

# PLACES OF PUBLIC ENTERTAINMENT ORDINANCE 1949-1959.\*

1839

## An Ordinance relating to Places of Public Entertainment.

1 This Ordinance may be cited as the *Places of Public Entertainment Ordinance 1949-1959*.\*

Citation.  
Short title  
amended:  
No. 17, 1938,  
s. 4.

2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *Gazette*.†

Commence-  
ment.

3.—(1.) After the commencement of this Ordinance, the Acts of the State of South Australia and the portions of the Ordinances specified in the First Schedule to this Ordinance shall cease to apply to the Northern Territory.

Repeal.

(2.) Notwithstanding the repeal effected by the last preceding sub-section, every licence issued under any law so repealed and in force immediately prior to the commencement of this section shall, subject to this Ordinance, continue in force for the period for which it was issued as if issued under this Ordinance.

4. In this Ordinance, unless the contrary intention appears—

Interpretation.

“licence” means a licence under this Ordinance;

“place of public entertainment” means any hall, building or other place, whether enclosed or unenclosed or partly enclosed, where a public entertainment is held (including any buildings and premises used in connexion with such hall, building or place), and includes any theatre, concert room, circus, menagerie, or skittle or bowling alley, or any place in which dancing is

The *Places of Public Entertainment Ordinance 1949-1959* comprises the *Places of Public Entertainment Ordinance 1949* as amended. Particulars of the Principal Ordinance and of the amending Ordinance are set out in the following table:—

Ordinance.	Number and Year.	Date of Assent by Administrator.	Date of Commencement.
<i>Places of Public Entertainment Ordinance 1949</i>	No. 10, 1949	8th November, 1949	1st August, 1952
<i>Administrator's Council Ordinance 1959</i>	No. 22, 1959	7th July, 1959	28th April, 1960

† The date fixed was 1st August, 1952—see table above.

taught other than a room in a private dwelling-house, but does not include any church or place used solely for the purpose of public worship or any place used solely as an educational institution;

“proprietor” includes the person, company, corporate body or association owning, leasing or occupying, or for the time being having the superintendence or management of, a place of public entertainment, and also includes the agent, trustee, manager, or committee of any such person, company, corporate body or association;

“public entertainment” means entertainment (including, though without limiting the meaning of that term, concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, boxing or other amusement or contest) which is open to the public, whether admission thereto is or is not procured by payment of money or on any other condition;

“this Ordinance” includes the Regulations made thereunder.

Delegation  
by the  
Administrator.

5.—(1.) The Administrator may delegate any of his powers and functions under this Ordinance (except this power of delegation) in relation to any matter or class of matters, so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Administrator.

Places to  
be licensed.

6. After the date of commencement of this Ordinance, no place of public entertainment shall be open to the public unless a licence is in force in respect of that place.

Issue of  
licences.

7.—(1.) The Administrator may, upon application by the proprietor of a place of public entertainment and on payment of the prescribed fee, issue a licence for the holding of public entertainments or any specified class or classes of public entertainment therein.

Amended by  
N. 22, 1959,  
s. 6 and First  
Schedule.

(2.) The Administrator in Council may remit any fee or portion of any fee payable under this Ordinance, or refund to any person any fee under this Ordinance paid by that person, or any portion of that fee.

8. The Administrator shall not issue a licence unless he is satisfied that proper sanitary arrangements and proper provision—

Administrator may refuse to issue licences.

- (a) against risk from fire;
- (b) for the extinguishment of fire;
- (c) for safe and sufficient means of exit in the case of fire; and
- (d) for the safety and convenience of the public generally,

have been made in or about the building or place in respect of which the application is made.

9.—(1.) The licence for a place of public entertainment shall specify—

Licence to state certain particulars.

- (a) the period for which the licence is issued;
- (b) the number of persons who may be seated therein;
- (c) the number of persons who may be accommodated therein otherwise than on seats;
- (d) the total number of persons who may be admitted therein on any one occasion; and
- (e) the class or classes of public entertainment which may be held therein.

(2.) If in any place of public entertainment in which a public entertainment is held or is about to be held—

- (a) the number of persons present in the place and accommodated on seats or otherwise exceeds the number stated in that behalf, respectively, in the licence; or
- (b) the total number of persons admitted to the place exceeds the total number stated in the licence,

the person holding the entertainment and the proprietor of the place shall be guilty of an offence.

Penalty: Fifty pounds.

10. Where in any place of public entertainment a class of public entertainment, other than that specified in the licence issued in respect of that place, is held, the person holding the entertainment, and the holder of the licence shall be guilty of an offence.

Unlawful uses of place.

Penalty: Twenty pounds.

11. The proprietor of any place of public entertainment shall not permit cause or suffer any addition to or alteration of such place of public entertainment without the approval of the Administrator.

Additions and alterations to places.

Penalty: Fifty pounds.

Period and  
renewal of  
licences.

**12.—**(1.) A licence shall be in force for the period specified in the licence but not exceeding twelve months from the date of its issue or of any renewal of the licence.

(2.) A licence may on the application of the proprietor of a place of public entertainment and on payment of the prescribed fee be renewed from time to time.

(3.) The Administrator may refuse any renewal of a licence on any ground on which he may refuse to issue a licence.

Licence fees.

**13.** The fees payable on the issue or renewal of a licence shall be at the rates specified in the Second Schedule to this Ordinance.

Cancellation  
of licences.

**14.** The Administrator may, in his discretion at any time, cancel any licence or renewal of any licence if, in his opinion, the continued use of the building or place in respect of which the licence is in force would be dangerous to the public or prejudicial to public health or convenience.

Holding  
entertainment  
in unlicensed  
premises.

**15.** Any person who holds a public entertainment in any place of public entertainment, not being a place of public entertainment in respect of which a licence is in force, shall be guilty of an offence.

Penalty: Twenty pounds for every day during which the public entertainment is held.

Letting  
unlicensed  
premises for  
entertainment.

**16.** Any proprietor of any place not being a place of public entertainment in respect of which a licence is for the time being in force, who lets the place, whether for a rent or otherwise, for the purpose of public entertainment, or knowingly permits the place to be used for a public entertainment, shall be guilty of an offence.

Penalty: Fifty pounds.

Prohibition or  
regulation of  
entertainments.

**17.—**(1.) The Administrator, whenever he is of opinion that it is in the public interest so to do, may, notwithstanding the terms of any licence, prohibit or regulate the holding of any public entertainment.

(2.) Any person who holds any public entertainment contrary to any such prohibition, or contrary to any condition, imposed by the Administrator in pursuance of the last preceding sub-section, shall be guilty of an offence.

Penalty: Twenty pounds.

Register of  
licences.

**18.—**(1.) The Administrator shall cause to be kept a register of applications made and licences issued in pursuance of this Ordinance and of renewals of licences.

(2.) The Administrator may notify in the *Gazette* the particulars contained in the register and any alterations therein.

**19.** Any member of the Police Force or any officer authorized in that behalf in writing by the Administrator may inspect any place of public entertainment, and, for that purpose, may at all times enter any such place. Inspection.

**20.** The proprietor of a place of public entertainment and the person holding a public entertainment shall ensure that the means of exit, staircases, landings, passage ways and gangways are at all times while a public entertainment is being held or is about to be held, and at the end of the entertainment, free from chairs, flap seats, forms and other obstructions. Exits, &c.,  
to be free  
from  
obstructions.

Penalty: One hundred pounds.

**21.** In any proceedings under this Ordinance—

- (a) a person shall be deemed to hold a public entertainment if he conducts or is interested in the proceeds or profits of the entertainment;
- (b) the production of a copy of the register kept in pursuance of this Ordinance certified by the Administrator, or of a copy of the register published in the *Gazette*, shall be evidence of the particulars contained therein; and
- (c) the proof that a licence was issued or renewed, shall lie on the defendant.

Legal  
proceedings.

**22.** The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance and in particular for prescribing matters for or in respect to— Regulations.

- (a) the licensing of places of public entertainment;
- (b) the hours during which places of public entertainment may be open;
- (c) the mode of lighting generally and fixing the hours during which the lights may be left burning;
- (d) what (if any) special lights shall be placed at entrances and exits, how they shall be served, and the times such lights shall be kept burning;
- (e) the storage of scenery and properties and combustible things;
- (f) the keeping of fire watches and the fire drill of employees;

- (g) what means of exit, staircases, landings, passages and gangways shall be provided and the size and construction of such exits, staircases, landings, passages and gangways; and
- (h) generally the manner in which places of public entertainment shall be conducted, and for preventing and extinguishing fires, and for the safety, health and convenience of the public, the performers and the employees; and
- (i) the imposition of penalties not exceeding Twenty pounds for any breach of the Regulations.

#### THE FIRST SCHEDULE.

Places of Entertainment Act of South Australia (No. 260 of 1882).

Places of Entertainment Amendment Act 1904 of South Australia (No. 855 of 1904).

Places of Entertainment Amendment Act 1910 of South Australia (No. 1002 of 1910).

Paragraph (i) of section 24 of the *Alice Springs Administration Ordinance 1937*.

Paragraph (i) of section 36 of the *Darwin Administration Ordinance 1937-1940*.

#### THE SECOND SCHEDULE.

FEES PAYABLE ON THE GRANTING OR RENEWAL OF LICENCES OF PLACES OF PUBLIC ENTERTAINMENT.

Capacity of Place.	For a Period of One Year.	For a Period of Six Months.	For a Period of Three Months.	For a Period of One Month or less.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Where the capacity is for 1,000 persons or more .. .. .	20 0 0	10 10 0	5 10 0	2 2 0
Where the capacity is for 750 persons and less than 1,000 persons ..	15 0 0	7 15 0	4 10 0	1 11 6
Where the capacity is for 400 persons and less than 750 persons ..	7 10 0	4 2 6	2 10 0	0 17 6
Where the capacity is for 200 persons and less than 400 persons ..	3 0 0	1 11 6	0 16 6	0 7 6
Where the capacity is for less than 200 persons .. .. .	1 10 0	1 0 0	0 16 6	0 7 6