No. 1124.

An Act to consolidate and amend the Law relating to the Licensing and Regulation of Places of Public Entertainment, and for other purposes.

[Assented to, December 11th, 1913.]

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

1. This Act may be cited as "The Places of Public Entertainment Act, 1913."

2. (1) The Acts mentioned in the First Schedule are hereby repealed.

   (2) Such repeal shall not affect any right, interest, obligation, liability, or penalty already created, existing, incurred, imposed, or liable to be imposed, nor anything done or suffered, nor the effect of the doing, suffering, or omitting of anything before the passing of this Act.

   (3) Any proceeding in respect of any such right, interest, obligation, liability, or penalty may be commenced or carried on as if such repeal had not taken place.

   (4) Any licence under the Acts hereby repealed shall, subject to the provisions of this Act, continue in force until the expiration of the period for which it was granted, as if it had been granted under this Act.

3. In
3. In this Act, unless the context or subject matter requires some other interpretation, or some other meaning is clearly intended,—

"Inspector" means an Inspector of Places of Public Entertainment appointed under this Act:

"Licence" means licence continued in force, or issued or renewed under this Act:

"Licensed" means licensed under this Act or any Act hereby repealed:

"Licensed place of public entertainment" means a place in respect of which a licence is for the time being in force:

"Metropolitan Area" comprises the whole of the area contained in the present House of Assembly electoral districts of Adelaide, Torrens, and Port Adelaide:

"Minister" means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor:

"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 connection 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 taught other than a room in a private dwelling-house:

"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:

"Prescribed" means prescribed by this Act or by regulation:

"Proclamation" means Proclamation by the Governor published in the Government Gazette:

"Regulation" means regulation made under this Act:

"This Act" includes regulations made under this Act.
(2) The application of this Act may be extended by Proclamation to any portion of the State specified in the Proclamation.

(3) Any Proclamation made under subsection (2) of this section may be amended or revoked by Proclamation.

(4) Any Proclamation under this section shall have effect according to the tenor thereof.

5. (1) The provisions of this Act shall not extend to any church or place of public worship.

(2) The provisions of this Act with regard to licences and the licensing of places of public entertainment, and sections 18 and 19, shall not apply to a place which—

(a) is used by a religious congregation, body, or denomination in connection with a church or place of public worship; or

(b) is, or is used by, a university, college, school, or similar educational institution:

Provided that all (if any) public entertainments held in such place are held in connection with such congregation, body, denomination, university, college, school, or institution, as the case may be. But if such a place is used as a place of public entertainment, all the other provisions of this Act, except such as by their nature are applicable only to licensed places, shall apply thereto; and if any public entertainment is held therein otherwise than as hereinbefore provided, all the provisions of this Act shall apply thereto.

Licences.

6. On application, made as prescribed, by a proprietor of a place of public entertainment the Minister may under his hand, or under the hand of any person appointed by him in that behalf, and on payment of the proper fee, issue a licence under this Act for holding public entertainments or any specified class or classes of public entertainments therein.

7. (1) The licence for a place of public entertainment shall state—

(a) The number of persons who may be admitted to each floor or tier therein;

(b) The total number of persons who may be admitted to such place of public entertainment; and

(c) The period for which the licence is granted.

8. (1) The Minister may refuse to grant a licence—

(a) If it appears to him that the provisions of this Act have not been complied with; or

(b) If it appears to him that alterations or additions to the premises are necessary in order to provide for the safety, health, or convenience of the public or the performers or employés; or

(c) If
(c) If, in his opinion, the building is not suitable to be used as a place of public entertainment, or the site of such building is unsuitable.

Temporary licence. The Minister may, if he thinks proper, grant a temporary licence to have effect during the making of alterations and additions and subject to such conditions as he imposes.

(2) When any licence is issued subject to conditions, such licence shall become cancelled, without any notice, on the breach of any of such conditions.

Fees payable. The fees payable on the granting or renewal of licences shall be at the rates set out in the Second Schedule: Provided that if the place of public entertainment is the property of a Municipal Corporation or District Council, or of any urban, suburban, or country institute, the fee shall be one-fifth of the appropriate rate set out in the Second Schedule, not reckoning a fraction of a penny.

Renewal of licence. Any licence may be renewed under the hand of the Minister, or under the hand of any person appointed by him in that behalf, on application made as prescribed and on payment of the proper fee. Any renewal may be refused on any ground on which an application for a licence may be refused.

Duration of licence. Any licence shall, unless previously cancelled or suspended, be in force for such period as specified therein, not exceeding twelve months from the date of the original grant or renewal thereof.

Transfer of licence. Any licence may with the written consent of the Minister be transferred by endorsement on the licence as prescribed. Such transfer shall be forwarded to the officer keeping the Register of Licences and shall be initialled by him and noted in the Register. No transfer shall be made except to an owner or lessee of the building licensed.

Person desiring to erect place of public entertainment may submit plans. Cf. N.S.W. 13, 1908, s. 9.

13. (1) Any person desiring to erect or complete or alter any building as a place of public entertainment may submit plans of the proposed building, or of the alterations intended to be made, to the Minister; and such plans shall show the details of the building and the site of the building and the means of access to such site.

(2) If the Minister approves of such plans he may give a certificate in a prescribed form approving thereof; and if such building is constructed or altered in accordance with such plans and also in accordance with this Act, a licence shall not be refused on the ground that the building or the site thereof is not suitable.

(3) An Inspector may inspect any such premises at any time and report thereon to the Minister.

14. The
14. The Governor may make regulations prescribing the conditions to be fulfilled before any licence may be granted; and in particular, but without limiting such general power, the Governor may make regulations prescribing—

(a) The situation and construction of buildings in respect of which licences may be applied for:

(b) The means of exit to be provided in respect of any such building; the construction and size of staircases, landings, and passages therein; and the construction and arrangements of seats to allow of speedy exit therefrom:

(c) The methods to be provided in any such building for the prevention and extinguishing of fires:

(d) The methods of lighting and heating:

(e) The appliances in connection with lighting and heating:

(f) The manner in which any prescribed fire-resisting matter is to be applied to woodwork and other inflammable material:

(g) The manner in which seats, fixtures, and other appliances are to be constructed and fixed:

(h) The positions and manner in which workshops and places for the storage of scenery and properties are to be situated and constructed:

(i) The manner in which any such building is to be ventilated:

(j) The sanitary conveniences to be provided.

**Regulation of Places of Public Entertainment.**

15. No addition to or alteration of any licensed place of public entertainment shall be made except with the approval of an Inspector.

16. If during the time that any licence is in force the licensed premises are—

(a) Allowed to fall into disrepair;

(b) Added to or altered without the approval of an inspector;

(c) Encumbered with scenery, properties, or other combustible matter; or

(d) Not in conformity with any prescribed condition,

and the Minister, after having caused an inspector to make an inspection of the premises, is satisfied that the continued use of the premises as a place of public entertainment would be dangerous to the public or to performers or employés therein, or would be prejudicial to the public health, he may, in his discretion, make...
a determination cancelling such licence, and such licence shall, from the date of such determination, be cancelled and cease to be in force.

17. The Governor may make such regulations as may be necessary or convenient for ensuring the safety or convenience of the public and of performers and employees in places of public entertainment, and prescribing conditions which shall exist in or in connection with such places, and prohibiting the existence of specified conditions in or in connection with such places; and in particular, but without limiting the operation of this section, the Governor may make regulations prescribing—

(a) The kind of light which is to be used, the means of obtaining the same, and the method of lighting generally:

(b) What (if any) special lights shall be placed at entrances and exits, the positions of such lights, and the times such lights shall be kept burning:

(c) What lights and lighting apparatus, fireworks, firearms, and cinematograph, and similar apparatus may or may not be used, and the methods of using the same:

(d) What fires and heating apparatus may or may not be used, and the method of using the same:

(e) The manner and place in which scenery and properties and other combustible articles are to be stored:

(f) What fire hydrants and other appliances for extinguishing fires are to be kept, and how and where the same are to be kept and used:

(g) The keeping of fire watches and the fire drill of employees:

(h) What means of exit, and what staircases, landings, passages, and gangways shall be provided, and the size and construction of such exits, staircases, landings, passages, and gangways:

(i) The keeping of exits, staircases, landings, passages, and gangways free from chairs, flap-seats, and other obstructions, whether temporary or permanent:

(j) What seating accommodation must be provided, and the manner in which seats shall be arranged and numbered, and the manner in which they shall be fixed, either to the floor or together:

(k) The manner in which carpets, matting, and other floor and stair coverings shall be fixed:

(l) The periodical inspection of places of public entertainment:

(m) The keeping of such places clean, sufficiently ventilated, and in sanitary condition:

(n) The
(n) The manner and places in which copies of the regulations, or of any of the regulations, shall be kept posted and maintained in such places:

(o) The examination and licensing of cinematograph operators, the appointment of a board of examiners for applicants for operator's licences, the functions of such board, the revocation of such licences, and examination and licence fees.

18. If any person holds a public entertainment in any place, not being a place of public entertainment in respect of which a licence is at the time in force, he shall be liable to a penalty not exceeding One Hundred Pounds for every day during which such public entertainment is so held.

19. If any proprietor of any place, not being a place of public entertainment in respect of which a licence is at the time in force, lets the same for the purpose of a public entertainment, or receives rent in respect of such letting, or knowingly permits the same to be used for a public entertainment, he shall be liable to a penalty not exceeding Fifty Pounds.

20. (1) If any licensed place of public entertainment is open to the public, or is used for any entertainment, on any Sunday, without the previous consent in writing of the Minister, or anything is done or omitted therein on any Sunday contrary to any condition subject to which such consent is granted, the person using such place and every proprietor thereof shall be liable to a penalty not exceeding One Hundred Pounds; and the licence for such place may, in the discretion of the convicting Magistrate or Justices, be absolutely cancelled or suspended for such time as such Magistrate or Justices think fit.

(2) Upon cancellation or suspension under this section, the licence shall cease to be in force entirely or during the period of suspension as the case may be.

21. If any public entertainment is held in any licensed place of public entertainment on any Christmas Day or Good Friday without the previous consent in writing of the Minister, or anything is done or omitted therein on any Christmas Day or Good Friday contrary to any condition subject to which such consent is granted, the person holding such entertainment and every proprietor of such place shall be liable to a penalty not exceeding Fifty Pounds.

22. If in any licensed place of public entertainment in which a public entertainment is held, or is about to be held—

(a) The number of persons present on any floor, or on any tier, of such place exceeds the number stated in respect of such floor or tier in the licence; or

(b) The
(b) The total number of persons admitted to such place exceeds the total number stated in respect of such place in the licence, the person holding such entertainment and every proprietor of such place shall each be liable to a penalty not exceeding Fifty Pounds.

23. If a seller of tickets at a licensed place of public entertainment, or any part thereof, in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after he has been warned by an inspector that the total number of persons stated in the licence has been admitted, he shall be liable to a penalty not exceeding Ten Pounds.

24. If during any public entertainment in a licensed place of public entertainment any person is allowed to sit or stand in a gangway or passageway in the auditorium, the person holding such entertainment and every proprietor of such place shall each be liable to a penalty not exceeding Twenty Pounds.

25. The Minister, whenever he is of opinion that it is fitting for the preservation of public morality, good manners, or decorum, or to prevent a breach of the peace or danger to any performer or other person, so to do, may, notwithstanding the terms of any licence, make a determination prohibiting the holding of any public entertainment, or any specified part or item of any public entertainment; and any person holding an entertainment and every proprietor of any place of public entertainment in which any entertainment or any part or item thereof is held, contrary to such determination, after notice of the same has been given as prescribed, shall each be liable to a penalty not exceeding Fifty Pounds.

Inspectors.

26. (1) The Minister may appoint such inspectors of places of public entertainment as he deems fit.

(2) Any inspector may, at any time, enter any place of public entertainment and inspect and examine the same and every part thereof, and all appliances therein or used in connection therewith, and every approach thereto and exit therefrom, and may exercise and discharge all such other rights, powers, privileges, and duties as are prescribed.

(3) Any proprietor of any place of public entertainment or other person who in any way interferes with or obstructs any inspector in the exercise or discharge of any right, power, privilege, or duty under this Act, shall be liable to a penalty not exceeding One Hundred Pounds.

Register.

27. The Minister shall cause a Register to be kept, as prescribed, of applications made and licences respectively issued, renewed,
renewed, transferred, and cancelled or suspended under this Act, and may notify in the Government Gazette the particulars contained in such Register and any alterations thereof.

Regulations.

28. (1) The Governor may make all such regulations as are contemplated by this Act, or as may be necessary or convenient for giving effect to the provisions of this Act or more fully carrying out its objects, including (though without in any way limiting the operation of this or any other section of this Act) regulations for the following purposes, in addition to those mentioned in sections 14 and 17, namely:

(a) Prescribing the method of making applications under this Act:

(b) Prescribing the forms of documents under this Act:

(c) For the admission of members of the Police Force to places of public entertainment during the holding of public entertainments:

(d) Imposing any penalties not exceeding Twenty Pounds for any breach of any regulation made under this Act, with an additional penalty in the case of a continuing offence not exceeding Two Pounds for each day after the first upon which the breach continues.

(2) Any regulation may prescribe different provisions in respect of buildings in existence at the time of the passing of this Act and buildings afterwards erected, and may also prescribe different provisions for different portions of the State.

(3) All regulations made under any Act hereby repealed, which have not been repealed by regulations made before the passing of this Act, shall, except so far (if at all) as inconsistent with this Act, be and continue in force and have the effect of law until repealed by regulations made under this Act. Any such regulation, though not expressly repealed, shall be deemed to be repealed so far as it is inconsistent with this Act or any regulation made under this Act.

29. (1) All regulations made under this Act—

(a) Shall be published in the Government Gazette:

(b) From the date of such publication, or from a later date fixed by the order making the same, shall (subject as by subsection (2) hereof provided) be of the same effect as if they were contained in this Act; and

(c) Shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

(2) If
(2) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before it.

**Legal Proceedings.**

30. In any proceedings under this Act—

(a) Without limiting the liability of any person for any offence under this Act, a person shall be deemed to hold a public entertainment if he conducts the same, or on the occasion in question has the superintendence or management of the place where such entertainment is held:

(b) The onus of proving that any place, described in any information as a licensed place of public entertainment, is or was not a licensed place of public entertainment, shall lie on the defendant:

(c) The production of a document purporting to be a copy of the Register by this Act required to be kept, or of any entry therein, and to be certified as correct by the officer keeping such Register, or the production of a copy of the Government Gazette purporting to contain any entry in such Register, shall be evidence of the particulars contained in such Register or of such entry:

(d) The onus of proving that a licence was issued, renewed, or transferred, or that any approval or consent under this Act has been obtained, shall lie on the defendant:

(e) A document purporting to be a determination of the Minister under his hand shall be received as evidence of the contents thereof, and as evidence that such determination has been made.

31. Anything done by the Minister and purporting to be done in the exercise or discharge of any power or duty conferred or imposed by this Act shall be final, and shall not be reviewed by any Court.

32. (1) All proceedings in respect of offences against this Act shall be by information, which shall be heard and determined in a summary way before any Special Magistrate or any two Justices, under the Ordinance No. 6 of 1850, and any amendment thereof, or any Act for the time being in force relating to the duties of Justices as to summary proceedings.

(2) All
(2) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Ordinance or any other Act.

33. (1) There shall be an appeal from any conviction under this Act, or from any order dismissing any information under this Act, or any other order made on any such information.

(2) Such appeal shall be to the Local Court of Full Jurisdiction nearest to the place where the conviction or order was made, or to the Local Court of Adelaide in its Full Jurisdiction.

(3) Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and any amendment thereof, or any Act for the time being in force regulating appeals to Local Courts: Provided that the Court on such appeal may make any order as to costs which it thinks fit, and the amount of costs so ordered may exceed Ten Pounds.

34. (1) The Local Court hearing such appeal may state a special case for the opinion of the Supreme Court.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to the costs of the proceedings in that Court and in the Court below, as to the said Supreme Court appears just.

(3) The Supreme Court may send the special case back for amendment, or may itself amend the same.

(4) The Magistrate or Justices, or the Local Court, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the Supreme Court or a Judge thereof.

(5) Such order of the Magistrate or Justices, or Local Court, shall be enforced in manner provided by section 32 of this Act or otherwise by law.

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

DAY H. BOSANQUET, Governor.
**SCHEDULES.**

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### THE FIRST SCHEDULE.

**Repeal.**

<table>
<thead>
<tr>
<th>Number of Act.</th>
<th>Short Title of Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 855 of 1904</td>
<td>The Places of Public Entertainment Amendment Act, 1904.</td>
</tr>
</tbody>
</table>

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### THE SECOND SCHEDULE.

The fees payable on the granting or renewal of licences of places of public entertainment.

<table>
<thead>
<tr>
<th>Size of Hall</th>
<th>For a Period of One Year</th>
<th>For a Period of Six Months</th>
<th>For a Period of Three Months</th>
<th>For a Period of One Month, or less than One Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where there is seating accommodation for 750 persons or more</td>
<td>£ 10 0</td>
<td>£ 5 10</td>
<td>£ 3 0</td>
<td>£ 1 1</td>
</tr>
<tr>
<td>Where there is seating accommodation for 400 persons and less than 750 persons</td>
<td>£ 5 0</td>
<td>£ 2 15</td>
<td>£ 1 15</td>
<td>£ 0 10</td>
</tr>
<tr>
<td>Where the seating accommodation is for less than 400 persons</td>
<td>£ 2 0</td>
<td>£ 1 1</td>
<td>£ 0 10</td>
<td>£ 0 5</td>
</tr>
</tbody>
</table>