

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 15 of 1928.

## AN ORDINANCE

**To provide for the licensing and regulation of Theatres and Public Halls and places used for Public Entertainments or Public Meetings and the regulation of Public Entertainments and Public Meetings.**

**B**E it ordained by the Deputy of the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*, as follows:—

### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Theatres and Public Halls Ordinance 1928*. Short title.

2. This Ordinance is divided into Parts as follows:—

Parts.

Part I.—Preliminary.

Part II.—Theatres and Public Halls.

Part III.—Temporary Structures.

Part IV.—Miscellaneous.

3. The *Theatres and Public Halls Act, 1908*, of the State of New South Wales shall cease to apply to the Territory. State Act to cease to apply.

4.—(1.) In this Ordinance, unless the contrary intention appears— Definitions.

“ Licensed building ” means theatre or public hall in respect of which a licence is issued under Part II. of this Ordinance,

“ Licensee ” means person to whom a licence is issued under Part II. of this Ordinance;

“ Owner ” includes lessee, trustee, and committee of management;

“ Person ” includes firm and company;

“ Public entertainment ” includes any exhibition, performance, lecture, amusement, game or sport admission to which 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 or may be held, and includes any building and premises used in connexion therewith;

“ Public meeting ” means 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 under this Ordinance;

“ Temporary structure ” means booth, tent, or other temporary enclosure, and includes any building not being a theatre or public hall;

“ Theatre ” means theatre constructed or used for the representation therein of any entertainment of the stage or for the showing of cinematograph pictures, and includes any building and premises used in connexion therewith;

“ the Commission ” means the Federal Capital Commission;

“ This Ordinance ” includes the regulations.

(2.) The determination whether a building is a theatre or public hall within the meaning of this Ordinance shall be in the discretion of the Commission, and any such determination shall be conclusive.

Delegation by  
the Commission.

5.—(1.) The Commission may delegate any of its powers and functions under this Ordinance (except this power of delegation) in relation to any matters 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 Commission.

#### PART II.—THEATRES AND PUBLIC HALLS.

Application of  
Part.

6.—(1.) This Part shall apply only to such theatres and public halls as are specified by the Commission by notice published in the *Gazette*, or as are situated within the localities specified or described in that notice.

(2.) The Commission may, by notice published in the *Gazette*, amend or revoke any notice published in pursuance of the last preceding sub-section.

Classification of  
theatres and  
public halls.

7.—(1.) For the purposes of this Ordinance, theatres and public halls shall be classified in the manner set out in the Schedule to this Ordinance.

(2.) The determination of the Commission as to the class to which a theatre or public hall belongs shall be conclusive.

**8.**—(1.) The Commission may, upon application made as prescribed by the owner of a theatre or public hall, and on payment by the owner of the prescribed fee, issue to the owner a licence, in accordance with the provisions of this Ordinance, in respect of the theatre or public hall. Grant of licences.

(2.) Before issuing any such licence, the Commission shall cause one of its officers to make an inspection of the theatre or public hall and to report to it thereon.

**9.**—(1.) Every licence issued under this Part in respect of a theatre or public hall shall specify— Provisions of licences.

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

(2.) If in any licensed building in which a public entertainment or public meeting is held or is about to be held—

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

the person holding the entertainment and the owner of the building shall be guilty of an offence.

Penalty: Fifty pounds.

**10.** The Commission may refuse to issue a licence under this Part in respect of any theatre or public hall if it appears to the Commission— Refusal to issue licence.

- (a) that the provisions of this Ordinance have not been complied with in respect of that theatre or public hall;
- (b) that alterations or additions to the theatre or public hall are necessary in order to provide for public safety, health, or convenience; or
- (c) that the theatre or public hall is not suitable for holding public entertainments or public meetings therein, or the site thereof is unsuitable:

Provided that the Commission shall not refuse to issue a licence on any ground specified in paragraph (b) or (c) of this section in the case of any theatre or public hall erected in pursuance of a permit to erect a building for the purpose of holding public entertainments or public meetings granted under the Canberra Building Regulations made under the *Building and Services Ordinance* 1924-1925, and in respect of which a certificate of completion has been issued in pursuance of those regulations.

Period and  
renewal of  
licence.

**11.**—(1.) Any licence issued under this Part, shall, unless sooner cancelled, be in force for such period as is specified therein, not exceeding twelve months from the date of its issue.

(2.) Any licence issued under this Part may, upon application made within three days after the expiration of the licence or any renewal thereof, and upon payment of the prescribed fee, be renewed from time to time for any period not exceeding twelve months.

(3.) The Commission may, before renewing the licence, cause one of its officers to inspect the building in respect of which the application for renewal is made.

(4.) The Commission may refuse any renewal of a licence on any ground on which it may refuse to issue a licence.

Transfer of  
licence.

**12.**—(1.) Any licensee may, by endorsement as prescribed on his licence, transfer the licence to any person being the owner of the licensed building.

(2.) The licence when so endorsed shall be forwarded to the Commission which shall enter a memorandum thereof on the register of licences kept in pursuance of this Ordinance, and the person to whom the licence is transferred shall then be deemed to be the licensee in respect of the licensed building.

(3.) The Commission, upon application made as prescribed, may approve of a licence issued in respect of one building being amended to apply to another building in lieu of the first-mentioned building.

(4.) Where the Commission grants approval in pursuance of the last preceding sub-section, it shall endorse the licence as prescribed, and enter a memorandum of the amendment on the register of licences kept in pursuance of this Ordinance.

Licence fees.

**13.**—(1.) The fees payable on the issue or renewal of licences under this Part shall be at the annual rates respectively specified in the second column of the Schedule to this Ordinance for the classes of theatres and public halls specified in the first column of that Schedule.

(2.) Where a licence is issued or renewed for a period less than twelve months, the fee payable shall bear the same proportion to the annual fee as the period for which the licence is granted bears to the period of twelve months.

Additions and  
alterations to  
buildings.

**14.** Additions to, or alterations of, any licensed building shall not be made without the approval of the Commission.

Cancellation of  
licences.

**15.** If, during the time that any licence under this Part is in force, the licensed building is—

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

and the Commission, after having caused an inspection to be made of the building, is satisfied that the continued use of the building for public entertainments or public meetings would be dangerous to the public, or prejudicial to public health, the Commission may, in its descretion, cancel the licence.

Classes of entertainment and meeting which may be held in licensed buildings.

**16.**—(1.) The regulations may prescribe, or, in the absence of regulations in that behalf, the Commission may determine, the classes of public entertainment or public meeting which may be held in any licensed building or class of licensed building.

(2.) Where the Commission is satisfied that the holding, in any licensed building, of a public entertainment or public meeting not included in the classes of public entertainment or public meeting which may be held in that building or the class of building to which it belongs, would not endanger the safety of the public, the Commission may, on payment by any person of a fee of One pound for each time the entertainment or meeting is permitted to be held in pursuance of the licence, grant to that person a licence to hold that public entertainment or public meeting in that licensed building.

(3.) Where the regulations prescribe, or the Commission determines, the classes of public entertainment or public meeting which may be held in any licensed building or class of licensed building, a person shall not, except in pursuance of a licence granted under this section, hold in any licensed building any public entertainment or public meeting of a class other than that so prescribed or determined for that building or the class of building to which it belongs.

Penalty: Fifty pounds for every day during which any such public entertainment or public meeting is so held.

(4.) Any person who, being the owner of a licensed building—

(a) lets the building for the holding of a public entertainment or public meeting other than one which may be held therein in pursuance of this section; or

(b) receives rent in respect of the building for any day on which any such entertainment or meeting is held in the building; or

(c) knowingly permits the building to be used for any such entertainment or meeting;

shall be guilty of an offence.

Penalty: Fifty pounds.

**17.**—(1.) Any person who holds a public entertainment or public meeting in any theatre or public hall, not being a theatre or public hall in respect of which a licence issued under this Part in that behalf is in force, shall be guilty of an offence.

Entertainment or meeting not to be held in unlicensed building.

Penalty: Fifty pounds for every day during which any such public entertainment or public meeting is so held.

(2.) Any person who, being the owner of a theatre or public hall, not being a theatre or public hall in respect of which a licence issued under this Part in that behalf is in force—

- (a) lets the theatre or public hall for the holding of a public entertainment or public meeting; or
- (b) receives rent in respect thereof for any day on which a public entertainment or public meeting is held therein; or
- (c) knowingly permits it to be used for a public entertainment or public meeting,

shall be guilty of an offence.

Penalty: Fifty pounds.

Prohibition of sale of tickets when theatre or public hall is full.

**18.** If a seller of tickets for a licensed building, 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 specified in the licence has been admitted to the building, and after he has been warned by a member of the Police Force authorized by the Commission in that behalf that the total number has been so admitted, he shall be guilty of an offence.

Penalty: Ten pounds.

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

**19.** If, during any public entertainment or public meeting in a licensed building, any person is allowed to sit or stand in a gangway or passage-way in the auditorium, the person holding the entertainment or meeting and the owner of the building shall be guilty of an offence.

Penalty: Ten pounds.

### PART III.—TEMPORARY STRUCTURES.

Grant of licence to hold entertainment or meeting in temporary structure.

**20.—(1.)** Notwithstanding anything contained in this Ordinance, the Commission may, upon application made as prescribed, and upon payment by the applicant of the prescribed fee, issue to any person a licence authorizing him, subject to the terms of the licence and to this Ordinance, to hold in temporary structures which are not licensed buildings a class of public entertainment or public meeting specified in the licence.

(2.) Every licence issued under the last preceding section shall continue in force for a period of twelve months from, and including, the date of its issue.

Renewal of licences.

**21.** Every licence issued under this Part shall be renewable from time to time upon application made within three days after the expiration of the licence or of any renewal thereof.

Licence fees.

**22.** The fee for the issue or renewal of any licence under this Part shall be One pound.

**23.** In the event of any breach of the terms or conditions of any licence issued under this Part, the Commission may cancel the licence. Cancellation of licences.

**24.**—(1.) If any person holds a public entertainment or a public meeting in a temporary structure which is not a licensed building, he shall, unless he is the holder of a licence issued under this Part in that behalf, be guilty of an offence. Penalty for holding entertainment or meeting without licence

Penalty: Twenty pounds.

(2.) The Commission may, by notice published in the *Gazette*, exempt any class of entertainment or meeting, or may, by any such notice, exempt any particular entertainment or meeting from the operation of this section.

#### PART IV.—MISCELLANEOUS.

**25.** Where the Commission thinks it desirable in the circumstances to do so, it may, by notice published in the *Gazette*, direct that, in respect of any theatre or public hall, the provisions of this Ordinance shall apply with such modifications as to the payment of fees and otherwise as are specified in the notice, and those provisions shall thereupon apply accordingly: Modification of Ordinance with respect to certain theatres, &c.

Provided that nothing in this section shall authorize the increase, by any such notice, of the fees payable in pursuance of this Ordinance.

**26.**—(1.) The Commission, whenever it is of opinion that it is in the public interest so to do, may, notwithstanding the terms of any licence issued under this Ordinance, prohibit or regulate the holding of any public entertainment or public meeting. Prohibition or regulation of entertainments and meetings.

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

Penalty: Twenty pounds.

**27.**—(1.) If a public entertainment or public meeting is held on any Sunday, Christmas Day or Good Friday, the person so holding the public entertainment or public meeting and the owner of any theatre, public hall or other building or structure (if any) in which the entertainment or meeting is held shall be guilty of an offence. Penalty for holding entertainment or meeting on Sunday, &c.

Penalty: One hundred pounds.

(2.) This section shall not apply to the holding, with the previous approval of the Commission, of Sacred Concerts on any such day.

Register of  
licences.

**28.**—(1.) The Commission shall cause to be kept, as prescribed, a register of applications made and licences issued in pursuance of this Ordinance.

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

Inspection.

**29.** The Commission, and any person authorized in that behalf by the Commission, and any member of the Police Force may inspect any theatre or public hall or any place in which a public entertainment or public meeting is held or is proposed to be held, and, for that purpose, may at all times enter any such theatre, public hall or place.

Unlawful user  
of theatre, &c.

**30.** Where any theatre, public hall or other building or structure is used otherwise than in accordance with the provisions of this Ordinance, the person using the theatre, public hall, building or structure and the person (if any) to whom a licence has been granted under this Ordinance in respect thereof shall be guilty of an offence.

Penalty: Twenty pounds.

Legal  
proceedings.

**31.** 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 Commission, 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, or that any approval or consent under this Ordinance has been obtained, shall lie on the defendant.

Regulations.

**32.** The Commission may make regulations, not inconsistent with this Ordinance, prescribing all matters which 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 providing for and in relation to—

- (a) the conditions to be fulfilled before any licence under Part II of this Ordinance is issued or renewed;
- (b) the situation and construction in all respects of any building in respect of which any such licence is applied for;
- (c) 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;

- (d) the 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 connexion 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; and
  - (vi) the means of extinguishing fires;
- (e) the amount of air space and the ventilation of all places in any such building;
- (f) the sanitary conveniences and the sanitation of any such building;
- (g) the method of using lights and lighting apparatus, fire-arms, fireworks, cinematograph or similar apparatus in licensed theatres and public halls;
- (h) the method of using fires and heating apparatus in licensed buildings;
- (i) the storage of scenery and properties and other combustible matter in licensed buildings;
- (j) the keeping, in licensed buildings, of fire hydrants and appliances for extinguishing fires;
- (k) the keeping of a fire watch during any public entertainment or public meeting, and the fire drill of employees in licensed buildings;
- (l) the periodical inspection of licensed buildings;
- (m) the opening and keeping open of all passages and ways of exit from licensed buildings;
- (n) the keeping clean of licensed buildings;
- (o) the preventing and extinguishing of fires and the security of public safety, health and convenience in licensed buildings;
- (p) the construction of temporary structures, and any furnishings or fittings of temporary structures, used or to be used for any public entertainment or public meeting;
- (q) the provision of sufficient means of exit and the arrangement of seats so as to allow of speedy exit from temporary structures;
- (r) the sanitary arrangements to be observed in respect of temporary structures;
- (s) the keeping of temporary structures clean; and
- (t) the imposition of penalties not exceeding Twenty pounds for any breach of the regulations.

## THE SCHEDULE.

Class of Theatre or Public Hall.	Annual Rates of Fees.
	£
Class A.—Theatres, the seating accommodation of which is for more than Five hundred persons .. .. .	15
Class B.—Public Halls, the seating accommodation of which is for more than One thousand persons .. .. .	10
Class C.—Public Halls, the seating accommodation of which is for more than Five hundred persons but not more than One thousand persons .. .. .	2
Class D.—Public Halls, the seating accommodation of which is for not more than Five hundred persons .. .. .	1

Dated this twenty-sixth day of July, One thousand nine hundred and twenty-eight.

D. R. S. de CHAIR  
Deputy of the Governor-General.

By His Excellency's Command,  
NEVILLE HOWSE  
Minister of State for Home and Territories.

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