

PUBLIC ASSEMBLIES BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Summary Offences (Repeal) Bill, 1979.

The following Bills are cognate with this Bill and the Summary Offences (Repeal) Bill, 1979:—

Supreme Court (Public Assemblies) Amendment Bill, 1979;

District Court (Public Assemblies) Amendment Bill, 1979.

The object of this Bill is to make provision with respect to the holding of public assemblies, including processions.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Interpretation. Among the definitions is a definition of “public assembly”, which is defined as meaning an assembly held in a public place and as including a procession so held.

Clause 4 specifies the circumstances in which a public assembly is, for the purposes of the proposed Act, an authorised public assembly. Those circumstances are that—

- (a) a written notification must be served on the Commissioner of Police (“the Commissioner”) of intention to hold the public assembly;
- (b) the notification shall be in or to the effect of the prescribed form where required;
- (c) the notification must contain the following particulars:—
 - (i) the date of the proposed public assembly;
 - (ii) where the proposed public assembly is not a procession, a statement of the time and place at which it is intended that persons gather to participate in the proposed public assembly;

- (iii) where the proposed public assembly is a procession, a statement of the time at which it is intended to commence, the route of the procession and any stopping places;
 - (iv) the purpose of the proposed public assembly; and
 - (v) any other prescribed particulars;
- (d) the notification must specify the number of persons expected to be participants in the proposed public assembly;
- (e) the notification must be signed by a person (the "organiser") taking responsibility for organising and conducting the proposed public assembly; and
- (f) the Commissioner has notified the organiser of the proposed public assembly that he does not oppose the holding of the public assembly or—
- (i) where the notification was served on the Commissioner at least 7 days before the holding of the public assembly—the holding of the public assembly has not been prohibited by a court under the proposed section 6 (1); or
 - (ii) where the notification was served on the Commissioner less than 7 days before the holding of the public assembly—the holding of the public assembly is authorised by a court under the proposed section 7.

Clause 5 excuses persons participating in an authorised public assembly from certain offences relating to their participating in an unlawful assembly, the use or obstruction of a public place or the obstruction of the movement of vehicular or pedestrian traffic.

Clause 6 enables the Commissioner to apply to the Supreme Court or the District Court for an order prohibiting the holding of a public assembly if the notification in respect of the public assembly was served on the Commissioner 7 days or more before the date on which it is proposed to hold the public assembly.

Clause 7 enables an organiser of a proposed public assembly to apply to the Supreme Court or the District Court for an order authorising the holding of a public assembly if notification was served on the Commissioner less than 7 days before the date on which it is proposed to hold the public assembly.

Clause 8 requires the court to which an application under the proposed section 6 (1) or 7 is made to decide the application as expeditiously as possible.

Clause 9 empowers the Governor to make regulations.

PUBLIC ASSEMBLIES BILL, 1979

No. , 1979.

A BILL FOR

An Act relating to public assemblies.

[Mr F. J. WALKER—19 *April*, 1979.]

See also Supreme Court (Public Assemblies) Amendment Bill, 1979; District Court (Public Assemblies) Amendment Bill, 1979.

Public Assemblies.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Public Assemblies Act, 1979". Short title.

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on such day as may be appointed by the Governor in
respect thereof and as may be notified by proclamation published
in the Gazette.

3. In this Act, except in so far as the context or subject- Interpre-
matter otherwise indicates or requires— tation.

 "Commissioner" means the Commissioner of Police;

15 "court" means the Supreme Court of New South Wales or the
District Court of New South Wales;

 "organiser", in relation to a public assembly in respect of
which a notification has been given to the Commissioner
as referred to in section 4 (1), means the person referred
20 to in section 4 (1) (e) (i) by whom the notification is
signed;

 "public assembly" means an assembly held in a public place
and includes a procession so held;

25 "public place" means public road, public reserve or other
place which the public are entitled to use.

Public Assemblies.

4. (1) For the purposes of this Act, a public assembly is an authorised public assembly if—

Authorised
public
assemblies.

- 5 (a) notification, in writing, of intention to hold the public assembly, addressed to the Commissioner, has been served on the Commissioner;
- (b) where a form of notification has been prescribed, the notification is in or to the effect of the prescribed form;
- (c) the notification contains the following particulars :—
- 10 (i) the date on which it is proposed to hold the public assembly;
- (ii) where the proposed public assembly is not a procession, a statement specifying the time and place at which it is intended that persons gather to participate in the proposed public assembly;
- 15 (iii) where the proposed public assembly is a procession, a statement specifying the time at which it is intended that the procession commence and the proposed route of the procession and, if it is intended that the procession should stop at
- 20 places along that route for the purpose of enabling persons participating in the procession to be addressed or for any other purpose, a statement specifying those places;
- (iv) the purpose for which the proposed public assembly is to be held; and
- 25 (v) such other particulars as may be prescribed;
- (d) the notification specifies the number of persons who are expected to be participants in the proposed public assembly;

Public Assemblies.

(e) the notification—

(i) is signed by a person who indicates in the notification that he takes responsibility for organising and conducting the proposed public assembly; and

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(ii) specifies the address of that person for the service on him of any notice for the purposes of this Act; and

(f) the Commissioner has notified the organiser of the public assembly that he does not oppose the holding of the public assembly or—

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(i) where the notification was served on the Commissioner at least 7 days before the date specified in the notification as the date on which it is proposed to hold the public assembly—the holding of the public assembly is not prohibited by a court under section 6 (1); or

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(ii) where the notification was served on the Commissioner less than 7 days before that date—the holding of the public assembly is authorised by a court under section 7.

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(2) Without prejudice to any other method of serving a notification referred to in subsection (1) on the Commissioner, such a notification may be served on him by leaving it with any member of the police force at the address prescribed as the address of the office of the Commissioner.

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5. Where an authorised public assembly is held substantially in accordance with the particulars furnished with respect to it under section 4 (1) (c) and with any prescribed requirements, a person is not, by reason of any thing done or omitted to be done by him for the purpose only of his participating in that public

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Participants in authorised public assemblies excused from certain offences.

Public Assemblies.

assembly, guilty of any offence relating to his participating in an unlawful assembly or the obstruction of any person, vehicle or vessel in a public place.

5 6. (1) The Commissioner may apply to a court for an order prohibiting the holding of a public assembly in respect of which a notification referred to in section 4 (1) has been served on him where the notification was so served 7 days or more before the date specified in the notification as the date on which it is proposed to hold the public assembly.

Power of courts to prohibit public assemblies notified under section 4.

10 (2) The Commissioner shall not apply for an order under subsection (1) relating to a public assembly in respect of which a notification referred to in section 4 (1) has been served on him unless—

15 (a) the Commissioner has caused to be served on the organiser of the public assembly a notice, in writing, inviting the organiser to confer with respect to the public assembly with a member of the police force specified in the notice at a time and place so specified, or to make written representations to the Commissioner, with respect to the public assembly within a time so specified;

(b) where the organiser has, in writing, informed the Commissioner that he wishes so to confer, the Commissioner has made available to confer with the organiser at the time and place specified in the notice—

25 (i) the member of the police force specified in the notice; or

(ii) if that member of the police force is for any reason unavailable so to confer, another member of the police force; and

30 (c) the Commissioner has taken into consideration any matters put by the organiser at that conference and in any representations made by him.

Public Assemblies.

(3) A notice referred to in subsection (2) (a) may be served on the organiser—

- (a) personally;
- (b) by telegram addressed to him at the address, specified in the notification served on the Commissioner under section 4 (1) (e) (ii), as the address for the service on him of any notice for the purposes of this Act; or
- (c) by leaving it with any person apparently of or above the age of 16 years at the address so specified.

10 7. Where—

- (a) a notification referred to in section 4 (1) is served on the Commissioner less than 7 days before the date specified in the notification as the date on which it is proposed to hold the public assembly referred to in the notification; and

Power of courts to authorise public assemblies notified under section 4.

- (b) the Commissioner has not notified the organiser of the public assembly that he does not oppose the holding of the public assembly,

the organiser may apply to a court for an order authorising the holding of the public assembly.

8. (1) The court to which an application in respect of a public assembly is made under section 6 (1) or 7 shall decide the application with the greatest expedition possible so as to ensure that the application is not frustrated by reason of the decision of the court being delayed until after the date on which the public assembly is proposed to be held.

Provisions applicable to applications under section 6 (1) or 7.

(2) The decision of a court on an application under section 6 (1) or 7 is final and is not subject to appeal.

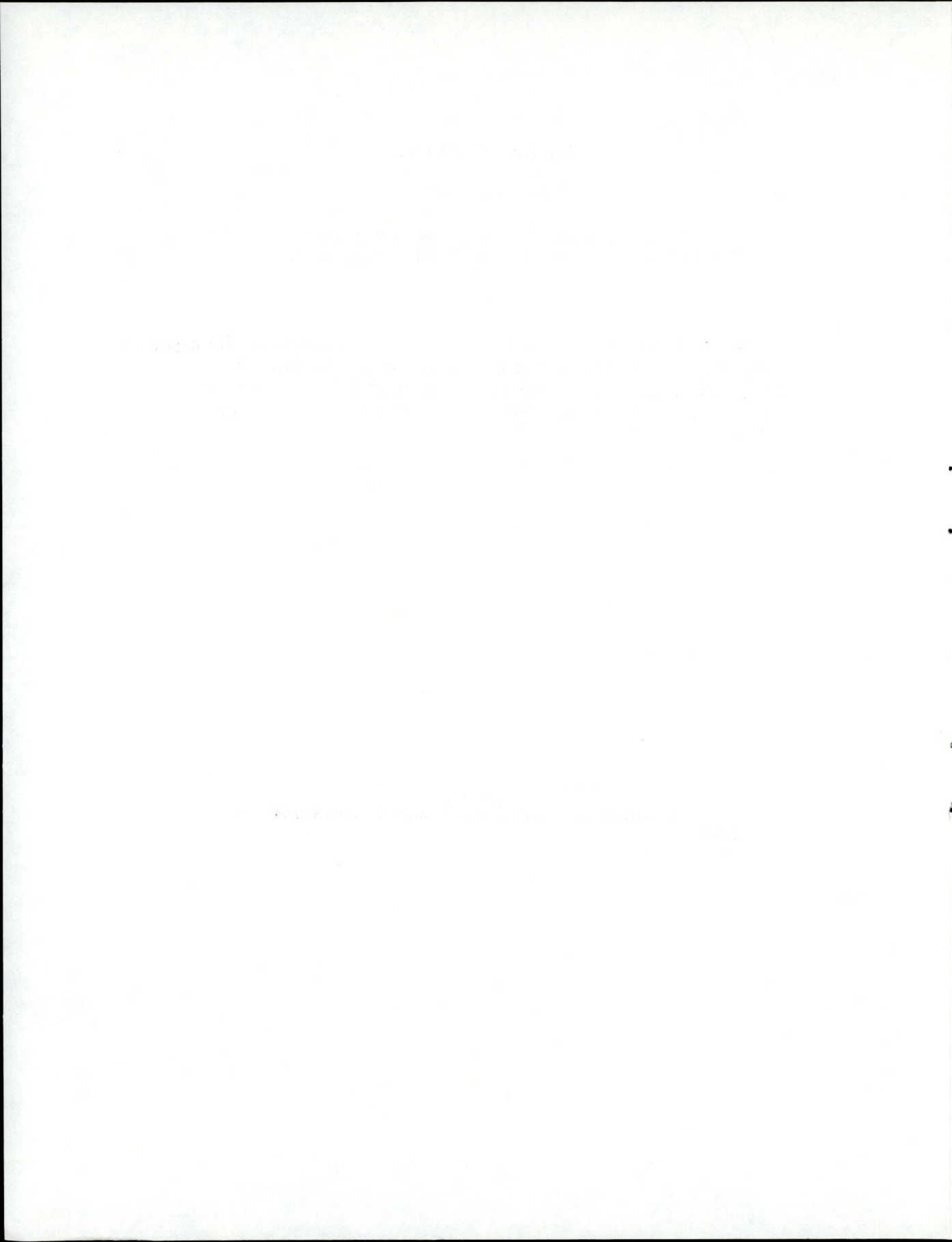
Public Assemblies.

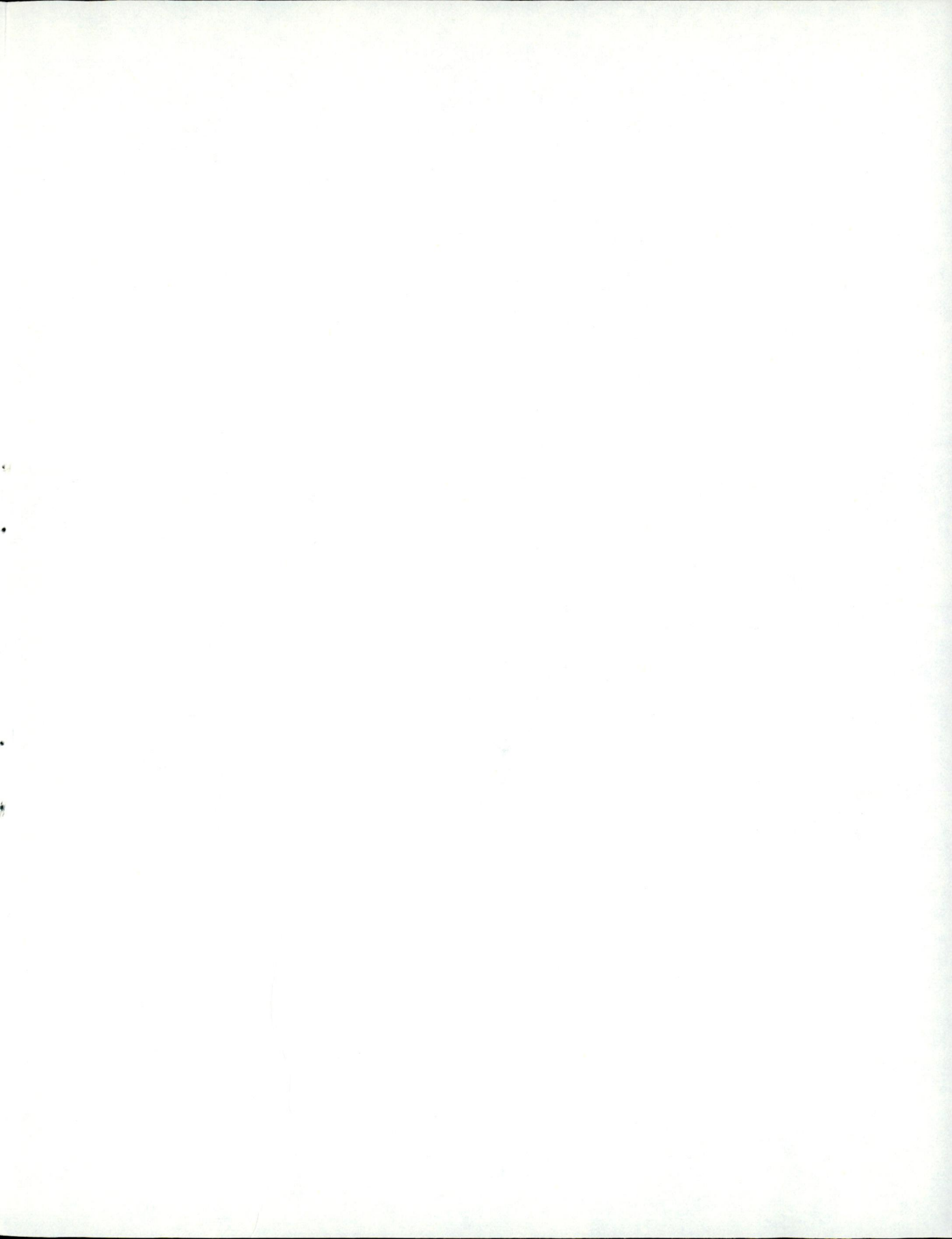
(3) Not more than one application may be made under section 6 (1) or 7 in respect of the same public assembly.

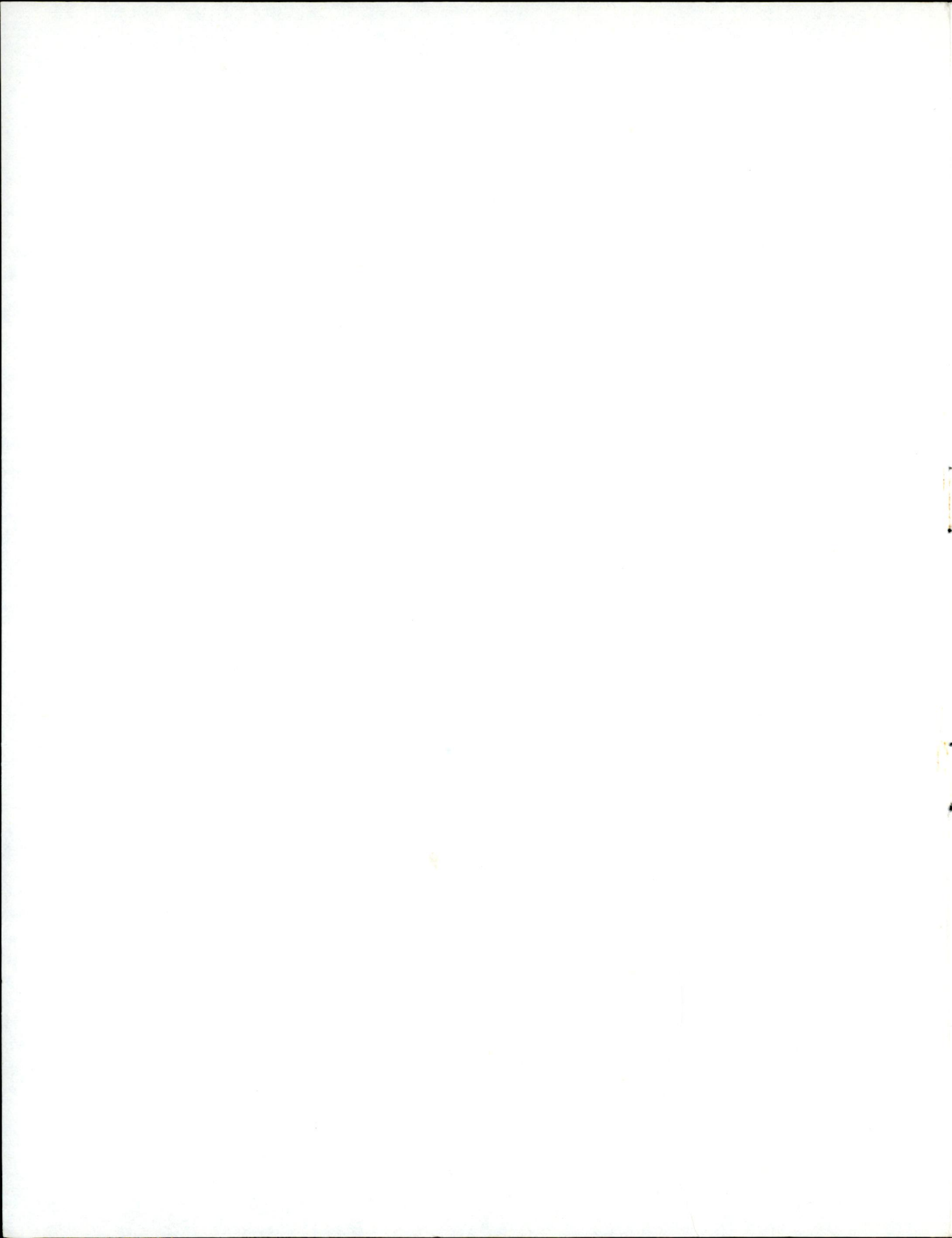
9. The Governor may make regulations, not inconsistent with Regulations. this Act, for or with respect to any matter that by this Act is 5 required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979







PUBLIC ASSEMBLIES ACT, 1979, No. 64

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 64, 1979.

An Act relating to public assemblies. [Assented to, 11th May, 1979.]

See also Supreme Court (Public Assemblies) Amendment Act, 1979; District Court (Public Assemblies) Amendment Act, 1979.

Public Assemblies.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Public Assemblies Act, 1979".

Commence-
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpre-
tation.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Commissioner" means the Commissioner of Police;

"court" means the Supreme Court of New South Wales or the District Court of New South Wales;

"organiser", in relation to a public assembly in respect of which a notification has been given to the Commissioner as referred to in section 4 (1), means the person referred to in section 4 (1) (e) (i) by whom the notification is signed;

"public assembly" means an assembly held in a public place and includes a procession so held;

"public place" means public road, public reserve or other place which the public are entitled to use.

Public Assemblies.

4. (1) For the purposes of this Act, a public assembly is an authorised public assembly if—

Authorised
public
assemblies.

- (a) notification, in writing, of intention to hold the public assembly, addressed to the Commissioner, has been served on the Commissioner;
- (b) where a form of notification has been prescribed, the notification is in or to the effect of the prescribed form;
- (c) the notification contains the following particulars :—
 - (i) the date on which it is proposed to hold the public assembly;
 - (ii) where the proposed public assembly is not a procession, a statement specifying the time and place at which it is intended that persons gather to participate in the proposed public assembly;
 - (iii) where the proposed public assembly is a procession, a statement specifying the time at which it is intended that the procession commence and the proposed route of the procession and, if it is intended that the procession should stop at places along that route for the purpose of enabling persons participating in the procession to be addressed or for any other purpose, a statement specifying those places;
 - (iv) the purpose for which the proposed public assembly is to be held; and
 - (v) such other particulars as may be prescribed;
- (d) the notification specifies the number of persons who are expected to be participants in the proposed public assembly;

Public Assemblies.

(e) the notification—

- (i) is signed by a person who indicates in the notification that he takes responsibility for organising and conducting the proposed public assembly; and
- (ii) specifies the address of that person for the service on him of any notice for the purposes of this Act; and

(f) the Commissioner has notified the organiser of the public assembly that he does not oppose the holding of the public assembly or—

- (i) where the notification was served on the Commissioner at least 7 days before the date specified in the notification as the date on which it is proposed to hold the public assembly—the holding of the public assembly is not prohibited by a court under section 6 (1); or
- (ii) where the notification was served on the Commissioner less than 7 days before that date—the holding of the public assembly is authorised by a court under section 7.

(2) Without prejudice to any other method of serving a notification referred to in subsection (1) on the Commissioner, such a notification may be served on him by leaving it with any member of the police force or such other person as may be prescribed at the address prescribed as the address of the office of the Commissioner.

Parti-
pants in
authorised
public
assemblies
excused
from certain
offences.

5. Where an authorised public assembly is held substantially in accordance with the particulars furnished with respect to it under section 4 (1) (c) and with any prescribed requirements, a person is not, by reason of any thing done or omitted to be done by him for the purpose only of his participating in that public

Public Assemblies.

assembly, guilty of any offence relating to his participating in an unlawful assembly or the obstruction of any person, vehicle or vessel in a public place.

6. (1) The Commissioner may apply to a court for an order prohibiting the holding of a public assembly in respect of which a notification referred to in section 4 (1) has been served on him where the notification was so served 7 days or more before the date specified in the notification as the date on which it is proposed to hold the public assembly.

Power of
courts to
prohibit
public
assemblies
notified
under
section 4.

(2) The Commissioner shall not apply for an order under subsection (1) relating to a public assembly in respect of which a notification referred to in section 4 (1) has been served on him unless—

- (a) the Commissioner has caused to be served on the organiser of the public assembly a notice, in writing, inviting the organiser to confer with respect to the public assembly with a member of the police force specified in the notice at a time and place so specified, or to make written representations to the Commissioner, with respect to the public assembly within a time so specified;
- (b) where the organiser has, in writing, informed the Commissioner that he wishes so to confer, the Commissioner has made available to confer with the organiser at the time and place specified in the notice—
 - (i) the member of the police force specified in the notice; or
 - (ii) if that member of the police force is for any reason unavailable so to confer, another member of the police force; and
- (c) the Commissioner has taken into consideration any matters put by the organiser at that conference and in any representations made by him.

Public Assemblies.

(3) A notice referred to in subsection (2) (a) may be served on the organiser—

- (a) personally;
- (b) by telegram addressed to him at the address, specified in the notification served on the Commissioner under section 4 (1) (e) (ii), as the address for the service on him of any notice for the purposes of this Act; or
- (c) by leaving it with any person apparently of or above the age of 16 years at the address so specified.

7. Where—

- (a) a notification referred to in section 4 (1) is served on the Commissioner less than 7 days before the date specified in the notification as the date on which it is proposed to hold the public assembly referred to in the notification; and
- (b) the Commissioner has not notified the organiser of the public assembly that he does not oppose the holding of the public assembly,

the organiser may apply to a court for an order authorising the holding of the public assembly.

Power of courts to authorise public assemblies notified under section 4.

8. (1) The court to which an application in respect of a public assembly is made under section 6 (1) or 7 shall decide the application with the greatest expedition possible so as to ensure that the application is not frustrated by reason of the decision of the court being delayed until after the date on which the public assembly is proposed to be held.

(2) The decision of a court on an application under section 6 (1) or 7 is final and is not subject to appeal.

Provisions applicable to applications under section 6 (1) or 7.

Public Assemblies.

(3) Not more than one application may be made under section 6 (1) or 7 in respect of the same public assembly.

9. The Governor may make regulations, not inconsistent with ^{Regulations.} this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 11th May, 1979.*

