PLACES OF PUBLIC ENTERTAINMENT BILL.

Adjourned debate on second reading.

The Hon. E. L. W. KLAUER said the Theatrical Managers' Association were not opposed to the Bill, and were rather pleased than otherwise that control was to be vested in the Ministerial head of the department. At present licenses were granted by the councils, and the Government had supervision over the structures. The managers, however, thought that certain minor amendments of the Bill were desirable, and in committee he would endeavor to have them incorporated. He agreed with what Mr. Lucas had said with regard to the tendency to legislate by regulation, thus placing too great a power in the hands of an inspector. The Bill was overloaded in that respect. Clause 8 read as follows:—"The Minister may refuse to grant a license (a) if it appears to him that the provisions of this Act have not been complied with; or (b) if it appears to him that alterations or additions to the premises are necessary in order to provide for the safety, health, or convenience of the public or the performers or employes; or (c) if in his opinion the building is not suitable to be used as a place of public entertainment, or the site of such building is unsuitable; or (d) if for any other reason he deems the issue of the license to be inexpedient." The last paragraph appeared to override the whole of the clause, and might operate to the serious injury of a company. For instance, a company might go to big expenditure to have a place of entertainment erected, and at the last moment it might be condemned by the inspector. In all other legislation of a like character there was provision for arbitration to settle these disputed points, and the inclusion of a similar provision in the Bill would make it acceptable to the Theatrical Managers' Association." In clause 12 it was provided that no transfer of a license should be made except to an owner or lessee of the building licensed. The amendment suggested was to add "or occupier," because it often happened that the owners and the lessees were not the occupiers. After clause 16, dealing with the cancellation of licenses, it was suggested that the following arbitration clause be inserted:—"16. Any proprietor or other person in any way interested in the grant, renewal, or transfer of any license, or in any way affected by the cancellation of any license if dissatisfied with the refusal of the Minister to grant or renew or to consent to the transfer of any license, or with the determination of the Minister cancelling any license, as the case may be, may, within one month from the date of such refusal or determination, give notice of such dissatisfaction to the Minister, and thereupon the matters in dispute between such proprietor or other person, and the Minister shall be referred to a judge of the Supreme Court, who on the application by summons of such proprietor or other person, shall make such order and directions, and grant such relief with or without costs as in the circumstances such judge shall think just." The power given by the Bill to the Government and the inspectors was too drastic unless means of retaliation was provided for the persons interested. The next suggested alteration was to insert in clause 17, sub-clause (e), line 10, "permanently" before "stored," so as to make it read that the Governor might make regulations prescribing "the manner and place in which scenery and properties and other combustible articles are to be permanently stored." In clause 20, which placed a limitation on Sunday entertainments, it was desired to strike out "or is used for any purpose whatever." It might often be essential for theatrical companies to rehearse on Sundays in order to put on a new piece on the next day. If a leading lady became suddenly ill at the end of the week, and her understudy were called upon to fill her place, it might be absolutely necessary for the company to have a Sunday rehearsal, but the Bill as at present drafted would prevent it. Even if the manager went to his office at the theatre to do some private work or to write a letter, the inspector would have power to prosecute him. In clause 28, subclause (e), provision was made for the admission of members of the police force to places of public entertainment, and it was suggested that the words "whilst on duty" be added. Passing on to clause 29, dealing with legal proceedings, it should be remembered that many of the places of public entertainment in Adelaide were owned by companies. The clause stated:—"In any proceedings under this Act a person shall be deemed to hold a public entertainment if he conducts or is interested in the proceeds or profits of the same, or on the occasion in question has the superintendence or management of the place where such entertainment is held." He proposed to move for the insertion after the word "interested" of "other than a shareholder of a duly registered company." It was possible under the clause that every individual shareholder of a company was liable to be proceeded against in the event of any breach of the Act. He did not think that was the intention of the Government. Clause 31, which was the culminating point in the power of the Minister, read:—"Anything done by the Minister and purporting to be done in the exercise or discharge of any power or duty conferred or imposed by this Act shall be final, and shall not be reviewed by any court." It was his intention to move in the direction of an arbitration clause, which would obviate the indignity of a Minister of the Crown having to appear in a court. He suggested that the clause should be amended by the insertion of "except as by this Act is otherwise provided," which would have direct reference to the clause dealing with arbitration. There were two clauses dealing with overcrowding of places of public entertainment. Clause 22 should be sufficient, because it put the responsibility on the manager or proprietor, but clause 23 made an individual in his employ responsible. Clause 22 read:—"If in any licensed place of public entertainment in which a public entertainment is held, or is about to be held—(a) The number of persons present on any floor, or on any tier, of such place exceeds the number stated in respect of such floor or tier in the license; or (b) the total number of persons admitted to such place exceeds the total number stated in respect of such place in the license, the person holding such entertainment and every proprietor of such place shall each be liable to a penalty not exceeding fifty pounds." That seemed sufficient provision that the house should not be overcrowded, but clause 23, which seemed unnecessary, stated—"If a seller of tickets at a licensed place of public entertainment, or any part thereof, in which a public entertainment is held, or is about to be held, sells any ticket for entrance thereto after he has been warned by an inspector that the total number of persons stated in the license has been admitted, he shall be liable to a penalty not exceeding ten pounds." It appeared that two persons could be fined for the same offence, which he did not think was right. The manager had the full responsibility, and it was the duty of the inspector to see the manager, and not to step in between him and the ticket-seller. He suggested that the manager should alone be liable for any breach of the Act. Reference was made by Mr. Wallis the previous day to the unfortunate boy Isaacson, who was found guilty of robbery at Messrs. Harris, Scarfe, & Co.'s premises. The Chief Justice said the youth might have been led into the paths of indiscretion by visiting some of the picture shows. He did not think his Honor was liable to be misled by the counsel for the youth, and the judge seemed to have forgotten the principal factor in framing the mind of a youth, and that was the home environment. The youth had no home environment, and that was the beginning of his falling from the paths of rectitude. It was not fair to cast a slur on any entertainment by saying that it was the cause of leading anyone astray, and the Chief Justice did not use the intelligence he credited him with in regard to his knowledge of the various walks of life. In reference to the question of holding public entertainments on Sundays, every religious creed was entitled to consideration, and those who wanted to go should be considered, as well as those who wished the places to be closed. (Mr. Wallis—"Would you apply that to your own hotel?") He supported the Sunday-closing of hotels, and he would again under certain conditions. Colcord, writing in "The Rights of Man," stated:—"It would be proper and right for every civil government to have in its Constitution or bill of rights such a clause as the following:—The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to excuse acts of incivility or riotous behaviour" (that referred to his attitude on the Sunday-closing of hotels), "or justify practices inconsistent with the equal rights of all. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious class or denomination or mode of worship." They were proved to be too sentimental with regard to consideration for the day that was called the Sabbath. (Mr. Lucas—"The danger is the coming of the Continental Sabbath.") By that, of course, was meant the desecration of the Sabbath, and he agreed with the view. But he also held the opinion that a properly managed Sunday concert—and he had managed too for the Locomotive Band—was a source of profit and innocent enjoyment to the people.

Sir JOHN DUNCAN wished to direct attention to only one or two points in the Bill that were deserving of consideration. The Chief Secretary, in moving the second reading of the measure said, "The licensing of places of public entertainment was the next matter of importance. At present the local municipal or district council granted licenses, but there were various reasons in favor of having one central and strong authority for that purpose, and it was proposed to vest that function in a Minister of the Crown, who would have the services of expert inspectors specially chosen for the administration of the law." In the schedule attached to the Bill was a scale of fees to be charged, and he wanted to know if the corporations and district councils would be deprived of that source of revenue. (The Chief Secretary—"Yes, but the Government relieve the local governing bodies of all responsibility, and will maintain a staff of inspectors.") He understood that was done at present. The schedule set out that for a place to hold 750 or more persons the fee would be £10 a year, over 400 and under 750 £5 a year, under 400 £2 a year. Now, what he wished to emphasise was the fact that district halls, owned by the local governing bodies, and institute halls would have to pay up to £10 a year as a license fee to the Government, and he questioned the wisdom of levying such charges on them. In the first paragraph of clause 4 it would appear that the Bill would apply only to the metropolitan area, but the next paragraph provided that it could be extended to other districts, so the intention evidently was to make the law apply to all parts of the State. He entirely supported the exemptions set out in clause 5, which mentioned churches and buildings used in connection with them. In committee he proposed to submit an amendment to exempt the University of Adelaide also. The provisions of the Bill were mostly fit and proper where they dealt with the regulation of possible abuses in the conduct of places of public amusement so far as related to decency, morality, and sanitary conditions. Could it be said that the strict and necessary provisions as to licenses should be applicable to the conduct of classes for and exhibitions of music of the highest order or take, perhaps, a slightly lower standard to balls and dancing classes held under all the regulations existing for the control of all the affairs of the University? Unless exempted the halls of the University would undoubtedly come under the definition of "places of public entertainment" and would be duly classed with the skittle and bowling alley. The definition of "public entertainment" would cover the classical and elevating displays of music in the Elder Hall and rank them with boxing contests. The issuing of the licenses was not confined to the Minister alone, but probably the discretion of so doing might, under clause 6, be delegated to some person appointed for the purpose, and it would be possible that the efforts of the highest tribunal on education for the advancement of learning or for relief to the wearier brain of the student in the form of amusement would be at the beck and call of some junior officer in the Government service. As to the varied conditions required under clause 14, prior to licensing, could it be conceived that the fullest provision had not been made in buildings erected under Government supervision? The council of the University could surely be trusted to see that every condition as to sanitation, lighting, and stability had been complied with. It was an institution controlled by professors and other experienced persons among whom were numbered two members of the Legislative Council and three members of the House of Assembly, presided over by the Chief Justice of the State. Should the appliances provided by them for the education of the students of the University be subject to the same form of control as any skittle alley? The provisions of former Bills regulating places of public amusement had never hitherto been applied to the University buildings, but it was desirable to lay down in clear terms that the buildings were beyond doubt placed without the pale of those restrictions. He thought it must have been an oversight when the University was placed in the same category as the skittle alley. He was glad the Government had made the measure a consolidating one.

The Hon. J. H. VAUGHAN could not see that any advantage would be gained by exempting the University. There were many other institutions which would consider it derogatory to their dignity to be classed with the skittle alley and the prize-fighting ring, but the object of the Bill was to safeguard the public against overcrowding and injuries, which had resulted in some instances in loss of life. Nor could he see any advantage in the necessity for, exempting churches. (Mr. Howe—"Unfortunately they are never full.") The exemption applied not only to churches, but to buildings connected therewith, which might be used quite for tea-meetings, concerts, lectures, or entertainments held in connection with such denominations. They ought to be more careful of the safety of the public at church lectures than of the people who attended prize fights. The Conservatorium was used for entertainments to which the public went in large numbers. That building was filled on occasions, and if the facilities provided for exit in the case of fire were not sufficient the premises should be brought within the scope of the Act. He also thought there should be a clause to include Government buildings within the scope of the measure. It would only mean transferring the administration of the matter from one department to another. If such buildings as the School of Mines, or the Exhibition Building, which was let for the purpose of public entertainments, did not come within the scope of the Bill the public would have to look simply to the Superintendent of Public Buildings for their safety. It would be far better if the people had to look to the inspector under that Act. He supported the Bill.

The second reading was carried.

In committee.

Clause 1 passed.

Progress was reported, and leave obtained to sit again on Tuesday next.