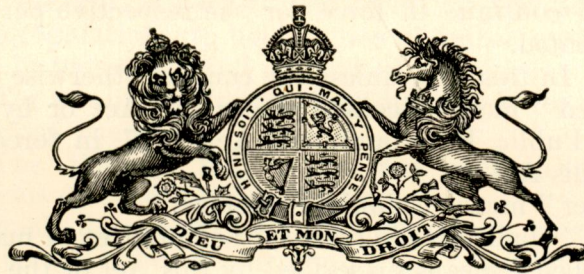


New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. 13, 1908.

An Act to provide for the licensing and regulation of theatres and public halls and places used for public entertainments or public meetings; to license and regulate the holding of public entertainments and public meetings in temporary structures; to repeal the Public Entertainments Act, 1897; and for purposes consequent thereon or incidental thereto. [Assented to, 8th December, 1908.]

BE it enacted by the King'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:—

PART I.

PRELIMINARY.

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

Commencement and short title.

Theatres and Public Halls.

Division of Act.

2. This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—THEATRES AND PUBLIC HALLS—*ss.* 5-22.

PART III.—TEMPORARY STRUCTURES—*ss.* 23-26.

PART IV.—GENERAL AND SUPPLEMENTAL—*ss.* 27-33.

Repeal.

3. The Public Entertainments Act, 1897, is repealed : Provided that all licenses under the said Act in force at the commencement of this Act shall continue in force for the respective periods for which they were granted.

Definitions.

4. (1) In this Act, unless the context otherwise requires,—

“Licensed” means licensed under this Act or by license under the Public Entertainments Act, 1897, in force in pursuance of this Act.

“Minister” means Colonial Secretary.

“Owner” shall include trustee or committee of management.

“Prescribed” means prescribed by this Act or the regulations.

“Public entertainment” means entertainment including dancing, boxing, or other amusement or contest to which admission may be procured by payment of money, or by any other means, as the price or condition of admission.

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

“Public meeting” means an assemblage of persons for any public purpose of a political, religious, charitable, or intellectual nature, to which admission may be procured either upon or without the payment of money, or by ticket or by any other means, but does not include an assemblage of persons for religious worship only.

“Regulations” means regulations in force under this Act.

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

“Theatre” means theatre constructed or used for the representation therein of any entertainment of the stage, and includes any building and premises used in connection therewith.

Proviso.

(2) Provided that the determination whether a building is a theatre or public hall within the meaning of this Act shall be in the discretion of the Minister. Such determination shall be conclusive.

Theatres and Public Halls.

PART II.

THEATRES AND PUBLIC HALLS.

Licensing of theatres and public halls.

5. The Governor may, by proclamation in the Gazette, apply Application the provisions of this Part to such theatres and public halls as may be named therein, or as may be situate within the localities named or described therein, and this Part shall apply only to such theatres and public halls.

The Governor may, by a like proclamation, amend or revoke any proclamation published under this section.

The powers referred to in paragraph (xxiii) of section one hundred and nine of the Local Government Act, 1906, shall not be exercised, and the provisions of section one hundred and fourteen of the said Act shall not apply with respect to any theatre or public hall to which this Act applies.

6. Theatres and public halls shall, for the purposes of this Act, Different grades of licenses. Schedule I. be of the grades set out in Schedule I.

7. The fees payable on the granting or renewal of the licenses Fees for licenses. Schedule II. of buildings of the grades aforesaid shall be at the annual rates set out in Schedule II, and shall be of a proportionate amount where the license is granted for less than twelve months.

8. The decision of the Minister as to the grade to which a Determination of grade. building belongs shall be final.

9. (1) On application made as prescribed by the owner or Grant of license lessee of a theatre or public hall, the Minister may, under his hand or under the hand of any person appointed by him in that behalf, and on payment of the prescribed fee, issue a license under this Act in respect of the same.

In the case of a building, other than a building completed before the commencement of this Act, the application shall be accompanied by plans and specifications of the building, and a block plan showing the site and means of access, and showing the adjoining buildings. In such case, on application made as prescribed before the completion of the building, the Minister may provisionally approve of the plans and specifications, but the license shall not issue until the building has been completed.

(2) Before issuing any such license, the Minister shall cause Inspection. some competent person to make an inspection of the building and to report to him thereon.

10. No license shall be issued in respect of any building, the Plans of building to be approved by Minister erection of which is begun after the commencement of this Act, unless the plans of such building have, before such erection is begun, been approved by the Minister.

11.

Theatres and Public Halls.

Refusal to issue
license.

- 11.** The Minister may refuse a license if it appears to him—
- (a) that the provisions of this Act or the regulations have not been complied with; or
 - (b) that alterations or additions to the building are necessary in order to provide for public safety, health, or convenience; or
 - (c) if, in his opinion, the building is not suitable for holding public entertainments or public meetings therein, or the site of such building is unsuitable.

But he may grant a temporary license, to have effect during the making of the necessary alterations and additions, and subject to such conditions as he may impose.

Renewal of license.

12. (1) Any such license may be renewed under the hand of the Minister, or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. The Minister may cause the building to be inspected before renewing the license. Such renewal may be refused on any ground on which an application for a license may be refused.

Period of license.

(2) Any such license shall, unless previously cancelled, be in force for such period as may be specified therein, not exceeding twelve months from the date of its issue or renewal.

Transfer of license.

13. Any such license may be transferred by endorsement as prescribed on the license. Such transfer shall be forwarded to the officer keeping the register of licenses, and shall be initialled by him, and entered on the register. Every such transfer shall be to an owner or lessee of the building licensed.

Governor's
regulations as to
conditions of issuing
or renewing licenses

14. The Governor may make regulations as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as to the following matters:—

- (a) The situation and construction in all respects of any building in respect of which such license is applied for.
- (b) The provision of sufficient means of exit from any such building, the construction and size of passages, staircases, and landings, and the construction and arrangement of seats to allow of speedy exit from the building.
- (c) Methods to be provided in any such building for the prevention and extinguishing of fires, including—
 - (i) methods of lighting and heating;
 - (ii) appliances in connection with lighting and heating;
 - (iii) the application to woodwork and other inflammable material of fire-resisting matter;
 - (iv) the construction of seats, fixtures, and other appliances;
 - (v) the situation and construction of workshops in theatres, and of places for the storage of scenery and properties;
 - (vi) the means of extinguishing fires;

(d)

Theatres and Public Halls.

- (d) the amount of air space and the ventilation of all places in such building;
- (e) sanitary conveniences and the sanitation of such building.

Regulation of licensed buildings.

15. No additions to or alterations of any licensed building shall be made except with the approval of the Minister.

Additions and alterations to buildings.
Cancellation of licenses.

16. If, during the time that any such license is in force, the building so licensed is—

- (a) allowed to fall into disrepair; or
- (b) is added to or altered without the approval of the Minister; or
- (c) is encumbered with scenery, properties, or other combustible matter;

and the Minister, after having caused an inspection to be made of such building, is satisfied that the continued use of the building for public entertainments would be dangerous to the public or prejudicial to public health, he may, in his discretion, cancel such license.

17. The Governor may, with respect to licensed theatres and public halls, make regulations as to the following matters:—

Regulations for public safety, health and convenience.

- (a) The method of using lights and lighting apparatus, fire-arms, fireworks, cinematograph or similar apparatus.
- (b) The method of using fires and heating apparatus.
- (c) The storage of scenery and properties and other combustible matter.
- (d) Prescribing and regulating the keeping on the premises of fire hydrants and appliances for extinguishing fires.
- (e) Prescribing the keeping of a fire watch during any public entertainment or public meeting, and prescribing and regulating the fire drill of employees.
- (f) The periodical inspections of all theatres and public halls.
- (g) The opening and keeping open of all passages and ways of exit from the premises.
- (h) Keeping the premises clean.
- (i) Generally for preventing and extinguishing fires, and for public safety, health, and convenience.
- (j) Imposing any penalty not exceeding twenty pounds for the breach of any such regulation.

Penalties.

18. (1) If any person holds a public entertainment or public meeting in any theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, he shall be liable to a penalty not exceeding fifty pounds for every day during which such public entertainment or public meeting is so held.

Penalty for holding entertainment or meeting in unlicensed building.

(2)

Theatres and Public Halls.

Penalty for letting unlicensed building for entertainment or meeting.

(2) If any person, being the owner or lessee of a theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, lets the same, or receives rent in respect of the same, or knowingly permits the same to be used for a public entertainment or public meeting, he shall be liable to a penalty not exceeding fifty pounds.

Penalty for holding entertainment or meeting on Sunday, Christmas Day, or Good Friday.

19. If a public entertainment or public meeting is held in a theatre or public hall licensed under this Act on any Sunday, Christmas Day, or Good Friday, the person so holding such public entertainment or public meeting, and the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding one hundred pounds: Provided that this section shall not apply to the use, with the previous approval of the Minister, of a theatre or public hall for sacred concerts on any such day.

Licenses.

20. (1) The license for a theatre or public hall shall state—

- (a) the number of persons who may be seated therein;
- (b) the number who may be accommodated therein otherwise than on seats, and
- (c) the total number of persons who may be admitted thereto.

(2) If in any licensed theatre or public hall in which a public entertainment is held or is about to be held—

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

the person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding fifty pounds.

Prohibition to sell tickets when theatre or public hall is full.

21. If a seller of tickets for a licensed theatre or public hall, or any part thereof in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after the total number of persons stated in the license has been admitted to the theatre or hall, and after he has been warned by a police officer of or above the rank of a sergeant that such total number has been so admitted, he shall be liable to a penalty not exceeding ten pounds.

Persons not to be allowed in gangways or passage-ways.

22. If during any public entertainment in a licensed theatre or public hall any person is allowed to sit or stand in a gangway or passage-way in the auditorium, the person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall or holds such entertainment, shall be liable to a penalty not exceeding ten pounds.

Theatres and Public Halls.

PART III.

TEMPORARY STRUCTURES.

Licenses for entertainments and meetings in temporary structures.

23. (1) On application made as prescribed, the Minister may, Grant of license. under his hand, or under the hand of a person appointed by him in that behalf, and on payment of the prescribed fee, issue to any person a license authorising him, subject to the terms of the license, and to this Act and the regulations, to hold a class of public entertainments therein specified in temporary and unlicensed structures.

(2) The annual fee for any such license, or for any renewal thereof, shall be one pound.

(3) The Minister may cancel any such license for any breach of the terms or conditions of the license.

24. (1) Such license may be renewed, under the hand of the Renewal of licenses. Minister or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee.

(2) Any such license shall, unless previously cancelled, be Period of licenses. in force for the period therein mentioned, not exceeding twelve months from the date of issue or renewal.

Penalties.

25. If any person holds a public entertainment in a temporary and unlicensed structure he shall, unless he is the holder of a license as aforesaid in that behalf then in force, be liable to a penalty not exceeding twenty pounds. Penalty for holding entertainment without license.

Provided that the Minister may, by proclamation in the Gazette, exempt any class of entertainments, or may, by document under his hand, exempt any particular entertainment from the operation of this section.

26. The Governor may make regulations relating to the following Regulations as to booths, tents, &c. matters :—

- (a) The construction of temporary structures, and any furnishings or fittings of the same, used for any public entertainment or public meeting.
- (b) The provision of sufficient means of exit and the arrangement of seats so as to allow of speedy exit.
- (c) Sanitary arrangements.
- (d) Keeping the premises clean.
- (e) Imposing penalties not exceeding twenty pounds for any breach of the regulations.

Theatres and Public Halls.

PART IV.

GENERAL AND SUPPLEMENTAL.

*Prohibition of public entertainments.*Prohibition or
regulation of public
entertainments.

27. The Minister, whenever he is of opinion that it is fitting for the preservation of good manners and decorum, so to do, may, notwithstanding the terms of any license under this Act, by writing under his hand, prohibit or regulate the holding of any public entertainment. Any person who for hire, holds, acts, represents, or causes to be acted or represented, any public entertainment, contrary to such prohibition, or contrary to any conditions imposed by such writing, shall be liable to a penalty not exceeding twenty pounds.

Register.

Register of licenses.

28. The Minister shall cause a register to be kept as prescribed of applications made and licenses issued in pursuance of this Act, and may notify in the Gazette the particulars contained in such register and any alterations thereof.

Inspection.

Inspection.

29. Every theatre and public hall, and every place in which a public entertainment or public meeting is held or is proposed to be held, may be inspected by a person appointed by the Minister in that behalf, or by a police officer of or above the rank of sergeant. For the purpose of inspection, such person or officer may, at any reasonable times, enter any such theatre, hall, or place.

Legal proceedings.

Proof in proceedings.

30. In any proceedings under this Act—
- (a) a person shall be deemed to hold a public entertainment if he conducts or is interested in the proceeds or profits of the same;
 - (b) the production of a certified copy of the register kept in pursuance of this Act, or of a copy published in the Gazette of such register, shall be evidence of the particulars therein contained;
 - (c) the proof that a license was issued or renewed, or that any approval or consent under this Act has been obtained, shall lie on the defendant.

Regulations.

General regulations.

31. The Governor may make regulations—
- (a) for carrying out the provisions of this Act;
 - (b) prescribing the method of making applications under this Act;
 - (c)

Theatres and Public Halls.

- (c) prescribing the forms of documents under this Act; and
- (d) imposing any penalties not exceeding twenty pounds for any breach of such regulations.

32. All regulations so made shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Regulations to be published.

Penalties.

33. All penalties imposed by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace in petty sessions.

SCHEDULES.

SCHEDULE I.

GRADES of theatres and public halls.

- (a) Theatres or buildings specially constructed for stage plays where the seating accommodation is more than five hundred persons and where theatrical performances are given.
- (b) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than one thousand persons.
- (c) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than five hundred but not more than one thousand persons.
- (d) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for not more than five hundred persons.

SCHEDULE II.

The fees payable on the granting or renewal of licenses of buildings of the grades mentioned in Schedule I:—

- (a) Fifteen pounds per annum.
- (b) Ten pounds per annum.
- (c) Two pounds per annum.
- (d) One pound per annum.

[6d.]

By Authority: WILLIAM APPLIGATE GULLICK, Government Printer, Sydney, 1908.

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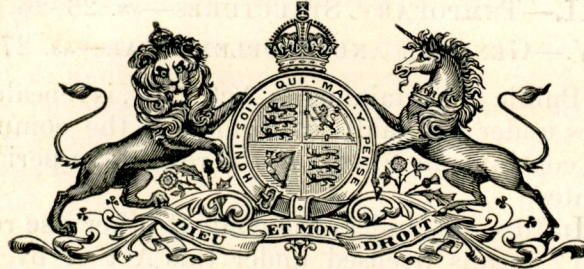
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I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 2 December, 1908, A.M. }*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. 13, 1908.

An Act to provide for the licensing and regulation of theatres and public halls and places used for public entertainments or public meetings; to license and regulate the holding of public entertainments and public meetings in temporary structures; to repeal the Public Entertainments Act, 1897; and for purposes consequent thereon or incidental thereto. [Assented to, 8th December, 1908.]

BE it enacted by the King'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:—

PART I.

PRELIMINARY.

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

2.

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

*JOHN J. COHEN,
Chairman of Committees of the Legislative Assembly.*

Theatres and Public Halls.

Division of Act.

2. This Act is divided into Parts, as follows :—

PART I.—PRELIMINARY— ss. 1-4.

PART II.—THEATRES AND PUBLIC HALLS—ss. 5-22.

PART III.—TEMPORARY STRUCTURES—ss. 23-26.

PART IV.—GENERAL AND SUPPLEMENTAL—ss. 27-33.

Repeal.

3. The Public Entertainments Act, 1897, is repealed : Provided that all licenses under the said Act in force at the commencement of this Act shall continue in force for the respective periods for which they were granted.

Definitions.

4. (1) In this Act, unless the context otherwise requires,—

“ Licensed ” means licensed under this Act or by license under the Public Entertainments Act, 1897, in force in pursuance of this Act.

“ Minister ” means Colonial Secretary.

“ Owner ” shall include trustee or committee of management.

“ Prescribed ” means prescribed by this Act or the regulations.

“ Public entertainment ” means entertainment including dancing, boxing, or other amusement or contest to which admission may be procured by payment of money, or by any other means, as the price or condition of admission.

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

“ Public meeting ” means an assemblage of persons for any public purpose of a political, religious, charitable, or intellectual nature, to which admission may be procured either upon or without the payment of money, or by ticket or by any other means, but does not include an assemblage of persons for religious worship only.

“ Regulations ” means regulations in force under this Act.

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

“ Theatre ” means theatre constructed or used for the representation therein of any entertainment of the stage, and includes any building and premises used in connection therewith.

Proviso.

(2) Provided that the determination whether a building is a theatre or public hall within the meaning of this Act shall be in the discretion of the Minister. Such determination shall be conclusive.

Theatres and Public Halls.

PART II.

THEATRES AND PUBLIC HALLS.

Licensing of theatres and public halls.

5. The Governor may, by proclamation in the Gazette, apply Application. the provisions of this Part to such theatres and public halls as may be named therein, or as may be situate within the localities named or described therein, and this Part shall apply only to such theatres and public halls.

The Governor may, by a like proclamation, amend or revoke any proclamation published under this section.

The powers referred to in paragraph (xxiii) of section one hundred and nine of the Local Government Act, 1906, shall not be exercised, and the provisions of section one hundred and fourteen of the said Act shall not apply with respect to any theatre or public hall to which this Act applies.

6. Theatres and public halls shall, for the purposes of this Act, be of the grades set out in Schedule I. Different grades of licenses. Schedule I.

7. The fees payable on the granting or renewal of the licenses of buildings of the grades aforesaid shall be at the annual rates set out in Schedule II, and shall be of a proportionate amount where the license is granted for less than twelve months. Fees for licenses. Schedule II.

8. The decision of the Minister as to the grade to which a building belongs shall be final. Determination of grade.

9. (1) On application made as prescribed by the owner or lessee of a theatre or public hall, the Minister may, under his hand or under the hand of any person appointed by him in that behalf, and on payment of the prescribed fee, issue a license under this Act in respect of the same. Grant of license

In the case of a building, other than a building completed before the commencement of this Act, the application shall be accompanied by plans and specifications of the building, and a block plan showing the site and means of access, and showing the adjoining buildings. In such case, on application made as prescribed before the completion of the building, the Minister may provisionally approve of the plans and specifications, but the license shall not issue until the building has been completed

(2) Before issuing any such license, the Minister shall cause some competent person to make an inspection of the building and to report to him thereon. Inspection.

10. No license shall be issued in respect of any building, the erection of which is begun after the commencement of this Act, unless the plans of such building have, before such erection is begun, been approved by the Minister. Plans of building to be approved by Minister

11.

Theatres and Public Halls.

Refusal to issue
license.

- 11.** The Minister may refuse a license if it appears to him—
- (a) that the provisions of this Act or the regulations have not been complied with; or
 - (b) that alterations or additions to the building are necessary in order to provide for public safety, health, or convenience; or
 - (c) if, in his opinion, the building is not suitable for holding public entertainments or public meetings therein, or the site of such building is unsuitable.

But he may grant a temporary license, to have effect during the making of the necessary alterations and additions, and subject to such conditions as he may impose.

Renewal of license.

12. (1) Any such license may be renewed under the hand of the Minister, or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. The Minister may cause the building to be inspected before renewing the license. Such renewal may be refused on any ground on which an application for a license may be refused.

Period of license.

(2) Any such license shall, unless previously cancelled, be in force for such period as may be specified therein, not exceeding twelve months from the date of its issue or renewal.

Transfer of license.

13. Any such license may be transferred by endorsement as prescribed on the license. Such transfer shall be forwarded to the officer keeping the register of licenses, and shall be initialled by him, and entered on the register. Every such transfer shall be to an owner or lessee of the building licensed.

Governor's
regulations as to
conditions of issuing
or renewing licenses.

14. The Governor may make regulations as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as to the following matters:—

- (a) The situation and construction in all respects of any building in respect of which such license is applied for.
- (b) The provision of sufficient means of exit from any such building, the construction and size of passages, staircases, and landings, and the construction and arrangement of seats to allow of speedy exit from the building.
- (c) Methods to be provided in any such building for the prevention and extinguishing of fires, including—
 - (i) methods of lighting and heating;
 - (ii) appliances in connection with lighting and heating;
 - (iii) the application to woodwork and other inflammable material of fire-resisting matter;
 - (iv) the construction of seats, fixtures, and other appliances;
 - (v) the situation and construction of workshops in theatres, and of places for the storage of scenery and properties;
 - (vi) the means of extinguishing fires;

(d)

Theatres and Public Halls.

- (d) the amount of air space and the ventilation of all places in such building;
- (e) sanitary conveniences and the sanitation of such building.

Regulation of licensed buildings.

15. No additions to or alterations of any licensed building shall be made except with the approval of the Minister.

Additions and alterations to buildings.
Cancellation of licenses.

16. If, during the time that any such license is in force, the building so licensed is—

- (a) allowed to fall into disrepair; or
- (b) is added to or altered without the approval of the Minister; or
- (c) is encumbered with scenery, properties, or other combustible matter;

and the Minister, after having caused an inspection to be made of such building, is satisfied that the continued use of the building for public entertainments would be dangerous to the public or prejudicial to public health, he may, in his discretion, cancel such license.

17. The Governor may, with respect to licensed theatres and public halls, make regulations as to the following matters:—

Regulations for public safety, health, and convenience.

- (a) The method of using lights and lighting apparatus, fire-arms, fireworks, cinematograph or similar apparatus.
- (b) The method of using fires and heating apparatus.
- (c) The storage of scenery and properties and other combustible matter.
- (d) Prescribing and regulating the keeping on the premises of fire hydrants and appliances for extinguishing fires.
- (e) Prescribing the keeping of a fire watch during any public entertainment or public meeting, and prescribing and regulating the fire drill of employees.
- (f) The periodical inspections of all theatres and public halls.
- (g) The opening and keeping open of all passages and ways of exit from the premises.
- (h) Keeping the premises clean.
- (i) Generally for preventing and extinguishing fires, and for public safety, health, and convenience.
- (j) Imposing any penalty not exceeding twenty pounds for the breach of any such regulation.

Penalties.

18. (1) If any person holds a public entertainment or public meeting in any theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, he shall be liable to a penalty not exceeding fifty pounds for every day during which such public entertainment or public meeting is so held.

Penalty for holding entertainment or meeting in unlicensed building.

Theatres and Public Halls.

Penalty for letting unlicensed building for entertainment or meeting.

(2) If any person, being the owner or lessee of a theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, lets the same, or receives rent in respect of the same, or knowingly permits the same to be used for a public entertainment or public meeting, he shall be liable to a penalty not exceeding fifty pounds.

Penalty for holding entertainment or meeting on Sunday, Christmas Day, or Good Friday.

19. If a public entertainment or public meeting is held in a theatre or public hall licensed under this Act on any Sunday, Christmas Day, or Good Friday, the person so holding such public entertainment or public meeting, and the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding one hundred pounds: Provided that this section shall not apply to the use, with the previous approval of the Minister, of a theatre or public hall for sacred concerts on any such day.

Licenses.

20. (1) The license for a theatre or public hall shall state—

- (a) the number of persons who may be seated therein;
- (b) the number who may be accommodated therein otherwise than on seats, and
- (c) the total number of persons who may be admitted thereto.

(2) If in any licensed theatre or public hall in which a public entertainment is held or is about to be held—

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

the person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding fifty pounds.

Prohibition to sell tickets when theatre or public hall is full.

21. If a seller of tickets for a licensed theatre or public hall, or any part thereof in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after the total number of persons stated in the license has been admitted to the theatre or hall, and after he has been warned by a police officer of or above the rank of a sergeant that such total number has been so admitted, he shall be liable to a penalty not exceeding ten pounds.

Persons not to be allowed in gangways or passage-ways.

22. If during any public entertainment in a licensed theatre or public hall any person is allowed to sit or stand in a gangway or passage-way in the auditorium, the person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall or holds such entertainment, shall be liable to a penalty not exceeding ten pounds.

Theatres and Public Halls.

PART III.

TEMPORARY STRUCTURES.

Licenses for entertainments and meetings in temporary structures.

23. (1) On application made as prescribed, the Minister may, Grant of license. under his hand, or under the hand of a person appointed by him in that behalf, and on payment of the prescribed fee, issue to any person a license authorising him, subject to the terms of the license, and to this Act and the regulations, to hold a class of public entertainments therein specified in temporary and unlicensed structures.

(2) The annual fee for any such license, or for any renewal thereof, shall be one pound.

(3) The Minister may cancel any such license for any breach of the terms or conditions of the license.

24. (1) Such license may be renewed, under the hand of the Renewal of licenses. Minister or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee.

(2) Any such license shall, unless previously cancelled, be Period of licenses. in force for the period therein mentioned, not exceeding twelve months from the date of issue or renewal.

Penalties.

25. If any person holds a public entertainment in a temporary Penalty for holding and unlicensed structure he shall, unless he is the holder of a license entertainment as aforesaid in that behalf then in force, be liable to a penalty not without license. exceeding twenty pounds.

Provided that the Minister may, by proclamation in the Gazette, exempt any class of entertainments, or may, by document under his hand, exempt any particular entertainment from the operation of this section.

26. The Governor may make regulations relating to the following Regulations as to matters :— booths, tents, &c.

- (a) The construction of temporary structures, and any furnishings or fittings of the same, used for any public entertainment or public meeting.
- (b) The provision of sufficient means of exit and the arrangement of seats so as to allow of speedy exit.
- (c) Sanitary arrangements.
- (d) Keeping the premises clean.
- (e) Imposing penalties not exceeding twenty pounds for any breach of the regulations.

Theatres and Public Halls.

PART IV.

GENERAL AND SUPPLEMENTAL.

*Prohibition of public entertainments.*Prohibition or
regulation of public
entertainments.

27. The Minister, whenever he is of opinion that it is fitting for the preservation of good manners and decorum, so to do, may, notwithstanding the terms of any license under this Act, by writing under his hand, prohibit or regulate the holding of any public entertainment. Any person who for hire, holds, acts, represents, or causes to be acted or represented, any public entertainment, contrary to such prohibition, or contrary to any conditions imposed by such writing, shall be liable to a penalty not exceeding twenty pounds.

Register.

Register of licenses.

28. The Minister shall cause a register to be kept as prescribed of applications made and licenses issued in pursuance of this Act, and may notify in the Gazette the particulars contained in such register and any alterations thereof.

Inspection.

Inspection.

29. Every theatre and public hall, and every place in which a public entertainment or public meeting is held or is proposed to be held, may be inspected by a person appointed by the Minister in that behalf, or by a police officer of or above the rank of sergeant. For the purpose of inspection, such person or officer may, at any reasonable times, enter any such theatre, hall, or place.

Legal proceedings.

Proof in proceedings.

30. In any proceedings under this Act—
- (a) a person shall be deemed to hold a public entertainment if he conducts or is interested in the proceeds or profits of the same;
 - (b) the production of a certified copy of the register kept in pursuance of this Act, or of a copy published in the Gazette of such register, shall be evidence of the particulars therein contained;
 - (c) the proof that a license was issued or renewed, or that any approval or consent under this Act has been obtained, shall lie on the defendant.

Regulations.

General regulations.

31. The Governor may make regulations—
- (a) for carrying out the provisions of this Act;
 - (b) prescribing the method of making applications under this Act;
 - (c)

Theatres and Public Halls.

- (c) prescribing the forms of documents under this Act; and
 (d) imposing any penalties not exceeding twenty pounds for any breach of such regulations.

32. All regulations so made shall—

Regulations to be published.

- (i) be published in the Gazette;
 (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
 (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Penalties.

33. All penalties imposed by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace in petty sessions.

SCHEDULES.

SCHEDULE I.

GRADES of theatres and public halls.

- (a) Theatres or buildings specially constructed for stage plays where the seating accommodation is more than five hundred persons and where theatrical performances are given.
 (b) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than one thousand persons.
 (c) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than five hundred but not more than one thousand persons.
 (d) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for not more than five hundred persons

SCHEDULE II.

The fees payable on the granting or renewal of licenses of buildings of the grades mentioned in Schedule 1:—

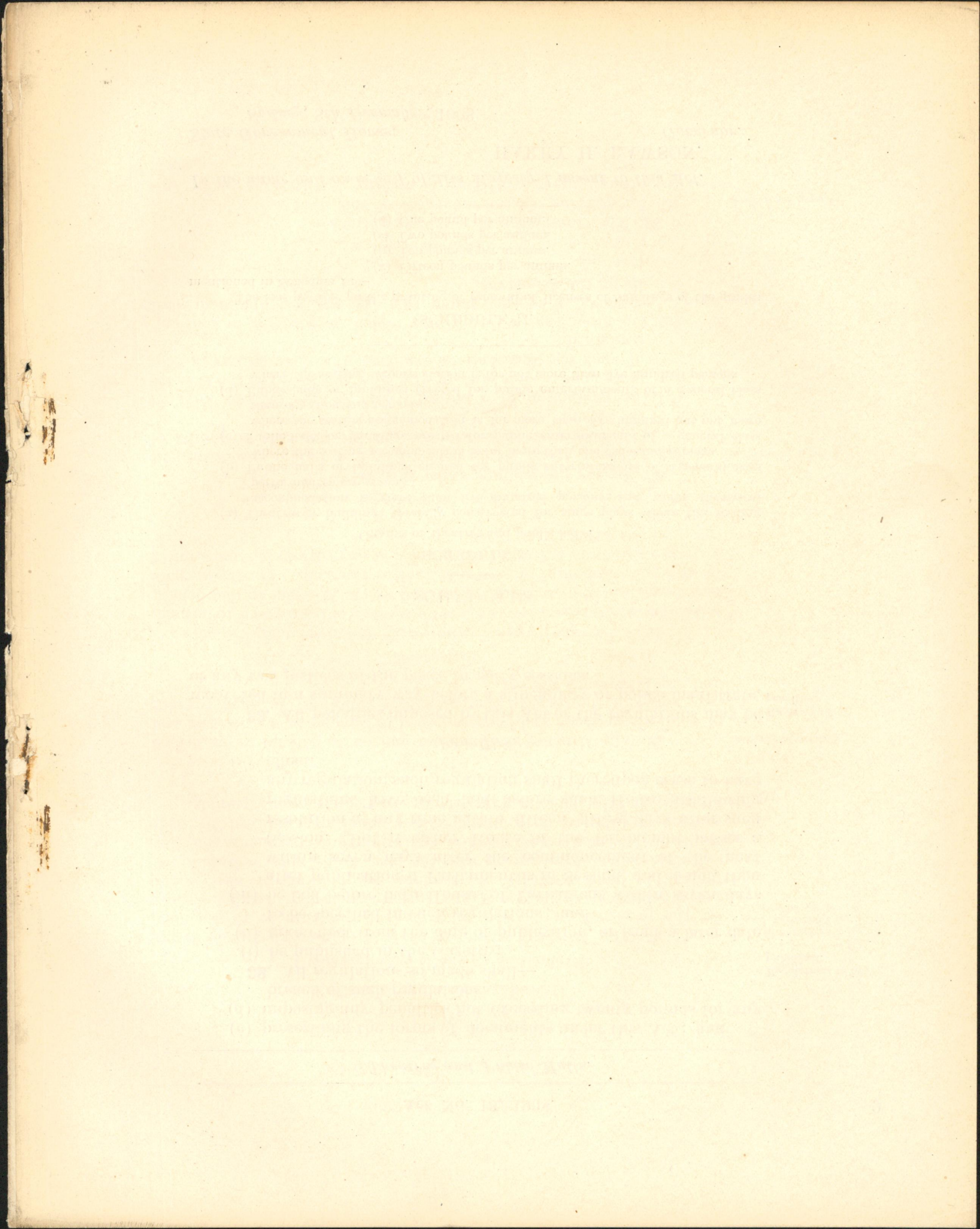
- (a) Fifteen pounds per annum.
 (b) Ten pounds per annum.
 (c) Two pounds per annum.
 (d) One pound per annum.

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

HARRY H. RAWSON,

Governor.

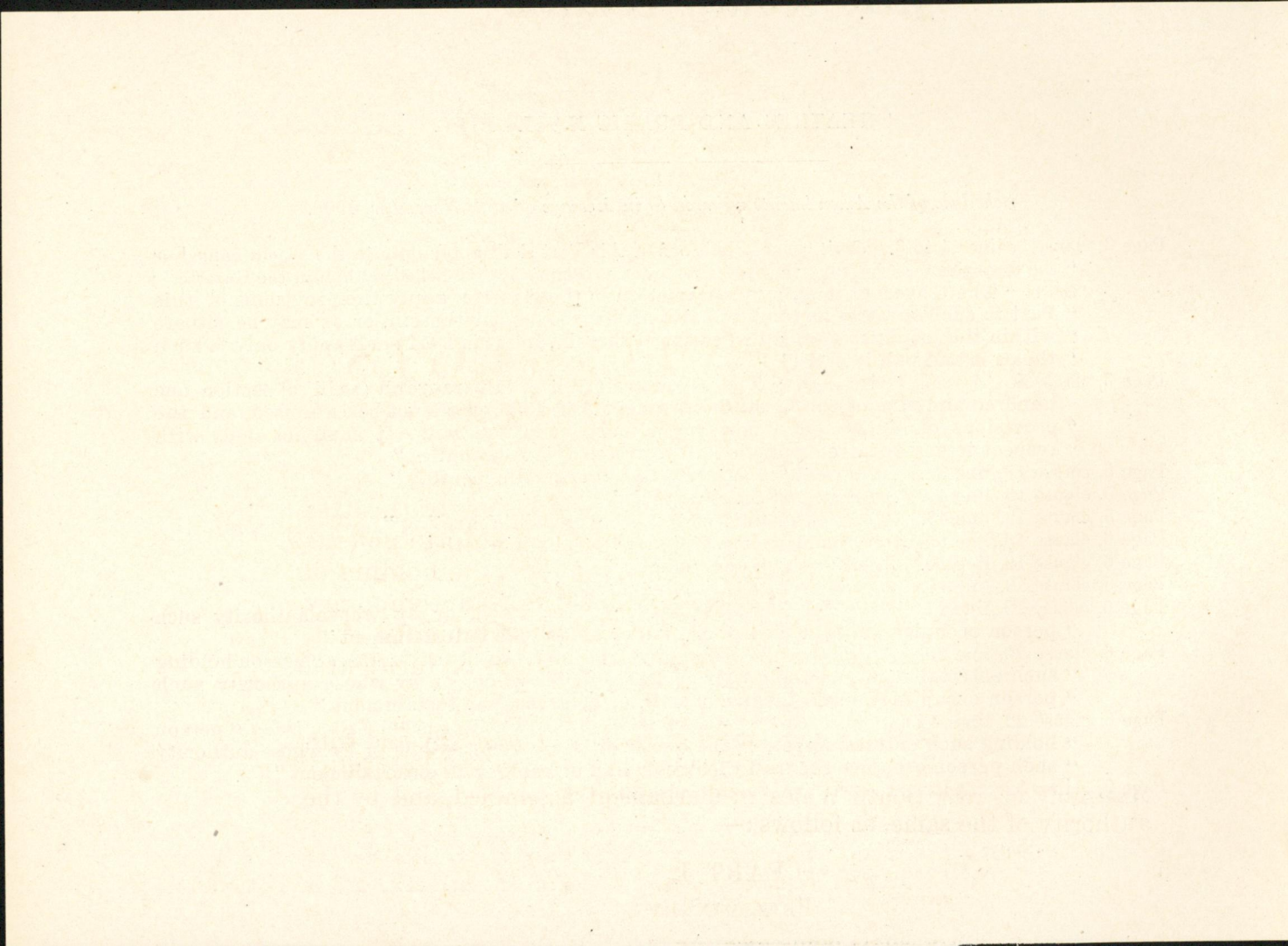
State Government House,
 Sydney, 8th December, 1908.



THEATRES AND PUBLIC HALLS BILL.

Schedule of the Amendments referred to in Message of 25th November, 1908.

- Page 3, clause 5, lines 4 to 6. *Omit* "The provisions of this Part shall apply only to the places named or "the localities described by the Governor by a proclamation published by him in the Gazette"; *insert* "The Governor may, by proclamation in the Gazette, apply the provisions of this Part to such theatres and public halls as may be named therein, or as may be situated within the localities named or described therein, and this Part shall apply only to such theatres and public halls."
- Page 3, clause 5. At end of clause *add* "The powers referred to in paragraph (xxiii) of section one hundred and nine of the Local Government Act, 1906, shall not be exercised, and the provisions of section one hundred and fourteen of the said Act shall not apply with respect to any theatre or public hall to which this Act applies."
- Page 5, clause 18, line 38. *After* "entertainment" *insert* "or public meeting"
- Page 5, clause 18, line 42. *After* "such" *insert* "public"
- Page 5, clause 18, line 43. *After* "entertainment" *insert* "or public meeting"
- Page 6, clause 18, line 5. *After* "entertainment" *insert* "or public meeting"
- Page 6, clause 19, line 10. *After* "such" *insert* "public"
- Page 6, clause 19, line 11. *Before* "meeting" *insert* "public"
- Page 6, clause 19, line 11. *Omit* "of the hall"; *insert* "under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment"
- Page 6, clause 20, line 29. *Omit* "owner or lessee of the theatre or public hall"; *insert* "person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment"
- Page 6, clause 22, lines 42 and 43. *Omit* "owner or lessee of the theatre or public hall"; *insert* "person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall or holds such entertainment"
- Page 9, clause 32. *Omit* clause 32; *insert* new clause 32.



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.

*Legislative Assembly Chamber,
Sydney, 11 November, 1908.* }

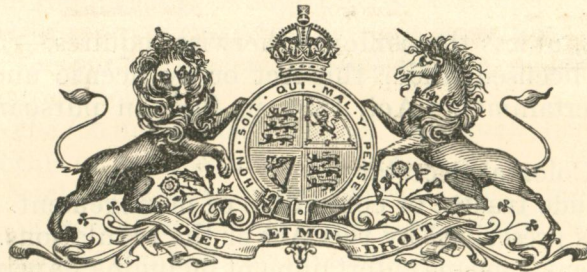
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 25th November, 1908.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

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

BE it enacted by the King'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

PART I.

PRELIMINARY.

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

28363

127—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Theatres and Public Halls.

2. This Act is divided into Parts, as follows :—

Division of Act.

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—THEATRES AND PUBLIC HALLS—*ss.* 5-22.

PART III.—TEMPORARY STRUCTURES—*ss.* 23-26.

5 PART IV.—GENERAL AND SUPPLEMENTAL—*ss.* 27-33.

3. The Public Entertainments Act, 1897, is repealed : Provided ^{Repeal.} that all licenses under the said Act in force at the commencement of this Act shall continue in force for the respective periods for which they were granted.

10 4. (1) In this Act, unless the context otherwise requires,— ^{Definitions.}
 “Licensed” means licensed under this Act or by license under the Public Entertainments Act, 1897, in force in pursuance of this Act.

“Minister” means Colonial Secretary.

15 “Owner” shall include trustee or committee of management.

“Prescribed” means prescribed by this Act or the regulations.

“Public entertainment” means entertainment including dancing, boxing, or other amusement or contest to which admission may be procured by payment of money, or by any other means, as the price or condition of admission.

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

25 “Public meeting” means an assemblage of persons for any public purpose of a political, religious, charitable, or intellectual nature, to which admission may be procured either upon or without the payment of money, or by ticket or by any other means, but does not include an assemblage of persons for religious worship only.

30 “Regulations” means regulations in force under this Act.

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

35 “Theatre” means theatre constructed or used for the representation therein of any entertainment of the stage, and includes any building and premises used in connection therewith.

(2) Provided that the determination whether a building is a ^{Proviso.} theatre or public hall within the meaning of this Act shall be in the discretion of the Minister. Such determination shall be conclusive.

Theatres and Public Halls.

PART II.

THEATRES AND PUBLIC HALLS.

Licensing of theatres and public halls.

5 ~~or the localities described by the Governor by a proclamation published~~ Application.
~~by him in the Gazette.~~ The Governor may, by proclamation in the
 Gazette, apply the provisions of this Part to such theatres and public
 halls as may be named therein, or as may be situate within the
 localities named or described therein, and this Part shall apply only
 10 to such theatres and public halls.

The Governor may, by a like proclamation, amend or revoke
 any proclamation published under this section.

The powers referred to in paragraph (xxiii) of section one
 hundred and nine of the Local Government Act, 1906, shall not be
 15 exercised, and the provisions of section one hundred and fourteen of
 the said Act shall not apply with respect to any theatre or public
 hall to which this Act applies.

6. Theatres and public halls shall, for the purposes of this Act, Different grades of
 be of the grades set out in Schedule I. licenses.
 Schedule I.

20 7. The fees payable on the granting or renewal of the licenses Fees for licenses.
 of buildings of the grades aforesaid shall be at the annual rates set
 out in Schedule II, and shall be of a proportionate amount where the
 license is granted for less than twelve months. Schedule II.

8. The decision of the Minister as to the grade to which a Determination of
 25 building belongs shall be final. grade.

9. (1) On application made as prescribed by the owner or Grant of license.
 lessee of a theatre or public hall, the Minister may, under his hand
 or under the hand of any person appointed by him in that behalf, and
 on payment of the prescribed fee, issue a license under this Act in
 30 respect of the same.

In the case of a building, other than a building completed
 before the commencement of this Act, the application shall be
 accompanied by plans and specifications of the building, and a block
 plan showing the site and means of access, and showing the adjoining
 35 buildings. In such case, on application made as prescribed before the
 completion of the building, the Minister may provisionally approve
 of the plans and specifications, but the license shall not issue until
 the building has been completed.

(2) Before issuing any such license, the Minister shall cause Inspection.
 40 some competent person to make an inspection of the building and to
 report to him thereon.

10. No license shall be issued in respect of any building, the Plans of building to
 erection of which is begun after the commencement of this Act, unless be approved by
 the plans of such building have, before such erection is begun, been Minister.
 45 approved by the Minister. 11.

Theatres and Public Halls.

11. The Minister may refuse a license if it appears to him— Refusal to issue license.
- (a) that the provisions of this Act or the regulations have not been complied with; or
 - (b) that alterations or additions to the building are necessary in order to provide for public safety, health, or convenience; or
 - (c) if, in his opinion, the building is not suitable for holding public entertainments or public meetings therein, or the site of such building is unsuitable.

But he may grant a temporary license, to have effect during the making of the necessary alterations and additions, and subject to such conditions as he may impose.

12. (1) Any such license may be renewed under the hand of the Minister, or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. The Minister may cause the building to be inspected before renewing the license. Such renewal may be refused on any ground on which an application for a license may be refused. Renewal of license.

(2) Any such license shall, unless previously cancelled, be in force for such period as may be specified therein, not exceeding twelve months from the date of its issue or renewal. Period of license.

13. Any such license may be transferred by endorsement as prescribed on the license. Such transfer shall be forwarded to the officer keeping the register of licenses, and shall be initialled by him, and entered on the register. Every such transfer shall be to an owner or lessee of the building licensed. Transfer of license.

14. The Governor may make regulations as to the conditions to be fulfilled before any such license is issued or renewed, and in particular as to the following matters:— Governor's regulations as to conditions of issuing or renewing licenses.

- (a) The situation and construction in all respects of any building in respect of which such license is applied for.
- (b) The provision of sufficient means of exit from any such building, the construction and size of passages, staircases, and landings, and the construction and arrangement of seats to allow of speedy exit from the building.
- (c) Methods to be provided in any such building for the prevention and extinguishing of fires, including—
 - (i) methods of lighting and heating;
 - (ii) appliances in connection with lighting and heating;
 - (iii) the application to woodwork and other inflammable material of fire-resisting matter;
 - (iv) the construction of seats, fixtures, and other appliances;
 - (v) the situation and construction of workshops in theatres, and of places for the storage of scenery and properties;
 - (vi) the means of extinguishing fires;

(d)

Theatres and Public Halls.

- (d) the amount of air space and the ventilation of all places in such building ;
 (e) sanitary conveniences and the sanitation of such building.

Regulation of licensed buildings.

5 15. No additions to or alterations of any licensed building shall be made except with the approval of the Minister. Additions and alterations to buildings.

16. If, during the time that any such license is in force, the building so licensed is— Cancellation of licenses.

- (a) allowed to fall into disrepair ; or
 10 (b) is added to or altered without the approval of the Minister ; or
 (c) is encumbered with scenery, properties, or other combustible matter ;

and the Minister, after having caused an inspection to be made of such building, is satisfied that the continued use of the building for
 15 public entertainments would be dangerous to the public or prejudicial to public health, he may, in his discretion, cancel such license.

17. The Governor may, with respect to licensed theatres and public halls, make regulations as to the following matters :— Regulations for public safety, health and convenience.

- (a) The method of using lights and lighting apparatus, fire-arms, fireworks, cinematograph or similar apparatus.
 20 (b) The method of using fires and heating apparatus.
 (c) The storage of scenery and properties and other combustible matter.
 (d) Prescribing and regulating the keeping on the premises of
 25 fire hydrants and appliances for extinguishing fires.
 (e) Prescribing the keeping of a fire watch during any public entertainment or public meeting, and prescribing and regulating the fire drill of employees.
 (f) The periodical inspections of all theatres and public halls.
 30 (g) The opening and keeping open of all passages and ways of exit from the premises.
 (h) Keeping the premises clean.
 (i) Generally for preventing and extinguishing fires, and for public safety, health, and convenience.
 35 (j) Imposing any penalty not exceeding twenty pounds for the breach of any such regulation.

Penalties.

18. (1) If any person holds a public entertainment or public meeting in any theatre, public hall, or other building of a permanent
 40 character, not being a theatre or public hall in respect of which a license in that behalf is in force, he shall be liable to a penalty not exceeding fifty pounds for every day during which such public entertainment or public meeting is so held. Penalty for holding entertainment or meeting in unlicensed building. (2)

Theatres and Public Halls.

(2) If any person, being the owner or lessee of a theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, lets the same, or receives rent in respect of the same, or knowingly permits the same to be used for a public entertainment or public meeting, he shall be liable to a penalty not exceeding fifty pounds.

Penalty for letting unlicensed building for entertainment or meeting.

19. If a public entertainment or public meeting is held in a theatre or public hall licensed under this Act on any Sunday, Christmas Day, or Good Friday, the person so holding such public entertainment or public meeting, and the owner or lessee of the hall, under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding one hundred pounds: Provided that this section shall not apply to the use, with the previous approval of the Minister, of a theatre or public hall for sacred concerts on any such day.

Penalty for holding entertainment or meeting on Sunday, Christmas Day, or Good Friday.

20. (1) The license for a theatre or public hall shall state—

- (a) the number of persons who may be seated therein;
- (b) the number who may be accommodated therein otherwise than on seats, and
- (c) the total number of persons who may be admitted thereto.

Licenses.

(2) If in any licensed theatre or public hall in which a public entertainment is held or is about to be held—

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

the owner or lessee of the theatre or public hall person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment shall be liable to a penalty not exceeding fifty pounds.

21. If a seller of tickets for a licensed theatre or public hall, or any part thereof in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after the total number of persons stated in the license has been admitted to the theatre or hall, and after he has been warned by a police officer of or above the rank of a sergeant that such total number has been so admitted, he shall be liable to a penalty not exceeding ten pounds.

Prohibition to sell tickets when theatre or public hall is full.

22. If during any public entertainment in a licensed theatre or public hall any person is allowed to sit or stand in a gangway or passage-way in the auditorium, the owner or lessee of the theatre or public hall person holding such entertainment or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall or holds such entertainment shall be liable to a penalty not exceeding ten pounds.

Persons not to be allowed in gangways or passage-ways.

Theatres and Public Halls.

PART III.

TEMPORARY STRUCTURES.

Licenses for entertainments and meetings in temporary structures.

- 5 **23.** (1) On application made as prescribed, the Minister may, Grant of license.
under his hand, or under the hand of a person appointed by him in that
behalf, and on payment of the prescribed fee, issue to any person a
license authorising him, subject to the terms of the license, and to
this Act and the regulations, to hold a class of public entertainments
therein specified in temporary and unlicensed structures.
- 10 (2) The annual fee for any such license, or for any renewal
thereof, shall be one pound.
- (3) The Minister may cancel any such license for any
breach of the terms or conditions of the license.
- 15 **24.** (1) Such license may be renewed, under the hand of the Renewal of licenses.
Minister or the person aforesaid, on application made at any time as
prescribed, and on payment of the prescribed fee.
- (2) Any such license shall, unless previously cancelled, be Period of licenses.
in force for the period therein mentioned, not exceeding twelve
months from the date of issue or renewal.

20

Penalties.

- 25.** If any person holds a public entertainment in a temporary Penalty for holding
entertainment
without license.
and unlicensed structure he shall, unless he is the holder of a license
as aforesaid in that behalf then in force, be liable to a penalty not
exceeding twenty pounds.
- 25 Provided that the Minister may, by proclamation in the Gazette,
exempt any class of entertainments, or may, by document under his
hand, exempt any particular entertainment from the operation of this
section.
- 30 **26.** The Governor may make regulations relating to the following Regulations as to
booths, tents, &c.
matters :—
- (a) The construction of temporary structures, and any furnishings
or fittings of the same, used for any public entertainment or
public meeting.
- 35 (b) The provision of sufficient means of exit and the arrangement
of seats so as to allow of speedy exit.
- (c) Sanitary arrangements.
- (d) Keeping the premises clean.
- (e) Imposing penalties not exceeding twenty pounds for any
breach of the regulations.

PART

Theatres and Public Halls.

PART IV.

GENERAL AND SUPPLEMENTAL.

Prohibition of public entertainments.

27. The Minister, whenever he is of opinion that it is fitting ^{Prohibition or regulation of public entertainments.} for the preservation of good manners and decorum, so to do, may, notwithstanding the terms of any license under this Act, by writing under his hand, prohibit or regulate the holding of any public entertainment. Any person who for hire, holds, acts, represents, or causes to be acted or represented, any public entertainment, contrary to such prohibition, or contrary to any conditions imposed by such writing, shall be liable to a penalty not exceeding twenty pounds.

Register.

28. The Minister shall cause a register to be kept as prescribed ^{Register of licenses.} of applications made and licenses issued in pursuance of this Act, and may notify in the Gazette the particulars contained in such register and any alterations thereof.

Inspection.

29. Every theatre and public hall, and every place in which a ^{Inspection.} public entertainment or public meeting is held or is proposed to be held, may be inspected by a person appointed by the Minister in that behalf, or by a police officer of or above the rank of sergeant. For the purpose of inspection, such person or officer may, at any reasonable times, enter any such theatre, hall, or place.

Legal proceedings.

30. In any proceedings under this Act—
 (a) a person shall be deemed to hold a public entertainment ^{Proof in proceedings.} if he conducts or is interested in the proceeds or profits of the same;
 (b) the production of a certified copy of the register kept in pursuance of this Act, or of a copy published in the Gazette of such register, shall be evidence of the particulars therein contained;
 (c) the proof that a license was issued or renewed, or that any approval or consent under this Act has been obtained, shall lie on the defendant.

Regulations.

31. The Governor may make regulations—
 (a) for carrying out the provisions of this Act;
 (b) prescribing the method of making applications under this Act;
 (c) ^{General regulations.}

Theatres and Public Halls.

- (c) prescribing the forms of documents under this Act ; and
 (d) imposing any penalties not exceeding twenty pounds for any breach of such regulations.

5 **32.** All regulations shall be published in the Gazette, and shall thereupon have the force of law. Such regulations shall be laid before Parliament without delay. Publication of regulations.

32. All regulations so made shall— Regulations to be published.

- (i) be published in the Gazette ;
 10 (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and
 (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session. But if either House of the Parliament passes a
 15 resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Penalties.

20 **33.** All penalties imposed by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace in petty sessions. Recovery of penalties.

SCHEDULES.

SCHEDULE I.

25 GRADES of theatres and public halls.

- (a) Theatres or buildings specially constructed for stage plays where the seating accommodation is more than five hundred persons and where theatrical performances are given.
 30 (b) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than one thousand persons.
 (c) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than five hundred but not more than one thousand persons.
 35 (d) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for not more than five hundred persons.

SCHEDULE II.

The fees payable on the granting or renewal of licenses of buildings of the grades mentioned in Schedule I :—

- 40 (a) Fifteen pounds per annum.
 (b) Ten pounds per annum.
 (c) Two pounds per annum.
 (d) One pound per annum.

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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.

*Legislative Assembly Chamber,
Sydney, 11 November, 1908.* }

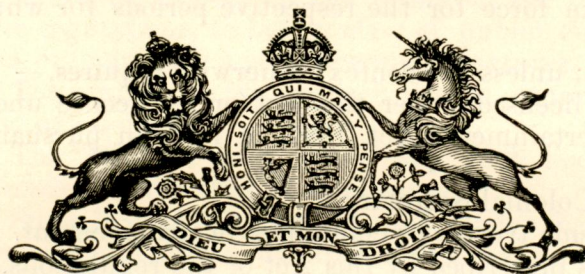
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, November, 1908.* }

Clerk of the Parliaments.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

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

BE it enacted by the King'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

PART I.

PRELIMINARY.

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

28363

127—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Theatres and Public Halls.

2. This Act is divided into Parts, as follows :—

Division of Act.

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—THEATRES AND PUBLIC HALLS—*ss.* 5-22.

PART III.—TEMPORARY STRUCTURES—*ss.* 23-26.

5 PART IV.—GENERAL AND SUPPLEMENTAL—*ss.* 27-33.

3. The Public Entertainments Act, 1897, is repealed : Provided ^{Repeal.} that all licenses under the said Act in force at the commencement of this Act shall continue in force for the respective periods for which they were granted.

10 4. (1) In this Act, unless the context otherwise requires,— ^{Definitions.}
 “Licensed” means licensed under this Act or by license under the Public Entertainments Act, 1897, in force in pursuance of this Act.

“Minister” means Colonial Secretary.

15 “Owner” shall include trustee or committee of management.

“Prescribed” means prescribed by this Act or the regulations.

20 “Public entertainment” means entertainment including dancing, boxing, or other amusement or contest to which admission may be procured by payment of money, or by any other means, as the price or condition of admission.

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

25 “Public meeting” means an assemblage of persons for any public purpose of a political, religious, charitable, or intellectual nature, to which admission may be procured either upon or without the payment of money, or by ticket or by any other means, but does not include an assemblage of persons for religious worship only.

30 “Regulations” means regulations in force under this Act.

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

35 “Theatre” means theatre constructed or used for the representation therein of any entertainment of the stage, and includes any building and premises used in connection therewith.

(2) Provided that the determination whether a building is a ^{Proviso.} theatre or public hall within the meaning of this Act shall be in the discretion of the Minister. Such determination shall be conclusive.

Theatres and Public Halls.

PART II.

THEATRES AND PUBLIC HALLS.

Licensing of theatres and public halls.

5 ~~The provisions of this Part shall apply only to the places named~~ Application.
 15 ~~or the localities described by the Governor by a proclamation published~~
~~by him in the Gazette. The Governor may, by proclamation in the~~
 Gazette, apply the provisions of this Part to such theatres and public
 halls as may be named therein, or as may be situate within the
 localities named or described therein, and this Part shall apply only
 10 to such theatres and public halls.

The Governor may, by a like proclamation, amend or revoke
 any proclamation published under this section.

The powers referred to in paragraph (xxiii) of section one
 hundred and nine of the Local Government Act, 1906, shall not be
 15 exercised, and the provisions of section one hundred and fourteen of
 the said Act shall not apply with respect to any theatre or public
 hall to which this Act applies.

6. Theatres and public halls shall, for the purposes of this Act, Different grades of
 be of the grades set out in Schedule I. licenses.
 Schedule I.

20 7. The fees payable on the granting or renewal of the licenses Fees for licenses.
 of buildings of the grades aforesaid shall be at the annual rates set
 out in Schedule II, and shall be of a proportionate amount where the
 license is granted for less than twelve months. Schedule II.

8. The decision of the Minister as to the grade to which a Determination of
 25 building belongs shall be final. grade.

9. (1) On application made as prescribed by the owner or Grant of license.
 lessee of a theatre or public hall, the Minister may, under his hand
 or under the hand of any person appointed by him in that behalf, and
 on payment of the prescribed fee, issue a license under this Act in
 30 respect of the same.

In the case of a building, other than a building completed
 before the commencement of this Act, the application shall be
 accompanied by plans and specifications of the building, and a block
 plan showing the site and means of access, and showing the adjoining
 35 buildings. In such case, on application made as prescribed before the
 completion of the building, the Minister may provisionally approve
 of the plans and specifications, but the license shall not issue until
 the building has been completed.

(2) Before issuing any such license, the Minister shall cause Inspection.
 40 some competent person to make an inspection of the building and to
 report to him thereon.

10. No license shall be issued in respect of any building, the Plans of building to
 erection of which is begun after the commencement of this Act, unless be approved by
 the plans of such building have, before such erection is begun, been Minister.
 45 approved by the Minister. 11.

Theatres and Public Halls.

11. The Minister may refuse a license if it appears to him— Refusal to issue license.

- (a) that the provisions of this Act or the regulations have not been complied with; or
 5 (b) that alterations or additions to the building are necessary in order to provide for public safety, health, or convenience; or
 (c) if, in his opinion, the building is not suitable for holding public entertainments or public meetings therein, or the site of such building is unsuitable.

But he may grant a temporary license, to have effect during
 10 the making of the necessary alterations and additions, and subject to such conditions as he may impose.

12. (1) Any such license may be renewed under the hand of the Renewal of license. Minister, or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. The Minister may
 15 cause the building to be inspected before renewing the license. Such renewal may be refused on any ground on which an application for a license may be refused.

(2) Any such license shall, unless previously cancelled, be in Period of license. force for such period as may be specified therein, not exceeding twelve
 20 months from the date of its issue or renewal.

13. Any such license may be transferred by endorsement as Transfer of license. prescribed on the license. Such transfer shall be forwarded to the officer keeping the register of licenses, and shall be initialled by him, and entered on the register. Every such transfer shall be to an owner
 25 or lessee of the building licensed.

14. The Governor may make regulations as to the conditions Governor's regulations as to conditions of issuing or renewing licenses. to be fulfilled before any such license is issued or renewed, and in particular as to the following matters:—

- (a) The situation and construction in all respects of any building
 30 in respect of which such license is applied for.
 (b) The provision of sufficient means of exit from any such building, the construction and size of passages, staircases, and landings, and the construction and arrangement of seats to allow of speedy exit from the building.
 35 (c) Methods to be provided in any such building for the prevention and extinguishing of fires, including—
 (i) methods of lighting and heating;
 (ii) appliances in connection with lighting and heating;
 40 (iii) the application to woodwork and other inflammable material of fire-resisting matter;
 (iv) the construction of seats, fixtures, and other appliances;
 (v) the situation and construction of workshops in theatres, and of places for the storage of scenery and properties;
 (vi) the means of extinguishing fires;

(d)

Theatres and Public Halls.

- (d) the amount of air space and the ventilation of all places in such building;
- (e) sanitary conveniences and the sanitation of such building.

Regulation of licensed buildings.

5 **15.** No additions to or alterations of any licensed building shall be made except with the approval of the Minister. Additions and alterations to buildings.

16. If, during the time that any such license is in force, the building so licensed is— Cancellation of licenses.

- (a) allowed to fall into disrepair; or
- 10 (b) is added to or altered without the approval of the Minister; or
- (c) is encumbered with scenery, properties, or other combustible matter;

and the Minister, after having caused an inspection to be made of such building, is satisfied that the continued use of the building for public entertainments would be dangerous to the public or prejudicial to public health, he may, in his discretion, cancel such license.

17. The Governor may, with respect to licensed theatres and public halls, make regulations as to the following matters:— Regulations for public safety, health and convenience.

- (a) The method of using lights and lighting apparatus, fire-arms, fireworks, cinematograph or similar apparatus.
- 20 (b) The method of using fires and heating apparatus.
- (c) The storage of scenery and properties and other combustible matter.
- (d) Prescribing and regulating the keeping on the premises of fire hydrants and appliances for extinguishing fires.
- 25 (e) Prescribing the keeping of a fire watch during any public entertainment or public meeting, and prescribing and regulating the fire drill of employees.
- (f) The periodical inspections of all theatres and public halls.
- 30 (g) The opening and keeping open of all passages and ways of exit from the premises.
- (h) Keeping the premises clean.
- (i) Generally for preventing and extinguishing fires, and for public safety, health, and convenience.
- 35 (j) Imposing any penalty not exceeding twenty pounds for the breach of any such regulation.

Penalties.

18. (1) If any person holds a public entertainment or public meeting in any theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, he shall be liable to a penalty not exceeding fifty pounds for every day during which such public entertainment or public meeting is so held. Penalty for holding entertainment or meeting in unlicensed building.

(2)

Theatres and Public Halls.

(2) If any person, being the owner or lessee of a theatre, public hall, or other building of a permanent character, not being a theatre or public hall in respect of which a license in that behalf is in force, lets the same, or receives rent in respect of the same, or knowingly permits the same to be used for a public entertainment or public meeting, he shall be liable to a penalty not exceeding fifty pounds.

Penalty for letting unlicensed building for entertainment or meeting.

19. If a public entertainment or public meeting is held in a theatre or public hall licensed under this Act on any Sunday, Christmas Day, or Good Friday, the person so holding such public entertainment or public meeting, and the owner or lessee of the hall, under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment, shall be liable to a penalty not exceeding one hundred pounds: Provided that this section shall not apply to the use, with the previous approval of the Minister, of a theatre or public hall for sacred concerts on any such day.

Penalty for holding entertainment or meeting on Sunday, Christmas Day, or Good Friday.

20. (1) The license for a theatre or public hall shall state—

Licenses.

(a) the number of persons who may be seated therein;

(b) the number who may be accommodated therein otherwise than on seats, and

(c) the total number of persons who may be admitted thereto.

(2) If in any licensed theatre or public hall in which a public entertainment is held or is about to be held—

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

(b) the total number of persons admitted to the theatre or public hall exceeds the total number stated in the license,

the owner or lessee of the theatre or public hall person holding such entertainment, or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall, or holds such entertainment shall be liable to a penalty not exceeding fifty pounds.

21. If a seller of tickets for a licensed theatre or public hall, or any part thereof in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after the total number of persons stated in the license has been admitted to the theatre or hall, and after he has been warned by a police officer of or above the rank of a sergeant that such total number has been so admitted, he shall be liable to a penalty not exceeding ten pounds.

Prohibition to sell tickets when theatre or public hall is full.

22. If during any public entertainment in a licensed theatre or public hall any person is allowed to sit or stand in a gangway or passage-way in the auditorium, the owner or lessee of the theatre or public hall person holding such entertainment or the owner or lessee under whom or by whose authority such person occupies the said theatre or hall or holds such entertainment shall be liable to a penalty not exceeding ten pounds.

Persons not to be allowed in gangways or passage-ways.

Theatres and Public Halls.

PART III.

TEMPORARY STRUCTURES.

Licenses for entertainments and meetings in temporary structures.

23. (1) On application made as prescribed, the Minister may, Grant of license.
 5 under his hand, or under the hand of a person appointed by him in that
 behalf, and on payment of the prescribed fee, issue to any person a
 license authorising him, subject to the terms of the license, and to
 this Act and the regulations, to hold a class of public entertainments
 therein specified in temporary and unlicensed structures.
- 10 (2) The annual fee for any such license, or for any renewal
 thereof, shall be one pound.
- (3) The Minister may cancel any such license for any
 breach of the terms or conditions of the license.
24. (1) Such license may be renewed, under the hand of the Renewal of licenses.
 15 Minister or the person aforesaid, on application made at any time as
 prescribed, and on payment of the prescribed fee.
- (2) Any such license shall, unless previously cancelled, be Period of licenses.
 in force for the period therein mentioned, not exceeding twelve
 months from the date of issue or renewal.

20

Penalties.

25. If any person holds a public entertainment in a temporary Penalty for holding
 and unlicensed structure he shall, unless he is the holder of a license entertainment
 as aforesaid in that behalf then in force, be liable to a penalty not without license.
 exceeding twenty pounds.
- 25 Provided that the Minister may, by proclamation in the Gazette,
 exempt any class of entertainments, or may, by document under his
 hand, exempt any particular entertainment from the operation of this
 section.
- 30 26. The Governor may make regulations relating to the following Regulations as to
 matters :— booths, tents, &c.
- (a) The construction of temporary structures, and any furnishings
 or fittings of the same, used for any public entertainment or
 public meeting.
- 35 (b) The provision of sufficient means of exit and the arrangement
 of seats so as to allow of speedy exit.
- (c) Sanitary arrangements.
- (d) Keeping the premises clean.
- (e) Imposing penalties not exceeding twenty pounds for any
 breach of the regulations.

Theatres and Public Halls.

PART IV.

GENERAL AND SUPPLEMENTAL.

Prohibition of public entertainments.

27. The Minister, whenever he is of opinion that it is fitting Prohibition or regulation of public entertainments.
 5 for the preservation of good manners and decorum, so to do, may, notwithstanding the terms of any license under this Act, by writing under his hand, prohibit or regulate the holding of any public entertainment. Any person who for hire, holds, acts, represents, or causes to be acted or represented, any public entertainment, contrary
 10 to such prohibition, or contrary to any conditions imposed by such writing, shall be liable to a penalty not exceeding twenty pounds.

Register.

28. The Minister shall cause a register to be kept as prescribed Register of licenses.
 of applications made and licenses issued in pursuance of this Act, and
 15 may notify in the Gazette the particulars contained in such register and any alterations thereof.

Inspection.

29. Every theatre and public hall, and every place in which a Inspection.
 public entertainment or public meeting is held or is proposed to be held,
 20 may be inspected by a person appointed by the Minister in that behalf, or by a police officer of or above the rank of sergeant. For the purpose of inspection, such person or officer may, at any reasonable times, enter any such theatre, hall, or place.

Legal proceedings.

30. In any proceedings under this Act—
 25 (a) a person shall be deemed to hold a public entertainment Proof in proceedings.
 if he conducts or is interested in the proceeds or profits of the same;
 30 (b) the production of a certified copy of the register kept in pursuance of this Act, or of a copy published in the Gazette of such register, shall be evidence of the particulars therein contained;
 35 (c) the proof that a license was issued or renewed, or that any approval or consent under this Act has been obtained, shall lie on the defendant.

Regulations.

31. The Governor may make regulations—
 (a) for carrying out the provisions of this Act;
 40 (b) prescribing the method of making applications under this Act;
 (c) General regulations.

Theatres and Public Halls.

- (c) prescribing the forms of documents under this Act; and
 (d) imposing any penalties not exceeding twenty pounds for any breach of such regulations.

5 **32.** All regulations shall be published in the Gazette, and shall thereupon have the force of law. Such regulations shall be laid before Parliament without delay. Publication of regulations.

32. All regulations so made shall—

- (i) be published in the Government Gazette; Regulations to be published.
 10 (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
 15 (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session. But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Penalties.

20 **33.** All penalties imposed by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace in petty sessions. Recovery of penalties.

SCHEDULES.

SCHEDULE I.

GRADES of theatres and public halls.

- 25 (a) Theatres or buildings specially constructed for stage plays where the seating accommodation is more than five hundred persons and where theatrical performances are given.
 30 (b) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than one thousand persons.
 (c) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than five hundred but not more than one thousand persons.
 35 (d) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for not more than five hundred persons.

SCHEDULE II.

The fees payable on the granting or renewal of licenses of buildings of the grades mentioned in Schedule I :—

- 40 (a) Fifteen pounds per annum.
 (b) Ten pounds per annum.
 (c) Two pounds per annum.
 (d) One pound per annum.

- (c) One Board of directors
- (d) Two Board of directors
- (e) Three Board of directors
- (f) Four Board of directors

continued on page 12 -

The Board of directors of the Company of directors of the Board

SCHEDULE II

- 22 (a) One Board of directors
- (b) Two Board of directors
- (c) Three Board of directors
- (d) Four Board of directors

SCHEDULE III

SCHEDULES

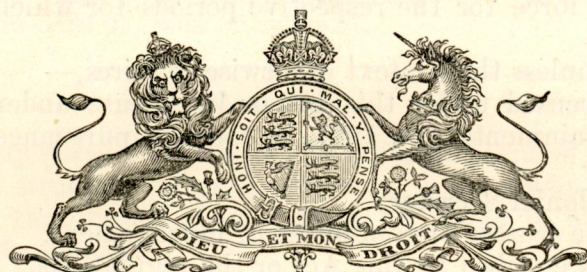
- 30 (a) One Board of directors
- (b) Two Board of directors
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- (d) Four Board of directors
- (e) Five Board of directors
- (f) Six Board of directors
- (g) Seven Board of directors
- (h) Eight Board of directors
- (i) Nine Board of directors
- (j) Ten Board of directors
- (k) Eleven Board of directors
- (l) Twelve Board of directors
- (m) Thirteen Board of directors
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- (o) Fifteen Board of directors
- (p) Sixteen Board of directors
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- (u) Twenty-one Board of directors
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- (x) Twenty-four Board of directors
- (y) Twenty-five Board of directors
- (z) Twenty-six Board of directors
- (aa) Twenty-seven Board of directors
- (ab) Twenty-eight Board of directors
- (ac) Twenty-nine Board of directors
- (ad) Thirty Board of directors
- (ae) Thirty-one Board of directors
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- (ah) Thirty-four Board of directors
- (ai) Thirty-five Board of directors
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- (am) Thirty-nine Board of directors
- (an) Forty Board of directors
- (ao) Forty-one Board of directors
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- (aq) Forty-three Board of directors
- (ar) Forty-four Board of directors
- (as) Forty-five Board of directors
- (at) Forty-six Board of directors
- (au) Forty-seven Board of directors
- (av) Forty-eight Board of directors
- (aw) Forty-nine Board of directors
- (ax) Fifty Board of directors
- (ay) Fifty-one Board of directors
- (az) Fifty-two Board of directors
- (ba) Fifty-three Board of directors
- (bb) Fifty-four Board of directors
- (bc) Fifty-five Board of directors
- (bd) Fifty-six Board of directors
- (be) Fifty-seven Board of directors
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- (bh) Sixty Board of directors
- (bi) Sixty-one Board of directors
- (bj) Sixty-two Board of directors
- (bk) Sixty-three Board of directors
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- (bq) Sixty-nine Board of directors
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- (bv) Ninety-one Board of directors
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- (bv) Ninety-five Board of directors
- (bv) Ninety-six Board of directors
- (bv) Ninety-seven Board of directors
- (bv) Ninety-eight Board of directors
- (bv) Ninety-nine Board of directors
- (bv) One hundred Board of directors

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.

*Legislative Assembly Chamber,
Sydney, 11 November, 1908. }*

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

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

BE it enacted by the King'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

PART I.

PRELIMINARY.

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

Theatres and Public Halls.

2. This Act is divided into Parts, as follows :—

Division of Act.

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—THEATRES AND PUBLIC HALLS—*ss.* 5-22.

PART III.—TEMPORARY STRUCTURES—*ss.* 23-26.

5 PART IV.—GENERAL AND SUPPLEMENTAL—*ss.* 27-33.

3. The Public Entertainments Act, 1897, is repealed : Provided ^{Repeal.}
that all licenses under the said Act in force at the commencement of
this Act shall continue in force for the respective periods for which
they were granted.

10 4. (1) In this Act, unless the context otherwise requires,— ^{Definitions.}

“Licensed” means licensed under this Act or by license under
the Public Entertainments Act, 1897, in force in pursuance
of this Act.

“Minister” means Colonial Secretary.

15 “Owner” shall include trustee or committee of management.

“Prescribed” means prescribed by this Act or the regulations.

“Public entertainment” means entertainment including dancing,
boxing, or other amusement or contest to which admission
may be procured by payment of money, or by any other
20 means, as the price or condition of admission.

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

25 “Public meeting” means an assemblage of persons for any public
purpose of a political, religious, charitable, or intellectual
nature, to which admission may be procured either upon or
without the payment of money, or by ticket or by any other
means, but does not include an assemblage of persons for
30 religious worship only.

“Regulations” means regulations in force under this Act.

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

35 “Theatre” means theatre constructed or used for the representa-
tion therein of any entertainment of the stage, and includes
any building and premises used in connection therewith.

(2) Provided that the determination whether a building is a ^{Proviso.}
theatre or public hall within the meaning of this Act shall be in the
discretion of the Minister. Such determination shall be conclusive.

Theatres and Public Halls.

PART II.

THEATRES AND PUBLIC HALLS.

Licensing of theatres and public halls.

5. The provisions of this Part shall apply only to the places Application.
 5 named or the localities described by the Governor by a proclamation
 published by him in the Gazette.
 The Governor may, by a like proclamation, amend or revoke
 any proclamation published under this section.
6. Theatres and public halls shall, for the purposes of this Act, Different grades of
 licenses.
 Schedule I.
 10 be of the grades set out in Schedule I.
7. The fees payable on the granting or renewal of the licenses Fees for licenses.
 of buildings of the grades aforesaid shall be at the annual rates set
 out in Schedule II, and shall be of a proportionate amount where the Schedule II.
 license is granted for less than twelve months.
- 15 8. The decision of the Minister as to the grade to which a Determination of
 grade.
 building belongs shall be final.
9. (1) On application made as prescribed by the owner or Grant of license.
 lessee of a theatre or public hall, the Minister may, under his hand
 or under the hand of any person appointed by him in that behalf, and
 20 on payment of the prescribed fee, issue a license under this Act in
 respect of the same.
 In the case of a building, other than a building completed
 before the commencement of this Act, the application shall be
 accompanied by plans and specifications of the building, and a block
 25 plan showing the site and means of access, and showing the adjoining
 buildings. In such case, on application made as prescribed before the
 completion of the building, the Minister may provisionally approve
 of the plans and specifications, but the license shall not issue until
 the building has been completed.
- 30 (2) Before issuing any such license, the Minister shall cause Inspection.
 some competent person to make an inspection of the building and to
 report to him thereon.
10. No license shall be issued in respect of any building, the Plans of building to
 be approved by
 Minister.
 35 erection of which is begun after the commencement of this Act, unless
 the plans of such building have, before such erection is begun, been
 approved by the Minister.
11. The Minister may refuse a license if it appears to him— Refusal to issue
 license.
 (a) that the provisions of this Act or the regulations have not
 been complied with; or
 40 (b) that alterations or additions to the building are necessary in
 order to provide for public safety, health, or convenience; or
 (c) if, in his opinion, the building is not suitable for holding
 public entertainments or public meetings therein, or the site
 of such building is unsuitable. But

Theatres and Public Halls.

But he may grant a temporary license, to have effect during the making of the necessary alterations and additions, and subject to such conditions as he may impose.

5 **12.** (1) Any such license may be renewed under the hand of the Renewal of license.
Minister, or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. The Minister may cause the building to be inspected before renewing the license. Such renewal may be refused on any ground on which an application for a license may be refused.

10 (2) Any such license shall, unless previously cancelled, be in Period of license.
force for such period as may be specified therein, not exceeding twelve months from the date of its issue or renewal.

15 **13.** Any such license may be transferred by endorsement as Transfer of license.
prescribed on the license. Such transfer shall be forwarded to the officer keeping the register of licenses, and shall be initialled by him, and entered on the register. Every such transfer shall be to an owner or lessee of the building licensed.

20 **14.** The Governor may make regulations as to the conditions Governor's regulations as to conditions of issuing or renewing licenses.
to be fulfilled before any such license is issued or renewed, and in particular as to the following matters:—

- (a) The situation and construction in all respects of any building in respect of which such license is applied for.
- (b) The provision of sufficient means of exit from any such building, the construction and size of passages, staircases, and landings, and the construction and arrangement of seats to allow of speedy exit from the building.
- 25 (c) Methods to be provided in any such building for the prevention and extinguishing of fires, including—
 - 30 (i) methods of lighting and heating;
 - (ii) appliances in connection with lighting and heating;
 - (iii) the application to woodwork and other inflammable material of fire-resisting matter;
 - (iv) the construction of seats, fixtures, and other appliances;
 - 35 (v) the situation and construction of workshops in theatres, and of places for the storage of scenery and properties;
 - (vi) the means of extinguishing fires;
 - (d) the amount of air space and the ventilation of all places in such building;
 - (e) sanitary conveniences and the sanitation of such building.

40 *Regulation of licensed buildings.*

15. No additions to or alterations of any licensed building shall be made except with the approval of the Minister. Additions and alterations to buildings.

16.

Theatres and Public Halls.

16. If, during the time that any such license is in force, the building so licensed is—

- (a) allowed to fall into disrepair; or
 (b) is added to or altered without the approval of the Minister; or
 5 (c) is encumbered with scenery, properties, or other combustible matter;

and the Minister, after having caused an inspection to be made of such building, is satisfied that the continued use of the building for public entertainments would be dangerous to the public or prejudicial
 10 to public health, he may, in his discretion, cancel such license.

17. The Governor may, with respect to licensed theatres and public halls, make regulations as to the following matters:—

- (a) The method of using lights and lighting apparatus, fire-arms, fire-works, cinematograph or similar apparatus.
 15 (b) The method of using fires and heating apparatus.
 (c) The storage of scenery and properties and other combustible matter.
 (d) Prescribing and regulating the keeping on the premises of fire hydrants and appliances for extinguishing fires.
 20 (e) Prescribing the keeping of a fire watch during any public entertainment or public meeting, and prescribing and regulating the fire drill of employees.
 (f) The periodical inspections of all theatres and public halls.
 25 (g) The opening and keeping open of all passages and ways of exit from the premises.
 (h) Keeping the premises clean.
 (i) Generally for preventing and extinguishing fires, and for public safety, health, and convenience.
 30 (j) Imposing any penalty not exceeding twenty pounds for the breach of any such regulation.

Penalties.

18. (1) If any person holds a public entertainment in any theatre, public hall, or other building of a permanent character, not
 35 being a theatre or public hall in respect of which a license in that behalf is in force, he shall be liable to a penalty not exceeding fifty pounds for every day during which such entertainment is so held.

(2) If any person, being the owner or lessee of a theatre, public hall, or other building of a permanent character, not being a
 40 theatre or public hall in respect of which a license in that behalf is in force, lets the same, or receives rent in respect of the same, or knowingly permits the same to be used for a public entertainment, he shall be liable to a penalty not exceeding fifty pounds.

Theatres and Public Halls.

19. If a public entertainment or public meeting is held in a theatre or public hall licensed under this Act on any Sunday, Christmas Day, or Good Friday, the person so holding such entertainment or meeting, and the owner or lessee of the hall, shall be liable to a penalty not exceeding one hundred pounds: Provided that this section shall not apply to the use, with the previous approval of the Minister, of a theatre or public hall for sacred concerts on any such day.

Penalty for holding entertainment or meeting on Sunday, Christmas Day, or Good Friday.

20. (1) The license for a theatre or public hall shall state— Licenses.
 (a) the number of persons who may be seated therein;
 10 (b) the number who may be accommodated therein otherwise than on seats, and
 (c) the total number of persons who may be admitted thereto.

(2) If in any licensed theatre or public hall in which a public entertainment is held or is about to be held—

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

20 the owner or lessee of the theatre or public hall shall be liable to a penalty not exceeding fifty pounds.

21. If a seller of tickets for a licensed theatre or public hall, or any part thereof in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after the total number of persons stated in the license has been admitted to the theatre or hall, and after he has been warned by a police officer of or above the rank of a sergeant that such total number has been so admitted, he shall be liable to a penalty not exceeding ten pounds.

Prohibition to sell tickets when theatre or public hall is full.

22. If during any public entertainment in a licensed theatre or public hall any person is allowed to sit or stand in a gangway or passage-way in the auditorium, the owner or lessee of the theatre or public hall shall be liable to a penalty not exceeding ten pounds.

Persons not to be allowed in gangways or passage-ways.

PART III.

TEMPORARY STRUCTURES.

35 *Licenses for entertainments and meetings in temporary structures.*

23. (1) On application made as prescribed, the Minister may, under his hand, or under the hand of a person appointed by him in that behalf, and on payment of the prescribed fee, issue to any person a license authorising him, subject to the terms of the license, and to this Act and the regulations, to hold a class of public entertainments therein specified in temporary and unlicensed structures. (2)

Grant of license.

Theatres and Public Halls.

(2) The annual fee for any such license, or for any renewal thereof, shall be one pound.

(3) The Minister may cancel any such license for any breach of the terms or conditions of the license.

5 24. (1) Such license may be renewed, under the hand of the Minister or the person aforesaid, on application made at any time as prescribed, and on payment of the prescribed fee. Renewal of licenses.

(2) Any such license shall, unless previously cancelled, be in force for the period therein mentioned, not exceeding twelve months from the date of issue or renewal. Period of licenses.

Penalties.

25. If any person holds a public entertainment in a temporary and unlicensed structure he shall, unless he is the holder of a license as aforesaid in that behalf then in force, be liable to a penalty not exceeding twenty pounds. Penalty for holding entertainment without license.

Provided that the Minister may, by proclamation in the Gazette, exempt any class of entertainments, or may, by document under his hand, exempt any particular entertainment from the operation of this section.

20 26. The Governor may make regulations relating to the following matters :— Regulations as to booths, tents, &c.

- (a) The construction of temporary structures, and any furnishings or fittings of the same, used for any public entertainment or public meeting.
- 25 (b) The provision of sufficient means of exit and the arrangement of seats so as to allow of speedy exit.
- (c) Sanitary arrangements.
- (d) Keeping the premises clean.
- 30 (e) Imposing penalties not exceeding twenty pounds for any breach of the regulations.

PART IV.

GENERAL AND SUPPLEMENTAL.

Prohibition of public entertainments.

35 27. The Minister, whenever he is of opinion that it is fitting for the preservation of good manners and decorum, so to do, may, notwithstanding the terms of any license under this Act, by writing under his hand, prohibit or regulate the holding of any public entertainment. Prohibition or regulation of public entertainments.

Theatres and Public Halls.

entertainment. Any person who for hire, holds, acts, represents, or causes to be acted or represented, any public entertainment, contrary to such prohibition, or contrary to any conditions imposed by such writing, shall be liable to a penalty not exceeding twenty pounds.

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Register.

28. The Minister shall cause a register to be kept as prescribed Register of licenses. of applications made and licenses issued in pursuance of this Act, and may notify in the Gazette the particulars contained in such register and any alterations thereof.

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Inspection.

29. Every theatre and public hall, and every place in which a Inspection. public entertainment or public meeting is held or is proposed to be held, may be inspected by a person appointed by the Minister in that behalf, or by a police officer of or above the rank of sergeant. For the purpose Inspection. of inspection, such person or officer may, at any reasonable times, enter 15 of inspection, such person or officer may, at any reasonable times, enter any such theatre, hall, or place.

Legal proceedings.

30. In any proceedings under this Act—
20 (a) a person shall be deemed to hold a public entertainment Proof in proceedings. if he conducts or is interested in the proceeds or profits of the same;
(b) the production of a certified copy of the register kept in pursuance of this Act, or of a copy published in the Gazette
25 of such register, shall be evidence of the particulars therein contained;
(c) the proof that a license was issued or renewed, or that any approval or consent under this Act has been obtained, shall lie on the defendant.

Regulations.

30 31. The Governor may make regulations—
(a) for carrying out the provisions of this Act; General regulations.
(b) prescribing the method of making applications under this Act;
(c) prescribing the forms of documents under this Act; and
35 (d) imposing any penalties not exceeding twenty pounds for any breach of such regulations.

32. All regulations shall be published in the Gazette, and shall Publication of regulations. thereupon have the force of law. Such regulations shall be laid before Parliament without delay.

Penalties.

Theatres and Public Halls.

Penalties.

33. All penalties imposed by this Act or the regulations may be recovered in a summary way before a stipendiary or police magistrate, or any two justices of the peace in petty sessions. Recovery of penalties.

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SCHEDULES.

SCHEDULE I.

GRADES of theatres and public halls.

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- 15
- (a) Theatres or buildings specially constructed for stage plays where the seating accommodation is more than five hundred persons and where theatrical performances are given.
 - (b) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than one thousand persons.
 - (c) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for more than five hundred but not more than one thousand persons.
 - (d) Public halls or buildings erected for public entertainments of a general class where the seating accommodation is for not more than five hundred persons

SCHEDULE II.

20 The fees payable on the granting or renewal of licenses of buildings of the grades mentioned in Schedule I:—

- (a) Fifteen pounds per annum.
- (b) Ten pounds per annum.
- (c) Two pounds per annum.
- (d) One pound per annum.

Sydney : William Applegate Gullick, Government Printer.—1908.

[9d.]

141-12

STATE OF NEW YORK

IN SENATE
January 12, 1911.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1910

ALBANY: PUBLISHED BY THE STATE PRINTING OFFICE, 1911.

STATE OF NEW YORK

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1911