



NORTHERN TERRITORY OF AUSTRALIA

No. 90 of 1982

AN ACT

To amend the *Places of Public Entertainment Act*

[Assented to 14 December 1982]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Places of Public Entertainment Amendment Act 1982*.

2. COMMENCEMENT

This Act shall come into operation on a date to be 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. DEFINITIONS

Section 4 of the Principal Act is amended -

- (a) by inserting before the definition of "licence" the following:

"'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;"

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- (b) by omitting the definition of "place of public entertainment" and substituting the following:

"'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;"; and

- (c) by omitting from the definition of "public entertainment" all words after "boxing or other amusement" and substituting "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;".

5. ISSUE OF LICENCE

Section 7(1) of the Principal Act is amended by omitting "The Minister may" and substituting "Subject to section 8, the Minister may, in his discretion".

6. REPEAL AND SUBSTITUTION

Section 9 of the Principal Act is repealed and the following substituted:

"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.

"(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.

"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 -

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- (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: \$200."

7. PERIOD AND RENEWAL OF LICENCE

Section 12 of the Principal Act is amended by omitting sub-section (3) and substituting the following:

"(3) Subject to section 14A, the Minister may, in his discretion, refuse to renew a licence."

8. REPEAL AND SUBSTITUTION

Sections 13 and 14 of the Principal Act are repealed and the following substituted:

"13. POWER OF POLICE AND AUTHORIZED OFFICERS

"(1) Where a member of the Police Force or a person authorized 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 authorized 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.

"(2) The licence in respect of premises closed under sub-section (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 sub-section (1) of premises, consider whether the licence in respect of those premises should be cancelled or varied.

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"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."

9. INSPECTION, &c.

Section 19 of the Principal Act is amended -

(a) by omitting "officer" and substituting "person";
and

(b) by adding at the end the following:

"(2) A member of the Police Force or person authorized under sub-section (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 believes, on reasonable grounds, may be able to assist him in inquiries in connection with an offence against this Act that has been, may have been or may be committed) to furnish him the person's name and address or both.

"(3) Where a member of the Police Force or authorized person requests under sub-section (1) a person to furnish his name or address, or both his name and address, and informs the person of his 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

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- (c) shall not furnish to the member or authorized person as his address an address other than the full and correct address of his ordinary place of residence.

Penalty: \$200."

10. EXITS, &c., TO BE FREE FROM OBSTRUCTION

Section 20 of the Principal Act is amended by omitting all words after "at all times" and substituting "while members of the public are in the place of public entertainment, free from obstruction of any kind."

11. PROHIBITED SMOKING

Section 20A of the Principal Act is amended by omitting sub-section (5).

12. NEW SECTION

The Principal Act is amended by inserting after section 21 the following:

"21A. PENALTIES

"A person guilty of an offence against a provision of this Act in respect of which no other penalty is expressly provided is subject to -

- (a) where the offence is a first offence against the provision - a penalty of \$1,000 or imprisonment for 6 months; or
- (b) where the offence is a second or subsequent offence against the provision - a penalty of \$2,000 or imprisonment for 12 months,

and \$250 in respect of each day during which the offence continues."

13. REGULATIONS

Section 22 of the Principal Act is amended by inserting after paragraph (e) the following:

- "(ea) the fees (if any) for the application for, and issuing of, a licence or renewal of a licence;"

14. SCHEDULES

The Principal Act is amended by omitting the Second Schedule.

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15. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 15

AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 10	"Penalty: 40 dollars."	
Section 11	"Penalty: 100 dollars."	
Section 15	"Penalty: 40 dollars for every day during which the public entertainment is held."	
Section 16	"Penalty: 100 dollars."	
Section 17(2)	"Penalty: 40 dollars."	
Section 20	"Penalty: 200 dollars."	
Section 20A(1) and (2)	"Penalty: 100 dollars."	"Penalty: \$200."
Section 20A(3)	"Penalty: 50 dollars."	"Penalty: \$100."
Section 22(i)	"not exceeding 40 dollars"	"not exceeding \$200".
