ANNO VICESIMO PRIMO
ELIZABETHAE II REGINAE
A.D. 1972

No. 8 of 1972
An Act to Amend the Places of Public Entertainment Act, 1913-1971

[Assented to 23rd March, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Places of Public Entertainment Act Amendment Act, 1971-1972".

   (2) The Places of Public Entertainment Act, 1913-1971, as amended by this Act, may be cited as the "Places of Public Entertainment Act, 1913-1972".

   (3) The Places of Public Entertainment Act, 1913-1971, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation.

3. Section 3 of the principal Act is amended—

   (a) by inserting after the definition of "drive-in-theatre" the following definition:

   "exempted place of public entertainment" means a place of public entertainment in respect of which an exemption has been granted and is in force under section 4a of this Act;
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(b) by striking out the definition of "inspector" and inserting in lieu thereof the following definition:—

"inspector" means the chief inspector of places of public entertainment, or an inspector of places of public entertainment appointed under this Act;;

(c) by striking out from subsection (3) the passage "with the exception of the provisions relating to entertainment tax";

and

(d) by inserting after subsection (3) the following subsection:—

(4) The provisions of this Act relating to entertainment tax enacted by the Places of Public Entertainment Act, 1971, and subsequently repealed by the Places of Public Entertainment Act, 1971-1972, shall be deemed never to have had any operation or effect.

4. Section 4 of the principal Act is amended by striking out from subsection (1) the passage "of this Act and the provisions relating to entertainment tax".

5. The following section is enacted and inserted in the principal Act immediately after section 4 thereof:—

4a. (1) The Minister may, by instrument in writing, grant an exemption from all or any of the provisions of this Act and the regulations in respect of any oval, sportground or racetrace.

(2) An exemption may be granted under this section upon such terms and conditions as the Minister thinks fit and stipulates in the instrument.

(3) An exemption under this section may be revoked upon breach of any condition upon which it was granted.

6. Section 5 of the principal Act is repealed and the following section is enacted and inserted in its place:—

5. (1) The provisions of this Act shall not apply in respect of any church or place of public worship.
(2) A place of public entertainment in which public entertainment is conducted—

(a) by, or solely for the purposes of, a religious congregation, body or denomination;

or

(b) by, or solely for the purposes of, a university, college, school, or other educational institution,

shall not be required to be licensed under this Act for the purposes of public entertainment so conducted.

7. Section 9 of the principal Act is repealed and the following section is enacted and inserted in its place:—

9. (1) Subject to subsection (2) of this section, the fees payable upon the granting or renewal of licences shall be at the prescribed rates.

(2) Where a place of public entertainment is the property of a municipal or district council, or an institute established under the Libraries and Institutes Act, 1939, as amended, the fee payable upon the granting or renewal of a licence in respect of that place of public entertainment shall be one-fifth (calculated to the nearest dollar) of the prescribed rate.

8. Section 13 of the principal Act is amended—

(a) by striking out subsection (1b) and inserting in lieu thereof the following subsection:—

(1b) On submission of any such plans a fee of fifteen dollars shall be paid to the Crown.;

and

(b) by striking out subsection (2a).

9. Section 16 of the principal Act is repealed and the following sections are enacted and inserted in its place:—

16. (1) If the Minister is of the opinion that any premises licensed under this Act—

(a) have been allowed to fall into disrepair;

(b) have been altered without the approval of the Minister as required by this Act;

(c) have been encumbered with scenery, properties or combustible matter;

or

(d) do not conform with any of the prescribed conditions,
and the Minister, having considered the report of an inspector upon the condition of the premises, is satisfied that the continued use of the premises as a place of public entertainment would be dangerous to any person, or prejudicial to public health, he may make a determination cancelling a licence in respect of the place of public entertainment, and the licence shall, from the date of the determination, be of no force or effect.

(2) If the Minister is satisfied—

(a) that the proprietor of a place of public entertainment is guilty of an offence against this Act, or is not a fit and proper person to be the proprietor of a place of public entertainment licensed under this Act;

or

(b) that offences against this Act, or any other Act or law are habitually or frequently committed in a place of public entertainment licensed under this Act,

the Minister may make a determination cancelling a licence in respect of that place of public entertainment, and the licence shall, from the date of the determination, be of no force or effect.

(3) Where a licence in respect of a place of public entertainment is cancelled under this section, no further licence shall be granted in respect of the place of public entertainment until the determination has been revoked by the Minister, or by order of a court.

(4) The proprietor of a place of public entertainment in respect of which a determination has been made under this section may appeal to a local court of full jurisdiction against the determination, and if the court is satisfied that proper grounds for the cancellation of the licence do not exist, it may, by order, revoke the determination.

16a. (1) Where the Minister is of the opinion that a public entertainment has been, or is about to be, conducted in a place of public entertainment in contravention of the provisions of this Act, or any other Act or law, he may apply to a local court of full jurisdiction for an order under this section.

(2) The Minister, the proprietor of the place of public entertainment, and any person by whom the public entertainment was, or is to be, conducted may appear personally or by counsel upon the hearing of an application under this section.
(3) Where the court is satisfied upon the hearing of an application under this section that a public entertainment has been, or is about to be, conducted in a place of public entertainment in contravention of the provisions of this Act, or any other Act or law, and that an order should, in the interests of the public, be made under this section, it may order—

(a) that the place of public entertainment be closed, and kept closed, for a period specified in the order, or until further order of the court;

or

(b) that the place of public entertainment be not used for the conduct of the entertainment, or an entertainment of the kind, specified in the order.

(4) Where an order has been made under this section, the Commissioner of Police shall ensure that the order is complied with, and any members of the Police Force acting under his authority may enter any place or premises, and exercise such force as may be reasonably necessary to give effect to the order.

10. Section 17 of the principal Act is amended by inserting immediately after paragraph (g) the following paragraph:—

(ga) the circumstances in which theatre firemen shall be employed, the conditions under which theatre firemen shall be registered and the circumstances in which the registration of theatre firemen may be cancelled, the form of certificates of registration and the design of badges for theatre firemen and the fees or deposits payable in respect thereof.

11. Section 20 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and inserting in lieu thereof the following subsection:—

(1) If a place of public entertainment is open to the public, or is used for any public entertainment between the hours of three o'clock in the morning and one o'clock in the afternoon on a Sunday without the consent of the Minister, the proprietor of the place of public entertainment, and the person by whom any such entertainment is conducted shall each be guilty of an offence and liable to a penalty not exceeding two hundred dollars.;

(b) by inserting in subsection (4) after the passage “licensed place of public entertainment” the passage “or exempted place of public entertainment”;
(c) by inserting after subsection (5) the following subsection:

(6) An application for a permit, or the consent of the Minister under this section, must be accompanied by a fee of five dollars.

12. Section 21 of the principal Act is amended—

(a) by striking out the second and third sentences thereof; and

(b) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection:

(2) An application for the consent of the Minister under this section must be accompanied by a fee of five dollars.

13. Section 26 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) The Minister may appoint a chief inspector of places of public entertainment and such inspectors of places of public entertainment as he thinks fit.

14. The heading "Entertainment Tax" and sections 27a to 27j (inclusive) of the principal Act are repealed.

15. Section 28 of the principal Act is amended by striking out from subsection (1) the passage "sections 14, 17 and 27j" and inserting in lieu thereof the passage "section 14 and section 17".

16. Section 31 of the principal Act is repealed.

17. The second schedule to the principal Act is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor