

NORTHERN TERRITORY OF AUSTRALIA
PLACES OF PUBLIC ENTERTAINMENT AMENDMENT ACT 2003

Act No. 21 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 21 of 2003

AN ACT

to amend the *Places of Public Entertainment Act*

[Assented to 29 May 2003]

[Second reading 25 February 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Places of Public Entertainment Amendment Act 2003*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Places of Public Entertainment Act* is in this Act referred to as the Principal Act.

4. Places to be licensed

Section 6 of the Principal Act is amended –

- (a) by omitting "After" and substituting "(1) After"; and

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(b) by adding at the end the following:

"(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."

5. Issue of licences

Section 7 of the Principal Act is amended –

(a) by omitting from subsection (1) "section 8" and substituting "subsection (2)";

(b) by omitting from subsection (1) "his" and substituting "his or her"; and

(b) by omitting subsection (2) and substituting the following:

"(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."

6. Repeal and substitution

Section 8 of the Principal Act is repealed and the following substituted:

"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.

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"(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."

7. Conditions of licence

Section 9 of the Principal Act is amended –

(a) by inserting after subsection (2) the following:

"(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."; and

(b) by adding at the end of subsection (3) the following:

"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."

8. New section

The Principal Act is amended by inserting after section 9 the following:

"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;
- (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."

9. Patrons to comply with conditions of licence

Section 9A of the Principal Act is amended by omitting all the words after paragraph (b) and substituting the following:

"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

Section 10 of the Principal Act is amended by adding at the end the following:

"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

Section 11 of the Principal Act is amended by adding at the end the following:

"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. Holding entertainment in unlicensed premises

Section 15 of the Principal Act is amended by adding at the end the following:

"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."

13. Letting unlicensed premises for entertainment

Section 16 of the Principal Act is amended by adding at the end the following:

"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."

14. Prohibition or regulation of entertainments

Section 17 of the Principal Act is amended –

- (a) by omitting from subsection (1) "he" and substituting "he or she"; and

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- (b) by adding at the end of subsection (2) the following:

"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."

15. Inspection etc.

Section 19 of the Principal Act is amended –

- (a) by omitting from subsection (2) "he", "assist him" and "furnish him" and substituting "he or she", "assist him or her" and "furnish him or her" respectively;
- (b) by omitting from subsection (3) "furnish his ", "both his" and "his reason" and substituting "furnish his or her", "both his or her" and "his or her reason" respectively;
- (c) by omitting from subsection (3)(c) "his" and substituting "his or her"; and
- (d) by omitting from subsection (3) all the words after "residence." and substituting the following:

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

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

16. Exits etc. to be free from obstructions

Section 20 of the Principal Act is amended –

- (a) by omitting "The" and substituting "(1) The"; and
- (b) by adding at the end the following:

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."

17. Repeal and substitution

Sections 20A, 21A and 21B of the Principal Act are repealed and the following substituted:

"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."

18. Regulations

Section 22 of the Principal Act is amended by omitting from paragraph (i) "\$200" and substituting "100 penalty units".

19. Transitional provision for pending licence applications

If, immediately before the commencement of this Act, the Minister had not decided an application for a licence under the Principal Act, that Act as amended by this Act applies in relation to the application.