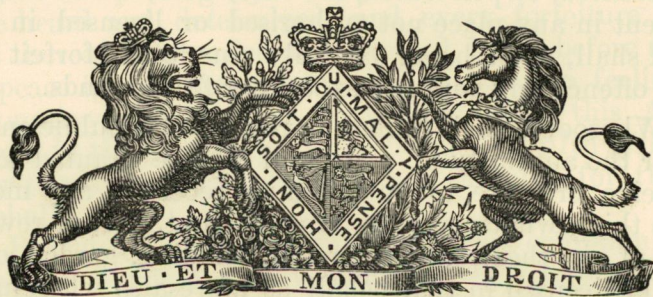


New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XXVI. (A.D. 1897.)

An Act to consolidate the Acts for regulating places of Public Exhibition and Entertainment. [Assented to, 6th December, 1897.]

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. (I) This Act may be cited as the "Public Entertainments Act, 1897." Short title and repeals.

(II) The Acts mentioned in the First Schedule hereto are hereby repealed. First Schedule.

2. In the construction of this Act the term "Public Entertainment" means any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melodrama, pantomime, stage dancing, tumbling, horsemanship, or other entertainment of the stage whatsoever, to which admission shall or may be procured by payment of money or by tickets, or by any other means, token, or consideration as the price, hire, or rent of admission. Interpretation. 14 Vic. No. 23, s. 2.

3. The Colonial Secretary may by writing authorise or license any place as a place wherein any public entertainment may be acted, represented, performed, or exhibited. Places may be authorised or licensed. Ibid. s. 2.

Public Entertainments.

Colonial Secretary
may grant general
licenses.
36 Vic. No. 8, s. 2.

4. (I) The Colonial Secretary may grant to such person or persons as he thinks fit, a general license to give public entertainments at any place or places within the Colony (not being within the corporate boundaries of the City of Sydney) for such a period and under such conditions and restrictions as shall be specified in such general license.

And may revoke
same.

(II) The Colonial Secretary may at any time revoke and cancel any such general license for any cause which may appear to him sufficient in that behalf.

Form of general
license.

(III) Every such general license shall be granted according to the form contained in the Second Schedule hereto.

Ibid. s. 4.
Second Schedule.

Penalty for acting,
&c., without general
license in unlicensed
place.

14 Vic. No. 23, s. 2.

5. Whosoever shall (unless under the authority of a general license granted as aforesaid) act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward, any public entertainment in any place not authorised or licensed in that behalf as aforesaid shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds.

Penalty for letting,
&c., unlicensed place.

Ibid. s. 2.

6. Whosoever shall (unless in respect of a public entertainment given under the authority of a general license granted as aforesaid) take or receive, or cause to be taken or received, any money, goods, or valuable thing whatsoever, by way of rent, fee, or reward, for the use or hire of any theatre, house, room, building, garden, or place (not authorised or licensed in that behalf as aforesaid) wherein any public entertainment is acted, represented, performed, or exhibited, or being the owner or occupier of such theatre, house, room, building, garden, or place, shall knowingly permit or suffer the same to be so used and applied shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds.

Unlicensed houses,
&c., exhibiting public
entertainments to be
deemed disorderly;
and all persons found
therein to be deemed
rogues and
vagabonds.

Ibid. s. 3.

7. Every theatre, house, room, building, garden, or place wherein any public entertainment is acted, represented, performed, or exhibited, unless the same is authorised and licensed as aforesaid, or unless such public entertainment is acted, represented, performed, or exhibited under the authority of a general license granted as aforesaid, shall be deemed a disorderly theatre, house, room, building, garden, or place; and it shall be lawful for any constable, with such assistance as may be necessary, being authorised by warrant under the hand of any justice of the peace, which warrant any such justice is hereby empowered and authorised to issue, upon complaint being made to him on oath that there is reason to suspect that any theatre, house, room, building, garden, or place is used for the purposes aforesaid, without being duly authorised or licensed, and without the authority of a general license, to enter into such theatre, house, room, building, garden, or place, and to seize every person found therein, and every person so found shall be deemed to be a rogue and vagabond, and shall be liable and subject to all such penalties and punishments as are inflicted on or are appointed for the punishment of rogues and vagabonds.

Proof of being duly
licensed to lie on the
party accused.

Ibid. s. 4.

8. In any proceedings instituted against any person for any offence against the provisions of sections five and six of this Act, if it is proved that such theatre, house, room, building, garden, or place is used for the performance of public entertainments, the burden of proof that such theatre, house, room, building, garden, or place was at the time when the offence was alleged to have been committed duly authorised or licensed or used under the authority of a general license shall lie on the party accused:

Provided always that no person shall be liable to be prosecuted for any offence against this Act unless such prosecution is commenced within three months next after the offence committed.

Public Entertainments.

9. The Colonial Secretary may, whenever he is of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do, forbid by writing under his hand the acting or representing any public entertainment, or any part thereof, or any prologue or epilogue, or any part thereof in such theatres or other places for which an authority or license, or general license may have been granted under the authority of this Act; and every person who shall for hire act or represent, or cause to be acted or represented any public entertainment, or any part thereof, or any prologue or epilogue, or any part thereof contrary to such prohibition as aforesaid shall for every such offence forfeit and pay any sum not exceeding fifty pounds; and every authority or license (in case there be any such) by or under which the theatre or other place was opened in which such offence shall have been committed shall become absolutely void.

Colonial Secretary may prohibit certain entertainments or parts thereof.
14 Vic. No. 23, s. 5.

Penalty.

10. All proceedings in respect of any offence against this Act may be heard and determined, and every forfeiture and penalty in respect thereof be awarded and imposed by or before any two justices of the peace in a summary way, and any person feeling aggrieved by any summary judgment or conviction under this Act may appeal therefrom in the manner provided by the Act fifth William the Fourth number twenty-two, or any other law in force for the time being in that behalf:

Proceedings under this Act to be in a summary way.
Ibid. s. 6.

Appeal given.

Provided that any justice to whom complaint is made of any offence against this Act may summon the party complained against before any two justices, and on such summons such justices may hear and determine the matter of such complaint, and on proof of the offence, may convict the offender and may adjudge him to pay the penalty or forfeiture incurred, and may proceed to recover the same although no information in writing has been exhibited or taken by or before any such justice or justices, and all such proceedings by summons without information shall be as valid and effectual as if an information in writing had been exhibited.

11. The informer or person prosecuting in respect of any offence against this Act shall, in addition to the share of fines, forfeitures, and penalties to which he is entitled by law, be entitled to his costs and charges to be ascertained and assessed by the justices before whom the case is heard.

Costs, &c., of informer or person prosecuting.
Ibid. s. 7.

12. No action at law shall lie against any justice of the peace, constable, or other peace officer, for or on account of any matter or thing whatsoever done or commanded by him in the execution of his duty or office under this Act against any party offending or suspected to be offending against the provisions of this Act, unless there be direct proof of corruption or malice, and unless such action be commenced within three months next after the cause of action or complaint shall have arisen, and if any person is sued for any matter or thing which he has so done in the execution of this Act he may plead the general issue and give the special matter in evidence.

Limitation of actions—pleading.
Ibid. s. 9.

Public Entertainments.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

Reference to Act.	Title of Act.	Extent of repeal.
14 Vic. No. 23	An Act to amend the law for regulating places of Public Exhibition and Entertainment.	The whole Act.
36 Vic. No. 8	An Act to amend an Act intituled an Act to amend the Law for regulating places of Public Exhibition and Entertainment.	The whole Act.

Section 4.

SECOND SCHEDULE.

General License.

WHEREAS by an Act passed in the _____ year of the reign of Her Majesty intituled "*An Act to Consolidate the Acts for regulating Places of Public Exhibition and Entertainment*" it was enacted that it should be lawful for the Colonial Secretary to grant general licenses to give public entertainments as therein provided: And whereas

of _____
has applied to me to grant him a general license and authority to give public exhibitions and entertainments in the said Colony under and in pursuance of the provisions of the said Acts: Now I the Honorable

_____, Esquire, Colonial Secretary for the time being of the Colony of New South Wales, in virtue of the power and authority vested in me by the said Acts, do hereby grant unto the said

_____ a general license and authority to give public exhibitions and entertainments in the said Colony (save and except within the City of Sydney), subject to the approval of the local Benches of Magistrates of the several districts in which the performance shall take place; and in any district so approved by the Bench as aforesaid it shall be lawful for him to Act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward on such day or days in every week as he may think proper (save and except Sunday, Good Friday, and Christmas Day) any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melo-drama, pantomime, or any stage-dancing, tumbling, or horsemanship, or any other entertainment of the stage whatsoever, licensed to be performed at any theatre in England, or in the representation of which express permission in writing shall have been given by the Colonial Secretary for the time being: And I declare and direct that this license continue in force for the period of _____ unless the same shall be the sooner revoked by the Colonial Secretary for the time being of the said Colony: But if the Colonial Secretary for the time being shall by reason of any irregularity or upon any ground appearing to him sufficient in that behalf see fit to revoke this license the same shall thereupon cease to have any force or effect, and shall be considered as no longer subsisting: And it is further provided that this license shall come into operation only on the approval of the Bench of Magistrates of the place or district in which the performance shall take place, such approval to be signified by endorsement on the license signed by two or more of the resident justices who will fix and specify in such endorsement the time and place for holding the entertainment.

Given under my hand at the Colonial Secretary's Office, at Sydney, this _____ day of _____ in the year of

our Lord one thousand eight hundred and seventy

Colonial Secretary.

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

*Legislative Council Chamber,
Sydney, 30th November, 1897.*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

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license.

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Second Schedule.

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&c., without general
license in unlicensed
place.

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entertainments to be
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and all persons found
therein to be deemed
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Proceedings under this Act to be in a summary way.

Ibid. s. 6.

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Costs, &c., of informer or person prosecuting.

Ibid. s. 7.

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Limitation of actions—pleading.

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Public Entertainments.

SCHEDULES.

Section 1.

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36 Vic. No. 8	An Act to amend an Act intituled an Act to amend the Law for regulating places of Public Exhibition and Entertainment.	The whole Act.

Section 4.

SECOND SCHEDULE.

General License.

WHEREAS by an Act passed in the _____ year of the reign of Her Majesty intituled "*An Act to Consolidate the Acts for regulating Places of Public Exhibition and Entertainment*" it was enacted that it should be lawful for the Colonial Secretary to grant general licenses to give public entertainments as therein provided: And whereas

of

has applied to me to grant him a general license and authority to give public exhibitions and entertainments in the said Colony under and in pursuance of the provisions of the said Acts: Now I the Honorable

_____, Esquire, Colonial Secretary for the time being of the Colony of New South Wales, in virtue of the power and authority vested in me by the said Acts, do hereby grant unto the said

_____ a general license and authority to give public exhibitions and entertainments in the said Colony (save and except within the City of Sydney), subject to the approval of the local Benches of Magistrates of the several districts in which the performance shall take place; and in any district so approved by the Bench as aforesaid it shall be lawful for him to Act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward on such day or days in every week as he may think proper (save and except Sunday, Good Friday, and Christmas Day) any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melo-drama, pantomime, or any stage-dancing, tumbling, or horsemanship, or any other entertainment of the stage whatsoever, licensed to be performed at any theatre in England, or in the representation of which express permission in writing shall have been given by the Colonial Secretary for the time being: And I declare and direct that this license continue in force for the period of _____ unless the same shall be the sooner

revoked by the Colonial Secretary for the time being of the said Colony: But if the Colonial Secretary for the time being shall by reason of any irregularity or upon any ground appearing to him sufficient in that behalf see fit to revoke this license the same shall thereupon cease to have any force or effect, and shall be considered as no longer subsisting: And it is further provided that this license shall come into operation only on the approval of the Bench of Magistrates of the place or district in which the performance shall take place, such approval to be signified by endorsement on the license signed by two or more of the resident justices who will fix and specify in such endorsement the time and place for holding the entertainment.

Given under my hand at the Colonial Secretary's Office, at Sydney, this _____ day of _____ in the year of

our Lord one thousand eight hundred and seventy

Colonial Secretary.

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

FREDK. M. DARLEY,

Government House,

Sydney, 6th December, 1897.

Lieutenant-Governor.

Memo. and Certificate to accompany the Public
Entertainments Bill.

THIS Bill consolidates two statutes, viz. :—

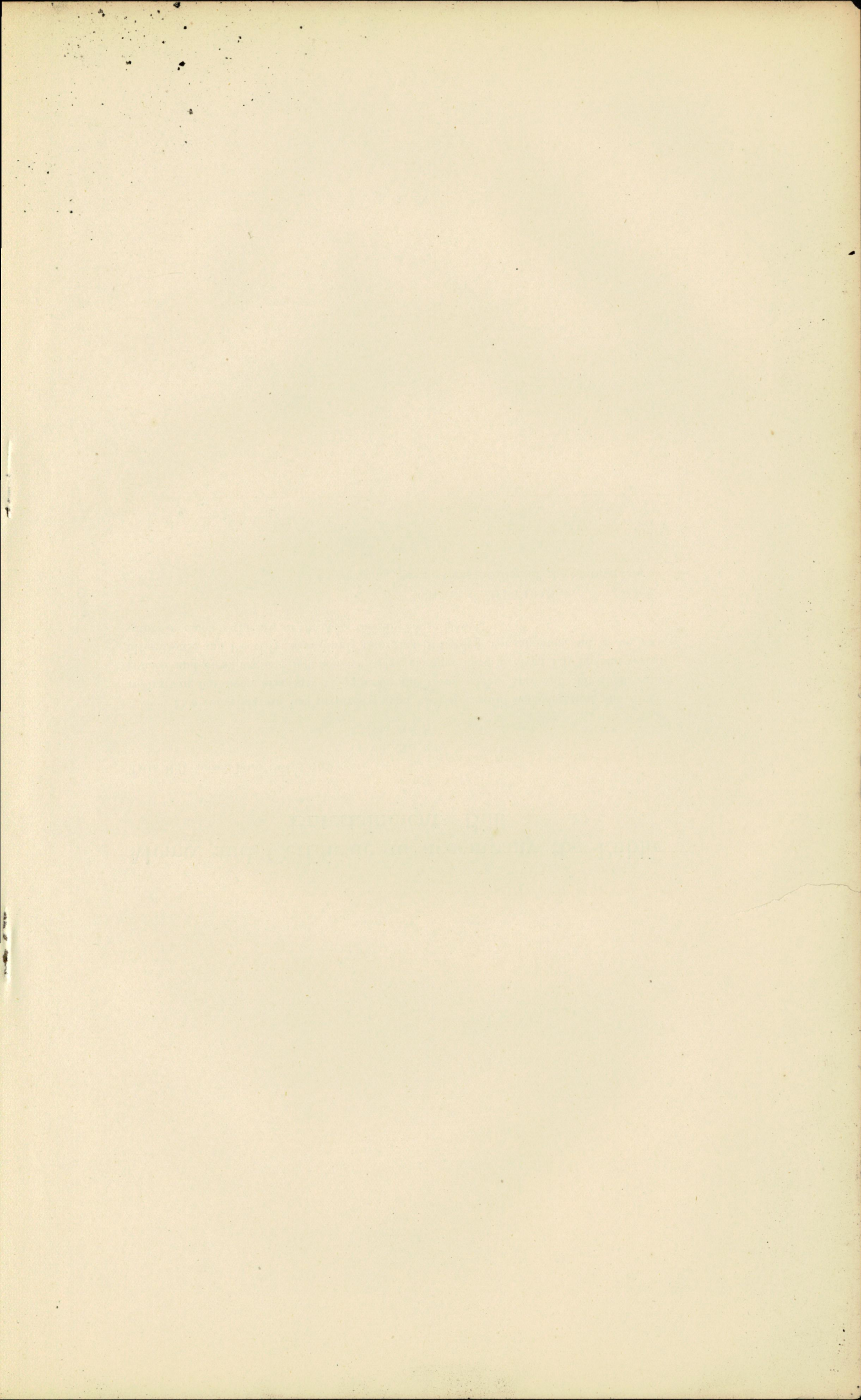
14 Vic. No. 23;

36 Vic. No. 8.

This consolidation has involved a good deal of careful consideration, and much re-drafting has been necessary to improve the form of the Acts and join them in a concise and clear manner, but none of these changes have involved any beyond verbal alterations, and I certify accordingly that this Bill solely consolidates and in no way alters or amends the law in the Acts thereby consolidated.

CHAS. G. HEYDON,

Commissioner for the Consolidation of the Statute Law.



Public Entertainments Bill.

TABLE showing how the sections of the Acts intended to be consolidated have been dealt with.

Section of Act.	Clause of Bill.	Remarks.	
14 VICTORIA No. 23.			
1	Omitted; provisions saved by the Interpretation Bill.	
2	2, 3, 5 and 6		
3	7		
4	8		
5	9		
6	10		
7	11		
8		Omitted; provisions supplied by the Interpretation Bill.
9	12		
36 VICTORIA No. 8.			
1	Omitted; provisions carried into effect by consolidation.	
2	4 (I) and (II)	Omitted; operation saved by Interpretation Bill.	
3		
4	4 (III)		

Public Entertainments Bill

Table showing how the sections of the Act intended to be consolidated have been dealt with.

Section of Act	Section of Bill
1	1
2	2
3	3
4	4
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12	12
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99	99
100	100

Sections 1 to 100 of the Bill correspond to sections 1 to 100 of the Act. The Bill contains the same provisions as the Act, but with certain amendments. The amendments are set out in the following table:

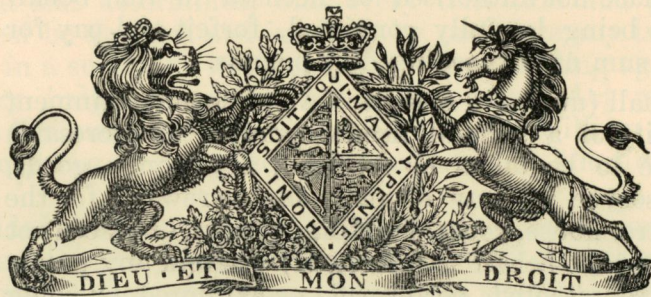
Section of Bill	Section of Act	Amendment
1	1	None
2	2	None
3	3	None
4	4	None
5	5	None
6	6	None
7	7	None
8	8	None
9	9	None
10	10	None
11	11	None
12	12	None
13	13	None
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92	92	None
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95	95	None
96	96	None
97	97	None
98	98	None
99	99	None
100	100	None

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

Legislative Council Chamber,
Sydney, 28th October, 1897. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



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VICTORIÆ REGINÆ.

No. . (A.D. 1897.)

An Act to consolidate the Acts for regulating places of Public Exhibition and Entertainment.

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(II) The Acts mentioned in the First Schedule hereto are hereby repealed. First Schedule.

2. In the construction of this Act the term "Public Entertainment" means any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melodrama, pantomime, stage dancing, tumbling, horsemanship, or other entertainment of the stage whatsoever, to which admission shall or may be procured by payment of money or by tickets, or by any other means, token, or consideration as the price, hire, or rent of admission. Interpretation. 14 Vic. No. 23, s. 2.

3. The Colonial Secretary may by writing authorise or license any place as a place wherein any public entertainment may be acted, represented, performed, or exhibited. Places may be authorised or licensed. Ibid. s. 2.

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4. (I) The Colonial Secretary may grant to such person or persons as he thinks fit, a general license to give public entertainments at any place or places within the Colony (not being within the corporate boundaries of the City of Sydney) for such a period and under such conditions and restrictions as shall be specified in such general license.
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- (II) The Colonial Secretary may at any time revoke and cancel any such general license for any cause which may appear to him sufficient in that behalf.
- 10
- (III) Every such general license shall be granted according to the form contained in the Second Schedule hereto.
5. Whosoever shall (unless under the authority of a general license granted as aforesaid) act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward, any public entertainment in any place not authorised or licensed in that behalf as aforesaid shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds.
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6. Whosoever shall (unless in respect of a public entertainment given under the authority of a general license granted as aforesaid) take or receive, or cause to be taken or received, any money, goods, or valuable thing whatsoever, by way of rent, fee, or reward, for the use or hire of any theatre, house, room, building, garden, or place (not authorised or licensed in that behalf as aforesaid) wherein any public entertainment is acted, represented, performed, or exhibited, or being the owner or occupier of such theatre, house, room, building, garden, or place, shall knowingly permit or suffer the same to be so used and applied shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds.
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7. Every theatre, house, room, building, garden, or place wherein any public entertainment is acted, represented, performed, or exhibited, unless the same is authorised and licensed as aforesaid, or unless such public entertainment is acted, represented, performed, or exhibited under the authority of a general license granted as aforesaid, shall be deemed a disorderly theatre, house, room, building, garden, or place; and it shall be lawful for any constable, with such assistance as may be necessary, being authorised by warrant under the hand of any justice of the peace, which warrant any such justice is hereby empowered and authorised to issue, upon complaint being made to him on oath that there is reason to suspect that any theatre, house, room, building, garden, or place is used for the purposes aforesaid, without being duly authorised or licensed, and without the authority of a general license, to enter into such theatre, house, room, building, garden, or place, and to seize every person found therein, and every person so found shall be deemed to be a rogue and vagabond, and shall be liable and subject to all such penalties and punishments as are inflicted on or are appointed for the punishment of rogues and vagabonds.
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8. In any proceedings instituted against any person for any offence against the provisions of sections five and six of this Act, if it is proved that such theatre, house, room, building, garden, or place is used for the performance of public entertainments, the burden of proof that such theatre, house, room, building, garden, or place was at the time when the offence was alleged to have been committed duly authorised or licensed or used under the authority of a general license shall lie on the party accused:
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- Provided always that no person shall be liable to be prosecuted for any offence against this Act unless such prosecution is commenced within three months next after the offence committed.

Colonial Secretary may grant general licenses.
36 Vic. No. 8, s. 2.

And may revoke same.

Form of general license.
Ibid. s. 4.
Second Schedule.

Penalty for acting, &c., without general license in unlicensed place.
14 Vic. No. 23, s. 2.

Penalty for letting, &c., unlicensed place.
Ibid. s. 2.

Unlicensed houses, &c., exhibiting public entertainments to be deemed disorderly; and all persons found therein to be deemed rogues and vagabonds.
Ibid. s. 3.

Proof of being duly licensed to lie on the party accused.
Ibid. s. 4.

Public Entertainments.

9. The Colonial Secretary may, whenever he is of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do, forbid by writing under his hand the acting or representing any public entertainment, or any part thereof, or any
 5 prologue or epilogue, or any part thereof in such theatres or other places for which an authority or license, or general license may have been granted under the authority of this Act; and every person who shall for hire act or represent, or cause to be acted or represented any public entertainment, or any part thereof, or any prologue or epilogue,
 10 or any part thereof contrary to such prohibition as aforesaid shall for every such offence forfeit and pay any sum not exceeding fifty pounds; and every authority or license (in case there be any such) by or under which the theatre or other place was opened in which such offence shall have been committed shall become absolutely void.

Colonial Secretary may prohibit certain entertainments or parts thereof.

14 Vic. No. 23, s. 5.

10. All proceedings in respect of any offence against this Act may be heard and determined, and every forfeiture and penalty in respect thereof be awarded and imposed by or before any two justices of the peace in a summary way, and any person feeling aggrieved by any summary judgment or conviction under this Act may appeal
 15 therefrom in the manner provided by the Act fifth William the Fourth number twenty-two, or any other law in force for the time being in that behalf:

Proceedings under this Act to be in a summary way.

Ibid. s. 6.

Appeal given.

Provided that any justice to whom complaint is made of any offence against this Act may summon the party complained against
 25 before any two justices, and on such summons such justices may hear and determine the matter of such complaint, and on proof of the offence, may convict the offender and may adjudge him to pay the penalty or forfeiture incurred, and may proceed to recover the same although no information in writing has been exhibited or taken by or before any
 30 such justice or justices, and all such proceedings by summons without information shall be as valid and effectual as if an information in writing had been exhibited.

11. The informer or person prosecuting in respect of any offence against this Act shall, in addition to the share of fines, forfeitures, and penalties to which he is entitled by law, be entitled to
 35 his costs and charges to be ascertained and assessed by the justices before whom the case is heard.

Costs, &c., of informer or person prosecuting.

Ibid. s. 7.

12. No action at law shall lie against any justice of the peace, constable, or other peace officer, for or on account of any matter or
 40 thing whatsoever done or commanded by him in the execution of his duty or office under this Act against any party offending or suspected to be offending against the provisions of this Act, unless there be direct proof of corruption or malice, and unless such action be commenced within three months next after the cause of action or
 45 complaint shall have arisen, and if any person is sued for any matter or thing which he has so done in the execution of this Act he may plead the general issue and give the special matter in evidence.

Limitation of actions—pleading.

Ibid. s. 9.

Public Entertainments.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

Reference to Act.	Title of Act.	Extent of repeal.
14 Vic. No. 23	An Act to amend the law for regulating places of Public Exhibition and Entertainment.	The whole Act.
5 36 Vic. No. 8	An Act to amend an Act intituled an Act to amend the Law for regulating places of Public Exhibition and Entertainment.	The whole Act.

SECOND SCHEDULE.

Section 4.

10

General License.

WHEREAS by an Act passed in the year of the reign of Her Majesty intituled "*An Act to Consolidate the Acts for regulating Places of Public Exhibition and Entertainment*" it was enacted that it should be lawful for the Colonial Secretary to grant general licenses to give public entertainments as therein provided: And whereas

15

of has applied to me to grant him a general license and authority to give public exhibitions and entertainments in the said Colony under and in pursuance of the provisions of the said Acts: Now I the Honorable

20 of New South Wales, in virtue of the power and authority vested in me by the said Acts, do hereby grant unto the said

a general license and authority to give public exhibitions and entertainments in the said Colony (save and except within the City of Sydney), subject to the approval of the local Benches of Magistrates of the several districts in which the performance shall take place; and in any district so approved by the Bench as aforesaid it shall be lawful for him to Act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward on such day or days in every week as he may think proper (save and except Sunday, Good Friday, and Christmas Day) any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melo-drama, pantomime, or any stage-dancing, tumbling, or horsemanship, or any other entertainment of the stage whatsoever, licensed to be performed at any theatre in England, or in the representation of which express permission in writing shall have been given by the Colonial Secretary for the time being: And I declare and direct that this license continue in force for the period of unless the same shall be the sooner

35 revoked by the Colonial Secretary for the time being of the said Colony: But if the Colonial Secretary for the time being shall by reason of any irregularity or upon any ground appearing to him sufficient in that behalf see fit to revoke this license the same shall thereupon cease to have any force or effect, and shall be considered as no longer subsisting: And it is further provided that this license shall come into operation only on the approval of the Bench of Magistrates of the place or district in which the performance shall take place, such approval to be signified by endorsement on the license signed by two or more of the resident justices who will fix and specify in such endorsement the time and place for holding the entertainment.

45 Given under my hand at the Colonial Secretary's Office, at Sydney, this day of in the year of our Lord one thousand eight hundred and seventy

Colonial Secretary.

Memo. and Certificate to accompany the Public
Entertainments Bill.

THIS Bill consolidates two statutes, viz. :—

14 Vic. No. 23;

36 Vic. No. 8.

This consolidation has involved a good deal of careful consideration, and much re-drafting has been necessary to improve the form of the Acts and join them in a concise and clear manner, but none of these changes have involved any beyond verbal alterations, and I certify accordingly that this Bill solely consolidates and in no way alters or amends the law in the Acts thereby consolidated.

CHAS. G. HEYDON,

Commissioner for the Consolidation of the Statute Law.

Public Entertainments Bill.

TABLE showing how the sections of the Acts intended to be consolidated have been dealt with.

Section of Act.	Clause of Bill.	Remarks.
14 VICTORIA No. 23.		
1	Omitted; provisions saved by the Interpretation Bill.
2	2, 3, 5 and 6	
3	7	
4	8	
5	9	
6	10	
7	11	Omitted; provisions supplied by the Interpretation Bill.
8	
9	12	
36 VICTORIA No. 8.		
1	Omitted; provisions carried into effect by consolidation.
2	4 (I) and (II)	Omitted; operation saved by Interpretation Bill.
3	
4	4 (III)	

Public Entertainments Bill

Table showing how the sections of the Act intended to be consolidated have been dealt with.

Section of Act	Chapter of Bill	Part of Bill
1	1	1
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Legislative Council.

No. . 1897.

A BILL

To consolidate the Acts for regulating places of Public
Exhibition and Entertainment.

[MR. WANT;—13 October, 1897.]

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. (I) This Act may be cited as the "Public Entertainments Act, 1897" Short title and repeals.

 (II) The Acts mentioned in the First Schedule hereto are First Schedule. hereby repealed.

2. In the construction of this Act the term "Public Entertain- Interpretation.
10 ment" means any interlude, tragedy, opera, comedy, stage-play, farce, 14 Vic. No. 23, s. 2.
burletta, melodrama, pantomime, stage dancing, tumbling, horseman-
ship, or other entertainment of the stage whatsoever, to which
admission shall or may be procured by payment of money or by
tickets, or by any other means, token, or consideration as the price, hire,
15 or rent of admission.

3. The Colonial Secretary may by writing authorise or license Places may be
authorised or
licensed.
any place as a place wherein any public entertainment may be acted,
represented, performed, or exhibited.

Colonial Secretary
may grant general
licenses.
36 Vic. No. 8, s. 2.

4. (I) The Colonial Secretary may grant to such person or persons as he thinks fit, a general license to give public entertainments at any place or places within the Colony (not being within the corporate boundaries of the City of Sydney) for such a period and under such conditions and restrictions as shall be specified in such general license. 5

And may revoke
same.

(II) The Colonial Secretary may at any time revoke and cancel any such general license for any cause which may appear to him sufficient in that behalf.

Form of general
license.

(III) Every such general license shall be granted according to the form contained in the Second Schedule hereto. 10

Ibid. s. 4.
Second Schedule.

Penalty for acting,
&c., without general
license in unlicensed
place.

14 Vic. No. 23, s. 2.

5. Whosoever shall (unless under the authority of a general license granted as aforesaid) act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward, any public entertainment in any place not authorised or licensed in that behalf as aforesaid shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds. 15

Penalty for letting,
&c., unlicensed place.

Ibid. s. 2.

6. Whosoever shall (unless in respect of a public entertainment given under the authority of a general license granted as aforesaid) take or receive, or cause to be taken or received, any money, goods, or valuable thing whatsoever, by way of rent, fee, or reward, for the use or hire of any theatre, house, room, building, garden, or place (not authorised or licensed in that behalf as aforesaid) wherein any public entertainment is acted, represented, performed, or exhibited, or being the owner or occupier of such theatre, house, room, building, garden, or place, shall knowingly permit or suffer the same to be so used and applied shall, upon being lawfully convicted, forfeit and pay for every such offence any sum not exceeding fifty pounds. 20 25

Unlicensed houses,
&c., exhibiting public
entertainments to be
deemed disorderly ;
and all persons found
therein to be deemed
rogues and
vagabonds.

Ibid. s. 3.

7. Every theatre, house, room, building, garden, or place wherein any public entertainment is acted, represented, performed, or exhibited, unless the same is authorised and licensed as aforesaid, or unless such public entertainment is acted, represented, performed, or exhibited under the authority of a general license granted as aforesaid, shall be deemed a disorderly theatre, house, room, building, garden, or place ; and it shall be lawful for any constable, with such assistance as may be necessary, being authorised by warrant under the hand of any justice of the peace, which warrant any such justice is hereby empowered and authorised to issue, upon complaint being made to him on oath that there is reason to suspect that any theatre, house, room, building, garden, or place is used for the purposes aforesaid, without being duly authorised or licensed, and without the authority of a general license, to enter into such theatre, house, room, building, garden, or place, and to seize every person found therein, and every person so found shall be deemed to be a rogue and vagabond, and shall be liable and subject to all such penalties and punishments as are inflicted on or are appointed for the punishment of rogues and vagabonds. 30 35 40 45

Proof of being duly
licensed to lie on the
party accused.

Ibid. s. 4.

8. In any proceedings instituted against any person for any offence against the provisions of sections five and six of this Act, if it is proved that such theatre, house, room, building, garden, or place is used for the performance of public entertainments, the burden of proof that such theatre, house, room, building, garden, or place was at the time when the offence was alleged to have been committed duly authorised or licensed or used under the authority of a general license shall lie on the party accused : 50

Provided always that no person shall be liable to be prosecuted for any offence against this Act unless such prosecution is commenced within three months next after the offence committed. 55

9. The Colonial Secretary may, whenever he is of opinion that it is fitting for the preservation of good manners, decorum, or of the public peace so to do, forbid by writing under his hand the acting or representing any public entertainment, or any part thereof, or any 5 prologue or epilogue, or any part thereof in such theatres or other places for which an authority or license, or general license may have been granted under the authority of this Act; and every person who shall for hire act or represent, or cause to be acted or represented any public entertainment, or any part thereof, or any prologue or epilogue, 10 or any part thereof contrary to such prohibition as aforesaid shall for every such offence forfeit and pay any sum not exceeding fifty pounds; and every authority or license (in case there be any such) by or under which the theatre or other place was opened in which such offence shall have been committed shall become absolutely void. Colonial Secretary may prohibit certain entertainments or parts thereof. 14 Vic. No. 23, s. 5. Penalty.

10. All proceedings in respect of any offence against this Act may be heard and determined, and every forfeiture and penalty in respect thereof be awarded and imposed by or before any two justices of the peace in a summary way, and any person feeling aggrieved by any summary judgment or conviction under this Act may appeal 15 therefrom in the manner provided by the Act fifth William the Fourth number twenty-two, or any other law in force for the time being in that behalf: Proceedings under this Act to be in a summary way. Appeal given. Ibid. s. 6.

Provided that any justice to whom complaint is made of any offence against this Act may summon the party complained against 25 before any two justices, and on such summons such justices may hear and determine the matter of such complaint, and on proof of the offence, may convict the offender and may adjudge him to pay the penalty or forfeiture incurred, and may proceed to recover the same although no information in writing has been exhibited or taken by or before any 30 such justice or justices, and all such proceedings by summons without information shall be as valid and effectual as if an information in writing had been exhibited.

11. The informer or person prosecuting in respect of any offence against this Act shall, in addition to the share of fines, 35 forfeitures, and penalties to which he is entitled by law, be entitled to his costs and charges to be ascertained and assessed by the justices before whom the case is heard. Costs, &c., of informer or person prosecuting. Ibid. s. 7.

12. No action at law shall lie against any justice of the peace, constable, or other peace officer, for or on account of any matter or 40 thing whatsoever done or commanded by him in the execution of his duty or office under this Act against any party offending or suspected to be offending against the provisions of this Act, unless there be direct proof of corruption or malice, and unless such action be commenced within three months next after the cause of action or 45 complaint shall have arisen, and if any person is sued for any matter or thing which he has so done in the execution of this Act he may plead the general issue and give the special matter in evidence. Limitation of actions—pleading. Ibid. s. 9.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

Reference to Act.	Title of Act.	Extent of repeal.
14 Vic. No. 23	An Act to amend the law for regulating places of Public Exhibition and Entertainment.	The whole Act.
36 Vic. No. 8	An Act to amend an Act intituled an Act to amend the Law for regulating places of Public Exhibition and Entertainment.	The whole Act.

Section 4.

SECOND SCHEDULE.

General License.

WHEREAS by an Act passed in the _____ year of the reign of Her Majesty intituled "An Act to Consolidate the Acts for regulating Places of Public Exhibition and Entertainment" it was enacted that it should be lawful for the Colonial Secretary to grant general licenses to give public entertainments as therein provided: And whereas

of _____

has applied to me to grant him a general license and authority to give public exhibitions and entertainments in the said Colony under and in pursuance of the provisions of the said Acts: Now I the Honorable _____

, Esquire, Colonial Secretary for the time being of the Colony of New South Wales, in virtue of the power and authority vested in me by the said Acts, do hereby grant unto the said _____

a general license and authority to give public exhibitions and entertainments in the said Colony (save and except within the City of Sydney), subject to the approval of the local Benches of Magistrates of the several districts in which the performance shall take place; and in any district so approved by the Bench as aforesaid it shall be lawful for him to Act, represent, or perform, or cause to be acted, represented, or performed, for hire, gain, or reward on such day or days in every week as he may think proper (save and except Sunday, Good Friday, and Christmas Day) any interlude, tragedy, opera, comedy, stage-play, farce, burletta, melo-drama, pantomime, or any stage-dancing, tumbling, or horsemanship, or any other entertainment of the stage whatsoever, licensed to be performed at any theatre in England, or in the representation of which express permission in writing shall have been given by the Colonial Secretary for the time being: And I declare and direct that this license continue in force for the period of _____ unless the same shall be the sooner revoked by the Colonial Secretary for the time being of the said Colony: But if the Colonial Secretary for the time being shall by reason of any irregularity or upon any ground appearing to him sufficient in that behalf see fit to revoke this license the same shall thereupon cease to have any force or effect, and shall be considered as no longer subsisting: And it is further provided that this license shall come into operation only on the approval of the Bench of Magistrates of the place or district in which the performance shall take place, such approval to be signified by endorsement on the license signed by two or more of the resident justices who will fix and specify in such endorsement the time and place for holding the entertainment.

Given under my hand at the Colonial Secretary's Office, at Sydney, this _____ day of _____ in the year of 45
our Lord one thousand eight hundred and seventy

Colonial Secretary