

THEATRES AND PUBLIC HALLS (AMENDMENT) BILL, 1980

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to extend the provisions of the Theatres and Public Halls Act, 1908 (“the Principal Act”), to entertainment provided by amusement rides and devices so as to require, among other things—
 - (i) permanent buildings in which any such entertainment is held to be licensed; and
 - (ii) persons who hold any such entertainment in temporary structures to be licensed (clause 3 (b));
- (b) to provide that in the event of any inconsistency between the Principal Act and the Construction Safety Act, 1912 (which contains provisions for the registration and safe operation of amusement devices), the Principal Act shall prevail (clause 3 (a) and (c)); and
- (c) to make it clear that in the Principal Act “temporary structure” includes any mobile structure and any enclosure that is partly temporary and partly permanent (clause 3 (d)).

Act No. 1980

**THEATRES AND PUBLIC HALLS (AMENDMENT)
BILL, 1980**

No. , 1980.

A BILL FOR

An Act to amend the Theatres and Public Halls Act, 1908, to
extend the Act to entertainment provided by amusement rides
or devices, and for certain other purposes.

[MR CRABTREE—16 September, 1980.]

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 :—

5 1. This Act may be cited as the "Theatres and Public Halls (Amendment) Act, 1980". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall 10 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. The Theatres and Public Halls Act, 1908, is amended— Amendment of Act No. 13, 1908.

15 (a) by omitting from the matter relating to Part I in section 2 the matter "4" and by inserting instead the matter "4AA"; Sec. 2. (Division of Act.)

(b) by omitting section 4 (3) and by inserting instead the following subsection :— Sec. 4. (Definitions.)

20 (3) In the definition of "public entertainment" in subsection (1), "entertainment" includes—

(a) amusement provided by means of any ride or device or by any other means; and

(b) exhibition, sporting event or contest,

25 but does not include entertainment provided for the purposes of complying with section 57B (3) of the Liquor Act, 1912.

Theatres and Public Halls (Amendment).

(c) by inserting after section 4 the following section :— Sec. 4AA.

5 4AA. (1) Where the provisions of this Act are inconsistent with any of the provisions of the Construction Safety Act, 1912, or the regulations made under that Act, with respect to an amusement device within the meaning of that Act, the provisions of this Act shall prevail. This Act to prevail where inconsistent with Construction Safety Act, 1912.

10 (2) Where the provisions of any regulation made under this Act are inconsistent with the provisions of any regulation made under the Construction Safety Act, 1912, with respect to an amusement device within the meaning of that Act, the provisions of the regulations made under this Act shall prevail.

15 (d) by omitting the definition of "temporary structure" in section 22B and by inserting instead the following definition :— Sec. 22B.
(Interpretation:
Part III.)

 "temporary structure" means—

- 20 (a) a booth, tent or other temporary enclosure, whether or not a part of the booth, tent or enclosure is permanent; or
- (b) a mobile structure.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

(10c)

Temporary and Public Works (Amendment)

(c) by inserting after section 4 the following section:—

4AA. (1) Where the provisions of this Act are inconsistent with any of the provisions of the Construction Safety Act, 1912, or the regulations made under that Act with respect to an amusement device within the meaning of that Act, the provisions of this Act shall prevail.

(2) Where the provisions of any regulation made under this Act are inconsistent with the provisions of any regulation made under the Construction Safety Act, 1912, with respect to an amusement device within the meaning of that Act, the provisions of the regulations made under this Act shall prevail.

(d) by omitting the definition of "temporary structure" in section 2(a) and by inserting instead the following definition:—

- "temporary structure" means—
- (a) a booth, tent or other temporary enclosure whether or not a part of the booth, tent or enclosure is permanent; or
- (b) a public structure

BY AUTHORITY
H. WEST GOVERNMENT PRINTERS, NEW SOUTH WALES—1980



**THEATRES AND PUBLIC HALLS (AMENDMENT)
ACT, 1980, No. 116**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 116, 1980.

An Act to amend the Theatres and Public Halls Act, 1908, to extend the Act to entertainment provided by amusement rides or devices, and for certain other purposes. [Assented to, 22nd October, 1980.]

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, 1980".

Commence-
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), 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.

Amendment
of Act No.
13, 1908.

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

Sec. 2.
(Division
of Act.)

(a) by omitting from the matter relating to Part I in section 2 the matter "4" and by inserting instead the matter "4AA";

Sec. 4.
(Defini-
tions.)

(b) by omitting section 4 (3) and by inserting instead the following subsection :—

(3) In the definition of "public entertainment" in subsection (1), "entertainment" includes—

(a) amusement provided by means of any ride or device or by any other means; and

(b) exhibition, sporting event or contest,

but does not include entertainment provided for the purposes of complying with section 57B (3) of the Liquor Act, 1912.

Theatres and Public Halls (Amendment).

(c) by inserting after section 4 the following section :— Sec. 4AA.

4AA. (1) Where the provisions of this Act are inconsistent with any of the provisions of the Construction Safety Act, 1912, or the regulations made under that Act, with respect to an amusement device within the meaning of that Act, the provisions of this Act shall prevail.

This Act to prevail where inconsistent with Construction Safety Act, 1912.

(2) Where the provisions of any regulation made under this Act are inconsistent with the provisions of any regulation made under the Construction Safety Act, 1912, with respect to an amusement device within the meaning of that Act, the provisions of the regulations made under this Act shall prevail.

(d) by omitting the definition of “temporary structure” in section 22B and by inserting instead the following definition :— Sec. 22B.
(Interpretation:
Part III.)

“temporary structure” means—

- (a) a booth, tent or other temporary enclosure, whether or not a part of the booth, tent or enclosure is permanent; or
- (b) a mobile structure.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 22nd October, 1980.*

