

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Theatres and Public Halls Act, 1908.

BE

Theatres and Public Halls (Amendment).

5 **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. This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1977". Short title.

10 2. (1) This section, sections 1 and 3, Schedule 2 (5) (b), (5) (g), (7), (9), (12), (14), (15) (c), (16) and (17), Schedule 3 (2) (a), (2) (c) and (4), Schedule 4 (2) and (5) and Schedule 6 shall commence on the date of assent to this Act. Commencement.

15 (2) Schedule 2 (1), (5) (e) and (5) (f) shall commence on the day that is 3 months after the date of assent to this Act.

(3) Section 4 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences.

20 (4) Except as provided in subsections (1), (2) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:— Schedules.

25 SCHEDULE 1.—AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3.—AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

5 SCHEDULE 5.—REPEAL OF SCHEDULES I AND II TO THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 6.—AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT, 1908, BY WAY OF STATUTE LAW REVISION.

10 SCHEDULE 7.—TRANSITIONAL AND SAVINGS PROVISIONS.

4. The Theatres and Public Halls Act, 1908, is amended in the manner set forth in Schedules 1–6. Amendment of Act No. 13, 1908.

5. Schedule 7 has effect. Transitional and savings provisions.

15 SCHEDULE 1. Sec. 4.

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

(1) Section 2—

20 From the matter relating to Part III, omit “23”, insert instead “22B”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) (a) Section 4 (1)—

5 Omit the subsection, insert instead :—

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

“building” includes part of a building;

10 “licensed capacity”, in relation to a theatre or
public hall or any part thereof, means
the maximum number of persons who
may be accommodated on seats or other-
wise in that theatre or public hall or in
15 that part thereof, being the number
stated in that behalf in the license in
respect of that theatre or public hall
under section 20 (1) (b) or (c);

20 “owner” includes trustee or committee of
management;

“public entertainment” means entertainment
to which admission may ordinarily be
procured by members of the public—

25 (a) upon payment of money or other
consideration; or

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

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

notwithstanding—

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

10 (d) that such payment, ticket, pro-
gramme or device is demanded—

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

(ii) as the charge for the
entertainment after ad-
mission thereto;

20 “public meeting” means an assemblage of
persons, for a public purpose of a politi-
cal, religious, charitable, intellectual or
any other nature, to which admission may
ordinarily be procured by members of
25 the public whether or not—

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

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

but does not include an assemblage of
persons for religious worship only;

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 “regulation” means a regulation made under
this Act;

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

(b) Section 4 (2)—

Omit the subsection.

(c) Section 4 (3)—

Omit “Public”, insert instead “public”.

15 (d) Section 4 (3)—

After “contest”, insert “, but does not include
entertainment provided for the purpose of com-
plying with the provisions of section 57B (3) of
the Liquor Act, 1912”.

Theatres and Public Halls (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

- (1) Section 5—
- 5 Omit the section and the short heading before the section, insert instead :—
5. The Governor may, by order published in the Governor
Gazette, exempt any particular theatre or public hall, may exempt
or any class of theatre or public hall, named or theatres or
10 described in the order from the operation of this Part. public halls.
- (2) Section 6—
- Omit the section.
- (3) (a) Section 7 (1)—
- 15 Omit “appropriate fee set out in Schedule II”,
insert instead “prescribed fee”.
- (b) Section 7 (2)—
- Omit “appropriate fee set out in Schedule II”,
insert instead “prescribed fee”.
- (c) Section 7 (5)—
- 20 Omit the subsection, insert instead :—
- (5) The prescribed fee payable under this
section in respect of a theatre or public hall for
any period of twelve months referred to in sub-
25 section (1) or (2) shall be determined at the
commencement of that period and shall not be
affected by anything occurring during that period
which, but for this subsection, would have
altered the prescribed fee payable in respect of
that theatre or public hall.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (d) Section 7 (6)—
5 Omit the subsection.
- (4) Section 8—
Omit the section.
- (5) (a) Section 9 (1) (b) (i), (iii)—
Omit the subparagraphs, insert instead :—
10 (i) such plans and specifications in connection with the application as are prescribed; and
(ii) such fees for the examination of those plans and specifications as are prescribed.
- (b) Section 9 (1) (b), proviso—
15 Omit the proviso.
- (c) Section 9 (1) (c)—
After “Minister”, insert “or a prescribed officer”.
- (d) Section 9 (1) (d) (iii)—
20 After “Minister”, insert “or a prescribed officer”.
- (e) Section 9 (1) (d) (iii)—
After “out;”, insert “and”.
- (f) Section 9 (1) (d) (iv)—
Omit the subparagraph.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- 5 (g) Section 9 (2)—
Omit the subsection.
- (6) Section 12A (1)—
After “Minister”, insert “or a prescribed officer”.
- (7) (a) Section 12B (a)—
After “destroyed;”, insert “or”.
- 10 (b) Section 12B (b)—
Omit the paragraph.
- (8) Section 13—
Omit the section, insert instead :—
- 15 13. (1) A license may be transferred to the owner ^{Transfer} or lessee of the licensed building by endorsement in ^{of license.} the prescribed form on the license.
- (2) An application to transfer a license under subsection (1) shall be made in the prescribed manner and be accompanied by the prescribed fee.
- 20 (3) The Minister shall cause particulars of the transfer of any license under subsection (1) to be recorded in the register kept under section 28.
- (9) Sections 13A, 13B, 13C, 13D—
Omit the sections.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (10) (a) Section 14 (b)—
5 Omit “staircases, and landings,” insert instead
“stairways and landings, the provision of
emergency lighting”.
- (b) Section 14 (c)—
After “prevention”, insert “, control”.
- 10 (c) Section 14 (c) (v)—
Omit “in theatres”.
- (d) Section 14 (c) (vii)—
After section 14 (c) (vi), insert :—
15 (vii) provision for the escape of smoke in the
event of fire.
- (e) Section 14 (f), (g)—
After section 14 (e), insert :—
20 (f) The purposes for which any part of the
building may be used.
- (g) Requiring the submission to the Minister
25 of certificates of or reports by competent
persons or bodies in respect of aspects
of building design, or the use in or in
connection with the building of particular
materials or combination of materials or
of particular equipment, or forms or
methods of construction of the building.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(f) Section 14 (2), (3)—

5 At the end of section 14, insert :—

(2) A provision of a regulation made under subsection (1) for or with respect to the conditions subject to which a license issued for a building continues in force applies to a building notwithstanding that a license was issued for that building before the commencement of that provision.

10 (3) Without limiting section 31 (3), the Minister may exempt from any specified provision of a regulation made under subsection (1) any building, or class of building, erected before the commencement of that provision.

15 (11) (a) Section 15—

After “Minister”, insert “or a prescribed officer”.

20 (b) Section 15 (2)—

At the end of section 15, insert :—

(2) An application for an approval under subsection (1) shall—

25 (a) be made by the holder of the license in the prescribed manner;

(b) be accompanied by such plans and specifications in connection with the additions or alterations as are prescribed; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (c) be accompanied by such fees for the
examination of those plans and speci-
fications as are prescribed.

(12) Section 16 (1) (c)—

Omit the paragraph, insert instead :—

10 (c) that public safety, health or convenience is
prejudiced;

(13) (a) Section 17 (e)—

Omit "Prescribing the keeping of a fire watch",
insert instead "Requiring the attendance, and
prescribing the duties, of a fire safety officer".

15 (b) Section 17 (j)—

Omit "not exceeding forty dollars", insert instead
", in the case of a corporation, not exceeding
\$400, or, in any other case, not exceeding
\$200,".

20 (14) (a) Section 18 (1), (2)—

Omit "theatre, public hall, or other" wherever
occurring.

(b) Section 18 (1)—

25 Omit "liable to a penalty not exceeding one
hundred dollars for every day during which such
public entertainment or public meeting is so
held.", insert instead :—

liable—

30 (a) in the case of a corporation—to
a penalty not exceeding \$2,000;
or

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (b) in any other case—to a penalty
not exceeding \$1,000 or to
imprisonment for a period not
exceeding 12 months, or both.

(c) Section 18 (2)—

10 Omit “liable to a penalty not exceeding one
hundred dollars.”, insert instead :—

liable—

(a) in the case of a corporation—to
a penalty not exceeding \$2,000;
or

15 (b) in any other case—to a penalty
not exceeding \$1,000 or to im-
prisonment for a period not
exceeding 12 months, or both.

(15) (a) Section 20 (1)—

20 Omit the subsection, insert instead :—

(1) The license in respect of a theatre or
public hall—

25 (a) shall state the maximum number of
persons (if any) who may be accom-
modated otherwise than on seats in
the theatre or public hall;

30 (b) shall state the maximum number of
persons who may be accommodated
on seats or otherwise in the theatre or
public hall; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- 5 (c) may state the maximum number of
persons who may be accommodated
on seats or otherwise in any specified
part of the theatre or public hall,
as determined in accordance with the manner
prescribed for the purposes of this subsection.
- 10 (b) Section 20 (2) (a), (b)—
Omit the paragraphs, insert instead :—
- 15 (a) the number of persons admitted to the
theatre or public hall and accommodated
otherwise than on seats exceeds the
number stated in that behalf in the
license; or
- 20 (b) the number of persons admitted to the
theatre or public hall or any part thereof
exceeds the licensed capacity of that
theatre or public hall or that part thereof,
- (c) Section 20 (2)—
Omit “one hundred dollars”, insert instead
“\$200”.
- 25 (d) Section 20 (3), (4)—
After section 20 (2), insert :—
- (3) If the licensed capacity of a theatre or
public hall is altered the holder of the license in
respect of that theatre or public hall shall deliver
up the license to the Minister.
- 30 (4) The Minister shall cause a license
delivered up under subsection (3) to be endorsed
with the current licensed capacity of the theatre

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

5 or public hall to which the license relates and cause particulars of the alteration in the licensed capacity of that theatre or public hall to be recorded in the register kept under section 28.

(16) Section 21—
Omit the section.

10 (17) Section 22—
Omit “twenty dollars”, insert instead “\$50”.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

15 (1) Section 22B—
Before section 23, insert :—

22B. In this Part—

“license” means a license under this Part ;

20 “temporary structure” means a booth, tent or other temporary enclosure.

Inter-pretation: Part III.

(2) (a) Section 23 (1)—
After “terms”, insert “and conditions”.

(b) Section 23 (2)—
Omit “any such”, insert instead “a”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(c) Section 23 (3)—

5 Omit the subsection, insert instead :—

(3) The Minister may suspend or cancel a
license if it appears to him that the provisions
of the regulations or the terms or conditions of
the license have not been complied with by the
10 holder of the license.

(3) (a) Section 24 (1)—

Omit "Such", insert instead "A".

(b) Section 24 (2)—

Omit "Any such", insert instead "A".

15 (4) Section 25—

Omit the section and the short heading before the
section, insert instead :—

20 25. (1) Subject to subsection (2), a person who holds a public entertainment in a temporary and unlicensed structure shall, unless he is the holder of a license in that behalf then in force, be liable—

(a) in the case of a corporation—to a penalty not exceeding \$1,000; or

25 (b) in any other case—to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 6 months, or both.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (2) The Minister may, by order published in the Gazette, exempt any class of entertainments, or may, by order under his hand, exempt any particular entertainment, from the operation of this section.

(5) Section 26—

Omit the section, insert instead :—

10 26. The Governor may, with respect to temporary structures used for public entertainments or public meetings, make regulations for or with respect to— Regulations relating to temporary structures.

- 15 (a) the situation and construction in all respects of the temporary structures and any of their furnishings or fittings;
- 20 (b) the provision of sufficient means of exit from the temporary structures, the construction and size of passages, stairways and landings, the provision of emergency lighting and the construction and arrangement of seats to allow of speedy exit from the structures;
- (c) prescribing and regulating the keeping of fire hydrants and appliances for extinguishing fires;
- 25 (d) sanitary arrangements;
- (e) requiring the attendance, and prescribing the duties of, a fire safety officer during any public entertainment or public meeting;
- (f) persons smoking;
- 30 (g) the possession or consumption of spirituous or other alcoholic liquors or beverages;

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- 5 (h) generally for preventing, controlling and
extinguishing fires, and for public safety,
health and convenience, whether in relation
to persons resorting to or using the
temporary structures or otherwise; and
- 10 (i) imposing any penalty, in the case of a cor-
poration, not exceeding \$400, or, in any
other case, not exceeding \$200, for the
breach of any such regulation.
-

SCHEDULE 4.

Sec. 4.

15 AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 28—

Omit the section and the short heading before the
section, insert instead :—

- 20 28. The Minister shall cause a register to be kept ^{Register}
of the licenses in force under this Act containing such ^{of licenses.}
particulars relating to those licenses as are prescribed.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) Section 29—

5 Omit the section and the short heading before the
section, insert instead :—

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

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

20 (3) A person who assaults, threatens, resists,
delays, obstructs or uses abusive language to, or incites
or encourages any person to assault, threaten, resist,
delay, obstruct or use abusive language to, a member
of the police force, or a person, acting in pursuance
of this section shall be liable to a penalty not exceed-
25 ing \$200.

(3) Section 30 (b)—

Omit the paragraph, insert instead :—

(b) a certificate, signed or purporting to be signed
by the Minister or a prescribed officer and
specifying the particulars relating to an entry
30 in the register kept under section 28, shall
be evidence of those particulars; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(4) (a) Section 31 (1) (d)—

5 Omit “not exceeding forty dollars”, insert instead
“, in the case of a corporation, not exceeding
\$400, or, in any other case, not exceeding
\$200.”.

(b) Section 31 (4), (5)—

10 After section 31 (3), insert :—

(4) Any such regulation may adopt wholly
or partially or by reference any codes, rules,
specifications or provisions which relate to any
matter with which the regulation deals and which
are—

- 15 (a) recommended or adopted by the
Standards Association of Australia ;
- 20 (b) recommended or adopted by any other
standards organisation or body of any
place outside Australia, being an
organisation or body declared by the
Minister by order published in the
Gazette to be an approved standards
organisation or body for the purposes
of this subsection ;
- 25 (c) included in any document issued by
any Department of the Crown in right
of this or any other State or the Com-
monwealth or issued by an instrumen-
tality of this or any other State or the
Commonwealth constituted by an Act
of Parliament thereof ; or
- 30 (d) approved by the Minister and
published in the Gazette.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (5) The fees prescribed for the purposes of section 7 (1), 7 (2), 9 (1) (b) (ii) or 15 (2) (c) may vary according to the class of building, the contract price, the cost of erecting or altering the building as estimated by the Minister or a prescribed officer, or otherwise.

10 (5) Section 33—

Omit the section and the short heading before the section, insert instead :—

15 33. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceedings for offences against Act or regulations.

SCHEDULE 5.

Sec. 4.

REPEAL OF SCHEDULES I AND II TO THE THEATRES AND
PUBLIC HALLS ACT, 1908.

20 Schedules I and II—

Omit the Schedules.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION.

(1) Section 2—

5 Omit the matter relating to Part II, insert instead :—

PART II.—THEATRES AND PUBLIC HALLS

—ss. 4A–22.

DIVISION 1.—*Licensing of theatres or public
halls*—ss. 4A–14.

10 DIVISION 2.—*Regulation of licensed buildings*—
ss. 15–17.

DIVISION 3.—*Penalties*—ss. 18–22.

(2) Section 4A, short heading before the section—

Omit the short heading, insert instead :—

15 DIVISION 1.—*Licensing of theatres or public halls.*

(3) (a) Section 7 (3)—

Omit “paragraph (b) of subsection (1) or under
subsection (2)”, insert instead “subsection (1)
(b) or (2)”.

20 (b) Section 7 (4)—

Omit “paragraph (b) of subsection (1) or under
subsection (2)”, insert instead “subsection (1)
(b) or (2)”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (4) Section 9 (1) (d) (v)—
5 Omit “subsection (1) of section (7)”, insert instead
“section 7 (1)”.
- (5) Section 11—
10 Omit “subparagraph (iii) of paragraph (d) of subsection
(1) of section 9”, insert instead “section 9 (1)
(d) (iii)”.
- (6) (a) Section 14 (d)—
Omit “the” where firstly occurring, insert instead
“The”.
- (b) Section 14 (d)—
15 Omit “building;”, insert instead “building.”.
- (c) Section 14 (e)—
Omit “sanitary”, insert instead “Sanitary”.
- (7) Section 15, short heading before the section—
Omit the short heading, insert instead :—
20 DIVISION 2.—*Regulation of licensed buildings.*
- (8) Section 18, short heading before the section—
Omit the short heading, insert instead :—
DIVISION 3.—*Penalties.*

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (9) Section 23, short heading before the section—
5 Omit the short heading.
- (10) Section 26HA (1)—
Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.
- (11) (a) Section 26K (1)—
10 Omit “subsection (1) of section 26H”, insert
instead “section 26H (1)”.
- (b) Section 26K (1)—
Omit “subsection (2) of that section”, insert
instead “section 26H (2)”.
- 15 (12) Section 26W (1) (e)—
Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.
- (13) (a) Section 27, short heading before the section—
Omit the short heading.
- 20 (b) Section 27 (2)—
Omit “as amended by subsequent Acts.”.
- (c) Section 27 (3)—
Omit “as amended by subsequent Acts.”.

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (14) Section 30, short heading before the section—
5 Omit the short heading.
- (15) Section 31, short heading before the section—
Omit the short heading.
- (16) Section 32—
Omit the section, insert instead :—
- 10 32. Section 41 of the Interpretation Act, 1897, ^{Publication} applies in respect of a regulation as if this Act had ^{of regula-} been passed after the commencement of the ^{tions.} Interpretation (Amendment) Act, 1969.

SCHEDULE 7.

Sec. 5.

15 TRANSITIONAL AND SAVINGS PROVISIONS.

1. The licensed capacity of a theatre or public hall licensed ^{Licensed} before the day appointed and notified under section 2 (4) ^{capacity.} shall, for the purposes of the Theatres and Public Halls Act, 1908, as amended by this Act, and until altered under that
20 Act as so amended, be deemed to be the number of persons stated in the license pursuant to section 20 (1) (c) of that Act, as in force immediately before that day.

Theatres and Public Halls (Amendment).

SCHEDULE 7—*continued.*TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

2. Schedule 2 (3) shall in its application to a theatre or public hall licensed before the day appointed and notified under section 2 (4) be deemed to commence from the commencement of the period of twelve months referred to in section 7 (1) or (2) of the Theatres and Public Halls Act, 1908, in respect of that theatre or public hall next following that day.
- 10 3. An application for a license or for the transfer of a license under the Theatres and Public Halls Act, 1908, made before the day appointed and notified under section 2 (4) shall, if not disposed of before that day, be deemed to have been duly made under that Act, as amended by this Act.
- 15 4. A reference in any Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to a theatre licensed under the Theatres and Public Halls Act, 1908, or a public hall licensed under the Theatres and Public Halls Act, 1908, shall
20 be construed as a reference to a theatre or public hall licensed under the Theatres and Public Halls Act, 1908, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[32c]

THEATRES AND PUBLIC HALLS (AMENDMENT) BILL, 1977

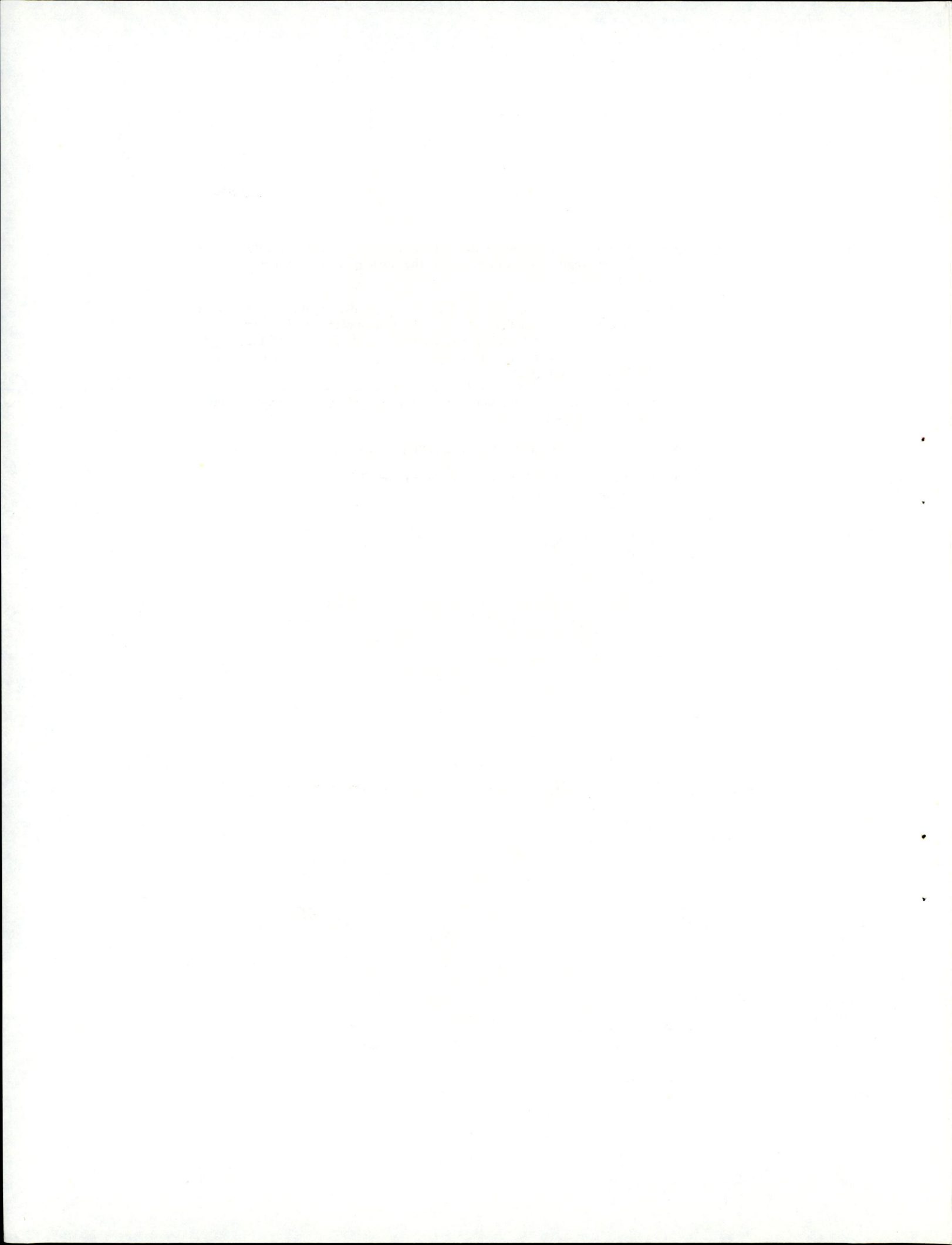
EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to extend the Theatres and Public Halls Act, 1908, (hereinafter referred to as the Principal Act) to certain places in which public entertainments are held but which escape the provisions of that Act by—
 - (i) disguising the admission charge as a charge for a meal or other refreshment or for any other service or thing; or
 - (ii) making a charge for the entertainment after admission thereto (Schedule 1 (2));
- (b) to remove the distinction between a theatre and public hall in the Principal Act (Schedule 1 (2) (a) and (b));
- (c) to remove the requirement that Part II of the Principal Act does not apply to a theatre or public hall unless it, or the area in which it is situated, is proclaimed for the purposes of the Act and to provide instead that the Governor may exempt theatres or public halls from the provisions of that Part (Schedule 2 (1));
- (d) to replace the system of different grades of theatres or public halls under the Principal Act with a system based on licensed capacity determined in accordance with the regulations (Schedule 1 (2) (a), Schedule 2 (2), Schedule 2 (4) and Schedule 5);
- (e) to provide that the fee payable for a license in respect of a theatre or public hall shall be as prescribed instead of as specified in the Principal Act (Schedule 2 (3) and Schedule 5);
- (f) to enable the plans and specifications which must accompany an application for a license in respect of a theatre or public hall to be prescribed (Schedule 2 (5) (a));
- (g) to provide that an application for the transfer of a license in respect of a theatre or public hall shall be accompanied by a prescribed fee (Schedule 2 (8));
- (h) to remove the requirement in the Principal Act that a theatre or public hall may not be used for the screening of cinematograph films unless the license in respect of that theatre or public hall bears a prescribed endorsement granted by the Theatres and Films Commission (Schedule 2 (9));

- (i) to expand the regulation making power in respect of theatres or public halls and temporary structures (Schedule 2 (10) and (13) (a) and Schedule 3 (5));
- (j) to enable a prescribed officer to exercise certain powers of the Minister (Schedule 2 (5) (c), (5) (d), (6) and (11) (a));
- (k) to require a person who applies for approval for additions to or alterations of any licensed theatre or public hall to make application therefor in the prescribed manner, to provide such plans and specifications as may be prescribed and to pay such fee for the examination of those plans and specifications as may be prescribed (Schedule 2 (11));
- (l) to provide that the Minister may cancel or suspend the license in respect of a theatre or public hall in any case where public safety, health or convenience is prejudiced (Schedule 2 (12));
- (m) to increase the penalty for a breach of the regulations relating to theatres or public halls from \$40 to \$400, in the case of a corporation, or \$200, in any other case (Schedule 2 (13) (b));
- (n) to increase the penalty for holding any public entertainment or public meeting in an unlicensed theatre or public hall or permitting the same to be used for any public entertainment or public meeting from \$100 to \$2,000, in the case of a corporation, or \$1,000 or imprisonment for 12 months or both, in any other case (Schedule 2 (14));
- (o) to increase the penalty for overcrowding in a licensed theatre or public hall from \$100 to \$200 (Schedule 2 (15) (c));
- (p) to provide that it is no longer an offence for the seller of tickets for admission to a licensed theatre or public hall to sell a greater number of tickets than the licensed capacity of the theatre or public hall (Schedule 2 (16));
- (q) to empower the Minister to suspend as well as cancel a license to hold public entertainments in temporary structures (Schedule 3 (2) (c));
- (r) to increase the penalty for holding a public entertainment in a temporary structure without a license from \$40 to \$1,000, in the case of a corporation, or \$500 or imprisonment for 6 months or both, in any other case (Schedule 3 (4));
- (s) to remove the requirement that a register be kept of applications made for licenses under the Principal Act and that the Minister notify in the Gazette the particulars contained in the register (Schedule 4 (1));
- (t) to authorise the inspection of places in which public entertainments or public meetings are suspected to be held, to authorise the testing of equipment installed in a theatre or public hall and to penalise assaults on, and other obstructions of, persons conducting inspections in pursuance of the Principal Act (Schedule 4 (2));

- (u) to authorise the adoption of certain standards and other public documents in regulations made under the Principal Act (Schedule 4 (4) (b));
 - (v) to authorise the prescribing of fees for the examination of plans and specifications and for licenses under the Principal Act which vary according to the class of building, the contract price, the cost of erecting the building as estimated by the Minister or a prescribed officer or otherwise (Schedule 4 (4) (b));
 - (w) to make certain amendments of the Principal Act by way of statute law revision (Schedule 6);
 - (x) to enact certain transitional and savings provisions (Schedule 7); and
 - (y) to make certain other amendments of the Principal Act that are of a minor or consequential nature.
-



PROOF

No. , 1977.

A BILL

To amend the Theatres and Public Halls Act, 1908.

[MR HAIGH—2 March, 1977.]

BE

Theatres and Public Halls (Amendment).

BE 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. This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1977". Short title.

2. (1) This section, sections 1 and 3, Schedule 2 (5) (b), (5) (g), (7), (9), (12), (14), (15) (c), (16) and (17), Schedule 3 (2) (a), (2) (c) and (4), Schedule 4 (2) and (5) and Schedule 6 shall commence on the date of assent to this Act. Commence-ment.

(2) Schedule 2 (1), (5) (e) and (5) (f) shall commence on the day that is 3 months after the date of assent to this Act.

(3) Section 4 shall, in its application to a provision of Schedules 1-6, commence on the day on which that provision commences.

(4) Except as provided in subsections (1), (2) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3.—AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

5 SCHEDULE 5.—REPEAL OF SCHEDULES I AND II TO THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 6.—AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT, 1908, BY WAY OF STATUTE LAW REVISION.

10 SCHEDULE 7.—TRANSITIONAL AND SAVINGS PROVISIONS.

4. The Theatres and Public Halls Act, 1908, is amended in the manner set forth in Schedules 1–6.

Amendment of Act No. 13, 1908.

5. Schedule 7 has effect.

Transitional and savings provisions.

15

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

(1) Section 2—

20 From the matter relating to Part III, omit “23”, insert instead “22B”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) (a) Section 4 (1)—

5 Omit the subsection, insert instead :—

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

“building” includes part of a building;

10 “licensed capacity”, in relation to a theatre or
public hall or any part thereof, means
the maximum number of persons who
may be accommodated on seats or other-
wise in that theatre or public hall or in
15 that part thereof, being the number
stated in that behalf in the license in
respect of that theatre or public hall
under section 20 (1) (b) or (c);

20 “owner” includes trustee or committee of
management;

“public entertainment” means entertainment
to which admission may ordinarily be
procured by members of the public—

25 (a) upon payment of money or other
consideration; or

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

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

notwithstanding—

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

10 (d) that such payment, ticket, pro-
gramme or device is demanded—

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

(ii) as the charge for the
entertainment after ad-
mission thereto;

20 “public meeting” means an assemblage of
persons, for a public purpose of a politi-
cal, religious, charitable, intellectual or
any other nature, to which admission may
ordinarily be procured by members of
25 the public whether or not—

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

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

but does not include an assemblage of
persons for religious worship only;

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 “regulation” means a regulation made under
this Act;

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

(b) Section 4 (2)—

Omit the subsection.

(c) Section 4 (3)—

Omit “Public”, insert instead “public”.

15 (d) Section 4 (3)—

After “contest”, insert “, but does not include
entertainment provided for the purpose of com-
plying with the provisions of section 57B (3) of
the Liquor Act, 1912”.

Theatres and Public Halls (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 5—

5 Omit the section and the short heading before the
section, insert instead :—

10 5. The Governor may, by order published in the Governor
Gazette, exempt any particular theatre or public hall, ^{may exempt}
or any class of theatre or public hall, named or ^{theatres or} public halls.
described in the order from the operation of this Part.

(2) Section 6—

Omit the section.

(3) (a) Section 7 (1)—

15 Omit "appropriate fee set out in Schedule II",
insert instead "prescribed fee".

(b) Section 7 (2)—

Omit "appropriate fee set out in Schedule II",
insert instead "prescribed fee".

(c) Section 7 (5)—

20 Omit the subsection, insert instead :—

25 (5) The prescribed fee payable under this
section in respect of a theatre or public hall for
any period of twelve months referred to in sub-
section (1) or (2) shall be determined at the
commencement of that period and shall not be
affected by anything occurring during that period
which, but for this subsection, would have
altered the prescribed fee payable in respect of
that theatre or public hall.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (d) Section 7 (6)—
5 Omit the subsection.
- (4) Section 8—
Omit the section.
- (5) (a) Section 9 (1) (b) (i), (iii)—
Omit the subparagraphs, insert instead :—
10 (i) such plans and specifications in connection with the application as are prescribed; and
(ii) such fees for the examination of those plans and specifications as are prescribed.
- 15 (b) Section 9 (1) (b), proviso—
Omit the proviso.
- (c) Section 9 (1) (c)—
After “Minister”, insert “or a prescribed officer”.
- (d) Section 9 (1) (d) (iii)—
20 After “Minister”, insert “or a prescribed officer”.
- (e) Section 9 (1) (d) (iii)—
After “out;”, insert “and”.
- (f) Section 9 (1) (d) (iv)—
Omit the subparagraph.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (g) Section 9 (2)—
5 Omit the subsection.
- (6) Section 12A (1)—
After “Minister”, insert “or a prescribed officer”.
- (7) (a) Section 12B (a)—
After “destroyed;”, insert “or”,
- 10 (b) Section 12B (b)—
Omit the paragraph.
- (8) Section 13—
Omit the section, insert instead :—
- 15 13. (1) A license may be transferred to the owner ^{Transfer} or lessee of the licensed building by endorsement in ^{of license.} the prescribed form on the license.
- (2) An application to transfer a license under subsection (1) shall be made in the prescribed manner and be accompanied by the prescribed fee.
- 20 (3) The Minister shall cause particulars of the transfer of any license under subsection (1) to be recorded in the register kept under section 28.
- (9) Sections 13A, 13B, 13C, 13D—
Omit the sections.

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (10) (a) Section 14 (b)—
5 Omit “staircases, and landings,” insert instead
“stairways and landings, the provision of
emergency lighting”.
- (b) Section 14 (c)—
After “prevention”, insert “, control”.
- 10 (c) Section 14 (c) (v)—
Omit “in theatres”.
- (d) Section 14 (c) (vii)—
After section 14 (c) (vi), insert :—
15 (vii) provision for the escape of smoke in the
event of fire.
- (e) Section 14 (f), (g)—
After section 14 (e), insert :—
(f) The purposes for which any part of the
building may be used.
20 (g) Requiring the submission to the Minister
of certificates of or reports by competent
persons or bodies in respect of aspects
of building design, or the use in or in
25 connection with the building of particular
materials or combination of materials or
of particular equipment, or forms or
methods of construction of the building.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(f) Section 14 (2), (3)—

5 At the end of section 14, insert :—

(2) A provision of a regulation made under subsection (1) for or with respect to the conditions subject to which a license issued for a building continues in force applies to a building notwithstanding that a license was issued for that building before the commencement of that provision.

10
15 (3) Without limiting section 31 (3), the Minister may exempt from any specified provision of a regulation made under subsection (1) any building, or class of building, erected before the commencement of that provision.

(11) (a) Section 15—

After “Minister”, insert “or a prescribed officer”.

20 (b) Section 15 (2)—

At the end of section 15, insert :—

(2) An application for an approval under subsection (1) shall—

25 (a) be made by the holder of the license in the prescribed manner;

(b) be accompanied by such plans and specifications in connection with the additions or alterations as are prescribed; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (c) be accompanied by such fees for the
examination of those plans and speci-
fications as are prescribed.

(12) Section 16 (1) (c)—

Omit the paragraph, insert instead :—

10 (c) that public safety, health or convenience is
prejudiced;

(13) (a) Section 17 (e)—

Omit "Prescribing the keeping of a fire watch",
insert instead "Requiring the attendance, and
prescribing the duties, of a fire safety officer".

15 (b) Section 17 (j)—

Omit "not exceeding forty dollars", insert instead
", in the case of a corporation, not exceeding
\$400, or, in any other case, not exceeding
\$200,".

20 (14) (a) Section 18 (1), (2)—

Omit "theatre, public hall, or other" wherever
occurring.

(b) Section 18 (1)—

25 Omit "liable to a penalty not exceeding one
hundred dollars for every day during which such
public entertainment or public meeting is so
held.", insert instead :—

liable—

30 (a) in the case of a corporation—to
a penalty not exceeding \$2,000;
or

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (b) in any other case—to a penalty
not exceeding \$1,000 or to
imprisonment for a period not
exceeding 12 months, or both.

(c) Section 18 (2)—

10 Omit “liable to a penalty not exceeding one
hundred dollars.”, insert instead :—

liable—

(a) in the case of a corporation—to
a penalty not exceeding \$2,000;
or

15 (b) in any other case—to a penalty
not exceeding \$1,000 or to im-
prisonment for a period not
exceeding 12 months, or both.

(15) (a) Section 20 (1)—

20 Omit the subsection, insert instead :—

(1) The license in respect of a theatre or
public hall—

25 (a) shall state the maximum number of
persons (if any) who may be accom-
modated otherwise than on seats in
the theatre or public hall;

30 (b) shall state the maximum number of
persons who may be accommodated
on seats or otherwise in the theatre or
public hall; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- 5 (c) may state the maximum number of
persons who may be accommodated
on seats or otherwise in any specified
part of the theatre or public hall,
as determined in accordance with the manner
prescribed for the purposes of this subsection.
- 10 (b) Section 20 (2) (a), (b)—
Omit the paragraphs, insert instead :—
- 15 (a) the number of persons admitted to the
theatre or public hall and accommodated
otherwise than on seats exceeds the
number stated in that behalf in the
license; or
- 20 (b) the number of persons admitted to the
theatre or public hall or any part thereof
exceeds the licensed capacity of that
theatre or public hall or that part thereof,
- (c) Section 20 (2)—
Omit “one hundred dollars”, insert instead
“\$200”.
- 25 (d) Section 20 (3), (4)—
After section 20 (2), insert :—
- (3) If the licensed capacity of a theatre or
public hall is altered the holder of the license in
respect of that theatre or public hall shall deliver
up the license to the Minister.
- 30 (4) The Minister shall cause a license
delivered up under subsection (3) to be endorsed
with the current licensed capacity of the theatre

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 or public hall to which the license relates and
cause particulars of the alteration in the licensed
capacity of that theatre or public hall to be
recorded in the register kept under section 28.

(16) Section 21—

Omit the section.

10 (17) Section 22—

Omit “twenty dollars”, insert instead “\$50”.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

15 (1) Section 22B—

Before section 23, insert :—

22B. In this Part—

“license” means a license under this Part;

Inter-
pretation:
Part III.

20 “temporary structure” means a booth, tent or
other temporary enclosure.

(2) (a) Section 23 (1)—

After “terms”, insert “and conditions”.

(b) Section 23 (2)—

Omit “any such”, insert instead “a”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(c) Section 23 (3)—

5 Omit the subsection, insert instead :—

(3) The Minister may suspend or cancel a license if it appears to him that the provisions of the regulations or the terms or conditions of the license have not been complied with by the holder of the license.

10

(3) (a) Section 24 (1)—

Omit "Such", insert instead "A".

(b) Section 24 (2)—

Omit "Any such", insert instead "A".

15 (4) Section 25—

Omit the section and the short heading before the section, insert instead :—

20 25. (1) Subject to subsection (2), a person who holds a public entertainment in a temporary and unlicensed structure shall, unless he is the holder of a license in that behalf then in force, be liable—

Penalty for holding entertainment without license.

(a) in the case of a corporation—to a penalty not exceeding \$1,000; or

(b) in any other case—to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 6 months, or both.

25

SCHEDULE

*Theatres and Public Halls (Amendment).*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (2) The Minister may, by order published in the Gazette, exempt any class of entertainments, or may, by order under his hand, exempt any particular entertainment, from the operation of this section.

(5) Section 26—

Omit the section, insert instead :—

- 10 26. The Governor may, with respect to temporary structures used for public entertainments or public meetings, make regulations for or with respect to— Regulations relating to temporary structures.
- 15 (a) the situation and construction in all respects of the temporary structures and any of their furnishings or fittings;
- 20 (b) the provision of sufficient means of exit from the temporary structures, the construction and size of passages, stairways and landings, the provision of emergency lighting and the construction and arrangement of seats to allow of speedy exit from the structures;
- (c) prescribing and regulating the keeping of fire hydrants and appliances for extinguishing fires;
- 25 (d) sanitary arrangements;
- (e) requiring the attendance, and prescribing the duties of, a fire safety officer during any public entertainment or public meeting;
- (f) persons smoking;
- 30 (g) the possession or consumption of spirituous or other alcoholic liquors or beverages;

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- 5 (h) generally for preventing, controlling and
extinguishing fires, and for public safety,
health and convenience, whether in relation
to persons resorting to or using the
temporary structures or otherwise; and
- 10 (i) imposing any penalty, in the case of a cor-
poration, not exceeding \$400, or, in any
other case, not exceeding \$200, for the
breach of any such regulation.

SCHEDULE 4.

Sec. 4.

15 AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 28—

Omit the section and the short heading before the
section, insert instead :—

- 20 28. The Minister shall cause a register to be kept ^{Register}
of the licenses in force under this Act containing such ^{of licenses.}
particulars relating to those licenses as are prescribed.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) Section 29—

5 Omit the section and the short heading before the section, insert instead :—

10 29. (1) A member of the police force who is of ^{Inspection.} or above the rank of sergeant or who is in charge of a police station or a person appointed by the Minister for the purposes of this section may, at any reasonable time, enter and inspect any theatre or public hall or any place in which he has reason to suspect a public entertainment or public meeting is being held or is proposed to be held.

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

20 (3) A person who assaults, threatens, resists, delays, obstructs or uses abusive language to, or incites or encourages any person to assault, threaten, resist, delay, obstruct or use abusive language to, a member of the police force, or a person, acting in pursuance of this section shall be liable to a penalty not exceed-
25 ing \$200.

(3) Section 30 (b)—

Omit the paragraph, insert instead :—

30 (b) a certificate, signed or purporting to be signed by the Minister or a prescribed officer and specifying the particulars relating to an entry in the register kept under section 28, shall be evidence of those particulars; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(4) (a) Section 31 (1) (d)—

- 5 Omit “not exceeding forty dollars”, insert instead
“, in the case of a corporation, not exceeding
\$400, or, in any other case, not exceeding
\$200,”.

(b) Section 31 (4), (5)—

- 10 After section 31 (3), insert :—

(4) Any such regulation may adopt wholly
or partially or by reference any codes, rules,
specifications or provisions which relate to any
matter with which the regulation deals and which
15 are—

- (a) recommended or adopted by the
Standards Association of Australia ;
- (b) recommended or adopted by any other
standards organisation or body of any
20 place outside Australia, being an
organisation or body declared by the
Minister by order published in the
Gazette to be an approved standards
organisation or body for the purposes
25 of this subsection ;
- (c) included in any document issued by
any Department of the Crown in right
of this or any other State or the Com-
monwealth or issued by an instrumen-
tality of this or any other State or the
30 Commonwealth constituted by an Act
of Parliament thereof ; or
- (d) approved by the Minister and
published in the Gazette.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

5 (5) The fees prescribed for the purposes of section 7 (1), 7 (2), 9 (1) (b) (ii) or 15 (2) (c) may vary according to the class of building, the contract price, the cost of erecting or altering the building as estimated by the Minister or a prescribed officer, or otherwise.

10 (5) Section 33—

Omit the section and the short heading before the section, insert instead :—

15 33. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceedings for offences against Act or regulations.

SCHEDULE 5.

Sec. 4.

REPEAL OF SCHEDULES I AND II TO THE THEATRES AND PUBLIC HALLS ACT, 1908.

20 Schedules I and II—

Omit the Schedules.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION.

(1) Section 2—

5 Omit the matter relating to Part II, insert instead :—

PART II.—THEATRES AND PUBLIC HALLS
—ss. 4A–22.

DIVISION 1.—*Licensing of theatres or public
halls*—ss. 4A–14.

10 DIVISION 2.—*Regulation of licensed buildings*—
ss. 15–17.

DIVISION 3.—*Penalties*—ss. 18–22.

(2) Section 4A, short heading before the section—

Omit the short heading, insert instead :—

15 DIVISION 1.—*Licensing of theatres or public halls.*

(3) (a) Section 7 (3)—

Omit “paragraph (b) of subsection (1) or under
subsection (2)”, insert instead “subsection (1)
(b) or (2)”.

20 (b) Section 7 (4)—

Omit “paragraph (b) of subsection (1) or under
subsection (2)”, insert instead “subsection (1)
(b) or (2)”.

SCHEDULE

*Theatres and Public Halls (Amendment).*SCHEDULE 6—*continued.*AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (4) Section 9 (1) (d) (v)—
5 Omit “subsection (1) of section (7)”, insert instead
“section 7 (1)”.
- (5) Section 11—
10 Omit “subparagraph (iii) of paragraph (d) of subsection
(1) of section 9”, insert instead “section 9 (1)
(d) (iii)”.
- (6) (a) Section 14 (d)—
Omit “the” where firstly occurring, insert instead
“The”.
- (b) Section 14 (d)—
15 Omit “building;”, insert instead “building.”.
- (c) Section 14 (e)—
Omit “sanitary”, insert instead “Sanitary”.
- (7) Section 15, short heading before the section—
Omit the short heading, insert instead :—
20 DIVISION 2.—*Regulation of licensed buildings.*
- (8) Section 18, short heading before the section—
Omit the short heading, insert instead :—
DIVISION 3.—*Penalties.*

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (9) Section 23, short heading before the section—
5 Omit the short heading.
- (10) Section 26HA (1)—
Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.
- (11) (a) Section 26K (1)—
10 Omit “subsection (1) of section 26H”, insert
instead “section 26H (1)”.
- (b) Section 26K (1)—
Omit “subsection (2) of that section”, insert
instead “section 26H (2)”.
- 15 (12) Section 26w (1) (e)—
Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.
- (13) (a) Section 27, short heading before the section—
Omit the short heading.
- 20 (b) Section 27 (2)—
Omit “as amended by subsequents Acts,”.
- (c) Section 27 (3)—
Omit “as amended by subsequent Acts,”.

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

(14) Section 30, short heading before the section—

5 Omit the short heading.

(15) Section 31, short heading before the section—

Omit the short heading.

(16) Section 32—

Omit the section, insert instead :—

10 32. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. Publication of regulations.

SCHEDULE 7.

Sec. 5.

15 TRANSITIONAL AND SAVINGS PROVISIONS.

1. The licensed capacity of a theatre or public hall licensed before the day appointed and notified under section 2 (4) shall, for the purposes of the Theatres and Public Halls Act, 1908, as amended by this Act, and until altered under that Act as so amended, be deemed to be the number of persons stated in the license pursuant to section 20 (1) (c) of that Act, as in force immediately before that day. Licensed capacity.

23—c

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 7—continued.

TRANSITIONAL AND SAVINGS PROVISIONS—continued.

2. Schedule 2 (3) shall in its application to a theatre or public hall licensed before the day appointed and notified under section 2 (4) be deemed to commence from the commencement of the period of twelve months referred to in section 7 (1) or (2) of the Theatres and Public Halls Act, 1908, in respect of that theatre or public hall next following that day. Fees for licenses.
- 5
3. An application for a license or for the transfer of a license under the Theatres and Public Halls Act, 1908, made before the day appointed and notified under section 2 (4) shall, if not disposed of before that day, be deemed to have been duly made under that Act, as amended by this Act. Applications made before appointed day.
- 10
4. A reference in any Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to a theatre licensed under the Theatres and Public Halls Act, 1908, or a public hall licensed under the Theatres and Public Halls Act, 1908, shall be construed as a reference to a theatre or public hall licensed under the Theatres and Public Halls Act, 1908, as amended by this Act. References in other Acts, etc., to licensed theatres or public halls.
- 15
- 20

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

BE 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:—

No. , 1977.

A BILL

To amend the Theatres and Public Halls Act, 1908.

[MR HAIGH—2 March, 1977.]

BE

Theatres and Public Halls (Amendment).

BE 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. This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1977".

Short
title.

2. (1) This section, sections 1 and 3, Schedule 2 (5) (b), (5) (g), (7), (9), (12), (14), (15) (c), (16) and (17), Schedule 3 (2) (a), (2) (c) and (4), Schedule 4 (2) and (5) and Schedule 6 shall commence on the date of assent to this Act.

Commence-
ment.

(2) Schedule 2 (1), (5) (e) and (5) (f) shall commence on the day that is 3 months after the date of assent to this Act.

(3) Section 4 shall, in its application to a provision of Schedules 1-6, commence on the day on which that provision commences.

(4) Except as provided in subsections (1), (2) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules:—

Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3.—AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

5 SCHEDULE 5.—REPEAL OF SCHEDULES I AND II TO THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 6.—AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT, 1908, BY WAY OF STATUTE LAW REVISION.

10 SCHEDULE 7.—TRANSITIONAL AND SAVINGS PROVISIONS.

4. The Theatres and Public Halls Act, 1908, is amended in the manner set forth in Schedules 1–6.

Amendment of Act No. 13, 1908.

5. Schedule 7 has effect.

Transitional and savings provisions.

15

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

(1) Section 2—

20 From the matter relating to Part III, omit “23”, insert instead “22B”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) (a) Section 4 (1)—

5 Omit the subsection, insert instead :—

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

“building” includes part of a building;

10 “licensed capacity”, in relation to a theatre or
public hall or any part thereof, means
the maximum number of persons who
may be accommodated on seats or other-
wise in that theatre or public hall or in
15 that part thereof, being the number
stated in that behalf in the license in
respect of that theatre or public hall
under section 20 (1) (b) or (c);

20 “owner” includes trustee or committee of
management;

“public entertainment” means entertainment
to which admission may ordinarily be
procured by members of the public—

25 (a) upon payment of money or other
consideration; or

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

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

notwithstanding—

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

10 (d) that such payment, ticket, pro-
gramme or device is demanded—

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

(ii) as the charge for the
entertainment after ad-
mission thereto;

20 “public meeting” means an assemblage of
persons, for a public purpose of a politi-
cal, religious, charitable, intellectual or
any other nature, to which admission may
ordinarily be procured by members of
25 the public whether or not—

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

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

but does not include an assemblage of
persons for religious worship only;

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 “regulation” means a regulation made under
this Act;

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

(b) Section 4 (2)—

Omit the subsection.

(c) Section 4 (3)—

Omit “Public”, insert instead “public”.

15 (d) Section 4 (3)—

After “contest”, insert “, but does not include
entertainment provided for the purpose of com-
plying with the provisions of section 57B (3) of
the Liquor Act, 1912”.

Theatres and Public Halls (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 5—

5 Omit the section and the short heading before the
section, insert instead :—

10 5. The Governor may, by order published in the Governor
Gazette, exempt any particular theatre or public hall, ^{may exempt}
or any class of theatre or public hall, ^{theatres or} named or ^{public halls.}
described in the order from the operation of this Part.

(2) Section 6—

Omit the section.

(3) (a) Section 7 (1)—

15 Omit "appropriate fee set out in Schedule II",
insert instead "prescribed fee".

(b) Section 7 (2)—

Omit "appropriate fee set out in Schedule II",
insert instead "prescribed fee".

(c) Section 7 (5)—

20 Omit the subsection, insert instead :—

25 (5) The prescribed fee payable under this
section in respect of a theatre or public hall for
any period of twelve months referred to in sub-
section (1) or (2) shall be determined at the
commencement of that period and shall not be
affected by anything occurring during that period
which, but for this subsection, would have
altered the prescribed fee payable in respect of
that theatre or public hall.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (d) Section 7 (6)—
5 Omit the subsection.
- (4) Section 8—
Omit the section.
- (5) (a) Section 9 (1) (b) (i), (iii)—
Omit the subparagraphs, insert instead :—
10 (i) such plans and specifications in connection with the application as are prescribed; and
(ii) such fees for the examination of those plans and specifications as are prescribed.
- (b) Section 9 (1) (b), proviso—
15 Omit the proviso.
- (c) Section 9 (1) (c)—
After “Minister”, insert “or a prescribed officer”.
- (d) Section 9 (1) (d) (iii)—
20 After “Minister”, insert “or a prescribed officer”.
- (e) Section 9 (1) (d) (iii)—
After “out;”, insert “and”.
- (f) Section 9 (1) (d) (iv)—
Omit the subparagraph.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (g) Section 9 (2)—
5 Omit the subsection.
- (6) Section 12A (1)—
After “Minister”, insert “or a prescribed officer”.
- (7) (a) Section 12B (a)—
After “destroyed;”, insert “or”,
- 10 (b) Section 12B (b)—
Omit the paragraph.
- (8) Section 13—
Omit the section, insert instead :—
- 15 13. (1) A license may be transferred to the owner ^{Transfer} or lessee of the licensed building by endorsement in _{of license.} the prescribed form on the license.
- (2) An application to transfer a license under subsection (1) shall be made in the prescribed manner and be accompanied by the prescribed fee.
- 20 (3) The Minister shall cause particulars of the transfer of any license under subsection (1) to be recorded in the register kept under section 28.
- (9) Sections 13A, 13B, 13C, 13D—
Omit the sections.

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(10) (a) Section 14 (b)—

5 Omit “staircases, and landings,” insert instead
“stairways and landings, the provision of
emergency lighting”.

(b) Section 14 (c)—

After “prevention”, insert “, control”.

10 (c) Section 14 (c) (v)—

Omit “in theatres”,

(d) Section 14 (c) (vii)—

After section 14 (c) (vi), insert :—

15 (vii) provision for the escape of smoke in the
event of fire.

(e) Section 14 (f), (g)—

After section 14 (e), insert :—

(f) The purposes for which any part of the
building may be used.

20 (g) Requiring the submission to the Minister
of certificates of or reports by competent
persons or bodies in respect of aspects
of building design, or the use in or in
25 connection with the building of particular
materials or combination of materials or
of particular equipment, or forms or
methods of construction of the building.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(f) Section 14 (2), (3)—

5 At the end of section 14, insert :—

(2) A provision of a regulation made under subsection (1) for or with respect to the conditions subject to which a license issued for a building continues in force applies to a building notwithstanding that a license was issued for that building before the commencement of that provision.

10

(3) Without limiting section 31 (3), the Minister may exempt from any specified provision of a regulation made under subsection (1) any building, or class of building, erected before the commencement of that provision.

15

(11) (a) Section 15—

After “Minister”, insert “or a prescribed officer”.

20 (b) Section 15 (2)—

At the end of section 15, insert :—

(2) An application for an approval under subsection (1) shall—

(a) be made by the holder of the license in the prescribed manner;

25

(b) be accompanied by such plans and specifications in connection with the additions or alterations as are prescribed; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (c) be accompanied by such fees for the
examination of those plans and speci-
fications as are prescribed.

(12) Section 16 (1) (c)—

Omit the paragraph, insert instead :—

10 (c) that public safety, health or convenience is
prejudiced;

(13) (a) Section 17 (e)—

Omit "Prescribing the keeping of a fire watch",
insert instead "Requiring the attendance, and
prescribing the duties, of a fire safety officer".

15 (b) Section 17 (j)—

Omit "not exceeding forty dollars", insert instead
", in the case of a corporation, not exceeding
\$400, or, in any other case, not exceeding
\$200,".

20 (14) (a) Section 18 (1), (2)—

Omit "theatre, public hall, or other" wherever
occurring.

(b) Section 18 (1)—

25 Omit "liable to a penalty not exceeding one
hundred dollars for every day during which such
public entertainment or public meeting is so
held.", insert instead :—

liable—

30 (a) in the case of a corporation—to
a penalty not exceeding \$2,000;
or

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (b) in any other case—to a penalty
not exceeding \$1,000 or to
imprisonment for a period not
exceeding 12 months, or both.

(c) Section 18 (2)—

10 Omit “liable to a penalty not exceeding one
hundred dollars.”, insert instead :—

liable—

(a) in the case of a corporation—to
a penalty not exceeding \$2,000;
or

15 (b) in any other case—to a penalty
not exceeding \$1,000 or to im-
prisonment for a period not
exceeding 12 months, or both.

(15) (a) Section 20 (1)—

20 Omit the subsection, insert instead :—

(1) The license in respect of a theatre or
public hall—

25 (a) shall state the maximum number of
persons (if any) who may be accom-
modated otherwise than on seats in
the theatre or public hall;

30 (b) shall state the maximum number of
persons who may be accommodated
on seats or otherwise in the theatre or
public hall; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (c) may state the maximum number of
persons who may be accommodated
on seats or otherwise in any specified
part of the theatre or public hall,

as determined in accordance with the manner
prescribed for the purposes of this subsection.

10 (b) Section 20 (2) (a), (b)—

Omit the paragraphs, insert instead :—

15 (a) the number of persons admitted to the
theatre or public hall and accommodated
otherwise than on seats exceeds the
number stated in that behalf in the
license; or

20 (b) the number of persons admitted to the
theatre or public hall or any part thereof
exceeds the licensed capacity of that
theatre or public hall or that part thereof,

(c) Section 20 (2)—

Omit “one hundred dollars”, insert instead
“\$200”.

(d) Section 20 (3), (4)—

25 After section 20 (2), insert :—

(3) If the licensed capacity of a theatre or
public hall is altered the holder of the license in
respect of that theatre or public hall shall deliver
up the license to the Minister.

30 (4) The Minister shall cause a license
delivered up under subsection (3) to be endorsed
with the current licensed capacity of the theatre

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

5 or public hall to which the license relates and cause particulars of the alteration in the licensed capacity of that theatre or public hall to be recorded in the register kept under section 28.

(16) Section 21—
Omit the section.

10 (17) Section 22—
Omit “twenty dollars”, insert instead “\$50”.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

15 (1) Section 22B—
Before section 23, insert :—

22B. In this Part—

“license” means a license under this Part;

“temporary structure” means a booth, tent or other temporary enclosure.

Inter-pretation: Part III.

20 (2) (a) Section 23 (1)—
After “terms”, insert “and conditions”.

(b) Section 23 (2)—
Omit “any such”, insert instead “a”.

SCHEDULE

*Theatres and Public Halls (Amendment).*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(c) Section 23 (3)—

5 Omit the subsection, insert instead :—

(3) The Minister may suspend or cancel a
license if it appears to him that the provisions
of the regulations or the terms or conditions of
10 the license have not been complied with by the
holder of the license.

(3) (a) Section 24 (1)—

Omit "Such", insert instead "A".

(b) Section 24 (2)—

Omit "Any such", insert instead "A".

15 (4) Section 25—

Omit the section and the short heading before the
section, insert instead :—

20 25. (1) Subject to subsection (2), a person who holds a public entertainment in a temporary and unlicensed structure shall, unless he is the holder of a license in that behalf then in force, be liable—

Penalty
for holding
entertain-
ment without
license.

(a) in the case of a corporation—to a penalty
not exceeding \$1,000; or

25 (b) in any other case—to a penalty not
exceeding \$500 or to imprisonment for a
period not exceeding 6 months, or both.

SCHEDULE

*Theatres and Public Halls (Amendment).*SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (2) The Minister may, by order published in the Gazette, exempt any class of entertainments, or may, by order under his hand, exempt any particular entertainment, from the operation of this section.

(5) Section 26—

Omit the section, insert instead :—

10 26. The Governor may, with respect to temporary structures used for public entertainments or public meetings, make regulations for or with respect to—

Regulations relating to temporary structures.

- 15 (a) the situation and construction in all respects of the temporary structures and any of their furnishings or fittings;
- 20 (b) the provision of sufficient means of exit from the temporary structures, the construction and size of passages, stairways and landings, the provision of emergency lighting and the construction and arrangement of seats to allow of speedy exit from the structures;
- 25 (c) prescribing and regulating the keeping of fire hydrants and appliances for extinguishing fires;
- (d) sanitary arrangements;
- (e) requiring the attendance, and prescribing the duties of, a fire safety officer during any public entertainment or public meeting;
- 30 (f) persons smoking;
- (g) the possession or consumption of spirituous or other alcoholic liquors or beverages;

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- 5 (h) generally for preventing, controlling and
extinguishing fires, and for public safety,
health and convenience, whether in relation
to persons resorting to or using the
temporary structures or otherwise; and
- 10 (i) imposing any penalty, in the case of a cor-
poration, not exceeding \$400, or, in any
other case, not exceeding \$200, for the
breach of any such regulation.

SCHEDULE 4.

Sec. 4.

15 AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 28—

Omit the section and the short heading before the
section, insert instead :—

- 20 28. The Minister shall cause a register to be kept ^{Register}
of the licenses in force under this Act containing such ^{of licenses.}
particulars relating to those licenses as are prescribed.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) Section 29—

5 Omit the section and the short heading before the section, insert instead :—

10 29. (1) A member of the police force who is of ^{Inspection.} or above the rank of sergeant or who is in charge of a police station or a person appointed by the Minister for the purposes of this section may, at any reasonable time, enter and inspect any theatre or public hall or any place in which he has reason to suspect a public entertainment or public meeting is being held or is proposed to be held.

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

20 (3) A person who assaults, threatens, resists, delays, obstructs or uses abusive language to, or incites or encourages any person to assault, threaten, resist, delay, obstruct or use abusive language to, a member of the police force, or a person, acting in pursuance of this section shall be liable to a penalty not exceeding \$200.

(3) Section 30 (b)—

Omit the paragraph, insert instead :—

30 (b) a certificate, signed or purporting to be signed by the Minister or a prescribed officer and specifying the particulars relating to an entry in the register kept under section 28, shall be evidence of those particulars; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(4) (a) Section 31 (1) (d)—

5 Omit “not exceeding forty dollars”, insert instead
 “, in the case of a corporation, not exceeding
 \$400, or, in any other case, not exceeding
 \$200,”.

(b) Section 31 (4), (5)—

10 After section 31 (3), insert :—

(4) Any such regulation may adopt wholly
or partially or by reference any codes, rules,
specifications or provisions which relate to any
matter with which the regulation deals and which
15 are—

(a) recommended or adopted by the
Standards Association of Australia;

(b) recommended or adopted by any other
standards organisation or body of any
20 place outside Australia, being an
 organisation or body declared by the
 Minister by order published in the
 Gazette to be an approved standards
 organisation or body for the purposes
25 of this subsection;

(c) included in any document issued by
any Department of the Crown in right
of this or any other State or the Com-
monwealth or issued by an instrumen-
tality of this or any other State or the
30 Commonwealth constituted by an Act
 of Parliament thereof; or

(d) approved by the Minister and
published in the Gazette.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

5 (5) The fees prescribed for the purposes of section 7 (1), 7 (2), 9 (1) (b) (ii) or 15 (2) (c) may vary according to the class of building, the contract price, the cost of erecting or altering the building as estimated by the Minister or a prescribed officer, or otherwise.

10 (5) Section 33—

Omit the section and the short heading before the section, insert instead :—

15 33. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceedings for offences against Act or regulations.

SCHEDULE 5.

Sec. 4.

REPEAL OF SCHEDULES I AND II TO THE THEATRES AND
PUBLIC HALLS ACT, 1908.

20 Schedules I and II—

Omit the Schedules.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION.

(1) Section 2—

5 Omit the matter relating to Part II, insert instead :—

PART II.—THEATRES AND PUBLIC HALLS
—ss. 4A–22.

DIVISION 1.—*Licensing of theatres or public
halls*—ss. 4A–14.

10 DIVISION 2.—*Regulation of licensed buildings*—
ss. 15–17.

DIVISION 3.—*Penalties*—ss. 18–22.

(2) Section 4A, short heading before the section—

Omit the short heading, insert instead :—

15 DIVISION 1.—*Licensing of theatres or public halls.*

(3) (a) Section 7 (3)—

Omit “paragraph (b) of subsection (1) or under
subsection (2)”, insert instead “subsection (1)
(b) or (2)”.

20 (b) Section 7 (4)—

Omit “paragraph (b) of subsection (1) or under
subsection (2)”, insert instead “subsection (1)
(b) or (2)”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (4) Section 9 (1) (d) (v)—
5 Omit “subsection (1) of section (7)”, insert instead
“section 7 (1)”.
- (5) Section 11—
10 Omit “subparagraph (iii) of paragraph (d) of subsection
(1) of section 9”, insert instead “section 9 (1)
(d) (iii)”.
- (6) (a) Section 14 (d)—
Omit “the” where firstly occurring, insert instead
“The”.
(b) Section 14 (d)—
15 Omit “building;”, insert instead “building.”.
(c) Section 14 (e)—
Omit “sanitary”, insert instead “Sanitary”.
- (7) Section 15, short heading before the section—
Omit the short heading, insert instead :—
20 DIVISION 2.—*Regulation of licensed buildings.*
- (8) Section 18, short heading before the section—
Omit the short heading, insert instead :—
DIVISION 3.—*Penalties.*

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (9) Section 23, short heading before the section—
5 Omit the short heading.
- (10) Section 26HA (1)—
Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.
- (11) (a) Section 26K (1)—
10 Omit “subsection (1) of section 26H”, insert
instead “section 26H (1)”.
- (b) Section 26K (1)—
Omit “subsection (2) of that section”, insert
instead “section 26H (2)”.
- 15** (12) Section 26W (1) (e)—
Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.
- (13) (a) Section 27, short heading before the section—
Omit the short heading.
- 20** (b) Section 27 (2)—
Omit “as amended by subsequent Acts,”.
- (c) Section 27 (3)—
Omit “as amended by subsequent Acts,”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

(14) Section 30, short heading before the section—
5 Omit the short heading.

(15) Section 31, short heading before the section—
Omit the short heading.

(16) Section 32—

Omit the section, insert instead :—

10 32. Section 41 of the Interpretation Act, 1897, ^{Publication} applies in respect of a regulation as if this Act had ^{of regula-} been passed after the commencement of the ^{tions.} Interpretation (Amendment) Act, 1969.

SCHEDULE 7.

Sec. 5.

15 TRANSITIONAL AND SAVINGS PROVISIONS.

1. The licensed capacity of a theatre or public hall licensed before the day appointed and notified under section 2 (4) shall, for the purposes of the Theatres and Public Halls Act, 1908, as amended by this Act, and until altered under that Act as so amended, be deemed to be the number of persons stated in the license pursuant to section 20 (1) (c) of that Act, as in force immediately before that day. ^{Licensed capacity.}

*Theatres and Public Halls (Amendment).*SCHEDULE 7—*continued.*TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

2. Schedule 2 (3) shall in its application to a theatre or public hall licensed before the day appointed and notified under section 2 (4) be deemed to commence from the commencement of the period of twelve months referred to in section 7 (1) or (2) of the Theatres and Public Halls Act, 1908, in respect of that theatre or public hall next following that day. Fees for licenses.
- 10 3. An application for a license or for the transfer of a license under the Theatres and Public Halls Act, 1908, made before the day appointed and notified under section 2 (4) shall, if not disposed of before that day, be deemed to have been duly made under that Act, as amended by this Act. Applications made before appointed day.
- 15 4. A reference in any Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to a theatre licensed under the Theatres and Public Halls Act, 1908, or a public hall licensed under the Theatres and Public Halls Act, 1908, shall be construed as a reference to a theatre or public hall licensed under the Theatres and Public Halls Act, 1908, as amended by this Act. References in other Acts, etc., to licensed theatres or public halls.
- 20

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
[32c]

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 42, 1977.

An Act to amend the Theatres and Public Halls Act, 1908.
[Assented to, 15th April, 1977.]

BE

Theatres and Public Halls (Amendment).

BE 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:—

Short
title.

1. This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1977".

Commence-
ment.

2. (1) This section, sections 1 and 3, Schedule 2 (5) (b), (5) (g), (7), (9), (12), (14), (15) (c), (16) and (17), Schedule 3 (2) (a), (2) (c) and (4), Schedule 4 (2) and (5) and Schedule 6 shall commence on the date of assent to this Act.

(2) Schedule 2 (1), (5) (e) and (5) (f) shall commence on the day that is 3 months after the date of assent to this Act.

(3) Section 4 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences.

(4) Except as provided in subsections (1), (2) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE
THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE
THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3.—AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 5.—REPEAL OF SCHEDULES I AND II TO THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 6.—AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT, 1908, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 7.—TRANSITIONAL AND SAVINGS PROVISIONS.

4. The Theatres and Public Halls Act, 1908, is amended in the manner set forth in Schedules 1–6. Amendment of Act No. 13, 1908.

5. Schedule 7 has effect. Transitional and savings provisions.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

(1) Section 2—

From the matter relating to Part III, omit “23”, insert instead “22B”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) (a) Section 4 (1)—

Omit the subsection, insert instead :—

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

“building” includes part of a building;

“licensed capacity”, in relation to a theatre or public hall or any part thereof, means the maximum number of persons who may be accommodated on seats or otherwise in that theatre or public hall or in that part thereof, being the number stated in that behalf in the license in respect of that theatre or public hall under section 20 (1) (b) or (c);

“owner” includes trustee or committee of management;

“public entertainment” means entertainment to which admission may ordinarily be procured by members of the public—

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

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

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

notwithstanding—

- (c) that admission may also be procured thereto by any person without such payment, ticket, programme or device; or
- (d) that such payment, ticket, programme or device is demanded—
 - (i) as the charge for a meal or other refreshment or for any other service or thing before admission may be procured to the entertainment; or
 - (ii) as the charge for the entertainment after admission thereto;

“public meeting” means an assemblage of persons, for a public purpose of a political, religious, charitable, intellectual or any other nature, to which admission may ordinarily be procured by members of the public whether or not—

- (a) upon payment of money or other consideration; or
- (b) by a ticket, programme or other device purchased for money or other consideration,

but does not include an assemblage of persons for religious worship only;

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

“regulation” means a regulation made under
this Act;

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

(b) Section 4 (2)—

Omit the subsection.

(c) Section 4 (3)—

Omit “Public”, insert instead “public”.

(d) Section 4 (3)—

After “contest”, insert “, but does not include
entertainment provided for the purpose of com-
plying with the provisions of section 57B (3) of
the Liquor Act, 1912”.

Theatres and Public Halls (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 5—

Omit the section and the short heading before the section, insert instead :—

5. The Governor may, by order published in the ^{Governor} Gazette, exempt any particular theatre or public hall, ^{may exempt theatres or public halls.} or any class of theatre or public hall, named or described in the order from the operation of this Part.

(2) Section 6—

Omit the section.

(3) (a) Section 7 (1)—

Omit “appropriate fee set out in Schedule II”, insert instead “prescribed fee”.

(b) Section 7 (2)—

Omit “appropriate fee set out in Schedule II”, insert instead “prescribed fee”.

(c) Section 7 (5)—

Omit the subsection, insert instead :—

(5) The prescribed fee payable under this section in respect of a theatre or public hall for any period of twelve months referred to in subsection (1) or (2) shall be determined at the commencement of that period and shall not be affected by anything occurring during that period which, but for this subsection, would have altered the prescribed fee payable in respect of that theatre or public hall.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—continued.
AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908—continued.

(d) Section 7 (6)—

Omit the subsection.

(4) Section 8—

Omit the section.

(5) (a) Section 9 (1) (b) (i), (iii)—

Omit the subparagraphs, insert instead :—

(i) such plans and specifications in connection with the application as are prescribed; and

(ii) such fees for the examination of those plans and specifications as are prescribed.

(b) Section 9 (1) (b), proviso—

Omit the proviso.

(c) Section 9 (1) (c)—

After “Minister”, insert “or a prescribed officer”.

(d) Section 9 (1) (d) (iii)—

After “Minister”, insert “or a prescribed officer”.

(e) Section 9 (1) (d) (iii)—

After “out;”, insert “and”.

(f) Section 9 (1) (d) (iv)—

Omit the subparagraph.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(g) Section 9 (2)—

Omit the subsection.

(6) Section 12A (1)—

After “Minister”, insert “or a prescribed officer”.

(7) (a) Section 12B (a)—

After “destroyed;”, insert “or”.

(b) Section 12B (b)—

Omit the paragraph.

(8) Section 13—

Omit the section, insert instead :—

13. (1) A license may be transferred to the owner **Transfer**
or lessee of the licensed building by endorsement in **of license.**
the prescribed form on the license.

(2) An application to transfer a license under
subsection (1) shall be made in the prescribed manner
and be accompanied by the prescribed fee.

(3) The Minister shall cause particulars of
the transfer of any license under subsection (1) to
be recorded in the register kept under section 28.

(9) Sections 13A, 13B, 13C, 13D—

Omit the sections.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—continued.
AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908—continued.
(10) (a) Section 14 (b)—

Omit “staircases, and landings,” insert instead “stairways and landings, the provision of emergency lighting”.

(b) Section 14 (c)—

After “prevention”, insert “, control”.

(c) Section 14 (c) (v)—

Omit “in theatres”.

(d) Section 14 (c) (vii)—

After section 14 (c) (vi), insert :—

(vii) provision for the escape of smoke in the event of fire.

(e) Section 14 (f), (g)—

After section 14 (e), insert :—

(f) The purposes for which any part of the building may be used.

(g) Requiring the submission to the Minister of certificates of or reports by competent persons or bodies in respect of aspects of building design, or the use in or in connection with the building of particular materials or combination of materials or of particular equipment, or forms or methods of construction of the building.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(f) Section 14 (2), (3)—

At the end of section 14, insert :—

(2) A provision of a regulation made under subsection (1) for or with respect to the conditions subject to which a license issued for a building continues in force applies to a building notwithstanding that a license was issued for that building before the commencement of that provision.

(3) Without limiting section 31 (3), the Minister may exempt from any specified provision of a regulation made under subsection (1) any building, or class of building, erected before the commencement of that provision.

(11) (a) Section 15—

After “Minister”, insert “or a prescribed officer”.

(b) Section 15 (2)—

At the end of section 15, insert :—

(2) An application for an approval under subsection (1) shall—

- (a) be made by the holder of the license in the prescribed manner;
- (b) be accompanied by such plans and specifications in connection with the additions or alterations as are prescribed; and

SCHEDULE

Theatres and Public Halls (Amendment).

 SCHEDULE 2—*continued.*

 AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
 HALLS ACT, 1908—*continued.*

(c) be accompanied by such fees for the examination of those plans and specifications as are prescribed.

(12) Section 16 (1) (c)—

Omit the paragraph, insert instead :—

(c) that public safety, health or convenience is prejudiced;

(13) (a) Section 17 (e)—

Omit “Prescribing the keeping of a fire watch”, insert instead “Requiring the attendance, and prescribing the duties, of a fire safety officer”.

(b) Section 17 (j)—

Omit “not exceeding forty dollars”, insert instead “, in the case of a corporation, not exceeding \$400, or, in any other case, not exceeding \$200,”.

(14) (a) Section 18 (1), (2)—

Omit “theatre, public hall, or other” wherever occurring.

(b) Section 18 (1)—

Omit “liable to a penalty not exceeding one hundred dollars for every day during which such public entertainment or public meeting is so held.”, insert instead :—

liable—

(a) in the case of a corporation—to a penalty not exceeding \$2,000;
or

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

- (b) in any other case—to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months, or both.
- (c) Section 18 (2)—

Omit “liable to a penalty not exceeding one hundred dollars.”, insert instead :—

liable—

- (a) in the case of a corporation—to a penalty not exceeding \$2,000; or
- (b) in any other case—to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months, or both.
- (15) (a) Section 20 (1)—

Omit the subsection, insert instead :—

(1) The license in respect of a theatre or public hall—

- (a) shall state the maximum number of persons (if any) who may be accommodated otherwise than on seats in the theatre or public hall;
- (b) shall state the maximum number of persons who may be accommodated on seats or otherwise in the theatre or public hall; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

(c) may state the maximum number of persons who may be accommodated on seats or otherwise in any specified part of the theatre or public hall, as determined in accordance with the manner prescribed for the purposes of this subsection.

(b) Section 20 (2) (a), (b)—

Omit the paragraphs, insert instead :—

(a) the number of persons admitted to the theatre or public hall and accommodated otherwise than on seats exceeds the number stated in that behalf in the license; or

(b) the number of persons admitted to the theatre or public hall or any part thereof exceeds the licensed capacity of that theatre or public hall or that part thereof,

(c) Section 20 (2)—

Omit “one hundred dollars”, insert instead “\$200”.

(d) Section 20 (3), (4)—

After section 20 (2), insert :—

(3) If the licensed capacity of a theatre or public hall is altered the holder of the license in respect of that theatre or public hall shall deliver up the license to the Minister.

(4) The Minister shall cause a license delivered up under subsection (3) to be endorsed with the current licensed capacity of the theatre

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

or public hall to which the license relates and cause particulars of the alteration in the licensed capacity of that theatre or public hall to be recorded in the register kept under section 28.

(16) Section 21—

Omit the section.

(17) Section 22—

Omit “twenty dollars”, insert instead “\$50”.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 22B—

Before section 23, insert :—

22B. In this Part—

“license” means a license under this Part;

“temporary structure” means a booth, tent or other temporary enclosure.

**Inter-
pretation:
Part III.**

(2) (a) Section 23 (1)—

After “terms”, insert “and conditions”.

(b) Section 23 (2)—

Omit “any such”, insert instead “a”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—continued.
AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908—continued.
(c) Section 23 (3)—

Omit the subsection, insert instead :—

(3) The Minister may suspend or cancel a license if it appears to him that the provisions of the regulations or the terms or conditions of the license have not been complied with by the holder of the license.

(3) (a) Section 24 (1)—

Omit "Such", insert instead "A".

(b) Section 24 (2)—

Omit "Any such", insert instead "A".

(4) Section 25—

Omit the section and the short heading before the section, insert instead :—

25. (1) Subject to subsection (2), a person who holds a public entertainment in a temporary and unlicensed structure shall, unless he is the holder of a license in that behalf then in force, be liable—

- (a) in the case of a corporation—to a penalty not exceeding \$1,000; or
- (b) in any other case—to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 6 months, or both.

Penalty
for holding
entertain-
ment without
license.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

(2) The Minister may, by order published in the Gazette, exempt any class of entertainments, or may, by order under his hand, exempt any particular entertainment, from the operation of this section.

(5) Section 26—

Omit the section, insert instead :—

26. The Governor may, with respect to temporary structures used for public entertainments or public meetings, make regulations for or with respect to—

Regulations relating to temporary structures.

- (a) the situation and construction in all respects of the temporary structures and any of their furnishings or fittings;
- (b) the provision of sufficient means of exit from the temporary structures, the construction and size of passages, stairways and landings, the provision of emergency lighting and the construction and arrangement of seats to allow of speedy exit from the structures;
- (c) prescribing and regulating the keeping of fire hydrants and appliances for extinguishing fires;
- (d) sanitary arrangements;
- (e) requiring the attendance, and prescribing the duties of, a fire safety officer during any public entertainment or public meeting;
- (f) persons smoking;
- (g) the possession or consumption of spirituous or other alcoholic liquors or beverages;

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

- (h) generally for preventing, controlling and extinguishing fires, and for public safety, health and convenience, whether in relation to persons resorting to or using the temporary structures or otherwise; and
 - (i) imposing any penalty, in the case of a corporation, not exceeding \$400, or, in any other case, not exceeding \$200, for the breach of any such regulation.
-

Sec. 4.

SCHEDULE 4.

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

(1) Section 28—

Omit the section and the short heading before the section, insert instead :—

Register
of licenses.

28. The Minister shall cause a register to be kept of the licenses in force under this Act containing such particulars relating to those licenses as are prescribed.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) Section 29—

Omit the section and the short heading before the section, insert instead :—

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

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

(3) A person who assaults, threatens, resists, delays, obstructs or uses abusive language to, or incites or encourages any person to assault, threaten, resist, delay, obstruct or use abusive language to, a member of the police force, or a person, acting in pursuance of this section shall be liable to a penalty not exceeding \$200.

(3) Section 30 (b)—

Omit the paragraph, insert instead :—

(b) a certificate, signed or purporting to be signed by the Minister or a prescribed officer and specifying the particulars relating to an entry in the register kept under section 28, shall be evidence of those particulars; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(4) (a) Section 31 (1) (d)—

Omit “not exceeding forty dollars”, insert instead
“, in the case of a corporation, not exceeding
\$400, or, in any other case, not exceeding
\$200.”.

(b) Section 31 (4), (5)—

After section 31 (3), insert :—

(4) Any such regulation may adopt wholly
or partially or by reference any codes, rules,
specifications or provisions which relate to any
matter with which the regulation deals and which
are—

- (a) recommended or adopted by the
Standards Association of Australia;
- (b) recommended or adopted by any other
standards organisation or body of any
place outside Australia, being an
organisation or body declared by the
Minister by order published in the
Gazette to be an approved standards
organisation or body for the purposes
of this subsection;
- (c) included in any document issued by
any Department of the Crown in right
of this or any other State or the Com-
monwealth or issued by an instrumen-
tality of this or any other State or the
Commonwealth constituted by an Act
of Parliament thereof; or
- (d) approved by the Minister and
published in the Gazette.

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(5) The fees prescribed for the purposes of section 7 (1), 7 (2), 9 (1) (b) (ii) or 15 (2) (c) may vary according to the class of building, the contract price, the cost of erecting or altering the building as estimated by the Minister or a prescribed officer, or otherwise.

(5) Section 33—

Omit the section and the short heading before the section, insert instead :—

33. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate sitting alone. Proceedings for offences against Act or regulations.

SCHEDULE 5.

Sec. 4.

REPEAL OF SCHEDULES I AND II TO THE THEATRES AND
PUBLIC HALLS ACT, 1908.

Schedules I and II—

Omit the Schedules.

Theatres and Public Halls (Amendment).

Sec. 4.

SCHEDULE 6.

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION.

(1) Section 2—

Omit the matter relating to Part II, insert instead :—

PART II.—THEATRES AND PUBLIC HALLS

—ss. 4A–22.

DIVISION 1.—*Licensing of theatres or public halls*—ss. 4A–14.

DIVISION 2.—*Regulation of licensed buildings*—
ss. 15–17.

DIVISION 3.—*Penalties*—ss. 18–22.

(2) Section 4A, short heading before the section—

Omit the short heading, insert instead :—

DIVISION 1.—*Licensing of theatres or public halls.*

(3) (a) Section 7 (3)—

Omit “paragraph (b) of subsection (1) or under subsection (2)”, insert instead “subsection (1) (b) or (2)”.

(b) Section 7 (4)—

Omit “paragraph (b) of subsection (1) or under subsection (2)”, insert instead “subsection (1) (b) or (2)”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

(4) Section 9 (1) (d) (v)—

Omit “subsection (1) of section (7)”, insert instead
“section 7 (1)”.

(5) Section 11—

Omit “subparagraph (iii) of paragraph (d) of subsection (1) of section 9”, insert instead “section 9 (1) (d) (iii)”.

(6) (a) Section 14 (d)—

Omit “the” where firstly occurring, insert instead
“The”.

(b) Section 14 (d)—

Omit “building;”, insert instead “building.”.

(c) Section 14 (e)—

Omit “sanitary”, insert instead “Sanitary”.

(7) Section 15, short heading before the section—

Omit the short heading, insert instead :—

DIVISION 2.—*Regulation of licensed buildings.*

(8) Section 18, short heading before the section—

Omit the short heading, insert instead :—

DIVISION 3.—*Penalties.*

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

(9) Section 23, short heading before the section—

Omit the short heading.

(10) Section 26HA (1)—

Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.

(11) (a) Section 26K (1)—

Omit “subsection (1) of section 26H”, insert
instead “section 26H (1)”.

(b) Section 26K (1)—

Omit “subsection (2) of that section”, insert
instead “section 26H (2)”.

(12) Section 26w (1) (e)—

Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.

(13) (a) Section 27, short heading before the section—

Omit the short heading.

(b) Section 27 (2)—

Omit “as amended by subsequent Acts,”.

(c) Section 27 (3)—

Omit “as amended by subsequent Acts,”.

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

(14) Section 30, short heading before the section—

Omit the short heading.

(15) Section 31, short heading before the section—

Omit the short heading.

(16) Section 32—

Omit the section, insert instead :—

32. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. ^{Publication of regulations.}

SCHEDULE 7.

Sec. 5.

TRANSITIONAL AND SAVINGS PROVISIONS.

1. The licensed capacity of a theatre or public hall licensed before the day appointed and notified under section 2 (4) shall, for the purposes of the Theatres and Public Halls Act, 1908, as amended by this Act, and until altered under that Act as so amended, be deemed to be the number of persons stated in the license pursuant to section 20 (1) (c) of that Act, as in force immediately before that day. ^{Licensed capacity.}

SCHEDULE

Theatres and Public Halls (Amendment).

 SCHEDULE 7—*continued.*

 TRANSITIONAL AND SAVINGS PROVISIONS—*continued.*

 Fees for
licenses.

2. Schedule 2 (3) shall in its application to a theatre or public hall licensed before the day appointed and notified under section 2 (4) be deemed to commence from the commencement of the period of twelve months referred to in section 7 (1) or (2) of the Theatres and Public Halls Act, 1908, in respect of that theatre or public hall next following that day.

 Applications
made before
appointed
day.

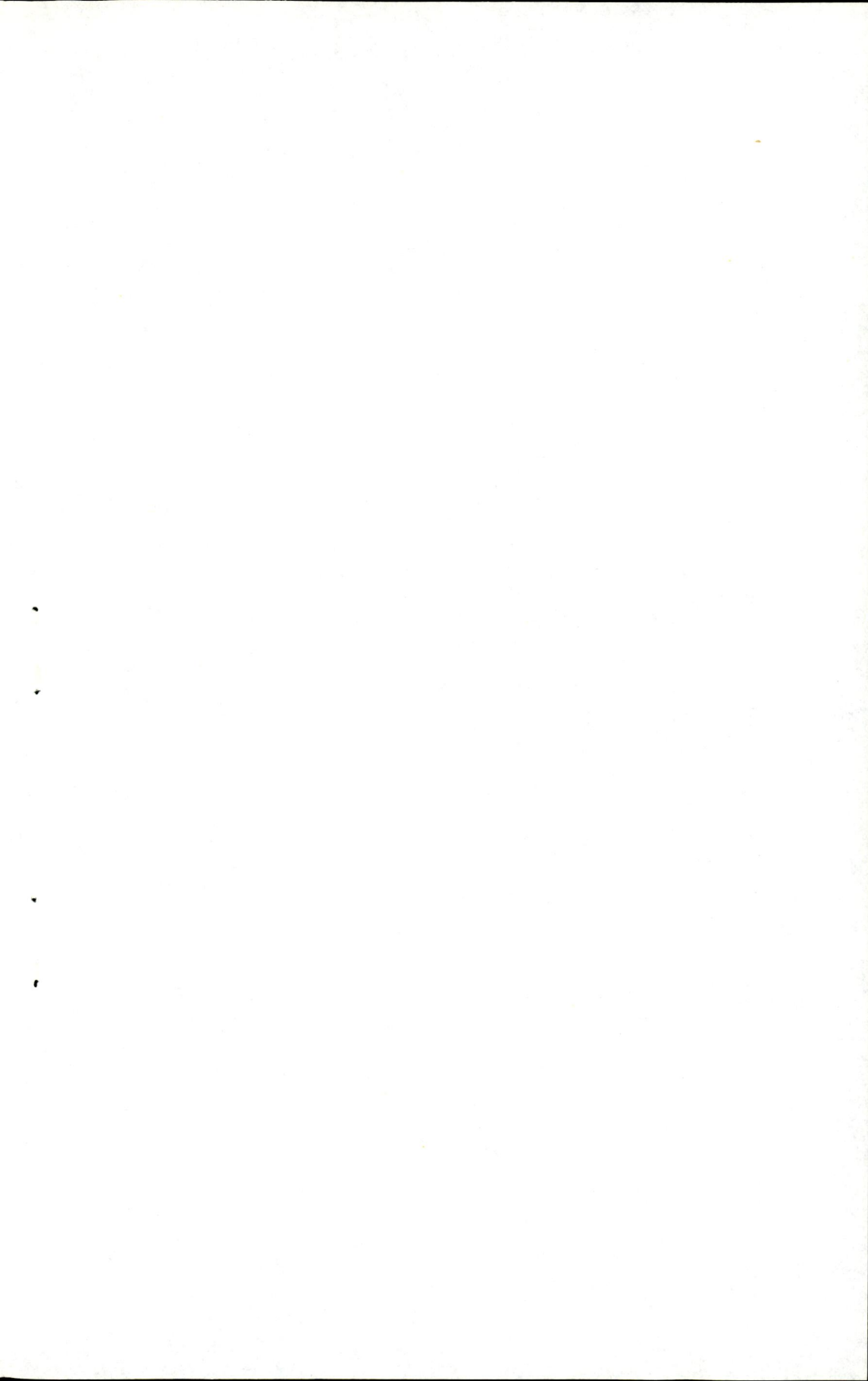
3. An application for a license or for the transfer of a license under the Theatres and Public Halls Act, 1908, made before the day appointed and notified under section 2 (4) shall, if not disposed of before that day, be deemed to have been duly made under that Act, as amended by this Act.

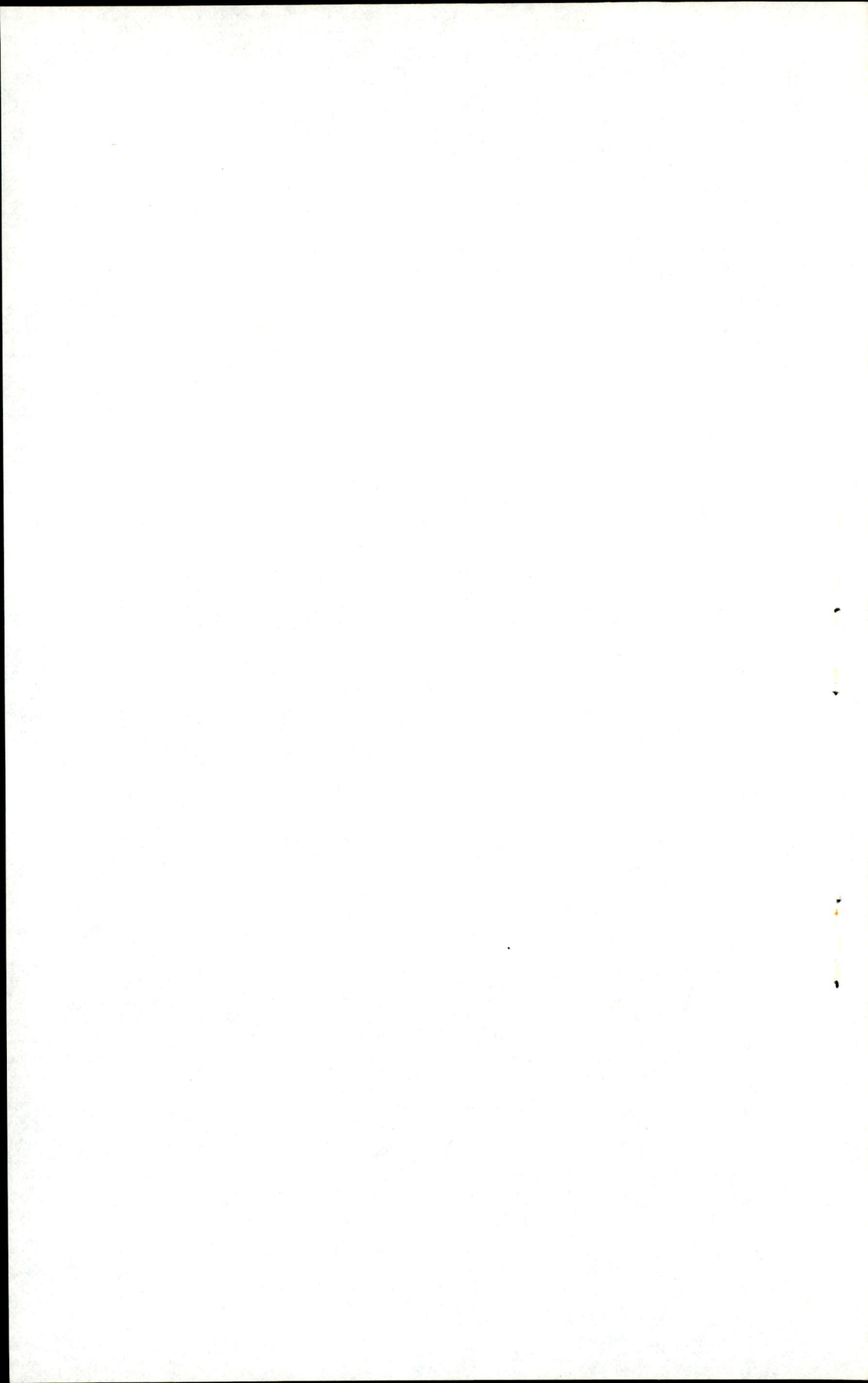
 References
in other
Acts, etc.,
to licensed
theatres or
public halls.

4. A reference in any Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to a theatre licensed under the Theatres and Public Halls Act, 1908, or a public hall licensed under the Theatres and Public Halls Act, 1908, shall be construed as a reference to a theatre or public hall licensed under the Theatres and Public Halls Act, 1908, as amended by this Act.

 BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977





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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 42, 1977.

An Act to amend the Theatres and Public Halls Act, 1908.
[Assented to, 15th April, 1977.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Theatres and Public Halls (Amendment).

BE 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:—

Short
title.

1. This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1977".

Commence-
ment.

2. (1) This section, sections 1 and 3, Schedule 2 (5) (b), (5) (g), (7), (9), (12), (14), (15) (c), (16) and (17), Schedule 3 (2) (a), (2) (c) and (4), Schedule 4 (2) and (5) and Schedule 6 shall commence on the date of assent to this Act.

(2) Schedule 2 (1), (5) (e) and (5) (f) shall commence on the day that is 3 months after the date of assent to this Act.

(3) Section 4 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences.

(4) Except as provided in subsections (1), (2) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE
THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE
THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3.—AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 4.—AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 5.—REPEAL OF SCHEDULES I AND II TO THE THEATRES AND PUBLIC HALLS ACT, 1908.

SCHEDULE 6.—AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT, 1908, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 7.—TRANSITIONAL AND SAVINGS PROVISIONS.

4. The Theatres and Public Halls Act, 1908, is amended in the manner set forth in Schedules 1–6.

Amendment of Act No. 13, 1908.

5. Schedule 7 has effect.

Transitional and savings provisions.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

(1) Section 2—

From the matter relating to Part III, omit “23”, insert instead “22B”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) (a) Section 4 (1)—

Omit the subsection, insert instead :—

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

“building” includes part of a building;

“licensed capacity”, in relation to a theatre or public hall or any part thereof, means the maximum number of persons who may be accommodated on seats or otherwise in that theatre or public hall or in that part thereof, being the number stated in that behalf in the license in respect of that theatre or public hall under section 20 (1) (b) or (c);

“owner” includes trustee or committee of management;

“public entertainment” means entertainment to which admission may ordinarily be procured by members of the public—

- (a) upon payment of money or other consideration; or
- (b) by a ticket, programme or other device purchased for money or other consideration,

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

notwithstanding—

- (c) that admission may also be procured thereto by any person without such payment, ticket, programme or device; or
- (d) that such payment, ticket, programme or device is demanded—
 - (i) as the charge for a meal or other refreshment or for any other service or thing before admission may be procured to the entertainment; or
 - (ii) as the charge for the entertainment after admission thereto;

“public meeting” means an assemblage of persons, for a public purpose of a political, religious, charitable, intellectual or any other nature, to which admission may ordinarily be procured by members of the public whether or not—

- (a) upon payment of money or other consideration; or
- (b) by a ticket, programme or other device purchased for money or other consideration,

but does not include an assemblage of persons for religious worship only;

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

“regulation” means a regulation made under
this Act;

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

(b) Section 4 (2)—

Omit the subsection.

(c) Section 4 (3)—

Omit “Public”, insert instead “public”.

(d) Section 4 (3)—

After “contest”, insert “, but does not include
entertainment provided for the purpose of com-
plying with the provisions of section 57B (3) of
the Liquor Act, 1912”.

Theatres and Public Halls (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 5—

Omit the section and the short heading before the section, insert instead :—

5. The Governor may, by order published in the Governor Gazette, exempt any particular theatre or public hall, ^{may exempt} theatres or public halls. or any class of theatre or public hall, named or public halls. described in the order from the operation of this Part.

(2) Section 6—

Omit the section.

(3) (a) Section 7 (1)—

Omit “appropriate fee set out in Schedule II”, insert instead “prescribed fee”.

(b) Section 7 (2)—

Omit “appropriate fee set out in Schedule II”, insert instead “prescribed fee”.

(c) Section 7 (5)—

Omit the subsection, insert instead :—

(5) The prescribed fee payable under this section in respect of a theatre or public hall for any period of twelve months referred to in subsection (1) or (2) shall be determined at the commencement of that period and shall not be affected by anything occurring during that period which, but for this subsection, would have altered the prescribed fee payable in respect of that theatre or public hall.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(d) Section 7 (6)—

Omit the subsection.

(4) Section 8—

Omit the section.

(5) (a) Section 9 (1) (b) (i), (iii)—

Omit the subparagraphs, insert instead :—

(i) such plans and specifications in connection with the application as are prescribed; and

(ii) such fees for the examination of those plans and specifications as are prescribed.

(b) Section 9 (1) (b), proviso—

Omit the proviso.

(c) Section 9 (1) (c)—

After “Minister”, insert “or a prescribed officer”.

(d) Section 9 (1) (d) (iii)—

After “Minister”, insert “or a prescribed officer”.

(e) Section 9 (1) (d) (iii)—

After “out;”, insert “and”.

(f) Section 9 (1) (d) (iv)—

Omit the subparagraph.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(g) Section 9 (2)—

Omit the subsection.

(6) Section 12A (1)—

After “Minister”, insert “or a prescribed officer”.

(7) (a) Section 12B (a)—

After “destroyed;”, insert “or”.

(b) Section 12B (b)—

Omit the paragraph.

(8) Section 13—

Omit the section, insert instead :—

13. (1) A license may be transferred to the owner ^{Transfer} or lessee of the licensed building by endorsement in ^{of license.} the prescribed form on the license.

(2) An application to transfer a license under subsection (1) shall be made in the prescribed manner and be accompanied by the prescribed fee.

(3) The Minister shall cause particulars of the transfer of any license under subsection (1) to be recorded in the register kept under section 28.

(9) Sections 13A, 13B, 13C, 13D—

Omit the sections.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(10) (a) Section 14 (b)—

Omit “staircases, and landings,” insert instead “stairways and landings, the provision of emergency lighting”.

(b) Section 14 (c)—

After “prevention”, insert “, control”.

(c) Section 14 (c) (v)—

Omit “in theatres”.

(d) Section 14 (c) (vii)—

After section 14 (c) (vi), insert :—

(vii) provision for the escape of smoke in the event of fire.

(e) Section 14 (f), (g)—

After section 14 (e), insert :—

(f) The purposes for which any part of the building may be used.

(g) Requiring the submission to the Minister of certificates of or reports by competent persons or bodies in respect of aspects of building design, or the use in or in connection with the building of particular materials or combination of materials or of particular equipment, or forms or methods of construction of the building.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(f) Section 14 (2), (3)—

At the end of section 14, insert :—

(2) A provision of a regulation made under subsection (1) for or with respect to the conditions subject to which a license issued for a building continues in force applies to a building notwithstanding that a license was issued for that building before the commencement of that provision.

(3) Without limiting section 31 (3), the Minister may exempt from any specified provision of a regulation made under subsection (1) any building, or class of building, erected before the commencement of that provision.

(11) (a) Section 15—

After "Minister", insert "or a prescribed officer".

(b) Section 15 (2)—

At the end of section 15, insert :—

(2) An application for an approval under subsection (1) shall—

(a) be made by the holder of the license in the prescribed manner;

(b) be accompanied by such plans and specifications in connection with the additions or alterations as are prescribed; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—continued.
AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC HALLS ACT, 1908—continued.

(c) be accompanied by such fees for the examination of those plans and specifications as are prescribed.

(12) Section 16 (1) (c)—

Omit the paragraph, insert instead :—

(c) that public safety, health or convenience is prejudiced;

(13) (a) Section 17 (e)—

Omit "Prescribing the keeping of a fire watch", insert instead "Requiring the attendance, and prescribing the duties, of a fire safety officer".

(b) Section 17 (j)—

Omit "not exceeding forty dollars", insert instead "in the case of a corporation, not exceeding \$400, or, in any other case, not exceeding \$200,".

(14) (a) Section 18 (1), (2)—

Omit "theatre, public hall, or other" wherever occurring.

(b) Section 18 (1)—

Omit "liable to a penalty not exceeding one hundred dollars for every day during which such public entertainment or public meeting is so held.", insert instead :—

liable—

(a) in the case of a corporation—to a penalty not exceeding \$2,000;
or

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(b) in any other case—to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months, or both.

(c) Section 18 (2)—

Omit “liable to a penalty not exceeding one hundred dollars.”, insert instead :—

liable—

(a) in the case of a corporation—to a penalty not exceeding \$2,000;
or

(b) in any other case—to a penalty not exceeding \$1,000 or to imprisonment for a period not exceeding 12 months, or both.

(15) (a) Section 20 (1)—

Omit the subsection, insert instead :—

(1) The license in respect of a theatre or public hall—

(a) shall state the maximum number of persons (if any) who may be accommodated otherwise than on seats in the theatre or public hall;

(b) shall state the maximum number of persons who may be accommodated on seats or otherwise in the theatre or public hall; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(c) may state the maximum number of persons who may be accommodated on seats or otherwise in any specified part of the theatre or public hall,

as determined in accordance with the manner prescribed for the purposes of this subsection.

(b) Section 20 (2) (a), (b)—

Omit the paragraphs, insert instead :—

(a) the number of persons admitted to the theatre or public hall and accommodated otherwise than on seats exceeds the number stated in that behalf in the license; or

(b) the number of persons admitted to the theatre or public hall or any part thereof exceeds the licensed capacity of that theatre or public hall or that part thereof,

(c) Section 20 (2)—

Omit “one hundred dollars”, insert instead “\$200”.

(d) Section 20 (3), (4)—

After section 20 (2), insert :—

(3) If the licensed capacity of a theatre or public hall is altered the holder of the license in respect of that theatre or public hall shall deliver up the license to the Minister.

(4) The Minister shall cause a license delivered up under subsection (3) to be endorsed with the current licensed capacity of the theatre

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

or public hall to which the license relates and
cause particulars of the alteration in the licensed
capacity of that theatre or public hall to be
recorded in the register kept under section 28.

(16) Section 21—

Omit the section.

(17) Section 22—

Omit “twenty dollars”, insert instead “\$50”.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908.

(1) Section 22B—

Before section 23, insert :—

22B. In this Part—

“license” means a license under this Part;

“temporary structure” means a booth, tent or
other temporary enclosure.

Inter-
pretation:
Part III.

(2) (a) Section 23 (1)—

After “terms”, insert “and conditions”.

(b) Section 23 (2)—

Omit “any such”, insert instead “a”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

(c) Section 23 (3)—

Omit the subsection, insert instead :—

(3) The Minister may suspend or cancel a license if it appears to him that the provisions of the regulations or the terms or conditions of the license have not been complied with by the holder of the license.

(3) (a) Section 24 (1)—

Omit "Such", insert instead "A".

(b) Section 24 (2)—

Omit "Any such", insert instead "A".

(4) Section 25—

Omit the section and the short heading before the section, insert instead :—

Penalty
for holding
entertain-
ment without
license.

25. (1) Subject to subsection (2), a person who holds a public entertainment in a temporary and unlicensed structure shall, unless he is the holder of a license in that behalf then in force, be liable—

(a) in the case of a corporation—to a penalty not exceeding \$1,000; or

(b) in any other case—to a penalty not exceeding \$500 or to imprisonment for a period not exceeding 6 months, or both.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) The Minister may, by order published in the Gazette, exempt any class of entertainments, or may, by order under his hand, exempt any particular entertainment, from the operation of this section.

(5) Section 26—

Omit the section, insert instead :—

26. The Governor may, with respect to temporary structures used for public entertainments or public meetings, make regulations for or with respect to— Regulations relating to temporary structures.

- (a) the situation and construction in all respects of the temporary structures and any of their furnishings or fittings;
- (b) the provision of sufficient means of exit from the temporary structures, the construction and size of passages, stairways and landings, the provision of emergency lighting and the construction and arrangement of seats to allow of speedy exit from the structures;
- (c) prescribing and regulating the keeping of fire hydrants and appliances for extinguishing fires;
- (d) sanitary arrangements;
- (e) requiring the attendance, and prescribing the duties of, a fire safety officer during any public entertainment or public meeting;
- (f) persons smoking;
- (g) the possession or consumption of spirituous or other alcoholic liquors or beverages;

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO PART III OF THE THEATRES AND PUBLIC HALLS ACT, 1908—*continued.*

- (h) generally for preventing, controlling and extinguishing fires, and for public safety, health and convenience, whether in relation to persons resorting to or using the temporary structures or otherwise; and
 - (i) imposing any penalty, in the case of a corporation, not exceeding \$400, or, in any other case, not exceeding \$200, for the breach of any such regulation.
-

Sec. 4.

SCHEDULE 4.

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC HALLS ACT, 1908.

(1) Section 28—

Omit the section and the short heading before the section, insert instead :—

Register
of licenses.

28. The Minister shall cause a register to be kept of the licenses in force under this Act containing such particulars relating to those licenses as are prescribed.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(2) Section 29—

Omit the section and the short heading before the section, insert instead :—

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

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

(3) A person who assaults, threatens, resists, delays, obstructs or uses abusive language to, or incites or encourages any person to assault, threaten, resist, delay, obstruct or use abusive language to, a member of the police force, or a person, acting in pursuance of this section shall be liable to a penalty not exceeding \$200.

(3) Section 30 (b)—

Omit the paragraph, insert instead :—

(b) a certificate, signed or purporting to be signed by the Minister or a prescribed officer and specifying the particulars relating to an entry in the register kept under section 28, shall be evidence of those particulars; and

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(4) (a) Section 31 (1) (d)—

Omit “not exceeding forty dollars”, insert instead
“, in the case of a corporation, not exceeding
\$400, or, in any other case, not exceeding
\$200.”.

(b) Section 31 (4), (5)—

After section 31 (3), insert :—

(4) Any such regulation may adopt wholly
or partially or by reference any codes, rules,
specifications or provisions which relate to any
matter with which the regulation deals and which
are—

- (a) recommended or adopted by the
Standards Association of Australia;
- (b) recommended or adopted by any other
standards organisation or body of any
place outside Australia, being an
organisation or body declared by the
Minister by order published in the
Gazette to be an approved standards
organisation or body for the purposes
of this subsection;
- (c) included in any document issued by
any Department of the Crown in right
of this or any other State or the Com-
monwealth or issued by an instrumen-
tality of this or any other State or the
Commonwealth constituted by an Act
of Parliament thereof; or
- (d) approved by the Minister and
published in the Gazette.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO PART IV OF THE THEATRES AND PUBLIC
HALLS ACT, 1908—*continued.*

(5) The fees prescribed for the purposes of section 7 (1), 7 (2), 9 (1) (b) (ii) or 15 (2) (c) may vary according to the class of building, the contract price, the cost of erecting or altering the building as estimated by the Minister or a prescribed officer, or otherwise.

(5) Section 33—

Omit the section and the short heading before the section, insert instead :—

33. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

Proceedings
for offences
against Act
or regula-
tions.

SCHEDULE 5.

Sec. 4.

REPEAL OF SCHEDULES I AND II TO THE THEATRES AND
PUBLIC HALLS ACT, 1908.

Schedules I and II—

Omit the Schedules.

SCHEDULE

Theatres and Public Halls (Amendment).

Sec. 4.

SCHEDULE 6.

 AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
 1908, BY WAY OF STATUTE LAW REVISION.

(1) Section 2—

Omit the matter relating to Part II, insert instead :—

 PART II.—THEATRES AND PUBLIC HALLS
 —ss. 4A–22.

 DIVISION 1.—*Licensing of theatres or public
 halls*—ss. 4A–14.

 DIVISION 2.—*Regulation of licensed buildings*—
 ss. 15–17.

 DIVISION 3.—*Penalties*—ss. 18–22.

(2) Section 4A, short heading before the section—

Omit the short heading, insert instead :—

 DIVISION 1.—*Licensing of theatres or public halls.*

(3) (a) Section 7 (3)—

 Omit “paragraph (b) of subsection (1) or under
 subsection (2)”, insert instead “subsection (1)
 (b) or (2)”.

(b) Section 7 (4)—

 Omit “paragraph (b) of subsection (1) or under
 subsection (2)”, insert instead “subsection (1)
 (b) or (2)”.

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

- (4) Section 9 (1) (d) (v)—
Omit “subsection (1) of section (7)”, insert instead
“section 7 (1)”.
- (5) Section 11—
Omit “subparagraph (iii) of paragraph (d) of subsection (1) of section 9”, insert instead “section 9 (1) (d) (iii)”.
- (6) (a) Section 14 (d)—
Omit “the” where firstly occurring, insert instead
“The”.
- (b) Section 14 (d)—
Omit “building;”, insert instead “building.”.
- (c) Section 14 (e)—
Omit “sanitary”, insert instead “Sanitary”.
- (7) Section 15, short heading before the section—
Omit the short heading, insert instead :—
DIVISION 2.—*Regulation of licensed buildings.*
- (8) Section 18, short heading before the section—
Omit the short heading, insert instead :—
DIVISION 3.—*Penalties.*

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

(9) Section 23, short heading before the section—

Omit the short heading.

(10) Section 26HA (1)—

Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.

(11) (a) Section 26K (1)—

Omit “subsection (1) of section 26H”, insert
instead “section 26H (1)”.

(b) Section 26K (1)—

Omit “subsection (2) of that section”, insert
instead “section 26H (2)”.

(12) Section 26w (1) (e)—

Omit “subsection (2) of section 26H”, insert instead
“section 26H (2)”.

(13) (a) Section 27, short heading before the section—

Omit the short heading.

(b) Section 27 (2)—

Omit “as amended by subsequent Acts,”.

(c) Section 27 (3)—

Omit “as amended by subsequent Acts,”.

Theatres and Public Halls (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE THEATRES AND PUBLIC HALLS ACT,
1908, BY WAY OF STATUTE LAW REVISION—*continued.*

(14) Section 30, short heading before the section—

Omit the short heading.

(15) Section 31, short heading before the section—

Omit the short heading.

(16) Section 32—

Omit the section, insert instead :—

32. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. ^{Publication of regulations.}

SCHEDULE 7.

Sec. 5.

TRANSITIONAL AND SAVINGS PROVISIONS.

1. The licensed capacity of a theatre or public hall licensed before the day appointed and notified under section 2 (4) shall, for the purposes of the Theatres and Public Halls Act, 1908, as amended by this Act, and until altered under that Act as so amended, be deemed to be the number of persons stated in the license pursuant to section 20 (1) (c) of that Act, as in force immediately before that day. ^{Licensed capacity.}

SCHEDULE

Theatres and Public Halls (Amendment).

SCHEDULE 7—continued.
TRANSITIONAL AND SAVINGS PROVISIONS—continued.

Fees for
licenses.

2. Schedule 2 (3) shall in its application to a theatre or public hall licensed before the day appointed and notified under section 2 (4) be deemed to commence from the commencement of the period of twelve months referred to in section 7 (1) or (2) of the Theatres and Public Halls Act, 1908, in respect of that theatre or public hall next following that day.

Applications
made before
appointed
day.

3. An application for a license or for the transfer of a license under the Theatres and Public Halls Act, 1908, made before the day appointed and notified under section 2 (4) shall, if not disposed of before that day, be deemed to have been duly made under that Act, as amended by this Act.

References
in other
Acts, etc.,
to licensed
theatres or
public halls.

4. A reference in any Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to a theatre licensed under the Theatres and Public Halls Act, 1908, or a public hall licensed under the Theatres and Public Halls Act, 1908, shall be construed as a reference to a theatre or public hall licensed under the Theatres and Public Halls Act, 1908, as amended by this Act.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 15th April, 1977.*