



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 68 of 1967

An Act to amend the Places of Public Entertainment Act, 1913-1955 and the Licensing Act, 1967.

[Assented to 16th November, 1967]

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, 1967". Short titles.

(2) The Places of Public Entertainment Act, 1913-1955, as amended by this Act, may be cited as the "Places of Public Entertainment Act, 1913-1967".

(3) The Places of Public Entertainment Act, 1913-1955, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 3 of the principal Act is amended—

(a) by inserting before the definition of "drive-in-theatre" the following definitions :—

"billiards" means any game that is played upon a billiard table, nine feet or more in length :

"club" includes association and society ; ;

(b) by striking out the definition of "metropolitan area" ;

(c) by striking out the definition of "place of public entertainment" and inserting in lieu thereof the following definition :—

Amendment of principal Act s. 3—

Incorporation.

Amendment of principal Act s. 3— Interpretation.

“place of public entertainment” means any place whether enclosed, partly enclosed, or unenclosed where a public entertainment is held and any buildings, premises or structures, that comprise, include or are appurtenant to that place ;

- (d) by striking out the passage “which is open to the public whether admission thereto is or is not procured by payment of money or on any other condition” in the definition of “public entertainment” and inserting in lieu thereof the passage “whether admission thereto is open to members of the public or restricted to persons who are members of a club or who possess any other qualification or characteristic and whether admission is or is not procured by the payment of money or on any other condition” ;

and

- (e) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections :—

(2) The Act 21 George III c. 49 of the Imperial Parliament has no force or effect in this State.

(3) This Act shall, on and after the fifteenth day of January, 1968, cease to apply to and in relation to any public entertainment for which a permit has been granted under the Licensing Act, 1967, and any place wherein that entertainment is conducted.

Repeal of s. 4
and enactment
of new s. 4 of
principal Act.

Exemption to
certain clubs.

4. Section 4 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

4. (1) The Minister may, by instrument in writing, exempt the proprietor of any place of public entertainment from the provisions of this Act (with the exception of section 26) if he is satisfied—

- (a) that the proprietor is a *bona fide* club ;
(b) that the substantial purpose of the club does not consist in the provision of public entertainment or that, if it does so consist, no member or official of the club derives a disproportionate pecuniary or other advantage therefrom ;

and

- (c) that adequate measures have been taken to ensure the safety, health and convenience of persons whilst in that place of public entertainment.

(2) An exemption under subsection (1) of this section shall apply only to and in respect of the place of public entertainment specified in the instrument.

(3) An exemption under subsection (1) of this section shall not be granted except—

(a) on condition that adequate measures shall continue to be taken to ensure the safety, health and convenience of persons whilst in the place of public entertainment ;

and

(b) on such other conditions as the Minister deems appropriate,

and may be revoked upon breach of any condition.

5. Section 17 of the principal Act is amended—

(a) by striking out the passage “chairs, flap-seats, and other” in paragraph (i), and inserting in lieu thereof the passage “all kinds of” ;

(b) by inserting after paragraph (i) the following paragraph :—

(i1) such matters and things as it is necessary or expedient to prescribe in order to ensure the unimpeded egress of persons from a place of public entertainment ;

and

(c) by inserting after paragraph (o) the following paragraphs :—

(p) in the case of drive-in-theatres, the speed limit that vehicles shall not exceed whilst therein ;

(q) such matters and things as it is necessary or expedient to prescribe in order to ensure that public entertainment is not so conducted as to interfere with the comfort or convenience of persons who are not participating therein ;

(r) the penalties, recoverable summarily, not exceeding two hundred dollars, for breach of or non-compliance with, the regulations.

6. Section 20 of the principal Act is amended—

(a) by inserting after the passage “on any Sunday” first occurring in subsection (1), the passage “between the hours of three o'clock in the morning and one o'clock in the afternoon” ;

Amendment of
principal Act,
s. 17—
Governor may
make
regulations for
safety and
convenience.

Amendment of
principal Act,
s. 20—
Limitation on
Sunday
entertainments.

(b) by striking out the passage "on any Sunday" second occurring in subsection (1) and inserting in lieu thereof the passage "during that period";

and

(c) by inserting after subsection (2) the following subsections :—

(3) Except where a permit is in force under subsection (4) of this section, a person shall not on a Sunday provide, engage in or attend any of the following :—

(a) a match between senior teams representing football clubs that are affiliated with The South Australian National Football League Incorporated or teams comprised or substantially comprised of members of such teams ;

or

(b) a match between senior teams representing soccer clubs that are affiliated with the South Australian Soccer Federation Incorporated or teams comprised or substantially comprised of members of such teams ;

or

(c) a cricket match or a tennis match between teams representing any States or Territories of the Commonwealth or any countries or nations.

or

(d) a horse race, parade, contest or trial (unless the race, parade, contest or trial is held solely for the purpose of training the horses or their riders) ;

or

(e) a dog race ;

or

(f) a rodeo ;

or

(g) a motor race ;

or

(h) a boxing match in which the participants are not *bona fide* amateur boxers ;

or

(i) a wrestling match in which the participants are not *bona fide* amateur wrestlers ;

or

- (j) any other entertainment or type or kind of entertainment that the Minister, by notice published in the *Gazette* declares to be an entertainment or a type or kind of entertainment that a person may not lawfully provide, engage in or attend on a Sunday.

Penalty : Two hundred dollars.

(4) The Minister may grant to the proprietor of a licensed place of public entertainment, on such conditions as the Minister deems necessary or expedient to ensure public order, decency and propriety, a permit (which may be revoked on breach of any condition) authorizing him to hold therein any entertainment referred to in subsection (3) of this section, on a Sunday during the period and during the hours specified in the permit, but a permit shall not be granted unless the Minister has first considered—

- (a) whether in consequence of the permit being granted there will be a significant increase in the number of persons required to work on a Sunday who would not otherwise work on that day;
- (b) whether the granting of the permit will cause a departure from practices existing before the commencement of the Places of Public Entertainment Act, Amendment Act, 1967, and whether the departure (if any) is, by the standards currently prevailing in the community and in the locality in which it is proposed to hold the entertainment, such as might reasonably cause offence to persons who adopt those standards ;

and

- (c) whether the quiet of the locality in which it is proposed to hold the entertainment will be unduly disturbed if the permit is granted.

(5) A person shall not, in any place of public entertainment, without the previous consent in writing of the Minister (which consent may be granted on conditions and may be revoked on breach of any condition) provide on a Sunday between the hours of six o'clock and eight o'clock in the evening—

(a) any cinematographic or other like public entertainment ;

or

(b) any theatrical performance.

Penalty : Two hundred dollars.

Repeal of
s. 25a of
principal Act
and enactment
of new ss. 25a
and 25b—

Billiard
saloons.

7. Section 25a of the principal Act is repealed and the following sections are enacted and inserted in lieu thereof:—

25a. (1) On and after the commencement of the Places of Public Entertainment Act Amendment Act, 1967, any premises wherein billiards is played (except premises in respect of which a licence or permit is in force under the Licensing Act, 1967) whether admission thereto is open to members of the public or is restricted to persons who are members of a club or who possess any other qualification or characteristic and whether admission is or is not procured by payment of money or on any other condition, shall be a place of public entertainment for the purposes of this Act.

(2) On application for a licence by the proprietor of premises in respect of which a billiard-table licence was in force under the Licensing Act, 1932-1966, immediately before the repeal of that Act by the Licensing Act, 1967, the Minister may grant to that proprietor such exemption from the provisions of this Act as the Minister may determine and specifies in the licence.

(3) The Minister shall not grant an exemption under subsection (2) of this section unless he is satisfied that adequate measures have been taken to ensure the safety, health and convenience of persons whilst in the premises.

(4) The Minister may grant an exemption under subsection (2) of this section upon such conditions, specified in the licence, as he deems necessary to ensure that the premises are brought into conformity with this Act.

(5) If, in the opinion of the Minister, the proprietor of the premises has contravened or failed to comply with a condition under subsection (4) of this section, the Minister may, by notice in writing served personally or by post upon the proprietor, cancel the licence.

Cabarets.

25b. (1) The Minister may, on application for a licence by the proprietor of any premises that were registered under the Places of Public Entertainment Act, 1913-1955, immediately before the commencement of the Places of Public Entertainment Act Amendment Act, 1967, as a cabaret, grant to that proprietor such exemption from the provisions of this Act as the Minister may determine and specifies in the licence.

(2) The Minister shall not grant an exemption under subsection (1) of this section unless he is satisfied that adequate measures have been taken to ensure the safety, health and convenience of persons whilst in the premises.

(3) The Minister may grant an exemption under subsection (1) of this section upon such conditions specified in the licence as he deems necessary to ensure that the premises are brought into conformity with this Act.

(4) If, in the opinion of the Minister, the proprietor has contravened or failed to comply with a condition under subsection (3) of this section, the Minister may, by notice in writing served personally or by post on the proprietor, cancel the licence.

8. The principal Act is amended by striking out all passages, symbols and figures that represent sums of money as expressed in the old currency within the meaning of the Decimal Currency Act, 1965-1966, and inserting in lieu thereof corresponding passages, symbols and figures representing the same sums of money as expressed in the new currency within the meaning of the Decimal Currency Act, 1965-1966.

Amendment of
principal Act.—
Currency.

9. Section 131 of the Licensing Act, 1967, is amended by inserting after subsection (6) thereof the following subsection :—

Amendment of
Licensing Act,
1967, s. 131—
Entertainment
permit.

(6a) Prior to the granting of a permit under this section, the court shall hear evidence from an Inspector of Places of Public Entertainment as to the safety, health and convenience of members of the public who may resort to the premises in respect of which a permit is sought.

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

J. M. NAPIER, Governor's Deputy.