

Public Entertainments and Meetings (Amendment) Bill

Bill No. 22/2017.

Read the first time on 3 April 2017.

A BILL

intituled

An Act to rename and amend the Public Entertainments and Meetings Act (Chapter 257 of the 2001 Revised Edition) and to make consequential amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Public Entertainments and Meetings (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of long title

2. The long title to the Public Entertainments and Meetings Act (called in this Act the principal Act) is amended by deleting the words “and meetings”.

Amendment of section 1

10 3. Section 1 of the principal Act is amended by deleting the words “and Meetings”.

Amendment of section 2

4. Section 2 of the principal Act is amended —

15 (a) by deleting the word “Schedule” in the definitions of “arts entertainment” and “public entertainment” in subsection (1) and substituting in each case the words “First Schedule”;

20 (b) by inserting, immediately after the definition of “Arts Entertainment Licensing Officer” in subsection (1), the following definition:

““authorised person” means an individual appointed as an authorised person under section 4(2);”;

25 (c) by inserting, immediately after the definition of “public entertainment” in subsection (1), the following definition:

““Public Entertainment Appeal Board” means the Public Entertainment Appeal Board established under section 16AA;”;

30 (d) by inserting, immediately after the definition of “Public Entertainment Licensing Officer” in subsection (1), the following definition:

“ “responsible officer”, in relation to an applicant or a licensee, means —

- (a) where the applicant or licensee is a body corporate, a director of the body corporate; 5
 - (b) where the applicant or licensee is a partnership (including a limited partnership and limited liability partnership), a partner of the partnership; and 10
 - (c) where the applicant or licensee is an unincorporated association registered under the Societies Act (Cap. 311), an officer of the unincorporated association;” 15
- (e) by deleting the word “Schedule” in subsection (2) and substituting the words “First Schedule”;
- (f) by inserting, immediately after subsection (2), the following subsection:
- “(2AA) In determining any approved place for the purposes of this Act, the appropriate Licensing Officer — 20
- (a) must act in conformity with the provisions of the Master Plan and any Certified Interpretation Plan under the Planning Act (Cap. 232) and any authorisation under section 21(6) of that Act; and 25
 - (b) may approve an approved place, subject to written permission being obtained under the Planning Act for any development of or works on the land that constitutes the approved place, if required.”; and 30
- (g) by deleting the word “Schedule” in subsection (2B) and substituting the word “Schedules”.

Amendment of section 4

5. The principal Act is amended by renumbering section 4 as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

5 “(2) The appropriate Licensing Officer may, in relation to any provision of this Act, appoint an individual who is suitably trained as an authorised person for the purposes of that provision, subject to such conditions or limitations as set out in this Act or as the Licensing Officer may specify.

10 (3) An authorised person who, in the course of duty as an authorised person, exercises any power as such, is deemed to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising such power.”.

Amendment of section 5

15 6. Section 5(3) of the principal Act is amended by inserting, immediately after the word “website” in paragraph (a), the words “(including criteria and requirements relating to any responsible officer of the applicant and any person having substantial interest in, or control or direction over, the business of the applicant)”.

Amendment of section 10

20 7. Section 10 of the principal Act is amended by deleting subsection (5).

Amendment of section 11

25 8. Section 11 of the principal Act is amended by deleting subsection (6).

Amendment of section 13

 9. Section 13 of the principal Act is amended by deleting subsections (3) and (4).

Amendment of section 14

10. Section 14 of the principal Act is amended —

(a) by inserting, immediately after the words “fit and proper person to hold such licence” in subsection (2), the words “, having regard to the criteria and requirements mentioned in section 5(3)(a)”;

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Despite subsection (3A), the appropriate Licensing Officer may immediately suspend a licence if proceedings have commenced against the licensee, a responsible officer of the licensee or a person having substantial interest in, or control or direction over, the business of the licensee, for any offence —

(a) specified in the Second Schedule; and

(b) arising out of or in connection with any activity at an approved place specified in the licence,

until the conclusion of those proceedings.”; and

(c) by deleting subsections (5) and (6).

Amendment of section 15

11. Section 15(2) of the principal Act is amended by inserting, immediately after the words “the licensee has”, the words “consented to have an offence under section 19(1)(c) taken into consideration by a court in determining and passing sentence for any other offence or”.

Amendment of section 15A

12. Section 15A of the principal Act is amended —

(a) by inserting, immediately after subsection (2), the following subsections:

“(2A) In classifying any arts entertainment, the Arts Entertainment Licensing Officer may impose such

conditions as he thinks fit and may, at any time, add to the conditions, or vary or revoke any such condition.

(2B) The Arts Entertainment Licensing Officer must, before proceeding to add to, vary or revoke any condition of a classification under subsection (2A), give the licensee —

(a) notice in writing of his intention to do so; and

(b) an opportunity to be heard, within such time as may be specified in the notice, as to why the condition should not be added to, varied or revoked.”; and

(b) by inserting, immediately after the words “Arts Entertainment Licensing Officer” in subsection (3), the words “and its provision is in accordance with the conditions imposed under subsection (2A), if any”.

Amendment of section 15B

13. Section 15B(2) of the principal Act is amended —

(a) by deleting the word “or” at the end of paragraph (a); and

(b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) the content of the arts entertainment does not fall within any of the classifications of arts entertainment determined by the Arts Entertainment Licensing Officer under section 15A.”.

Amendment of section 15C

14. Section 15C of the principal Act is amended by deleting subsection (3).

Repeal of sections 16 and 16AA and new sections 16 to 16AC

15. Sections 16 and 16AA of the principal Act are repealed and the following sections substituted therefor:

“Appeal authority and appealable decisions

16. In this section and sections 16AA, 16AB and 16AC — 5

“appeal authority” means —

(a) in relation to an appealable decision of the Public Entertainment Licensing Officer —

(i) the Public Entertainment Appeal Board established under section 16AA, where the appellant is — 10

(A) an applicant for, or a licensee of, a specified establishment or one of a class of specified establishments, prescribed by the Minister charged with the responsibility for public entertainments; or 15

(B) one of a class of applicants or licensees prescribed by the Minister charged with the responsibility for public entertainments; or 20

(ii) in any other case, the Minister charged with the responsibility for public entertainments; or

(b) in relation to an appealable decision of the Arts Entertainment Licensing Officer, the Minister charged with the responsibility for the licensing of arts entertainments; 25

“appealable decision”, in relation to the appropriate Licensing Officer, means any of the following decisions or directions: 30

- (a) a decision under section 10(1) or (2) imposing, adding to, varying, refusing to vary, or revoking any condition of a licence;
- (b) a decision under section 11(4) forfeiting the whole or any part of the security given under section 11(1) or (2);
- (c) a decision under section 13(1) refusing to issue or renew a licence;
- (d) a decision under section 14(1) or (2) suspending or cancelling a licence;
- (e) a decision under section 15A(2) classifying the content of any arts entertainment, or under section 15A(2A) imposing, adding to, varying, refusing to vary, or revoking any condition of classification of any arts entertainment;
- (f) a refusal to classify the content of an arts entertainment under section 15B(2);
- (g) a direction by the Arts Entertainment Licensing Officer under section 15C(1).

Public Entertainment Appeal Board

16AA.—(1) A Public Entertainment Appeal Board is established, comprising a chairperson, a vice-chairperson and 5 other members, all of whom are appointed by the Minister charged with the responsibility for public entertainments.

(2) An individual must not be appointed to the Public Entertainment Appeal Board if the individual is directly or indirectly involved in the provision of public entertainment or arts entertainment.

(3) The Minister must appoint a public officer as a secretary to the Public Entertainment Appeal Board.

(4) All members of the Public Entertainment Appeal Board are deemed to be public servants for the purposes of the Penal Code (Cap. 224).

Appeal to appeal authority

16AB.—(1) An applicant or a licensee aggrieved by an appealable decision may appeal against the decision to the appeal authority for that decision.

(2) Any appeal to the appeal authority must be made in writing — 5

(a) within 14 days after the applicant or licensee is notified of the appealable decision, or such extended period as the appeal authority may allow in any particular case; and 10

(b) in accordance with any rules made under section 23 for the appeal.

(3) An appealable decision takes effect despite an appeal against that decision being made to the appeal authority under subsection (1), unless the appeal authority otherwise specifies. 15

(4) In granting an appeal, the appeal authority may impose such restrictions or conditions as the appeal authority thinks fit on the licence that is the subject of the appeal.

(5) The appeal authority may determine an appeal made to it under subsection (1) by — 20

(a) confirming, varying or reversing the decision or direction; or

(b) requiring the appropriate Licensing Officer to reconsider the decision or direction.

(6) The appeal authority's decision on the appeal is final. 25

Minister may designate others to hear appeals

16AC. A Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal to the Minister under section 16AB:

(a) the Second Minister, if any, for his Ministry; 30

(b) any Minister of State, including a Senior Minister of State, for his Ministry;

- (c) any Parliamentary Secretary, including a Senior Parliamentary Secretary, to his Ministry.”.

Amendment of section 16A

5 **16.** Section 16A of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) In this section, “Minister” means —

(a) in relation to section 15A, 15B or 15C, the Minister charged with the responsibility for the licensing of arts entertainments; and

10 (b) in relation to any other provision of this Act —

(i) the Minister charged with the responsibility for public entertainments in any case; and

15 (ii) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the exemption relates to an arts entertainment provided or to be provided, solely or in combination with one or more forms of arts entertainments only, in any place other than a specified establishment.”.

20 Amendment of section 17

17. Section 17 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

25 “(1) The Licensing Officer, a police officer or an authorised person (each called in this section an inspecting officer) may exercise all or any of the powers in this section for the purpose of ascertaining whether the condition of any licence, condition of any classification or the provisions of this Act are being complied with.

(1A) An inspecting officer may —

30 (a) enter and inspect any premises where public entertainment is provided, or that the inspecting

officer believes on reasonable grounds is used for the provision of public entertainment;

- (b) photograph or film, or make a record or sketches of, any part of the premises, or any person or thing at the premises; 5
- (c) require any person on those premises to produce or grant access to, without charge, any document, information or article reasonably required for any purpose in subsection (1), which is in the possession or under the control of that person; 10
- (d) inspect and make copies of or take extracts from any such document or article; and
- (e) subject to section 17A(6), take possession of such a document or article if, in the opinion of the inspecting officer — 15
 - (i) the inspection or copying of or extraction from the document or article cannot reasonably be performed without taking possession;
 - (ii) the document or article may be interfered with or destroyed unless possession is taken; or 20
 - (iii) the document or article may be required as evidence in any proceedings instituted or commenced under this Act.

(1B) The power to require a person to furnish any document, information or article under subsection (1A)(c) includes the power — 25

- (a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document, information or article;
- (b) if the document, information or article is not furnished, to require the person to state, to the best of the person's knowledge and belief, where it is; and 30
- (c) if the document, information or article is recorded otherwise than in legible form, to require the

document, information or article to be made available to the inspecting officer in legible form.

(1C) For the purposes of subsection (1A), if any document or information required by the inspecting officer is kept in electronic form —

(a) the power of the inspecting officer to inspect the document or to obtain the information includes the power to —

(i) access any computer or other equipment (including a mobile telephone) in which the document or information is stored; and

(ii) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to provide assistance in gaining such access; and

(b) the power of the inspecting officer to seize such document includes the power —

(i) to make copies of the document in legible or electronic form; and

(ii) to transfer the information from the document to a disk, tape or other storage device.

(1D) If the inspecting officer under subsection (1C)(b) is unable to make copies of the document or transfer the information from the document, the Licensing Officer or a police officer (who may not be the inspecting officer) may —

(a) subject to section 17A(6), seize the computer or other equipment (including a mobile telephone) in which the document or information is stored, as evidence in proceedings for an offence under this Act; and

(b) require any person having charge of, or otherwise concerned with the operation of, the computer or equipment to disclose any password or access code for gaining access to the document or information held in the computer or equipment.”.

Amendment of section 17A

18. Section 17A of the principal Act is amended —

(a) by inserting, immediately after the words “any provision of this Act,” in subsection (1), the words “in addition to exercising any of the powers in section 17,”;

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(b) by deleting the full-stop at the end of paragraph (d) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(e) without a warrant enter and search any place or premises in which the Licensing Officer reasonably suspects that an offence under this Act is being or has been committed;

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(f) if free entry or access to the place or premises cannot be obtained under paragraph (e), the Licensing Officer may, with such assistance as the Licensing Officer considers necessary, break open any door, window, lock or fastener, or use any other reasonable means in order to gain entry or access into the place or premises.”; and

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(c) by deleting the words “and section 17B” in subsection (8).

Amendment of section 17B

19. Section 17B(1) of the principal Act is amended by deleting the words “by the Licensing Officer under section 17A(5)” and substituting the words “under section 17(1A)(e) or (1D) or 17A(5)”.

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Amendment of section 19

20. Section 19(1) of the principal Act is amended by deleting the words “on conviction to a fine not exceeding \$10,000.” and substituting the following words:

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“on conviction —

- (i) in the case of an offence under paragraph (a) or (b), to a fine not exceeding \$20,000; and
- (ii) in the case of an offence under paragraph (c) or (d), to a fine not exceeding \$10,000.”.

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New section 19A

21. The principal Act is amended by inserting, immediately after section 19, the following section:

“Protection from personal liability

19A. No liability shall lie against a Licensing Officer, an Assistant Licensing Officer, a police officer, an authorised person or a member of the Public Entertainment Appeal Board for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act.”.

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Amendment of section 23

22. Section 23(1) of the principal Act is amended by inserting, immediately after paragraph (c), the following paragraph:

“(ca) to prescribe the form and manner, and any procedures or proceedings relating to any appeal under this Act;”.

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Renaming of Schedule and new Second Schedule

23. The principal Act is amended by renaming the existing Schedule as the First Schedule, and by inserting immediately thereafter the following Schedule:

“SECOND SCHEDULE

Section 14(2A)

SPECIFIED OFFENCES

PART 1

CORRUPTION, DRUG TRAFFICKING AND OTHER SERIOUS CRIMES
(CONFISCATION OF BENEFITS) ACT
(CHAPTER 65A) 5

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|----|------------|---|----|
| 1. | Section 43 | Assisting another to retain benefits of drug dealing | |
| 2. | Section 44 | Assisting another to retain benefits from criminal conduct | 10 |
| 3. | Section 46 | Acquiring, possessing, using, concealing or transferring benefits of drug dealing | |
| 4. | Section 47 | Acquiring, possessing, using, concealing or transferring benefits of criminal conduct | |

PART 2 15

MISUSE OF DRUGS ACT
(CHAPTER 185)

- | | | | |
|-----|-------------|--|----|
| 1. | Section 5 | Trafficking in controlled drugs | |
| 2. | Section 6 | Manufacture of controlled drugs | |
| 3. | Section 7 | Import and export of controlled drugs | 20 |
| 4. | Section 8 | Possession and consumption of controlled drugs | |
| 5. | Section 8A | Consumption of drug outside Singapore by citizen or permanent resident | |
| 6. | Section 9 | Possession of pipes, utensils, etc. | |
| 7. | Section 10 | Cultivation of cannabis, opium and coca plants | 25 |
| 8. | Section 10A | Manufacture, supply, possession, import or export of equipment, materials or substances useful for manufacture of controlled drugs | |
| 9. | Section 11 | Responsibilities of owners, tenants, etc. | |
| 10. | Section 11A | Arranging or planning gatherings where controlled drugs are to be consumed or trafficked | 30 |
| 11. | Section 12A | Causing or procuring young or vulnerable person to commit certain offences | |

12. Section 13 Abetting or procuring commission of offences
outside Singapore

PART 3

ORGANISED CRIME ACT 2015
(ACT 26 OF 2015)

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1. Section 5 Locally-linked organised criminal group
membership

2. Section 6 Recruiting members for organised criminal group

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3. Section 7 Instructing commission of offence for organised
criminal group

4. Section 8 Procuring expenditure or application of property to
support, aid or promote certain offences related to
organised criminal group

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5. Section 9 Expending or applying property to support, aid or
promote certain offences related to organised
criminal group

6. Section 10 Allowing organised criminal group to use premises

7. Section 11 Receiving, retaining, etc., property of organised
criminal group

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8. Section 12 Facilitation of commission of offence by organised
criminal group

9. Section 13 Commission of offence for organised criminal
group

PART 4

25

PENAL CODE
(CHAPTER 224)

1. Section 372 Selling minor for purposes of prostitution, etc.

2. Section 373 Buying minor for purposes of prostitution, etc.

3. Section 373A Importing woman for purposes of prostitution, etc.

PART 5

PREVENTION OF HUMAN TRAFFICKING ACT 2014
(ACT 45 OF 2014)

- | | | |
|--------------|--|---|
| 1. Section 3 | Trafficking in persons | |
| 2. Section 5 | Abetment of trafficking in persons | 5 |
| 3. Section 6 | Persons who receive payments in connection with exploitation of trafficked victims | |

PART 6

SOCIETIES ACT
(CHAPTER 311)

- | | | |
|---------------|---|----|
| 1. Section 14 | Unlawful societies | |
| 2. Section 15 | Persons allowing unlawful assembly in their premises | |
| 3. Section 16 | Penalty for inciting, etc., person to become member of unlawful society | 15 |
| 4. Section 17 | Penalty for procuring subscription or aid for unlawful society | |
| 5. Section 18 | Publishing, etc., propaganda of unlawful society | |
| 6. Section 23 | Society using triad ritual to be deemed unlawful society | 20 |

PART 7

WOMEN'S CHARTER
(CHAPTER 353)

- | | | |
|----------------|--|----|
| 1. Section 140 | Offences relating to prostitution | |
| 2. Section 141 | Traffic in women and girls | 25 |
| 3. Section 142 | Importation of woman or girl by false pretences | |
| 4. Section 146 | Persons living on or trading in prostitution, etc. | |
| 5. Section 147 | Suppression of places of assignation | |
| 6. Section 148 | Suppression of brothels | 30 |

Consequential amendments to other Acts

24.—(1) Section 58(3) of the Active Mobility Act 2017 (Act 3 of 2017) is amended by deleting the words “and Meetings”.

5 (2) Section 2(1) of the Amusement Rides Safety Act (Cap. 6A, 2012 Ed.) is amended by deleting the words “and Meetings” in paragraph (b)(iii) of the definition of “person responsible”.

(3) Item 32 of the Third Schedule to the Central Provident Fund Act (Cap. 36, 2013 Ed.) is amended by deleting the words “and Meetings”.

10 (4) Section 11(3) of the Children and Young Persons Act (Cap. 38, 2001 Ed.) is amended by deleting the words “and Meetings”.

(5) Item 19 of the Second Schedule to the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by deleting the words “and Meetings”.

15 (6) Section 2(1) of the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015) is amended by deleting the words “and Meetings” in paragraph (a) of the definition of “public place”.

(7) Section 120A(3) of the Police Force Act (Cap. 235, 2006 Ed.) is amended by deleting the words “and Meetings” in paragraph (b).

20 (8) Section 2(1) of the Public Order Act (Cap. 257A, 2012 Ed.) is amended by deleting the words “and Meetings” in paragraph (a) of the definition of “public place”.

Saving and transitional provisions

25 **25.**—(1) Any appeal made to the appropriate Minister under section 10(5), 11(6), 13(3), 14(5) or 15C(3) of the principal Act as in force immediately before the date of commencement of section 7, 8, 9, 10 or 14 (as the case may be) of this Act, and pending before that date, is to continue to be dealt with by that Minister under that section of the principal Act as if this Act had not been enacted.

30 (2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on

the enactment of that provision as that Minister may consider necessary or expedient.

(3) In subsection (2), “Minister” means —

- (a) the Minister charged with the responsibility for the licensing of arts entertainments insofar as the power under subsection (2) is exercised in connection with section 15A, 15B or 15C of the principal Act; and
- (b) the appropriate Minister insofar as the power under subsection (2) is exercised in connection with any other provision of the principal Act.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Public Entertainments and Meetings Act (Cap. 257) for the following main purposes:

- (a) to provide for licences to be refused or suspended if the responsible officer of a corporate applicant or licensee is not a fit and proper person;
- (b) to provide for the immediate suspension of licences if the licensee or a responsible officer of the licensee is charged in court for using the licensed premises in connection with certain serious crimes (specified in the Second Schedule);
- (c) to set up an independent Public Entertainment Appeal Board to consider and deal with appeals against certain decisions of the Public Entertainment Licensing Officer (whereas currently all appeals are dealt with by the appropriate Minister) and to consolidate the provisions for appeals;
- (d) to confer on Licensing Officers, police officers and other authorised persons specific powers to obtain documents and information during compliance inspections, and where necessary during investigations, to empower Licensing Officers and police officers to conduct forced entry to premises;
- (e) to increase the penalty for conducting public entertainment without a licence or while suspended;
- (f) in relation to arts entertainment, to provide a specific power for the Arts Entertainment Licensing Officer to refuse classification or to issue

classification with conditions, and to provide for appeals against such classification-related decisions.

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to omit the reference to meetings since the regulation of meetings is now carried out under the Public Order Act (Cap. 257A).

Clause 3 amends the short title to rename the Act to the Public Entertainments Act.

Clause 4 amends various definitions in section 2.

A new definition for “authorised person” is inserted to refer to a person who is authorised to carry out certain functions of the Act under section 4 as amended by clause 5.

A new definition for “Public Entertainment Appeal Board” is inserted to refer to the Public Entertainment Appeal Board established under the new section 16AA.

A new definition for “responsible officer” is inserted to refer to the individual responsible for an applicant or licensee that is a body corporate, partnership or unincorporated association. The fitness of the responsible officer is to be a consideration when assessing the fitness of an applicant, or when deciding on the suspension of a licence.

A new subsection (2AA) is inserted in section 2 to require the appropriate Licensing Officer, in determining whether to approve a place where public entertainment may be provided, to act in conformity with the Master Plan and any authorisations by the Minister under the Planning Act (Cap. 232), and where written permission is required for any development or works on that land, to approve a place subject to such written permission being obtained from the competent authority under the Planning Act. This is to ensure that there is consistency in decisions regarding the use of land. For example, if the use of land for public entertainment is not permitted in certain conservation areas under the Master Plan, that land accordingly should not be an approved place for the purposes of the Act. Similarly, if written permission is required from the competent authority under the Planning Act, e.g. for change of use to provide public entertainment, then any approval of an approved place must be contingent on permission for that change of use being granted.

Clause 5 amends section 4 to provide for the appointment of authorised persons who need not be public officers to perform certain functions of the Act. The clause also deems the authorised persons as public servants for the purposes of the Penal Code (Cap. 224) when they are exercising their powers as such.

Clause 6 amends section 5, to include in the considerations of whether an applicant is a fit and proper person, whether the responsible officer and person with control over the applicant is also a fit and proper person. This is similar to the

approach in the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015).

Clauses 7, 8 and 9 amend sections 10, 11 and 13 consequent upon the consolidation of all the appeal provisions in new sections 16 to 16AC.

Clause 10 amends section 14 —

- (a) to provide for the fitness of a responsible officer and a person with control over a licensee to be a consideration for suspension of the licence;
- (b) to allow for immediate suspension of a licence if proceedings have commenced against the licensee or a responsible officer or person with control over the licensee for an offence specified in the Second Schedule that relates to any activity at an approved place for the licence; and
- (c) to delete the provisions relating to appeals which are consolidated in new sections 16 to 16AC.

Clause 11 amends section 15 to provide that demerit points may be awarded on the basis of charges against the licensee that are taken into consideration during sentencing for other offences, and not only on the basis of a conviction or composition of offences.

Clause 12 amends section 15A to provide that the Arts Entertainment Licensing Officer may, in classifying any content of arts entertainment, impose conditions, and the provision of that arts entertainment must be in accordance with such conditions.

Clause 13 amends section 15B to clarify that the Arts Entertainment Licensing Officer may refuse classification if the content of the proposed arts entertainment does not fall within any of the set classifications.

Clause 14 deletes the provision for appeal under section 15C(3) which is consolidated in new sections 16 to 16AC.

Clause 15 repeals sections 16 and 16AA and inserts new sections 16 to 16AC to provide for a consolidated appeals framework. An applicant or a licensee who is aggrieved by certain decisions of the appropriate Licensing Officer (known as appealable decisions) may appeal —

- (a) if the decision is by the Public Entertainment Licensing Officer (including the Assistant Licensing Officers of that Licensing Officer), to the Public Entertainment Appeal Board for decisions involving prescribed specified establishments or other prescribed decisions, and in any other case, to the Minister charged with the responsibility for public entertainments; and

- (b) if the decision is by the Arts Entertainment Licensing Officer (including the Assistant Licensing Officers of that Licensing Officer), to the Minister charged with the responsibility for the licensing of arts entertainments. This avenue of appeal remains unchanged.

The new section 16 defines certain terms used in the new appeal provisions, in particular, “appeal authority” and “appealable decision”, thereby defining the relevant appeal authority for the type of case and type of appealable decision.

The new section 16AA provides for the establishment of the Public Entertainment Appeal Board and appointment of its chairperson, vice-chairperson and members by the Minister charged with the responsibility for public entertainments.

The new section 16AB sets out the procedure for an appeal to be made to the appeal authority and the powers of the appeal authority.

The new section 16AC is the former section 16AA which provides for the Minister to designate other office-holders to hear appeals.

Clause 16 makes a technical amendment to section 16A to clarify that other than in relation to sections 15A, 15B and 15C, the Minister charged with the responsibility for public entertainments may make exemptions in any case, even where the Minister charged with the responsibility for the licensing of arts entertainment may also make exemptions.

Clause 17 amends section 17 to set out more comprehensive powers which may be exercised in conducting inspections to ascertain compliance with the Act. The amendment also empowers authorised persons to carry out certain aspects of the inspection and to exercise certain powers. The authorised person is empowered to carry out all the functions of a police officer under this section, except the power to seize a computer or other equipment containing a document or information if the document or information could not be copied or transferred.

Clause 18 amends section 17A to insert a power of forced entry. This can only be exercised in the course of investigating a suspected offence under the Act where free entry or access cannot be gained, and can only be exercised by the Licensing Officer or a police officer.

Clause 19 amends section 17B to include the other provisions where a power to seize items is provided.

Clause 20 amends section 19 to increase the maximum penalty for certain offences under the Act.

Clause 21 inserts a new section 19A.

The new section 19A confers personal immunity on Licensing Officers, Assistant Licensing Officers, police officers, authorised persons and members of

the Public Entertainment Appeal Board acting with reasonable care and in good faith in the execution or purported execution of the Act.

Clause 22 amends section 23 to provide for the Minister to make rules relating to the form, manner, procedures and proceedings for any appeal under the Act.

Clause 23 renames the existing Schedule as the First Schedule and inserts a new Second Schedule to the Act, containing the offences for which proceedings commenced against a licensee, responsible officer or person with control over the licensee would render the licence liable to suspension under section 14 as amended by clause 10.

Clause 24 makes consequential amendments to various other Acts relating to the renaming of the Act.

Clause 25 contains saving and transitional provisions. The clause provides that when an appeal has been made to the appropriate Minister under section 10(5), 11(6), 13(3), 14(5) or 15C(3) of the principal Act in force before the date of commencement of section 7, 8, 9, 10 or 14 (as the case may be) of the Public Entertainments and Meetings (Amendment) Act 2017, the appeal continues to be dealt with and decided by the Minister under the relevant provision of the principal Act. The clause also provides for regulations to be made for additional saving and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
