

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment.

GENERAL ANNOTATION.

ADMINISTRATION:

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), while the administration of this Chapter was not specifically vested in any Minister, it appears from the history of the legislation and the determination of functions of Departments that it came within the responsibilities of the Prime Minister.

Accordingly, unless some other intention is clearly indicated, by note or in the text, as at that date references in or in relation to this Chapter to—

“the Minister”—should be read as references to the Prime Minister;

“the Departmental Head”—should be read as references to the Secretary to the Prime Minister;¹

“the Department”—should be read as references to the Department of the Prime Minister.²

APPLICATION OF CHAPTER.

It should be noted that the *Places of Entertainment Act (Papua)*, and the *Places of Entertainment Regulation (Papua)* which is in force under it, apply in the former Territory of Papua, while the *Places of Entertainment Regulation (T.N.G.)*, which is in force under the *Licences Act (T.N.G.)* applies only in the former Territory of New Guinea.

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Places of Entertainment Act (Papua)</i>	3
<i>Places of Entertainment Regulation (Papua)</i>	7
<i>Places of Entertainment Regulation (T.N.G.)</i>	11
Subsidiary Legislation	—
Appendixes—	
1. Source of Act.	
2. Source of Papua Regulation.	
3. Source of T.N.G. Regulation.	

¹ Previously the Secretary, Department of the Prime Minister and Development Administration.

² Previously the Department of the Prime Minister and Development Administration.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment Act (Papua).

ARRANGEMENT OF SECTIONS.

1. Constitutional limitation on application of Act.
2. Interpretation—
 "place of entertainment"
 "proprietor".
3. Application to clubs.
4. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment Act (Papua).

Being an Act applying in and to the former Territory of Papua to provide for the regulation of places of public amusements.

1. Constitutional limitation on application of Act.

By virtue of Section Sch. 2.6(2) (*adoption of pre-Independence laws*) of the Constitution, this Act applies in relation to the area that, immediately before Independence Day, formed the Territory of Papua.

2. Interpretation.

In this Act, unless the contrary intention appears—

“place of entertainment” means—

- (a) any building enclosure or place that is or is intended to be used, kept or let as a theatre, concert room, dancing saloon, music hall, cinematograph exhibition, place for athletics or boxing; or
- (b) any premises on which is kept or maintained a billiard, bagatelle or billiard-bagatelle table for hire or as a means of gain or profit; or
- (c) any building enclosure or place that the Head of State, acting on advice, declares, by notice in the National Gazette, to be a place of public entertainment within the meaning of this Act,

but does not include (except when used for the purpose of a cinematograph exhibition) any institute, hall or any public building under the control of the Government or of trustees appointed by the Government;

“proprietor” includes an owner, lessee or licensee or the agent of an owner, lessee or licensee of, or a person having the superintendence or management of, a place of entertainment.

3. Application to clubs.

This act does not apply to or in relation to a club that is not open to the public.

4. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, in relation to places of entertainment with respect to—

- (a) their situation, form and construction; and
- (b) their licensing and inspection and fees for such licences and inspections; and
- (c) their conduct and management; and
- (d) the prohibition of the admission of natives¹ to them or the conditions under which natives¹ may be admitted; and
- (e) the terms and conditions on which exhibitions of any kind may be advertised, presented or carried on; and

¹ See the pre-Independence *Ordinances Interpretation Act* 1949, Section 49(2) and the *Interpretation Act*, Section 98(1).

Ch. No. 319

Places of Entertainment

- (f) penalties of fines not exceeding K40.00, and in default of payment imprisonment for terms not exceeding three months, for offences against or contraventions of the regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment Regulation (Papua).

ARRANGEMENT OF SECTIONS.

1. Application.
2. Conditions for opening.
3. Granting of licence.
4. Fees.
5. Use of premises.
6. Sundays, etc.
7. Hours for opening.
8. Inspection.
9. Prohibition, etc. of performance.

SCHEDULE.—Licence.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment Regulation (Papua).

MADE under the *Places of Entertainment Act (Papua)*.

1. Application.

This Regulation applies in relation to the area that, immediately before Independence Day, formed the Territory of Papua.

2. Conditions for opening.

A place of entertainment must not be open to the public unless—

- (a) the conditions prescribed by this Regulation are complied with; and
- (b) it is licensed.

Penalty: A fine not exceeding K40.00 and in default of payment imprisonment for a term not exceeding three months.

3. Granting of licence.

(1) A District Officer may issue a licence for a place of entertainment in the form in the Schedule.

(2) The District Officer shall not grant a licence unless he is satisfied that the premises in respect of which the licence is applied for—

- (a) are not and are not likely to be dangerous to public health or safety; and
- (b) do not constitute and are not likely to constitute a fire hazard.

(3) Where a District Officer is satisfied that a place of entertainment in respect of which a licence has been granted—

- (a) is or is likely to be dangerous to public health or safety; or
- (b) constitutes or is likely to constitute a fire hazard,

he may cancel the licence.

4. Fees.

The fee for a licence is K6.00.

5. Use of premises.

Premises in respect of which a licence has been granted must not be used for any purpose of public entertainment other than that expressed in the licence.

Penalty: A fine not exceeding K40.00 and in default of payment imprisonment for a term not exceeding three months.

6. Sundays, etc.

Licensed premises must not be open or used for the purposes of public entertainment on any Sunday before 8 p.m. or on Good Friday or Christmas Day.

Penalty: A fine not exceeding K40.00 and in default of payment imprisonment for a term not exceeding three months.

7. Hours for opening.

Unless otherwise expressly authorized by a Provincial Commissioner, licensed premises must be closed not later than midnight on any week-day, and must not be opened before 10 a.m.

Penalty: A fine not exceeding K40.00 and in default of payment imprisonment for a term not exceeding three months.

8. Inspection.

Licensed premises must, at all reasonable times, and particularly while any meeting, assembly, entertainment or exhibition is going on in them, be open free of charge for the admission and inspection of the Director of Public Works or a person authorized by him to inspect licensed premises, and to the Provincial Commissioner and members of the Police Force when in uniform.

Penalty: A fine not exceeding K40.00 and in default of payment imprisonment for a term not exceeding three months.

9. Prohibition, etc. of performance.

(1) The Departmental Head, or a person appointed by him, may, by written notice given to the proprietor or left at a place of entertainment, prohibit the representation in the place of any entertainment or performance, or any part of an entertainment or performance, that—

- (a) might provoke a breach of the peace; or
- (b) is a violation of public decency or propriety; or
- (c) is dangerous to the performer or to any other person.

(2) After the giving of a notice under Subsection (1), a person who performs, takes part in or permits any representation referred to in the notice is guilty of an offence.

Penalty: A fine not exceeding K40.00 and in default of payment imprisonment for a term not exceeding three months.

—————
SCHEDULE.

—————
PAPUA NEW GUINEA.
Places of Entertainment Act (Papua).

Reg., Sec. 3.

LICENCE.

The premises described below are licensed as a place of entertainment for the purposes of for one year from this date.

This licence is issued to _____ as licensee.

Description of premises:

Dated _____ 19 _____

Provincial Commissioner.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment Regulation (T.N.G.).

ARRANGEMENT OF SECTIONS.

1. Constitutional limitation on application of Regulation.
2. Interpretation—
 "licence"
 "Licensing Officer".
3. Application to clubs and hotels.
4. Unlicensed places of entertainment.
5. Licences.
6. Term of licence.
7. Conditions of licence.
8. Fees.
9. Failure to comply with conditions of licence.

SCHEDULE.

FORM 1.—Application for Licence to Keep a Place of Entertainment.

FORM 2.—Licence to Keep a Place of Entertainment.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment Regulation (T.N.G.).

MADE under the *Licences Act (T.N.G.)*¹.

1. Constitutional limitation on application of Regulation.

By virtue of Section Sch. 2.6(2) (*adoption of pre-Independence laws*) of the Constitution, this Regulation applies in relation to the area that, immediately before Independence Day, formed the Territory of New Guinea.

2. Interpretation.

In this Regulation, unless the contrary intention appears—

“licence” means a licence granted under Section 5;

“Licensing Officer” means—

- (a) the Provincial Commissioner of the province in which the place of entertainment is situated; or
- (b) an Assistant District Officer authorized in writing by the Provincial Commissioner to exercise the powers and perform the functions of a Licensing Officer in the province.

3. Application to clubs and hotels.

This Regulation does not apply to or in relation to a club or hotel.

4. Unlicensed places of entertainment.

A person other than a licensee who keeps a place of entertainment is guilty of an offence.

Penalty: A fine not exceeding K100.00.

5. Licences.

(1) An application for a licence shall be made in writing to the Licensing Officer in Form 1.

(2) A licence shall be in Form 2.

6. Term of licence.

A licence expires on 30 June after the date of issue.

7. Conditions of licence.

A licence shall be granted subject to the following conditions :—

- (a) that if, on inspection or on obtaining satisfactory evidence, it appears to a Licensing Officer that, owing to—
 - (i) the position, insufficiency, or unsuitableness of a place of entertainment; or

¹ See Chapter 112.

Places of Entertainment

- (ii) the improper character of the licensee, or any person resorting to a place of entertainment; or
 - (iii) the fact that the place of entertainment—
 - (A) is or is likely to be dangerous to public health or safety; or
 - (B) constitutes or is likely to constitute a fire hazard; or
 - (iv) any other sufficient cause,
- it is desirable or expedient to do so the Licensing Officer may suspend or cancel the licence; and
- (b) that the holder of the licence shall, at all reasonable times, permit—
 - (i) the Provincial Commissioner of the province in which the place of entertainment is situated; or
 - (ii) the Director of Public Works or a person authorized by him for the purpose,to enter without charge and inspect the place of entertainment; and
 - (c) that the Departmental Head or a person appointed by him by notice in the National Gazette, may, by written notice—
 - (i) delivered to the holder of the licence; or
 - (ii) left at the place of entertainment kept by him,prohibit in the place of entertainment, the representation—
 - (iii) of any entertainment or performance; or
 - (iv) any part of an entertainment or performance,that in the opinion of the Departmental Head or of that person, might—
 - (v) provoke, or tend to provoke, a breach of the peace; or
 - (vi) amount to a violation of public decency or propriety; or
 - (vii) be dangerous to the entertainer, performer, or any other person; and
 - (d) that the holder of the licence shall not permit any person (other than a person dwelling on the premises) to consume liquor as defined in the *Liquor (Licensing) Act* on the premises in respect of which he holds the licence, in the hours during which the sale of liquor by the holder of a publican's licence under the *Liquor (Licensing) Act* is prohibited under that Act; and
 - (e) that the holder of the licence shall not open the place of entertainment or permit it to be opened to the public on any Sunday before 8 p.m. or on Good Friday or Christmas Day.

8. Fees.

- (1) Subject to Subsection (2) the fee for a licence issued under this Regulation is K6.00.
- (2) The fee for a licence issued during the first six months in any year is K3.00.

9. Failure to comply with conditions of licence.

- (1) The holder of a licence who fails to comply with a condition subject to which it was granted is guilty of an offence.
Penalty: A fine not exceeding K100.00.

(2) Subsection (1) does not affect the power of a Licensing Officer to suspend or cancel a licence under Section 7(a).

SCHEDULE.

Places of Entertainment Regulation (T.N.G.).

Reg., Sec. 5(1).

Form 1.

APPLICATION FOR LICENCE TO KEEP A PLACE OF ENTERTAINMENT.

Name of Applicant (in full)
Address
Occupation
Nature of entertainment
Locality of place of entertainment
Date of application

(Signature of Applicant.)

PAPUA NEW GUINEA

Places of Entertainment Regulation (T.N.G.).

Reg., Sec. 5(2).

Form 2.

LICENCE TO KEEP A PLACE OF ENTERTAINMENT.

description of place of entertainment, of *place of entertainment*, having paid the fee of K *is licensed to keep (insert situation of premises)* at *is licensed to keep (insert situation of premises)* during the year ending 30 June 19 .

Dated 19 .

Licensing Officer.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 319.

Places of Entertainment.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE PLACES OF ENTERTAINMENT ACT.

Part A.—Previous Legislation.

Places of Public Entertainment Act, 1915 of the Territory of Papua (No. 5 of 1915)
as amended by—

Ordinances Revision Act 1950 (No. 18 of 1950)

Places of Public Entertainment (Papua) Act 1955 (No. 43 of 1955).

Part B.—Cross References.

Section, etc., in Revised edition.	Previous Reference ¹ .
1	—
2	2
3	2A
4	3, 4

¹ Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE PLACES OF ENTERTAINMENT (PAPUA) REGULATION.

Part A.—Previous Legislation.

Public Entertainment Regulations, 1926 of the Territory of Papua (Statutory Instrument 1926, No. 2),

as amended by—

Statutory Rule 1928, No. 1 (Papua)

Statutory Rule 1931, No. 5 (Papua)

Regulations No. 23 of 1952

Regulations No. 18 of 1954

Regulations No. 36 of 1957

Regulations No. 33 of 1958

Regulations No. 37 of 1962

Statutory Instrument No. 43 of 1969.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹
1	—
2	3
3	4
4	5
5	6
6	7
7	8
8	10
9	12
Schedule.	Schedule.

¹ Unless otherwise indicated, references are to the regulations set out in Part A.

APPENDIX 3.

SOURCE OF THE PLACES OF ENTERTAINMENT REGULATION (T.N.G.).

Part A.—Previous Legislation.

Places of Entertainment Regulations of the Territory of New Guinea (gazetted on 21 March 1927)¹

as amended by—

- Amending Regulations gazetted¹ on 15 March 1929
- Amending Regulations gazetted¹ on 30 September 1929
- Amending Regulations gazetted¹ on 17 November 1931
- Amending Regulations gazetted¹ on 15 February 1932
- Regulations No. 24 of 1952
- Regulations No. 17 of 1954
- Regulations No. 40 of 1957
- Regulations No. 32 of 1958
- Regulations No. 38 of 1962
- Statutory Instrument No. 44 of 1969.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ²
1	—
2	2
3	2 ("licence")
4	3 (1)
5	3 (1), (2).
6	4
7	6
8	5
9	7
Schedule—	Schedule—
Form 1	Form 2
Form 2	Form 1.

¹ In the *New Guinea Gazette*.

² Unless otherwise indicated, references are to the regulations set out in Part A.

