

NORTHERN TERRITORY OF AUSTRALIA

PLACES OF PUBLIC ENTERTAINMENT ACT

As in force at 20 August 2003

Table of provisions

1	Short title	1
2	Commencement	1
3	Repeal	1
4	Interpretation	1
5	Delegation by the Minister	2
6	Places to be licensed.....	2
7	Issue of licences	3
8	Refusal of licence and re-application.....	3
9	Conditions of licence	4
9AA	Uniformity of certain conditions.....	4
9A	Patrons to comply with conditions of licence	5
10	Unlawful uses of place.....	5
11	Additions and alterations to places	6
12	Period and renewal of licences.....	6
13	Power of police and authorised officers.....	6
14	Cancellation of licence.....	7
14A	Licensee to be heard	7
15	Holding entertainment in unlicensed premises	7
16	Letting unlicensed premises for entertainment	8
17	Prohibition or regulation of entertainments	8
18	Register of licences	8
19	Inspection etc.	9
20	Exits etc. to be free from obstructions	10
20A	Minister may remit or refund fees	10
21	Legal proceedings	10
22	Regulations.....	10

Schedule 1

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 20 August 2003. Any amendments that commence after that date are not included.

PLACES OF PUBLIC ENTERTAINMENT ACT

An Act relating to places of public entertainment

1 Short title

This Act may be cited as the *Places of Public Entertainment Act*.

2 Commencement

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

3 Repeal

- (1) After the commencement of this Act, the Acts of the State of South Australia and the portions of the Ordinances specified in the Schedule 1 shall cease to apply to the Territory.
- (2) Notwithstanding the repeal effected by subsection (1), every licence issued under any law so repealed and in force immediately prior to the commencement of this section shall, subject to this Act, continue in force for the period for which it was issued as if issued under this Act.

4 Interpretation

In this Act, unless the contrary intention appears:

amusement machines includes a device, whether electrical or mechanical, designed and constructed for the amusement of its user through his manipulation of the machine or a device associated with the machine, and such other devices as are prescribed.

licence means a licence under this Act.

place of public entertainment means a building or other place, whether fully or partly enclosed or unenclosed, in which a public entertainment is held or provided but does not include a building or place in respect of which a licence under the *Liquor Act* is in force.

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 and the provision of more than 3 amusement machines) which is open to, or are available for use by, the public whether admission thereto or use thereof is or is not procured by the payment of money or on any other condition.

this Act includes the Regulations made there under.

5 Delegation by the Minister

- (1) The Minister may delegate any of his powers and functions under this Act (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 the performance of any function by the Minister.

6 Places to be licensed

- (1) After the date of commencement of this Act, no place of public entertainment shall be open to the public unless a licence is in force in respect of that place.
- (2) A person who contravenes or fails to comply with subsection (1) commits an offence.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months, and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

7 Issue of licences

- (1) Subject to subsection (2), the Minister may, in his or her discretion 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.
- (2) The Minister must not issue a licence under subsection (1) unless he or she is satisfied that there has been made in or about the building or place in respect of which the application is made:
 - (a) proper sanitary arrangements;
 - (b) proper provision against risk from fire;
 - (c) proper provision for extinguishing fire;
 - (d) proper provision for safe exit, and sufficient means to exit, in the case of fire; and
 - (e) proper provision for the safety and convenience of the public generally.

8 Refusal of licence and re-application

- (1) If the Minister refuses to issue a licence, the Minister must, as soon as practicable after doing so, give notice of the refusal to the applicant.
- (2) Notice under subsection (1) is to be in writing and is to include the Minister's reasons for refusing to issue the licence.
- (3) If the reasons the Minister refuses to issue a licence relate only to the construction of the place of public entertainment or the matters specified in section 7(2), the proprietor of the place of public entertainment may, subject to subsection (4), re-apply for a licence in respect of the place of public entertainment.
- (4) Before re-applying for the licence, the proprietor must rectify the matters identified in the notice of refusal as the reasons why the licence was refused.
- (5) For the purposes of re-applying for a licence, the proprietor must be given a reasonable opportunity after receiving notice of the refusal to discuss with a suitably qualified person authorised by the Minister the reasons for the refusal and any appropriate action the proprietor could take to rectify the matters identified as the reasons for the refusal.

9 Conditions of licence

- (1) Subject to this Act and the Regulations, a licence issued under section 7 is subject to such conditions, if any, as the Minister thinks fit and specifies in the licence including, without limiting the Minister's discretion, conditions relating to the term of the licence, the days and hours of operation of, the number and ages of persons who may be admitted to, the noise and light in and emanating from, and the behaviour of persons in the place of public entertainment.
- (2) A licensee shall cause his licence to be displayed in a prominent place in the place of public entertainment to which it relates.
- (2A) A person who contravenes or fails to comply with subsection (2) commits an offence.

Penalty: If the offender is a natural person – 20 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 100 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

- (3) A licensee who contravenes or fails to comply with a condition of his licence or causes or permits another person to contravene or fail to comply with such a condition, is guilty of an offence.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months, and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

9AA Uniformity of certain conditions

- (1) Subject to subsection (2), all licences issued in respect of the same kind of places of public entertainment are to be subject to the same conditions in relation to the following:
- (a) the days or hours of operation of the places of public entertainment;

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- (b) the number and ages of persons who may be admitted to the places of public entertainment.
- (2) Subsection (1) does not apply if the Minister is satisfied that it is not appropriate in the circumstances of a particular place of public entertainment for the licence issued in respect of it to be subject to the same condition or conditions relating to the days or hours of operation of, and the number and ages of persons who may be admitted to, it as the condition or conditions referred to in that subsection.

9A Patrons to comply with conditions of licence

A person on or in the immediate vicinity of a place of public entertainment shall comply with and not contravene:

- (a) the conditions to which a licence in respect of that place of public entertainment is subject; and
- (b) the reasonable directions of the licensee or his agent or employee apparently in charge of the place of public entertainment relating to the behaviour of the person proscribed by a condition to which the licence is subject.

Penalty: If the offender is a natural person – 100 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 500 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

10 Unlawful uses of place

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.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months, and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

11 Additions and alterations to places

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 Minister.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months, and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

12 Period and renewal of licences

- (1) A licence shall be in force for the period specified in the licence but not exceeding 12 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) Subject to section 14A, the Minister may, in his discretion, refuse to renew a licence.

13 Power of police and authorised officers

- (1) Where a member of the Police Force or a person authorised under section 19 to inspect a place of public entertainment is of the opinion that the continued use of a building or place in a particular way as a place of public entertainment would constitute a ground for the Minister to exercise his power under section 14 if the Minister were of the same opinion, he may direct the licensee or his agent or employee apparently in charge of the place of public entertainment to take such action as the member of the Police Force or that authorized person thinks reasonably necessary to remedy the situation and if the licensee or person so directed fails to take that action within the time allowed for that purpose by the member of the Police Force or that authorised person, the member of the Police Force or authorized person may, by notice in writing addressed to the licensee and served personally on the licensee or his agent or employee apparently in charge of the place of public entertainment, close those premises pending the decision under section 14 of the Minister and advise the Minister accordingly.

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- (2) The licence in respect of premises closed under subsection (1) shall be deemed to have been cancelled until a decision under section 14 by the Minister is made.
 - (3) The Minister shall, as soon as practicable after being advised of the closure under subsection (1) of premises, consider whether the licence in respect of those premises should be cancelled or varied.

14 Cancellation of licence

Subject to section 14A, the Minister may, in his discretion, cancel a licence if, in his opinion, the licensee has contravened or failed to comply with a condition of his licence or the continued use of the place of public entertainment in respect of which the licence is in force would constitute a danger to the public, be prejudicial to public health or convenience or constitute a nuisance to persons who normally reside in the vicinity of the place of public entertainment, or vary a condition of a licence.

14A Licensee to be heard

The Minister shall not, under section 12, refuse to renew a licence or, under section 14, cancel or vary a condition of a licence, until he has given the licensee a reasonable opportunity to inform the Minister why the proposed action should not be taken and the Minister, after considering the information, has given the licensee notice in writing of the reason for the Minister's decision.

15 Holding entertainment in unlicensed premises

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: If the offender is a natural person – 200 penalty units or imprisonment for 12 months, and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

16 Letting unlicensed premises for entertainment

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: If the offender is a natural person – 200 penalty units or imprisonment for 12 months, and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

17 Prohibition or regulation of entertainments

- (1) The Minister, whenever he or she 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 Minister in pursuance of subsection (1), shall be guilty of an offence.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months, and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

18 Register of licences

- (1) The Minister shall cause to be kept a register of applications made and licences issued in pursuance of this Act and of renewals of licences.
- (2) The Minister may notify in the *Gazette* the particulars contained in the register and any alterations therein.

19 Inspection etc.

- (1) Any member of the Police Force or any person authorized in that behalf in writing by the Minister may inspect any place of public entertainment, and, for that purpose, may at all times enter any such place.
- (2) A member of the Police Force or person authorized under subsection (1) may require a person apparently in charge of a place of public entertainment (or a person on or in the immediate vicinity of the place of public entertainment who he or she believes, on reasonable grounds, may be able to assist him or her in inquiries in connection with an offence against this Act that has been, may have been or may be committed) to furnish him or her the person's name and address or both.
- (3) Where a member of the Police Force or authorized person requests under subsection (1) a person to furnish his or her name or address, or both his or her name and address, and informs the person of his or her reason for the request, the person:
 - (a) shall not refuse or fail to comply with the request;
 - (b) shall not furnish to the member a name that is false in a material particular; and
 - (c) shall not furnish to the member or authorized person as his or her address an address other than the full and correct address of his ordinary place of residence.

Penalty: If the offender is a natural person – 100 penalty units.

 If the offender is a body corporate – 500 penalty units.

20 Exits etc. to be free from obstructions

- (1) 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 members of the public are in the place of public entertainment, free from obstruction of any kind.

Penalty: If the offender is a natural person – 200 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

If the offender is a body corporate – 1 000 penalty units and 5 penalty units for each day during which the offence continues after the first day on which it is committed.

- (2) An offence against subsection (1) is a regulatory offence.

20A Minister may remit or refund fees

The Minister may, as he or she considers appropriate:

- (a) remit a fee or portion of a fee payable under this Act; or
- (b) refund to a person a fee or a portion of a fee paid under this Act by the person.

21 Legal proceedings

In any proceedings under this Act:

- (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 Act certified by the Minister, 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.

22 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to

be prescribed, for carrying out or giving effect to this Act and in particular for prescribing matters for or in respect to:

- (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;
- (ea) the fees (if any) for the application for, and issuing of, a licence or renewal of a licence;
- (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;
- (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 100 penalty units for any breach of the Regulations.

Schedule 1

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).

Section 24(i) of the *Alice Springs Administration Ordinance*.

Section 36(i) of the *Darwin Administration Ordinance*.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Places of Public Entertainment Ordinance 1949 (Act No. 10, 1949)***

Assent date	8 November 1949
Commenced	1 August 1952 (<i>Gaz</i> No. 30, 9 July 1952)

Administrator's Council Ordinance 1959 (Act No. 22, 1959)

Assent date	7 July 1959
Commenced	28 April 1960 (<i>Gaz</i> No. 18, 27 April 1960)

Places of Public Entertainment Ordinance 1973 (Act No. 67, 1973)

Assent date	11 December 1973
Commenced	11 December 1973

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

Amending Legislation***Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Transfer of Powers (Further Provisions) Ordinance 1977 (Act No. 51, 1977)

Assent date 9 December 1977
Commenced 1 January 1978 (s 2)

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date 1 July 1978
Commenced 1 July 1978 (s 2)

Statute Law Revision Act 1980 (Act No. 37, 1980)

Assent date 24 April 1980
Commenced 24 April 1980

Statute Law Revision Act (No. 4) 1981 (Act No. 4, 1982)

Assent date 12 February 1982
Commenced 12 February 1982

Statute Law Revision Act 1982 (Act No. 21, 1982)

Assent date 27 April 1982
Commenced 27 April 1982

Places of Public Entertainment Amendment Act 1982 (Act No. 90, 1982)

Assent date 14 December 1982
Commenced 26 August 1983 (*Gaz* G34, 26 August 1983, p 7)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
Commenced 1 January 1984 (s 2 s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

Statute Law Revision Act 1985 (Act No. 49, 1985)

Assent date 1 October 1985
Commenced 1 October 1985

Places of Public Entertainment Amendment Act 2003 (Act No. 21, 2003)

Assent date 29 May 2003
Commenced 20 August 2003 (*Gaz* G33, 20 August 2003, p 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 19 *Places of Public Entertainment Amendment Act 2003* (Act No. 21, 2003)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (as amended) to the following provisions: ss 3, 9, 10, 11, 12, 13, 15, 16, 17, 20, 22, First sch and Second sch.

5 LIST OF AMENDMENTS

It amd No. 21, 1982, s 2
ss 1 – 2 amd No. 21, 1982, s 2
s 3 amd No. 4, 1982, s 3; No. 21, 1982, s 2

ENDNOTES

s 4	amd No. 21, 1982, s 2; No. 90, 1982, s 4
s 5	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 4, 1982, s 3; No. 21, 1982, s 2
s 6	amd No. 21, 1982, s 2; No. 21, 2003, s 4
s 7	amd No. 22, 1959, s 6; No. 51, 1977, s 3; No. 54, 1978, s 3; No. 21, 1982, s 2; No. 90, 1982, s 5; No. 21, 2003, s 5
s 8	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 21, 2003, s 6
s 9	amd No. 4, 1982, s 3 sub No. 90, 1982, s 6 amd No. 21, 2003, s 7
s 9AA	ins No. 21, 2003, s 8
s 9A	ins No. 90, 1982, s 6 amd No. 21, 2003, s 9
s 10	amd No. 4, 1982, s 3; No. 90, 1982, s 15; No. 21, 2003, s 10
s 11	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 4, 1982, s 3; No. 90, 1982, s 15; No. 21, 2003, s 11
s 12	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 90, 1982, s 7
s 13	amd No. 4, 1982, s 3 sub No. 90, 1982, s 8
s 14	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 90, 1982, s 8
s 14A	ins No. 90, 1982, s 8
s 15	amd No. 4, 1982, s 3; No. 90, 1982, s 15; No. 21, 2003, s 12
s 16	amd No. 4, 1982, s 3; No. 90, 1982, s 15; No. 21, 2003, s 13
s 17	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 4, 1982, s 3; No. 90, 1982, s 15; No. 21, 2003, s 14
s 18	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 21, 1982, s 2
s 19	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 90, 1982, s 9; No. 21, 2003, s 15
s 20	amd No. 4, 1982, s 3; No. 90, 1982, ss 10 and 15; No. 21, 2003, s 16
s 20A	ins No. 67, 1973, s 3 amd No. 4, 1982, s 3; No. 90, 1982, ss 11 and 15 sub No. 21, 2003, s 17
s 21	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 21, 1982, s 2
s 21A	ins No. 90, 1982, s 12 rep No. 21, 2003, s 17
s 21B	ins No. 68, 1983, s 51 amd No. 49, 1985, s 4 rep No. 21, 2003, s 17
s 22	amd No. 87, 1973, s 6; No. 37, 1980, s 32; No. 4, 1982, s 3; No. 21, 1982, s 2; No. 90, 1982, ss 13 and 15; No. 21, 2003, s 18
sch 1	amd No. 21, 1982, s 2
sch 2	amd No. 21, 1982, s 2 rep No. 90, 1982, s 14