, a certificate in the prescribed form signed  
or purporting to be signed by a censor and stating— Censor's  
certificate  
to be prima  
facie  
evidence.
- (a) that a film has been registered under this  
          Part;
- 15           (b) that a film has not been registered under this  
          Part;
- (c) that an advertisement relating to a film has  
          been approved under this Part;
- (d) that an advertisement relating to a film has  
20           not been approved under this Part; or
- (e) the classification of a film registered under  
          this Part, in accordance with subsection two  
          of section 26H of this Act,
- 25           shall be prima facie evidence of the matter so stated  
in the certificate.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[20c]



## THEATRES AND PUBLIC HALLS (AMENDMENT) BILL, 1969

### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that a license granted under the Theatres and Public Halls Act continues in force until suspended or cancelled;
- (b) to provide that the prescribed endorsement on a license in respect of the exhibition of films continues in force until it or the license is cancelled;
- (c) to increase the annual fees payable in respect of licenses;
- (d) to enable conditions to be attached to licenses;
- (e) to authorise the suspension of licenses in the appropriate circumstances;
- (f) to validate the renewals of certain licenses;
- (g) to clarify the power to make regulations under the Act in certain respects, and to validate the existing regulations in those respects;
- (h) to make the directors and officers of a body corporate guilty of any offence of which the body corporate is guilty, unless they show they were ignorant of its commission or tried to prevent it;
- (i) to enact legislation, similar to that in force in other States of the Commonwealth, in respect of the censorship of films, whereby—
  - (i) an agreement may be entered into between the Commonwealth and the State for the exercise and discharge by officers of the Commonwealth on behalf of the State of all matters pertaining to the censorship of films; and
  - (ii) provision is made regulating the exhibition of films, the classification of films, advertising matter in respect of films and other matters relative to the censorship of films; and
- (j) to make other provisions of a minor or consequential nature.



*PROOF*

No.           , 1969.

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## A BILL

To make further provisions with respect to the licensing of theatres and public halls; to provide for the censorship of cinematograph films; for these and other purposes to amend the Theatres and Public Halls Act, 1908; to validate certain matters; and for purposes connected therewith.

[MR WILLIS—25 *September*, 1969.]

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BE

*Theatres and Public Halls (Amendment).*

**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  
 5 follows:—

1. (1) This Act may be cited as the "Theatres and Public  
 Halls (Amendment) Act, 1969". Short title  
and con-  
struction.

(2) The Theatres and Public Halls Act, 1908, as  
 amended by subsequent Acts in force immediately before the  
 10 commencement of section two of this Act, is in that section  
 referred to as the Principal Act.

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

2. (1) The Principal Act is amended—

15 (a) by omitting from subsection one of section four the  
 words "unless the context otherwise requires," and  
 by inserting in lieu thereof the words "except in so  
 far as the context or subject-matter otherwise  
 indicates or requires"; Amendment  
of Act No.  
13, 1908.  
Sec. 4.  
(Defini-  
tions.)

20 (b) by inserting next after the heading to Part II the  
 following new section and short heading thereto :— New sec.  
4A.

*Definition.*

25 4A. In this Part, except in so far as the context  
 or subject-matter otherwise indicates or requires,  
 "license" means a license under this Part. Definition.

(c) by omitting section seven and by inserting in lieu  
 thereof the following section :— Subst.  
sec. 7.

30 7. (1) In the case of a license granted on or  
 after the commencement of section two of the  
 Theatres and Public Halls (Amendment) Act,  
 1969, there shall be paid, in respect of— Fees for  
licenses.  
Schedule II.

(a) the period of twelve months next following  
 the granting of the license; and

(b)

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*Theatres and Public Halls (Amendment).*

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(b) each period of twelve months after that period,

the appropriate fee set out in Schedule II.

5 (2) In the case of a license in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

10 (a) the period of twelve months next following the period for which the license was granted, or, where it was renewed under this Act as in force before that commencement, next following the period for which it was last renewed; and

15 (b) each period of twelve months after the period of twelve months referred to in paragraph (a) of this subsection,

the appropriate fee set out in Schedule II.

20 (3) The fee payable under paragraph (b) of subsection one or under subsection two of this section in respect of a period of twelve months shall be delivered or forwarded so as to be received in the office of the Minister before the commencement of that period.

25 (4) Where a fee payable under paragraph (b) of subsection one or under subsection two of this section is not received in the office of the Minister before the commencement of the period in respect of which it is payable—

30 (a) the fee may, without prejudice to the power of the Minister to suspend or cancel the license to which the fee relates, be paid or received in the office of the Minister after that commencement; and

(b)

*Theatres and Public Halls (Amendment).*

5 (b) if the fee is so received after that commencement, there shall be paid such additional fee as may be prescribed, unless the Minister in a particular case directs that the additional fee be not payable.

10 (5) Where the grade of a theatre or public hall is, during a period of twelve months referred to in subsection one or two of this section, changed to another grade, the change shall, for the purposes only of the payment of the appropriate fee set out in Schedule II, be deemed to take effect as from the commencement of the period of twelve months next following that firstmentioned period of twelve months.

15 (6) Schedule II may be amended or substituted by regulations made under this Act, and the Schedule as so amended or substituted shall be Schedule II.

20 (d) (i) by omitting from paragraph (a) of subsection Sec. 9. one of section nine the words "under this Part"; (Grant of license.)

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

25 (ii) the fee payable under subsection one of section seven of this Act in respect of the period of twelve months next following the granting of the license; and;

30 (e) by omitting section twelve and by inserting in lieu thereof the following sections :— Subst. sec. 12, and new secs. 12A, 12B.

35 12. (1) A license that is in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, or that is issued on or after that commencement, shall continue in force until cancelled under this Act. Continuance of license.

*Theatres and Public Halls (Amendment).*

(2) Notwithstanding anything in subsection one of this section, a license that is suspended under section sixteen of this Act shall, for the purposes of section eighteen of this Act, be deemed not to be in force while it is so suspended.

12A. (1) A license shall be subject to such conditions as the Minister may from time to time determine in respect of that license. Conditions upon license.

(2) The conditions referred to in subsection one of this section may relate to any matter provided for in this Act or the regulations, or to any other matter connected with the theatre or public hall to which the license relates.

12B. A substitute license may be issued in the place of— Substitute license.

- (a) a license that is lost, defaced or destroyed;
- (b) a license the prescribed endorsement on which has been cancelled; or
- (c) a license that was issued before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969.

(f) by omitting from section thirteen the word "such" where firstly occurring; Sec. 13. (Transfer of license.)

- (g) (i) by omitting from subsection one of section 13A the words "issued under this Act" and by inserting in lieu thereof the word "issued"; Sec. 13A. (Exhibition of cinematograph films —prescribed endorsement.)
- (ii) by omitting subsection two of the same section;
- (iii) by omitting from subsection three of the same section the words "issued under this Part and current" and by inserting in lieu thereof the words "in force";
- (iv) by omitting from subsection five of the same section the words "an original license in respect of" and by inserting in lieu thereof the words "a license for";

(h)

*Theatres and Public Halls (Amendment).*

(h) (i) by omitting subsection one of section 13B and by inserting in lieu thereof the following subsections :—

Sec. 13B.  
(Continu-  
ance and  
cancellation  
of the  
prescribed  
endorse-  
ment.)

5 (1) Where a license bears the prescribed  
endorsement immediately before the com-  
mencement of section two of the Theatres and  
Public Halls (Amendment) Act, 1969, or an  
application for the prescribed endorsement on  
10 a license is granted on or after that commence-  
ment, the prescribed endorsement shall con-  
tinue in force until the license is cancelled, or  
the prescribed endorsement is, in accordance  
with subsection (1A) of this section, cancelled,  
whichever first occurs.

15 (1A) The Minister may cancel the pre-  
scribed endorsement on a license if the Com-  
mission makes a determination that the pre-  
scribed endorsement should be cancelled in  
20 accordance with subsection two of this section  
or if the holder of the license requests in  
writing that the prescribed endorsement be  
cancelled.

25 (ii) by omitting from paragraph (a) of subsection  
two of the same section the words "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  
30 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." and by inserting in lieu thereof the  
35 words "Where a person so authorised makes  
such an inquiry and inspection in respect of  
any theatre or public hall, he may report to

the



*Theatres and Public Halls (Amendment).*

- 5 the Commission thereupon and may in the report, together with a statement of his reasons, make a recommendation as to whether or not the prescribed endorsement on the license issued in respect of the theatre or public hall should be cancelled.”;
- 10 (iii) by omitting from paragraph (b) of the same subsection the words “not be renewed” and by inserting in lieu thereof the words “be cancelled”;
- (iv) by omitting from the same paragraph the words “not renewed” and by inserting in lieu thereof the word “cancelled”;
- 15 (v) by omitting from paragraph (d) of the same subsection the word “renewed” and by inserting in lieu thereof the word “cancelled”;
- (vi) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- 20 (e1) If the determination of the Commission under paragraph (d) of this subsection is that the prescribed endorsement should be cancelled, the Commission shall specify the date as from which the cancellation shall take effect, being a date that is not earlier than
- 25 one month after the date upon which notice of the determination has been given under paragraph (e) of this subsection.
- 30 (i) (i) by omitting from paragraph (b) of subsection one of section 13D the words “issued under this Part and current” and by inserting in lieu thereof the words “in force”;
- (ii)
- Sec. 13D.  
(Reference of applications to the Commission.)

*Theatres and Public Halls (Amendment).*

- (ii) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "held in respect of" and by inserting in lieu thereof the word "for";
- 5 (iii) by omitting from subsection six of the same section the words "a fee of ten dollars" and by inserting in lieu thereof the words "the prescribed fee,";
- 10 (iv) by omitting from subparagraph (iii) of paragraph (a) of subsection nine of the same section the word "for" wherever occurring and by inserting in lieu thereof the words "in respect of";
- 15 (v) by omitting from subsection ten of the same section the words "subsection eleven of this section" and by inserting in lieu thereof the words "this section,";
- (vi) by omitting subsection twelve of the same section;
- 20 (j) (i) by omitting from section fourteen the words "as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as" and by inserting in lieu thereof the words "for or with respect to the conditions to be fulfilled before a license is issued for a building and the conditions subject to which a license issued for a building continues in force, and in particular for or with respect";
- 25 (ii) by omitting from paragraph (a) of the same section the words "any building in respect of which such license is applied for" and by inserting in lieu thereof the words "the building";
- 30 (iii) by omitting from paragraphs (b) and (c) of the same section the words "any such building" and by inserting in lieu thereof the words "the building";
- 35

(iv)

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*Theatres and Public Halls (Amendment).*

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(iv) by omitting from paragraphs (d) and (e) of the same section the words "such building" and by inserting in lieu thereof the words "the building";

6 (k) by omitting section sixteen and by inserting in lieu thereof the following section :— Subst.  
sec. 16.

16. (1) The Minister may suspend or cancel a license if it appears to him— Suspension  
or cancella-  
tion of  
license.

10 (a) that the provisions of this Act or the regulations have not been complied with by the holder of the license;

(b) that any condition to which the license is for the time being subject has not been complied with;

15 (c) that the building to which the license relates—

(i) has been allowed to fall into disrepair;

20 (ii) has been added to or altered without the approval of the Minister; or

(iii) is encumbered with scenery, properties or other combustible matter,

and that the public safety, health or convenience is prejudiced;

25 (d) that alterations to the building to which the license relates are necessary in order to provide for public safety, health or convenience; or

30 (e) that the building to which the license relates is not suitable for holding public entertainments or public meetings therein, or the site of the building is unsuitable.

(2) The Minister may cancel or restore a license that is suspended under this section.

(1)

*Theatres and Public Halls (Amendment).*

- (1) (i) by omitting from section seventeen the words "as to the following matters" and by inserting in lieu thereof the words "for or with respect to the following matters"; Sec. 17. (Regulations for public safety, health and convenience.)
- 5 (ii) by inserting next after paragraph (h) of the same section the following new paragraphs :—
- (h1) Requiring the attendance of such number of persons having specified skills as is sufficient for the proper use of any specified apparatus or appliances.
- 10 (h2) Persons smoking.
- (h3) The possession or consumption of spirituous or other alcoholic liquors or beverages.
- 15 (iii) by inserting in paragraph (i) of the same section after the word "preventing" the word ", controlling";
- 20 (iv) by inserting in the same paragraph after the word "convenience" the words ", whether in relation to persons resorting to or using theatres or public halls, or otherwise";
- (m) by omitting from subsection one of section twenty the word "for" and by inserting in lieu thereof the words "in respect of"; Sec. 20. (Licenses.)
- 25 (n) by omitting subsection three of section 22A and by inserting in lieu thereof the following subsection :— Sec. 22A. (Application of Act to open-air and drive-in theatres.)
- 30 (3) The fee payable in respect of the license of a drive-in theatre and the fee payable in respect of the license of an open-air theatre shall be as prescribed.
- (o) by omitting from subsection two of section twenty-three the words "two dollars" and by inserting in lieu thereof the words "as prescribed"; Sec. 23. (Grant of license.)
- (p)

*Theatres and Public Halls (Amendment).*

(p) (i) by inserting next after paragraph (a1) of section thirty-one the following new paragraphs :—

Sec. 31.  
(General  
regula-  
tions.)

5 (a2) for or with respect to the refund of any fee under this Act or any part of such a fee;

(a3) providing for the delivery up of licenses under this Act;

10 (ii) by inserting at the end of the same section the following new subsections :—

15 (2) Any regulation under this Act may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified subject-matter or class of subject-matter.

20 (3) Any such regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by any person specified therein, either generally or for any class of cases or in any particular case.

25 (q) by inserting next after section thirty-three the following new section :—

30 34. 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 he proves that the contravention was committed, or the failure occurred, without his knowledge or that he used all due diligence to prevent the commission thereof.

(r)

*Theatres and Public Halls (Amendment).*

- (r) by omitting Schedule II and by inserting in lieu thereof the following Schedule :— Subst.  
Sch. II.

## SCHEDULE II.

5 The fees payable in respect of licenses of theatres, public halls or buildings of the grades mentioned in Schedule I shall, respectively, be as follows:—

- (a) Sixty dollars per annum.
- (b) Thirty dollars per annum.
- (c) Fifteen dollars per annum.
- 10 (d) Ten dollars per annum.
- (e) Six dollars per annum.
- (f) Three dollars per annum.

15 Provided 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 those public halls or buildings shall, respectively, be as follows:—

- (b) Sixty dollars per annum.
- 20 (c) Forty-five dollars per annum.
- (d) Thirty dollars per annum.
- (e) Fifteen dollars per annum.
- (f) Six dollars per annum.

## (2) The purported renewal—

- 25 (a) before the commencement of this section; and
- (b) after the day on which it would, if not renewed, have expired,

of a license issued under the Theatres and Public Halls Act, 1908, as in force at the relevant time, shall be deemed to have  
30 been as valid as it would have been had it been renewed before that day.

(3)

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*Theatres and Public Halls (Amendment).*

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(3) Where a license in respect of a theatre or public hall, not being a license cancelled under the Principal Act, would, but for this subsection, have expired during the period of twelve months next preceding the commencement of this section, that license shall be deemed to have been renewed under the Principal Act on the day on which it would have so expired.

(4) A reference to a license in subsection three of this section includes a reference to the prescribed endorsement (if any) on that license.

(5) Where the fee payable under section seven of the Principal Act on the renewal of a license referred to in subsection three of this section was not paid before the commencement of this section, the Minister may (whether or not that fee is paid after that commencement) suspend or cancel the license under section sixteen of the Principal Act, as amended by subsection one of this section, as if a provision of that Act, as so amended, had not been complied with.

(6) The provisions of subsections two, three, four and five of this section apply, mutatis mutandis, to and in respect of licenses issued in respect of drive-in theatres and open-air theatres.

(7) A regulation purporting, before the commencement of this section, to have been made under the Theatres and Public Halls Act, 1908, as in force at the time of the making of the regulation, shall be deemed to have been validly made under that Act, as so in force, if it could have been made under the Principal Act, as amended by subsection one of this section, had the Principal Act, as so amended, been in force at that time.

(8) This section shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

*Theatres and Public Halls (Amendment).*

3. The Theatres and Public Halls Act, 1908, is further amended— Further amendment of Act No. 13, 1908.

(a) by inserting in section two next after the matter relating to Part III the following new matter : — Sec. 2. (Division of Act.)

5 PART IIIA.—CENSORSHIP OF FILMS—ss. 26A–26W.

(b) by inserting next after Part III the following new Part : — New Part IIIA.

PART IIIA.

CENSORSHIP OF FILMS.

10

26A. (1) This Part shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette. Commencement and operation of this Part.

15

(2) While an agreement referred to in section 26C of this Act is not in operation, this Part shall not have any force or effect except for the purpose of enabling an arrangement so referred to or such an agreement to be entered into or for the purpose of enabling regulations to be made for the purposes of this Part.

20

26B. In this Part, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

25

“censor” means censor of films for the purposes of this Part;

“cinematograph” means cinematograph and any other similar apparatus for the exhibition of moving pictures;

30

“film” means film used or proposed to be used for the purpose of exhibiting a picture;

“picture” means picture or other optical effect exhibited or proposed to be exhibited by means of a cinematograph;

“scenario”



*Theatres and Public Halls (Amendment).*

“scenario” includes any statement or summary—

(a) of the plot of any play or story;

or

(b) of the incidents,

5 depicted or intended to be depicted by means of a film.

26c. (1) The Governor may arrange with the Governor-General of the Commonwealth for the exercise and discharge by officers or authorities of the Commonwealth on behalf of the Government of the State of the powers, authorities, duties and functions of a censor. Power to arrange with Commonwealth as to discharge, etc., of duties, etc.

(2) An agreement relating to an arrangement under subsection one of this section may make provision for all or any matters necessary or convenient to be provided for or incidental to carrying out the arrangement and shall contain a provision to the effect that such an arrangement may be terminated by the Governor at any time.

(3) An agreement under this section shall be valid and effectual for all purposes.

26d. The powers, authorities, duties and functions of a censor may be exercised and discharged by an officer or authority of the Commonwealth in accordance with an arrangement under section 26c of this Act. Exercise of powers and duties of censor.

26e. (1) No person shall exhibit any picture in a theatre or public hall or cause it to be so exhibited unless and until the film used for the purpose of exhibiting that picture has been registered by a censor. No film to be exhibited unless registered by censor.

(2) Applications for the registration of a film by a censor shall be made in the prescribed manner and shall be accompanied by the prescribed particulars and the prescribed fee (if any).

26f.

*Theatres and Public Halls (Amendment).*

26F. (1) The Governor may, by the regula- Exemptions.  
tions—

- 5 (a) exempt from the operation of this Part to the extent prescribed in the regulations any specified class of films (including films registered, whether before or after the commencement of this Part, pursuant to any regulations made under any Act of the Parliament of the Commonwealth); and
- 10 (b) specify what provisions (if any) of this Part and the regulations are (with such modifications as are necessary or seem desirable) to apply with respect to any class or classes of films so exempted.

15 (2) Regulations made in pursuance of subsection one of this section may make provision for or with respect to any conditions that are to apply to or in respect of any films thereby exempted.

20 (3) A censor may, in any particular case, by direction in writing under his hand, exempt, subject to such conditions as he specifies in the direction, any film from the operation of this Part to the extent specified in the direction.

25 26G. A censor shall examine every film submitted to him for registration unless he otherwise determines in any particular case. Duty of censor to examine films.

26H. (1) A censor may—

- (a) register a film unconditionally;
- 30 (b) register a film subject to such conditions as he imposes; or
- (c) refuse registration of a film.

Registration and classification of films.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) Where a censor registers a film under subsection one of this section, the censor shall classify the film as being, in his opinion—

- (a) for general exhibition;
- 5 (b) not recommended for children; or
- (c) for adults only,

or as being, in his opinion, of such other class or classes (whether in addition to or in lieu of all or any of the classes specified in paragraphs (a), (b) and (c) of this subsection) as may be prescribed.

(3) A trailer film, poster, programme, advertisement or written, printed or oral matter in the nature of an advertisement, whether in a newspaper or otherwise, with respect to a film or the exhibition of any picture from a film shall, where a censor has classified the film in accordance with the provisions of subsection two of this section, contain a statement or symbol in the prescribed form denoting the censor's classification of the film.

(4) A person carrying on the business of exhibiting pictures or of distributing films or of selling, leasing or otherwise disposing of films or the right to use films for the exhibition of pictures therefrom who exhibits or presents, or causes to be exhibited or presented, a trailer film, poster, programme, advertisement, or written, printed, or oral matter in the way of an advertisement, whether in a newspaper or otherwise, that contravenes or does not comply with any of the provisions of subsection three of this section shall be liable for a first offence to a penalty not exceeding one hundred dollars and for a second or subsequent offence to a penalty not exceeding five hundred dollars.

(5) Nothing in subsection three or four of this section shall affect the liability of any person under any other provisions of this Part.

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*Theatres and Public Halls (Amendment).*

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(6) The regulations may make provision for or with respect to statements or symbols required under subsection three of this section.

5           26I. (1) A person aggrieved by any decision of Appeal.  
a censor or by the imposition by him of any condi-  
tion under the powers conferred on a censor by  
or under this Part may, within such time and upon  
such conditions as are prescribed, appeal therefrom  
10           to such person or authority as may be authorised  
to be the appeal authority pursuant to an arrange-  
ment under section 26C of this Act.

          (2) An appeal under subsection one of this  
section shall be lodged, heard and determined as  
prescribed and shall be accompanied by the  
15           prescribed fee.

          (3) The decision of the appeal authority  
shall be final and without appeal, and shall be given  
effect to.

20           26J. (1) The registration of a film by a censor  
under section 26H of this Act shall be signified by Certificate  
of regis-  
a certificate in such form as the censor thinks fit.       tration.

          (2) The classification of a film by a censor  
in accordance with section 26H of this Act shall  
be signified in the certificate given in relation to that  
25           film under subsection one of this section.

30           26K. (1) Subject to subsection two of this  
section, a censor shall not register a film under  
subsection one of section 26H of this Act where, in  
the opinion of the censor, the film depicts any  
matter—  
No regis-  
tration in  
certain cases.

(a) which is indecent or obscene; or

(b)

*Theatres and Public Halls (Amendment).*

(b) the exhibition of which—

(i) is likely to be injurious to morality  
or to encourage or incite to crime;  
or

5 (ii) is undesirable in the public interest.

(2) A censor shall not refuse registration  
of a film which in the opinion of the censor—

10 (a) in good faith and with artistic merit repro-  
duces or adapts any work of recognised  
literary merit; or

(b) in good faith and with artistic merit repre-  
sents any scriptural, historical, traditional,  
mythical or legendary story.

15 26L. (1) A censor may require an applicant for  
registration of a film to produce any scenario  
thereof. Power to  
require  
scenarios  
to be  
produced.

20 (2) In forming his opinion as to whether  
or not a film submitted for his registration should  
be registered, a censor may take into consideration  
not only the film itself but any scenario thereof and  
also any posters, photographs, sketches, pro-  
grammes and slides proposed to be used in  
25 connection with the exhibition of the picture to be  
exhibited from the film and any advertisements or  
written, printed or oral matter in the nature of  
advertisements of or with respect to the film or  
picture or any portion thereof.

30 26M. (1) A film registered by a censor shall,  
subject to any conditions imposed under this Part  
in relation thereto, be used in the exhibition of a  
picture exactly in the form and under the name by  
which it is registered and without any alteration or  
addition unless the censor first registers the film as  
altered or added to. Films to be  
exhibited  
in form  
registered.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) Where a registered film is altered or added to it shall be deemed never to have been registered as altered or added to.

5           26N. (1) An applicant for registration of a film by a censor shall, when required by the censor, submit to him for approval, and every person exhibiting the picture from a film after registration thereof pursuant to this Part, and every person exhibiting a picture from a film registered, whether before or after the commencement of this Part, pursuant to any regulations relating to films made under any Act of the Parliament of the Commonwealth, shall, when required by the censor, submit, together with the prescribed fee (if any), to him for approval a copy (in this Part referred to as a "sample copy") of every poster, photograph, sketch, programme, slide and advertisement or written, printed or oral matter in the nature of an advertisement intended to be used in connection with the exhibition within New South Wales of the picture from the film.

Sample copies of posters, slides, etc., to be submitted for approval when required.

10           (2) A censor shall with regard to a sample copy and his approval thereof have the like powers and duties as he has with regard to films submitted for registration by him and his decision shall be subject to the like appeal as a decision by him in respect of a film submitted to him for registration.

15           (3) Nothing in subsection two of this section requires the censor's approval of a sample copy to be signified by a certificate.

20           (4) A poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement a sample copy of which has been approved by the censor shall, in connection with the exhibition of a picture and so far as it relates to a film used for the

purposes

*Theatres and Public Halls (Amendment).*

5 purposes of such an exhibition, but subject to any conditions imposed under this Part in relation thereto, be used exactly in the form in which the sample copy was approved and without any addition or alteration, unless the approval of the censor to the sample copy altered or added to is first obtained.

10 (5) Where a sample copy is altered or added to it shall be deemed never to have been approved as altered or added to.

15 26O. A censor may at any time revoke his certificate of registration of any film which has been registered subject to a condition imposed by him if he is satisfied that the condition has not been complied with. Power of censor to revoke certificate.

20 26P. A censor may at any time order the withdrawal of a film from exhibition if it is shown to the satisfaction of the censor that such a course is necessary in the public interest, and the censor may revoke the certificate of registration in respect of the film in whole or in part and may issue an amended certificate. Withdrawal of film.

25 26Q. No action or suit shall be brought or maintained against— Protection of censor, etc.

(a) any officer or authority referred to in section 26D of this Act; or

(b) any person or authority authorised as referred to in section 26I of this Act,

30 for any act done or thing omitted to be done by him in the exercise or discharge of his powers, authorities, duties or functions as a censor or as appeal authority, as the case may require.

26R.

*Theatres and Public Halls (Amendment).*

5 26R. (1) Every person who, in contravention of the provisions of this Part, exhibits in a theatre or public hall any picture from a film which has not been registered as provided by this Part shall be liable to a penalty not exceeding five hundred dollars.

Penalty for exhibiting pictures from films not registered.

10 (2) The court by which a penalty is imposed under subsection one of this section may order the film in regard to which the penalty is imposed to be forfeited to the Crown.

(3) A film forfeited under subsection two of this section shall be dealt with in such manner as a censor directs.

15 26s. Subject to this Part any person who—  
 (a) publishes, distributes, exhibits, or otherwise disseminates in any manner or causes to be so published, distributed, exhibited, or disseminated any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement of or with respect to any film or portion of a film—

Penalty for publication of posters, advertisements, etc., as to films not registered or sample copies not submitted or not approved.

25 (i) which film or portion of a film has not been registered as provided by this Part; or

30 (ii) a sample copy of which poster, photograph, sketch, programme, slide, or advertisement or written, printed or oral matter in the nature of an advertisement is required by a censor to be submitted to him for approval and has not been so submitted or if so submitted has not been approved as provided by this Part; or

35

(iii)



*Theatres and Public Halls (Amendment).*

5 (iii) which poster, photograph, sketch,  
 programme, slide or advertisement  
 or written, printed or oral matter  
 in the nature of an advertisement  
 has been altered or added to after  
 approval of a sample copy thereof  
 by a censor and a sample copy  
 thereof as so altered or added to has  
 10 not been approved as provided by  
 this Part; or

(b) prints, publishes, distributes, or otherwise  
 disseminates in any manner or causes to be  
 so printed, published, distributed or dis-  
 15 seminated any photographic or other  
 reproduction of any film or portion of a  
 film which film or portion of a film has not  
 been registered as provided by this Part,  
 shall be liable to a penalty not exceeding one  
 hundred dollars for or in respect of each such  
 20 publication, distribution, exhibition, or dissemina-  
 tion or (as the case may be) each such printing,  
 publication, distribution or dissemination.

25 26T. A film or part of a film or a sample copy  
 of any poster, photograph, sketch, programme, slide  
 or advertisement or written, printed or oral matter  
 in the nature of an advertisement which film or part  
 thereof or which sample copy has been submitted  
 pursuant to this Part to a censor and to which he  
 has refused registration or approval (as the case  
 30 may require) may be retained by the censor, but  
 such film or such part of a film may be returned  
 to the person who submitted it for registration if  
 the censor is satisfied that it will be forthwith  
 disposed of in such manner as the censor directs.

Power of  
 censor to  
 retain  
 certain films  
 and sample  
 copies.

35 26U. In any proceedings under this Part, without  
 affecting the liability of any person for any offence  
 under this Part, a person shall be deemed to exhibit  
 a picture in a theatre or public hall if he conducts  
 the

What  
 deemed  
 exhibition  
 of a film.

*Theatres and Public Halls (Amendment).*

the exhibition of that picture therein or on the occasion in question has the superintendence or management of the theatre or public hall wherein that picture is exhibited.

- 5           26v. Every person who is guilty of any contra-  
vention of or failure to comply with any provision  
of this Part for which no penalty is expressly  
provided shall be liable to a penalty not exceeding  
one hundred dollars. Penalty for  
contraven-  
tions of  
Part not  
otherwise  
provided for.
- 10           26w. In any proceedings for an offence against  
this Part, a certificate in the prescribed form signed  
or purporting to be signed by a censor and stating— Censor's  
certificate  
to be prima  
facie  
evidence.
- 15           (a) that a film has been registered under this  
Part;
- (b) that a film has not been registered under this  
Part;
- (c) that an advertisement relating to a film has  
been approved under this Part;
- 20           (d) that an advertisement relating to a film has  
not been approved under this Part; or
- (e) the classification of a film registered under  
this Part, in accordance with subsection two  
of section 26H of this Act,
- 25           shall be prima facie evidence of the matter so stated  
in the certificate.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

# New South Wales



ANNO OCTAVO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 81, 1969.

An Act to make further provisions with respect to the licensing of theatres and public halls; to provide for the censorship of cinematograph films; for these and other purposes to amend the Theatres and Public Halls Act, 1908; to validate certain matters; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

**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, 1969".

Short title and construction.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) The Theatres and Public Halls Act, 1908, as amended by subsequent Acts in force immediately before the commencement of section two of this Act, is in that section referred to as the Principal Act.

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

Amendment  
of Act No.  
13, 1908.  
Sec. 4.  
(Defini-  
tions.)

2. (1) The Principal Act is amended—

(a) by omitting from subsection one of section four the words “unless the context otherwise requires,” and by inserting in lieu thereof the words “except in so far as the context or subject-matter otherwise indicates or requires”;

New sec.  
4A.

(b) by inserting next after the heading to Part II the following new section and short heading thereto :—

*Definition.*

Definition.

4A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires, “license” means a license under this Part.

Subst.  
sec. 7.

(c) by omitting section seven and by inserting in lieu thereof the following section :—

Fees for  
licenses.  
Schedule II.

7. (1) In the case of a license granted on or after the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

(a) the period of twelve months next following the granting of the license; and

(b) each period of twelve months after that period,

the appropriate fee set out in Schedule II.

(2) In the case of a license in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

(a) the period of twelve months next following the period for which the license was granted,

or,

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*Theatres and Public Halls (Amendment).*

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or, where it was renewed under this Act as in force before that commencement, next following the period for which it was last renewed; and

- (b) each period of twelve months after the period of twelve months referred to in paragraph (a) of this subsection,

the appropriate fee set out in Schedule II.

(3) The fee payable under paragraph (b) of subsection one or under subsection two of this section in respect of a period of twelve months shall be delivered or forwarded so as to be received in the office of the Minister before the commencement of that period.

(4) Where a fee payable under paragraph (b) of subsection one or under subsection two of this section is not received in the office of the Minister before the commencement of the period in respect of which it is payable—

- (a) the fee may, without prejudice to the power of the Minister to suspend or cancel the license to which the fee relates, be paid or received in the office of the Minister after that commencement; and
- (b) if the fee is so received after that commencement, there shall be paid such additional fee as may be prescribed, unless the Minister in a particular case directs that the additional fee be not payable.

(5) Where the grade of a theatre or public hall is, during a period of twelve months referred to in subsection one or two of this section, changed to another grade, the change shall, for the purposes only of the payment of the appropriate fee set out in Schedule II, be deemed to take effect as from the commencement of the period of twelve months next following that firstmentioned period of twelve months.

(6)

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*Theatres and Public Halls (Amendment).*

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(6) Schedule II may be amended or substituted by regulations made under this Act, and the Schedule as so amended or substituted shall be Schedule II.

Sec. 9.  
(Grant of  
license.)

- (d) (i) by omitting from paragraph (a) of subsection one of section nine the words "under this Part";
- (ii) by inserting at the end of subparagraph (i) of paragraph (b) of the same subsection the word "and";
- (iii) by omitting subparagraph (ii) of the same paragraph;
- (iv) by omitting from subparagraph (iii) of paragraph (d) of the same subsection the word "and";
- (v) by inserting at the end of subparagraph (iv) of the same paragraph the following word and new subparagraph :—
- ; and
- (v) the fee payable under subsection one of section seven of this Act in respect of the period of twelve months next following the granting of the license has been received in the office of the Minister.
- (e) by omitting section twelve and by inserting in lieu thereof the following sections :—

Subst.  
sec. 12, and  
new secs.  
12A, 12B.  
Continuance  
of license.

12. (1) A license that is in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, or that is issued on or after that commencement, shall continue in force until cancelled under this Act.

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*Theatres and Public Halls (Amendment).*


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(2) Notwithstanding anything in subsection one of this section, a license that is suspended under section sixteen of this Act shall, for the purposes of section eighteen of this Act, be deemed not to be in force while it is so suspended.

12A. (1) A license shall be subject to such conditions as the Minister may from time to time determine in respect of that license. Conditions upon license.

(2) The conditions referred to in subsection one of this section may relate to any matter provided for in this Act or the regulations, or to any other matter connected with the theatre or public hall to which the license relates.

12B. A substitute license may be issued in the place of— Substitute license.

- (a) a license that is lost, defaced or destroyed;
  - (b) a license the prescribed endorsement on which has been cancelled; or
  - (c) a license that was issued before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969.
- (f) by omitting from section thirteen the word “such” where firstly occurring; Sec. 13. (Transfer of license.)
- (g) (i) by omitting from subsection one of section 13A the words “issued under this Act” and by inserting in lieu thereof the word “issued”; Sec. 13A. (Exhibition of cinematograph films —prescribed endorsement.)
- (ii) by omitting subsection two of the same section;
- (iii) by omitting from subsection three of the same section the words “issued under this Part and current” and by inserting in lieu thereof the words “in force”;
- (iv) by omitting from subsection five of the same section the words “an original license in respect of” and by inserting in lieu thereof the words “a license for”;

(h)

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*Theatres and Public Halls (Amendment).*

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Sec. 13B.  
(Continu-  
ance and  
cancellation  
of the  
prescribed  
endorse-  
ment.)

- (h) (i) by omitting subsection one of section 13B and by inserting in lieu thereof the following subsections :—

(1) Where a license bears the prescribed endorsement immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, or an application for the prescribed endorsement on a license is granted on or after that commencement, the prescribed endorsement shall continue in force until the license is cancelled, or the prescribed endorsement is, in accordance with subsection (1A) of this section, cancelled, whichever first occurs.

(1A) The Minister may cancel the prescribed endorsement on a license if the Commission makes a determination that the prescribed endorsement should be cancelled in accordance with subsection two of this section or if the holder of the license requests in writing that the prescribed endorsement be cancelled.

- (ii) by omitting from paragraph (a) of subsection two of the same section the words "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." and by inserting in lieu thereof the words "Where a person so authorised makes such an inquiry and inspection in respect of any theatre or public hall, he may report to

the



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*Theatres and Public Halls (Amendment).*

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the Commission thereupon and may in the report, together with a statement of his reasons, make a recommendation as to whether or not the prescribed endorsement on the license issued in respect of the theatre or public hall should be cancelled.”;

- (iii) by omitting from paragraph (b) of the same subsection the words “not be renewed” and by inserting in lieu thereof the words “be cancelled”;
- (iv) by omitting from the same paragraph the words “not renewed” and by inserting in lieu thereof the word “cancelled”;
- (v) by omitting from paragraph (d) of the same subsection the word “renewed” and by inserting in lieu thereof the word “cancelled”;
- (vi) by inserting next after paragraph (e) of the same subsection the following new paragraph:—

(e1) If the determination of the Commission under paragraph (d) of this subsection is that the prescribed endorsement should be cancelled, the Commission shall specify the date as from which the cancellation shall take effect, being a date that is not earlier than one month after the date upon which notice of the determination has been given under paragraph (e) of this subsection.

- (i) (i) by omitting from paragraph (b) of subsection one of section 13D the words “issued under this Part and current” and by inserting in lieu thereof the words “in force”;

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

(ii)

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*Theatres and Public Halls (Amendment).*


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- (ii) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "held in respect of" and by inserting in lieu thereof the word "for";
- (iii) by omitting from subsection six of the same section the words "a fee of ten dollars" and by inserting in lieu thereof the words "the prescribed fee,";
- (iv) by omitting from subparagraph (iii) of paragraph (a) of subsection nine of the same section the word "for" wherever occurring and by inserting in lieu thereof the words "in respect of";
- (v) by omitting from subsection ten of the same section the words "subsection eleven of this section" and by inserting in lieu thereof the words "this section,";
- (vi) by omitting subsection twelve of the same section;

Sec. 14.  
(Regulations as to conditions for a license.)

- (j) (i) by omitting from section fourteen the words "as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as" and by inserting in lieu thereof the words "for or with respect to the conditions to be fulfilled before a license is issued for a building and the conditions subject to which a license issued for a building continues in force, and in particular for or with respect";
- (ii) by omitting from paragraph (a) of the same section the words "any building in respect of which such license is applied for" and by inserting in lieu thereof the words "the building";
- (iii) by omitting from paragraphs (b) and (c) of the same section the words "any such building" and by inserting in lieu thereof the words "the building";

(iv)

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*Theatres and Public Halls (Amendment).*


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- (iv) by omitting from paragraphs (d) and (e) of the same section the words "such building" and by inserting in lieu thereof the words "the building";
- (k) by omitting section sixteen and by inserting in lieu thereof the following section :— Subst. sec. 16.
16. (1) The Minister may suspend or cancel a license if it appears to him— Suspension or cancellation of license.
- (a) that the provisions of this Act or the regulations have not been complied with by the holder of the license;
- (b) that any condition to which the license is for the time being subject has not been complied with;
- (c) that the building to which the license relates—
- (i) has been allowed to fall into disrepair;
- (ii) has been added to or altered without the approval of the Minister; or
- (iii) is encumbered with scenery, properties or other combustible matter, and that the public safety, health or convenience is prejudiced;
- (d) that alterations to the building to which the license relates are necessary in order to provide for public safety, health or convenience; or
- (e) that the building to which the license relates is not suitable for holding public entertainments or public meetings therein, or the site of the building is unsuitable.
- (2) The Minister may cancel or restore a license that is suspended under this section.

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*Theatres and Public Halls (Amendment).*

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Sec. 17.  
(Regulations for public safety, health and convenience.)

- (l) (i) by omitting from section seventeen the words “as to the following matters” and by inserting in lieu thereof the words “for or with respect to the following matters”;
- (ii) by inserting next after paragraph (h) of the same section the following new paragraphs :—
- (h1) Requiring the attendance of such number of persons having specified skills as is sufficient for the proper use of any specified apparatus or appliances.
- (h2) Persons smoking.
- (h3) The possession or consumption of spirituous or other alcoholic liquors or beverages.
- (iii) by inserting in paragraph (i) of the same section after the word “preventing” the word “, controlling”;
- (iv) by inserting in the same paragraph after the word “convenience” the words “, whether in relation to persons resorting to or using theatres or public halls, or otherwise”;

Sec. 20.  
(Licenses.)

- (m) by omitting from subsection one of section twenty the word “for” and by inserting in lieu thereof the words “in respect of”;

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

- (n) by omitting subsection three of section 22A and by inserting in lieu thereof the following subsection :—
- (3) The fee payable in respect of the license of a drive-in theatre and the fee payable in respect of the license of an open-air theatre shall be as prescribed.

Sec. 23.  
(Grant of license.)

- (o) by omitting from subsection two of section twenty-three the words “two dollars” and by inserting in lieu thereof the words “as prescribed”;

(p)

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*Theatres and Public Halls (Amendment).*

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- (p) (i) by inserting next after paragraph (a1) of section thirty-one the following new paragraphs :— Sec. 31. (General regulations.)
- (a2) for or with respect to the refund of any fee under this Act or any part of such a fee;
- (a3) providing for the delivery up of licenses under this Act;
- (ii) by inserting at the end of the same section the following new subsections :—
- (2) Any regulation under this Act may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified subject-matter or class of subject-matter.
- (3) Any such regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by any person specified therein, either generally or for any class of cases or in any particular case.
- (q) by inserting next after section thirty-three the following new section :— New sec. 34.
34. 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 he proves that the contravention was committed, or the failure occurred, without his knowledge or that he used all due diligence to prevent the commission thereof. Offences by corporations.

(r)

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*Theatres and Public Halls (Amendment).*

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Subst.  
Sch. II.

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

SCHEDULE II.

The fees payable in respect of licenses of theatres, public halls or buildings of the grades mentioned in Schedule I shall, respectively, be as follows:—

- (a) Sixty dollars per annum.
- (b) Thirty dollars per annum.
- (c) Fifteen dollars per annum.
- (d) Ten dollars per annum.
- (e) Six dollars per annum.
- (f) Three dollars per annum.

Provided 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 those public halls or buildings shall, respectively, be as follows:—

- (b) Sixty dollars per annum.
- (c) Forty-five dollars per annum.
- (d) Thirty dollars per annum.
- (e) Fifteen dollars per annum.
- (f) Six dollars per annum.

(2) The purported renewal—

- (a) before the commencement of this section; and
- (b) after the day on which it would, if not renewed, have expired,

of a license issued under the Theatres and Public Halls Act, 1908, as in force at the relevant time, shall be deemed to have been as valid as it would have been had it been renewed before that day.

(3)

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*Theatres and Public Halls (Amendment).*

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(3) Where a license in respect of a theatre or public hall, not being a license cancelled under the Principal Act, would, but for this subsection, have expired during the period of twelve months next preceding the commencement of this section, that license shall be deemed to have been renewed under the Principal Act on the day on which it would have so expired.

(4) A reference to a license in subsection three of this section includes a reference to the prescribed endorsement (if any) on that license.

(5) Where the fee payable under section seven of the Principal Act on the renewal of a license referred to in subsection three of this section was not paid before the commencement of this section, the Minister may (whether or not that fee is paid after that commencement) suspend or cancel the license under section sixteen of the Principal Act, as amended by subsection one of this section, as if a provision of that Act, as so amended, had not been complied with.

(6) The provisions of subsections two, three, four and five of this section apply, *mutatis mutandis*, to and in respect of licenses issued in respect of drive-in theatres and open-air theatres.

(7) A regulation purporting, before the commencement of this section, to have been made under the Theatres and Public Halls Act, 1908, as in force at the time of the making of the regulation, shall be deemed to have been validly made under that Act, as so in force, if it could have been made under the Principal Act, as amended by subsection one of this section, had the Principal Act, as so amended, been in force at that time.

(8) This section shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

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*Theatres and Public Halls (Amendment).*

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Further amendment of Act No. 13, 1908.

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

Sec. 2.  
(Division of Act.)

(a) by inserting in section two next after the matter relating to Part III the following new matter :—

PART IIIA.—CENSORSHIP OF FILMS—SS. 26A—26W.

New Part IIIA.

(b) by inserting next after Part III the following new Part :—

PART IIIA.

CENSORSHIP OF FILMS.

Commencement and operation of this Part.

26A. (1) This Part shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

(2) While an agreement referred to in section 26C of this Act is not in operation, this Part shall not have any force or effect except for the purpose of enabling an arrangement so referred to or such an agreement to be entered into or for the purpose of enabling regulations to be made for the purposes of this Part.

Interpretation.

26B. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“censor” means censor of films for the purposes of this Part;

“cinematograph” means cinematograph and any other similar apparatus for the exhibition of moving pictures;

“film” means film used or proposed to be used for the purpose of exhibiting a picture;

“picture” means picture or other optical effect exhibited or proposed to be exhibited by means of a cinematograph;

“scenario”



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*Theatres and Public Halls (Amendment).*

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“scenario” includes any statement or summary—

- (a) of the plot of any play or story;  
or
- (b) of the incidents,

depicted or intended to be depicted by means of a film.

26c. (1) The Governor may arrange with the Governor-General of the Commonwealth for the exercise and discharge by officers or authorities of the Commonwealth on behalf of the Government of the State of the powers, authorities, duties and functions of a censor.

Power to arrange with Commonwealth as to discharge, etc., of duties, etc.

(2) An agreement relating to an arrangement under subsection one of this section may make provision for all or any matters necessary or convenient to be provided for or incidental to carrying out the arrangement and shall contain a provision to the effect that such an arrangement may be terminated by the Governor at any time.

(3) An agreement under this section shall be valid and effectual for all purposes.

26d. The powers, authorities, duties and functions of a censor may be exercised and discharged by an officer or authority of the Commonwealth in accordance with an arrangement under section 26c of this Act.

Exercise of powers and duties of censor.

26e. (1) No person shall exhibit any picture in a theatre or public hall or cause it to be so exhibited unless and until the film used for the purpose of exhibiting that picture has been registered by a censor.

No film to be exhibited unless registered by censor.

(2) Applications for the registration of a film by a censor shall be made in the prescribed manner and shall be accompanied by the prescribed particulars and the prescribed fee (if any).

26f.

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*Theatres and Public Halls (Amendment).*

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## Exemptions.

26F. (1) The Governor may, by the regulations—

- (a) exempt from the operation of this Part to the extent prescribed in the regulations any specified class of films (including films registered, whether before or after the commencement of this Part, pursuant to any regulations made under any Act of the Parliament of the Commonwealth); and
- (b) specify what provisions (if any) of this Part and the regulations are (with such modifications as are necessary or seem desirable) to apply with respect to any class or classes of films so exempted.

(2) Regulations made in pursuance of subsection one of this section may make provision for or with respect to any conditions that are to apply to or in respect of any films thereby exempted.

(3) A censor may, in any particular case, by direction in writing under his hand, exempt, subject to such conditions as he specifies in the direction, any film from the operation of this Part to the extent specified in the direction.

## Duty of censor to examine films.

26G. A censor shall examine every film submitted to him for registration unless he otherwise determines in any particular case.

## Registration and classification of films.

26H. (1) A censor may—

- (a) register a film unconditionally;
- (b) register a film subject to such conditions as he imposes; or
- (c) refuse registration of a film.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) Where a censor registers a film under subsection one of this section, the censor shall classify the film as being, in his opinion—

- (a) for general exhibition;
- (b) not recommended for children; or
- (c) for adults only,

or as being, in his opinion, of such other class or classes (whether in addition to or in lieu of all or any of the classes specified in paragraphs (a), (b) and (c) of this subsection) as may be prescribed.

(3) A trailer film, poster, programme, advertisement or written, printed or oral matter in the nature of an advertisement, whether in a newspaper or otherwise, with respect to a film or the exhibition of any picture from a film shall, where a censor has classified the film in accordance with the provisions of subsection two of this section, contain a statement or symbol in the prescribed form denoting the censor's classification of the film.

(4) A person carrying on the business of exhibiting pictures or of distributing films or of selling, leasing or otherwise disposing of films or the right to use films for the exhibition of pictures therefrom who exhibits or presents, or causes to be exhibited or presented, a trailer film, poster, programme, advertisement, or written, printed, or oral matter in the way of an advertisement, whether in a newspaper or otherwise, that contravenes or does not comply with any of the provisions of subsection three of this section shall be liable for a first offence to a penalty not exceeding one hundred dollars and for a second or subsequent offence to a penalty not exceeding five hundred dollars.

(5) Nothing in subsection three or four of this section shall affect the liability of any person under any other provisions of this Part.

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*Theatres and Public Halls (Amendment).*


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(6) The regulations may make provision for or with respect to statements or symbols required under subsection three of this section.

**Appeal.**

26I. (1) A person aggrieved by any decision of a censor or by the imposition by him of any condition under the powers conferred on a censor by or under this Part may, within such time and upon such conditions as are prescribed, appeal therefrom to such person or authority as may be authorised to be the appeal authority pursuant to an arrangement under section 26C of this Act.

(2) An appeal under subsection one of this section shall be lodged, heard and determined as prescribed and shall be accompanied by the prescribed fee.

(3) The decision of the appeal authority shall be final and without appeal, and shall be given effect to.

**Certificate of registration.**

26J. (1) The registration of a film by a censor under section 26H of this Act shall be signified by a certificate in such form as the censor thinks fit.

(2) The classification of a film by a censor in accordance with section 26H of this Act shall be signified in the certificate given in relation to that film under subsection one of this section.

**No registration in certain cases.**

26K. (1) Subject to subsection two of this section, a censor shall not register a film under subsection one of section 26H of this Act where, in the opinion of the censor, the film depicts any matter—

(a) which is indecent or obscene; or

(b)

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*Theatres and Public Halls (Amendment).*

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(b) the exhibition of which—

(i) is likely to be injurious to morality or to encourage or incite to crime; or

(ii) is undesirable in the public interest.

(2) A censor shall not refuse registration of a film which in the opinion of the censor—

(a) in good faith and with artistic merit reproduces or adapts any work of recognised literary merit; or

(b) in good faith and with artistic merit represents any scriptural, historical, traditional, mythical or legendary story.

26L. (1) A censor may require an applicant for registration of a film to produce any scenario thereof. Power to require scenarios to be produced.

(2) In forming his opinion as to whether or not a film submitted for his registration should be registered, a censor may take into consideration not only the film itself but any scenario thereof and also any posters, photographs, sketches, programmes and slides proposed to be used in connection with the exhibition of the picture to be exhibited from the film and any advertisements or written, printed or oral matter in the nature of advertisements of or with respect to the film or picture or any portion thereof.

26M. (1) A film registered by a censor shall, subject to any conditions imposed under this Part in relation thereto, be used in the exhibition of a picture exactly in the form and under the name by which it is registered and without any alteration or addition unless the censor first registers the film as altered or added to. Films to be exhibited in form registered.

(2)

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*Theatres and Public Halls (Amendment).*


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(2) Where a registered film is altered or added to it shall be deemed never to have been registered as altered or added to.

Sample copies of posters, slides, etc., to be submitted for approval when required.

26N. (1) An applicant for registration of a film by a censor shall, when required by the censor, submit to him for approval, and every person exhibiting the picture from a film after registration thereof pursuant to this Part, and every person exhibiting a picture from a film registered, whether before or after the commencement of this Part, pursuant to any regulations relating to films made under any Act of the Parliament of the Commonwealth, shall, when required by the censor, submit, together with the prescribed fee (if any), to him for approval a copy (in this Part referred to as a "sample copy") of every poster, photograph, sketch, programme, slide and advertisement or written, printed or oral matter in the nature of an advertisement intended to be used in connection with the exhibition within New South Wales of the picture from the film.

(2) A censor shall with regard to a sample copy and his approval thereof have the like powers and duties as he has with regard to films submitted for registration by him and his decision shall be subject to the like appeal as a decision by him in respect of a film submitted to him for registration.

(3) Nothing in subsection two of this section requires the censor's approval of a sample copy to be signified by a certificate.

(4) A poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement a sample copy of which has been approved by the censor shall, in connection with the exhibition of a picture and so far as it relates to a film used for the

purposes

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*Theatres and Public Halls (Amendment).*


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purposes of such an exhibition, but subject to any conditions imposed under this Part in relation thereto, be used exactly in the form in which the sample copy was approved and without any addition or alteration, unless the approval of the censor to the sample copy altered or added to is first obtained.

(5) Where a sample copy is altered or added to it shall be deemed never to have been approved as altered or added to.

26o. A censor may at any time revoke his certificate of registration of any film which has been registered subject to a condition imposed by him if he is satisfied that the condition has not been complied with. Power of censor to revoke certificate.

26p. A censor may at any time order the withdrawal of a film from exhibition if it is shown to the satisfaction of the censor that such a course is necessary in the public interest, and the censor may revoke the certificate of registration in respect of the film in whole or in part and may issue an amended certificate. Withdrawal of film.

26q. No action or suit shall be brought or maintained against— Protection of censor, etc.

- (a) any officer or authority referred to in section 26d of this Act; or
- (b) any person or authority authorised as referred to in section 26i of this Act,

for any act done or thing omitted to be done by him in the exercise or discharge of his powers, authorities, duties or functions as a censor or as appeal authority, as the case may require.

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*Theatres and Public Halls (Amendment).*

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Penalty for exhibiting pictures from films not registered.

26R. (1) Every person who, in contravention of the provisions of this Part, exhibits in a theatre or public hall any picture from a film which has not been registered as provided by this Part shall be liable to a penalty not exceeding five hundred dollars.

(2) The court by which a penalty is imposed under subsection one of this section may order the film in regard to which the penalty is imposed to be forfeited to the Crown.

(3) A film forfeited under subsection two of this section shall be dealt with in such manner as a censor directs.

Penalty for publication of posters, advertisements, etc., as to films not registered or sample copies not submitted or not approved.

26s. Subject to this Part any person who—

(a) publishes, distributes, exhibits, or otherwise disseminates in any manner or causes to be so published, distributed, exhibited, or disseminated any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement of or with respect to any film or portion of a film—

(i) which film or portion of a film has not been registered as provided by this Part; or

(ii) a sample copy of which poster, photograph, sketch, programme, slide, or advertisement or written, printed or oral matter in the nature of an advertisement is required by a censor to be submitted to him for approval and has not been so submitted or if so submitted has not been approved as provided by this Part; or

(iii)



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*Theatres and Public Halls (Amendment).*

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- (iii) which poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement has been altered or added to after approval of a sample copy thereof by a censor and a sample copy thereof as so altered or added to has not been approved as provided by this Part; or
- (b) prints, publishes, distributes, or otherwise disseminates in any manner or causes to be so printed, published, distributed or disseminated any photographic or other reproduction of any film or portion of a film which film or portion of a film has not been registered as provided by this Part,

shall be liable to a penalty not exceeding one hundred dollars for or in respect of each such publication, distribution, exhibition, or dissemination or (as the case may be) each such printing, publication, distribution or dissemination.

26T. A film or part of a film or a sample copy of any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement which film or part thereof or which sample copy has been submitted pursuant to this Part to a censor and to which he has refused registration or approval (as the case may require) may be retained by the censor, but such film or such part of a film may be returned to the person who submitted it for registration if the censor is satisfied that it will be forthwith disposed of in such manner as the censor directs.

Power of censor to retain certain films and sample copies.

26U. In any proceedings under this Part, without affecting the liability of any person for any offence under this Part, a person shall be deemed to exhibit a picture in a theatre or public hall if he conducts the

What deemed exhibition of a film.

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*Theatres and Public Halls (Amendment).*

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the exhibition of that picture therein or on the occasion in question has the superintendence or management of the theatre or public hall wherein that picture is exhibited.

Penalty for contraventions of Part not otherwise provided for.

26v. Every person who is guilty of any contravention of or failure to comply with any provision of this Part for which no penalty is expressly provided shall be liable to a penalty not exceeding one hundred dollars.

Censor's certificate to be prima facie evidence.

26w. In any proceedings for an offence against this Part, a certificate in the prescribed form signed or purporting to be signed by a censor and stating—

- (a) that a film has been registered under this Part;
- (b) that a film has not been registered under this Part;
- (c) that an advertisement relating to a film has been approved under this Part;
- (d) that an advertisement relating to a film has not been approved under this Part; or
- (e) the classification of a film registered under this Part, in accordance with subsection two of section 26H of this Act,

shall be prima facie evidence of the matter so stated in the certificate.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 26 November, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 81, 1969.

An Act to make further provisions with respect to the licensing of theatres and public halls; to provide for the censorship of cinematograph films; for these and other purposes to amend the Theatres and Public Halls Act, 1908; to validate certain matters; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

**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, 1969".

(2)

Short title and construction.

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

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*Theatres and Public Halls (Amendment).*

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(2) The Theatres and Public Halls Act, 1908, as amended by subsequent Acts in force immediately before the commencement of section two of this Act, is in that section referred to as the Principal Act.

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

Amendment  
of Act No.  
13, 1908.  
Sec. 4.  
(Defini-  
tions.)

2. (1) The Principal Act is amended—

(a) by omitting from subsection one of section four the words “unless the context otherwise requires,” and by inserting in lieu thereof the words “except in so far as the context or subject-matter otherwise indicates or requires”;

New sec.  
4A.

(b) by inserting next after the heading to Part II the following new section and short heading thereto :—

*Definition.*

Definition.

4A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires, “license” means a license under this Part.

Subst.  
sec. 7.

(c) by omitting section seven and by inserting in lieu thereof the following section :—

Fees for  
licenses.  
Schedule II.

7. (1) In the case of a license granted on or after the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

(a) the period of twelve months next following the granting of the license; and

(b) each period of twelve months after that period,

the appropriate fee set out in Schedule II.

(2) In the case of a license in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, there shall be paid, in respect of—

(a) the period of twelve months next following the period for which the license was granted,

or,

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*Theatres and Public Halls (Amendment).*

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or, where it was renewed under this Act as in force before that commencement, next following the period for which it was last renewed; and

- (b) each period of twelve months after the period of twelve months referred to in paragraph (a) of this subsection, the appropriate fee set out in Schedule II.

(3) The fee payable under paragraph (b) of subsection one or under subsection two of this section in respect of a period of twelve months shall be delivered or forwarded so as to be received in the office of the Minister before the commencement of that period.

(4) Where a fee payable under paragraph (b) of subsection one or under subsection two of this section is not received in the office of the Minister before the commencement of the period in respect of which it is payable—

- (a) the fee may, without prejudice to the power of the Minister to suspend or cancel the license to which the fee relates, be paid or received in the office of the Minister after that commencement; and
- (b) if the fee is so received after that commencement, there shall be paid such additional fee as may be prescribed, unless the Minister in a particular case directs that the additional fee be not payable.

(5) Where the grade of a theatre or public hall is, during a period of twelve months referred to in subsection one or two of this section, changed to another grade, the change shall, for the purposes only of the payment of the appropriate fee set out in Schedule II, be deemed to take effect as from the commencement of the period of twelve months next following that firstmentioned period of twelve months.

(6)

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*Theatres and Public Halls (Amendment).*

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(6) Schedule II may be amended or substituted by regulations made under this Act, and the Schedule as so amended or substituted shall be Schedule II.

Sec. 9.  
(Grant of  
license.)

- (d) (i) by omitting from paragraph (a) of subsection one of section nine the words "under this Part";
- (ii) by inserting at the end of subparagraph (i) of paragraph (b) of the same subsection the word "and";
- (iii) by omitting subparagraph (ii) of the same paragraph;
- (iv) by omitting from subparagraph (iii) of paragraph (d) of the same subsection the word "and";
- (v) by inserting at the end of subparagraph (iv) of the same paragraph the following word and new subparagraph :—
- ; and
- (v) the fee payable under subsection one of section seven of this Act in respect of the period of twelve months next following the granting of the license has been received in the office of the Minister.

Subst.  
sec. 12, and  
new secs.  
12A, 12B.  
Continuance  
of license.

- (e) by omitting section twelve and by inserting in lieu thereof the following sections :—

12. (1) A license that is in force immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, or that is issued on or after that commencement, shall continue in force until cancelled under this Act.

(2)

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*Theatres and Public Halls (Amendment).*


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(2) Notwithstanding anything in subsection one of this section, a license that is suspended under section sixteen of this Act shall, for the purposes of section eighteen of this Act, be deemed not to be in force while it is so suspended.

12A. (1) A license shall be subject to such conditions as the Minister may from time to time determine in respect of that license. Conditions upon license.

(2) The conditions referred to in subsection one of this section may relate to any matter provided for in this Act or the regulations, or to any other matter connected with the theatre or public hall to which the license relates.

12B. A substitute license may be issued in the place of— Substitute license.

- (a) a license that is lost, defaced or destroyed;
- (b) a license the prescribed endorsement on which has been cancelled; or
- (c) a license that was issued before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969.

(f) by omitting from section thirteen the word "such" where firstly occurring; Sec. 13. (Transfer of license.)

(g) (i) by omitting from subsection one of section 13A the words "issued under this Act" and by inserting in lieu thereof the word "issued"; Sec. 13A. (Exhibition of cinematograph films—prescribed endorsement.)

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

(iii) by omitting from subsection three of the same section the words "issued under this Part and current" and by inserting in lieu thereof the words "in force";

(iv) by omitting from subsection five of the same section the words "an original license in respect of" and by inserting in lieu thereof the words "a license for";

(h)

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*Theatres and Public Halls (Amendment).*

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Sec. 13B.  
(Continu-  
ance and  
cancellation  
of the  
prescribed  
endorse-  
ment.)

(h) (i) by omitting subsection one of section 13B and by inserting in lieu thereof the following subsections :—

(1) Where a license bears the prescribed endorsement immediately before the commencement of section two of the Theatres and Public Halls (Amendment) Act, 1969, or an application for the prescribed endorsement on a license is granted on or after that commencement, the prescribed endorsement shall continue in force until the license is cancelled, or the prescribed endorsement is, in accordance with subsection (1A) of this section, cancelled, whichever first occurs.

(1A) The Minister may cancel the prescribed endorsement on a license if the Commission makes a determination that the prescribed endorsement should be cancelled in accordance with subsection two of this section or if the holder of the license requests in writing that the prescribed endorsement be cancelled.

(ii) by omitting from paragraph (a) of subsection two of the same section the words "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." and by inserting in lieu thereof the words "Where a person so authorised makes such an inquiry and inspection in respect of any theatre or public hall, he may report to

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*Theatres and Public Halls (Amendment).*


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the Commission thereupon and may in the report, together with a statement of his reasons, make a recommendation as to whether or not the prescribed endorsement on the license issued in respect of the theatre or public hall should be cancelled.”;

- (iii) by omitting from paragraph (b) of the same subsection the words “not be renewed” and by inserting in lieu thereof the words “be cancelled”;
- (iv) by omitting from the same paragraph the words “not renewed” and by inserting in lieu thereof the word “cancelled”;
- (v) by omitting from paragraph (d) of the same subsection the word “renewed” and by inserting in lieu thereof the word “cancelled”;
- (vi) by inserting next after paragraph (e) of the same subsection the following new paragraph :—

(e1) If the determination of the Commission under paragraph (d) of this subsection is that the prescribed endorsement should be cancelled, the Commission shall specify the date as from which the cancellation shall take effect, being a date that is not earlier than one month after the date upon which notice of the determination has been given under paragraph (e) of this subsection.

- (i) (i) by omitting from paragraph (b) of subsection Sec. 13D. one of section 13D the words “issued under this Part and current” and by inserting in lieu thereof the words “in force”;

(Reference of applications to the Commission.)

(ii)

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*Theatres and Public Halls (Amendment).*


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- (ii) by omitting from subparagraph (i) of paragraph (c) of the same subsection the words "held in respect of" and by inserting in lieu thereof the word "for";
- (iii) by omitting from subsection six of the same section the words "a fee of ten dollars" and by inserting in lieu thereof the words "the prescribed fee,";
- (iv) by omitting from subparagraph (iii) of paragraph (a) of subsection nine of the same section the word "for" wherever occurring and by inserting in lieu thereof the words "in respect of";
- (v) by omitting from subsection ten of the same section the words "subsection eleven of this section" and by inserting in lieu thereof the words "this section,";
- (vi) by omitting subsection twelve of the same section;

Sec. 14.  
(Regulations as to conditions for a license.)

- (j) (i) by omitting from section fourteen the words "as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as" and by inserting in lieu thereof the words "for or with respect to the conditions to be fulfilled before a license is issued for a building and the conditions subject to which a license issued for a building continues in force, and in particular for or with respect";
- (ii) by omitting from paragraph (a) of the same section the words "any building in respect of which such license is applied for" and by inserting in lieu thereof the words "the building";
- (iii) by omitting from paragraphs (b) and (c) of the same section the words "any such building" and by inserting in lieu thereof the words "the building";

(iv)

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*Theatres and Public Halls (Amendment).*


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- (iv) by omitting from paragraphs (d) and (e) of the same section the words "such building" and by inserting in lieu thereof the words "the building";
- (k) by omitting section sixteen and by inserting in lieu thereof the following section :—
- Subst.  
sec. 16.
16. (1) The Minister may suspend or cancel a license if it appears to him—
- Suspension  
or cancella-  
tion of  
license.
- (a) that the provisions of this Act or the regulations have not been complied with by the holder of the license;
- (b) that any condition to which the license is for the time being subject has not been complied with;
- (c) that the building to which the license relates—
- (i) has been allowed to fall into disrepair;
- (ii) has been added to or altered without the approval of the Minister; or
- (iii) is encumbered with scenery, properties or other combustible matter, and that the public safety, health or convenience is prejudiced;
- (d) that alterations to the building to which the license relates are necessary in order to provide for public safety, health or convenience; or
- (e) that the building to which the license relates is not suitable for holding public entertainments or public meetings therein, or the site of the building is unsuitable.
- (2) The Minister may cancel or restore a license that is suspended under this section.

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*Theatres and Public Halls (Amendment).*

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- Sec. 17.  
(Regulations for public safety, health and convenience.)
- (1) (i) by omitting from section seventeen the words "as to the following matters" and by inserting in lieu thereof the words "for or with respect to the following matters";
- (ii) by inserting next after paragraph (h) of the same section the following new paragraphs :—
- (h1) Requiring the attendance of such number of persons having specified skills as is sufficient for the proper use of any specified apparatus or appliances.
- (h2) Persons smoking.
- (h3) The possession or consumption of spirituous or other alcoholic liquors or beverages.
- (iii) by inserting in paragraph (i) of the same section after the word "preventing" the word ", controlling";
- (iv) by inserting in the same paragraph after the word "convenience" the words ", whether in relation to persons resorting to or using theatres or public halls, or otherwise";
- Sec. 20.  
(Licenses.)
- (m) by omitting from subsection one of section twenty the word "for" and by inserting in lieu thereof the words "in respect of";
- Sec. 22A.  
(Application of Act to open-air and drive-in theatres.)
- (n) by omitting subsection three of section 22A and by inserting in lieu thereof the following subsection :—
- (3) The fee payable in respect of the license of a drive-in theatre and the fee payable in respect of the license of an open-air theatre shall be as prescribed.
- Sec. 23.  
(Grant of license.)
- (o) by omitting from subsection two of section twenty-three the words "two dollars" and by inserting in lieu thereof the words "as prescribed";
- (p)

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*Theatres and Public Halls (Amendment).*

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- (p) (i) by inserting next after paragraph (a1) of Sec. 31. section thirty-one the following new (General regulations.) paragraphs :—
- (a2) for or with respect to the refund of any fee under this Act or any part of such a fee;
- (a3) providing for the delivery up of licenses under this Act;
- (ii) by inserting at the end of the same section the following new subsections :—
- (2) Any regulation under this Act may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified subject-matter or class of subject-matter.
- (3) Any such regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by any person specified therein, either generally or for any class of cases or in any particular case.
- (q) by inserting next after section thirty-three the New sec. 34. following new section :—
34. Where a body corporate is guilty of any Offences by corporations. 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 he proves that the contravention was committed, or the failure occurred, without his knowledge or that he used all due diligence to prevent the commission thereof.

(r)

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*Theatres and Public Halls (Amendment).*

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Subst.  
Sch. II.

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

SCHEDULE II.

The fees payable in respect of licenses of theatres, public halls or buildings of the grades mentioned in Schedule I shall, respectively, be as follows:—

- (a) Sixty dollars per annum.
- (b) Thirty dollars per annum.
- (c) Fifteen dollars per annum.
- (d) Ten dollars per annum.
- (e) Six dollars per annum.
- (f) Three dollars per annum.

Provided 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 those public halls or buildings shall, respectively, be as follows:—

- (b) Sixty dollars per annum.
- (c) Forty-five dollars per annum.
- (d) Thirty dollars per annum.
- (e) Fifteen dollars per annum.
- (f) Six dollars per annum.

(2) The purported renewal—

- (a) before the commencement of this section ; and
- (b) after the day on which it would, if not renewed, have expired,

of a license issued under the Theatres and Public Halls Act, 1908, as in force at the relevant time, shall be deemed to have been as valid as it would have been had it been renewed before that day.

(3)

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*Theatres and Public Halls (Amendment).*

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(3) Where a license in respect of a theatre or public hall, not being a license cancelled under the Principal Act, would, but for this subsection, have expired during the period of twelve months next preceding the commencement of this section, that license shall be deemed to have been renewed under the Principal Act on the day on which it would have so expired.

(4) A reference to a license in subsection three of this section includes a reference to the prescribed endorsement (if any) on that license.

(5) Where the fee payable under section seven of the Principal Act on the renewal of a license referred to in subsection three of this section was not paid before the commencement of this section, the Minister may (whether or not that fee is paid after that commencement) suspend or cancel the license under section sixteen of the Principal Act, as amended by subsection one of this section, as if a provision of that Act, as so amended, had not been complied with.

(6) The provisions of subsections two, three, four and five of this section apply, mutatis mutandis, to and in respect of licenses issued in respect of drive-in theatres and open-air theatres.

(7) A regulation purporting, before the commencement of this section, to have been made under the Theatres and Public Halls Act, 1908, as in force at the time of the making of the regulation, shall be deemed to have been validly made under that Act, as so in force, if it could have been made under the Principal Act, as amended by subsection one of this section, had the Principal Act, as so amended, been in force at that time.

(8) This section shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

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*Theatres and Public Halls (Amendment).*

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Further amendment of Act No. 13, 1908.

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

Sec. 2.  
(Division of Act.)

(a) by inserting in section two next after the matter relating to Part III the following new matter :—

PART IIIA.—CENSORSHIP OF FILMS—ss. 26A–26W.

New Part IIIA.

(b) by inserting next after Part III the following new Part :—

PART IIIA.

CENSORSHIP OF FILMS.

Commencement and operation of this Part.

26A. (1) This Part shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

(2) While an agreement referred to in section 26C of this Act is not in operation, this Part shall not have any force or effect except for the purpose of enabling an arrangement so referred to or such an agreement to be entered into or for the purpose of enabling regulations to be made for the purposes of this Part.

Interpretation.

26B. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“censor” means censor of films for the purposes of this Part;

“cinematograph” means cinematograph and any other similar apparatus for the exhibition of moving pictures;

“film” means film used or proposed to be used for the purpose of exhibiting a picture;

“picture” means picture or other optical effect exhibited or proposed to be exhibited by means of a cinematograph;

“scenario”



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*Theatres and Public Halls (Amendment).*

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“scenario” includes any statement or summary—

(a) of the plot of any play or story;  
or

(b) of the incidents,

depicted or intended to be depicted by  
means of a film.

26c. (1) The Governor may arrange with the Governor-General of the Commonwealth for the exercise and discharge by officers or authorities of the Commonwealth on behalf of the Government of the State of the powers, authorities, duties and functions of a censor. Power to arrange with Commonwealth as to discharge, etc., of duties, etc.

(2) An agreement relating to an arrangement under subsection one of this section may make provision for all or any matters necessary or convenient to be provided for or incidental to carrying out the arrangement and shall contain a provision to the effect that such an arrangement may be terminated by the Governor at any time.

(3) An agreement under this section shall be valid and effectual for all purposes.

26D. The powers, authorities, duties and functions of a censor may be exercised and discharged by an officer or authority of the Commonwealth in accordance with an arrangement under section 26c of this Act. Exercise of powers and duties of censor.

26E. (1) No person shall exhibit any picture in a theatre or public hall or cause it to be so exhibited unless and until the film used for the purpose of exhibiting that picture has been registered by a censor. No film to be exhibited unless registered by censor.

(2) Applications for the registration of a film by a censor shall be made in the prescribed manner and shall be accompanied by the prescribed particulars and the prescribed fee (if any).

26F.

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*Theatres and Public Halls (Amendment).*


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Exemptions.

26F. (1) The Governor may, by the regulations—

- (a) exempt from the operation of this Part to the extent prescribed in the regulations any specified class of films (including films registered, whether before or after the commencement of this Part, pursuant to any regulations made under any Act of the Parliament of the Commonwealth); and
- (b) specify what provisions (if any) of this Part and the regulations are (with such modifications as are necessary or seem desirable) to apply with respect to any class or classes of films so exempted.

(2) Regulations made in pursuance of subsection one of this section may make provision for or with respect to any conditions that are to apply to or in respect of any films thereby exempted.

(3) A censor may, in any particular case, by direction in writing under his hand, exempt, subject to such conditions as he specifies in the direction, any film from the operation of this Part to the extent specified in the direction.

Duty of  
censor to  
examine  
films.

26G. A censor shall examine every film submitted to him for registration unless he otherwise determines in any particular case.

Registration  
and classifica-  
tion of films.

26H. (1) A censor may—

- (a) register a film unconditionally;
- (b) register a film subject to such conditions as he imposes; or
- (c) refuse registration of a film.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) Where a censor registers a film under subsection one of this section, the censor shall classify the film as being, in his opinion—

- (a) for general exhibition;
- (b) not recommended for children; or
- (c) for adults only,

or as being, in his opinion, of such other class or classes (whether in addition to or in lieu of all or any of the classes specified in paragraphs (a), (b) and (c) of this subsection) as may be prescribed.

(3) A trailer film, poster, programme, advertisement or written, printed or oral matter in the nature of an advertisement, whether in a newspaper or otherwise, with respect to a film or the exhibition of any picture from a film shall, where a censor has classified the film in accordance with the provisions of subsection two of this section, contain a statement or symbol in the prescribed form denoting the censor's classification of the film.

(4) A person carrying on the business of exhibiting pictures or of distributing films or of selling, leasing or otherwise disposing of films or the right to use films for the exhibition of pictures therefrom who exhibits or presents, or causes to be exhibited or presented, a trailer film, poster, programme, advertisement, or written, printed, or oral matter in the way of an advertisement, whether in a newspaper or otherwise, that contravenes or does not comply with any of the provisions of subsection three of this section shall be liable for a first offence to a penalty not exceeding one hundred dollars and for a second or subsequent offence to a penalty not exceeding five hundred dollars.

(5) Nothing in subsection three or four of this section shall affect the liability of any person under any other provisions of this Part.

(6)

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*Theatres and Public Halls (Amendment).*


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(6) The regulations may make provision for or with respect to statements or symbols required under subsection three of this section.

**Appeal.**

26I. (1) A person aggrieved by any decision of a censor or by the imposition by him of any condition under the powers conferred on a censor by or under this Part may, within such time and upon such conditions as are prescribed, appeal therefrom to such person or authority as may be authorised to be the appeal authority pursuant to an arrangement under section 26C of this Act.

(2) An appeal under subsection one of this section shall be lodged, heard and determined as prescribed and shall be accompanied by the prescribed fee.

(3) The decision of the appeal authority shall be final and without appeal, and shall be given effect to.

**Certificate of registration.**

26J. (1) The registration of a film by a censor under section 26H of this Act shall be signified by a certificate in such form as the censor thinks fit.

(2) The classification of a film by a censor in accordance with section 26H of this Act shall be signified in the certificate given in relation to that film under subsection one of this section.

**No registration in certain cases.**

26K. (1) Subject to subsection two of this section, a censor shall not register a film under subsection one of section 26H of this Act where, in the opinion of the censor, the film depicts any matter—

(a) which is indecent or obscene; or

(b)

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*Theatres and Public Halls (Amendment).*

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(b) the exhibition of which—

(i) is likely to be injurious to morality or to encourage or incite to crime; or

(ii) is undesirable in the public interest.

(2) A censor shall not refuse registration of a film which in the opinion of the censor—

(a) in good faith and with artistic merit reproduces or adapts any work of recognised literary merit; or

(b) in good faith and with artistic merit represents any scriptural, historical, traditional, mythical or legendary story.

26L. (1) A censor may require an applicant for registration of a film to produce any scenario thereof.

Power to require scenarios to be produced.

(2) In forming his opinion as to whether or not a film submitted for his registration should be registered, a censor may take into consideration not only the film itself but any scenario thereof and also any posters, photographs, sketches, programmes and slides proposed to be used in connection with the exhibition of the picture to be exhibited from the film and any advertisements or written, printed or oral matter in the nature of advertisements of or with respect to the film or picture or any portion thereof.

26M. (1) A film registered by a censor shall, subject to any conditions imposed under this Part in relation thereto, be used in the exhibition of a picture exactly in the form and under the name by which it is registered and without any alteration or addition unless the censor first registers the film as altered or added to.

Films to be exhibited in form registered.

(2)

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*Theatres and Public Halls (Amendment).*

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(2) Where a registered film is altered or added to it shall be deemed never to have been registered as altered or added to.

Sample  
copies of  
posters,  
slides, etc.,  
to be sub-  
mitted for  
approval  
when  
required.

26N. (1) An applicant for registration of a film by a censor shall, when required by the censor, submit to him for approval, and every person exhibiting the picture from a film after registration thereof pursuant to this Part, and every person exhibiting a picture from a film registered, whether before or after the commencement of this Part, pursuant to any regulations relating to films made under any Act of the Parliament of the Commonwealth, shall, when required by the censor, submit, together with the prescribed fee (if any), to him for approval a copy (in this Part referred to as a "sample copy") of every poster, photograph, sketch, programme, slide and advertisement or written, printed or oral matter in the nature of an advertisement intended to be used in connection with the exhibition within New South Wales of the picture from the film.

(2) A censor shall with regard to a sample copy and his approval thereof have the like powers and duties as he has with regard to films submitted for registration by him and his decision shall be subject to the like appeal as a decision by him in respect of a film submitted to him for registration.

(3) Nothing in subsection two of this section requires the censor's approval of a sample copy to be signified by a certificate.

(4) A poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement a sample copy of which has been approved by the censor shall, in connection with the exhibition of a picture and so far as it relates to a film used for the

purposes

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*Theatres and Public Halls (Amendment).*

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purposes of such an exhibition, but subject to any conditions imposed under this Part in relation thereto, be used exactly in the form in which the sample copy was approved and without any addition or alteration, unless the approval of the censor to the sample copy altered or added to is first obtained.

(5) Where a sample copy is altered or added to it shall be deemed never to have been approved as altered or added to.

26O. A censor may at any time revoke his certificate of registration of any film which has been registered subject to a condition imposed by him if he is satisfied that the condition has not been complied with. Power of censor to revoke certificate.

26P. A censor may at any time order the withdrawal of a film from exhibition if it is shown to the satisfaction of the censor that such a course is necessary in the public interest, and the censor may revoke the certificate of registration in respect of the film in whole or in part and may issue an amended certificate. Withdrawal of film.

26Q. No action or suit shall be brought or maintained against— Protection of censor, etc.

- (a) any officer or authority referred to in section 26D of this Act; or
- (b) any person or authority authorised as referred to in section 26I of this Act,

for any act done or thing omitted to be done by him in the exercise or discharge of his powers, authorities, duties or functions as a censor or as appeal authority, as the case may require.

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*Theatres and Public Halls (Amendment).*


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Penalty for exhibiting pictures from films not registered.

26R. (1) Every person who, in contravention of the provisions of this Part, exhibits in a theatre or public hall any picture from a film which has not been registered as provided by this Part shall be liable to a penalty not exceeding five hundred dollars.

(2) The court by which a penalty is imposed under subsection one of this section may order the film in regard to which the penalty is imposed to be forfeited to the Crown.

(3) A film forfeited under subsection two of this section shall be dealt with in such manner as a censor directs.

Penalty for publication of posters, advertisements, etc., as to films not registered or sample copies not submitted or not approved.

26s. Subject to this Part any person who—

- (a) publishes, distributes, exhibits, or otherwise disseminates in any manner or causes to be so published, distributed, exhibited, or disseminated any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement of or with respect to any film or portion of a film—
- (i) which film or portion of a film has not been registered as provided by this Part; or
  - (ii) a sample copy of which poster, photograph, sketch, programme, slide, or advertisement or written, printed or oral matter in the nature of an advertisement is required by a censor to be submitted to him for approval and has not been so submitted or if so submitted has not been approved as provided by this Part; or

(iii)



*Theatres and Public Halls (Amendment).*

- (iii) which poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement has been altered or added to after approval of a sample copy thereof by a censor and a sample copy thereof as so altered or added to has not been approved as provided by this Part; or
- (b) prints, publishes, distributes, or otherwise disseminates in any manner or causes to be so printed, published, distributed or disseminated any photographic or other reproduction of any film or portion of a film which film or portion of a film has not been registered as provided by this Part, shall be liable to a penalty not exceeding one hundred dollars for or in respect of each such publication, distribution, exhibition, or dissemination or (as the case may be) each such printing, publication, distribution or dissemination.

26r. A film or part of a film or a sample copy of any poster, photograph, sketch, programme, slide or advertisement or written, printed or oral matter in the nature of an advertisement which film or part thereof or which sample copy has been submitted pursuant to this Part to a censor and to which he has refused registration or approval (as the case may require) may be retained by the censor, but such film or such part of a film may be returned to the person who submitted it for registration if the censor is satisfied that it will be forthwith disposed of in such manner as the censor directs.

Power of censor to retain certain films and sample copies.

26u. In any proceedings under this Part, without affecting the liability of any person for any offence under this Part, a person shall be deemed to exhibit a picture in a theatre or public hall if he conducts the

What deemed exhibition of a film.

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*Theatres and Public Halls (Amendment).*


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the exhibition of that picture therein or on the occasion in question has the superintendence or management of the theatre or public hall wherein that picture is exhibited.

Penalty for contraventions of Part not otherwise provided for.

26v. Every person who is guilty of any contravention of or failure to comply with any provision of this Part for which no penalty is expressly provided shall be liable to a penalty not exceeding one hundred dollars.

Censor's certificate to be prima facie evidence.

26w. In any proceedings for an offence against this Part, a certificate in the prescribed form signed or purporting to be signed by a censor and stating—

- (a) that a film has been registered under this Part;
- (b) that a film has not been registered under this Part;
- (c) that an advertisement relating to a film has been approved under this Part;
- (d) that an advertisement relating to a film has not been approved under this Part; or
- (e) the classification of a film registered under this Part, in accordance with subsection two of section 26H of this Act,

shall be prima facie evidence of the matter so stated in the certificate.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
Governor.

Government House,  
Sydney, 3rd December, 1969.