

WESTERN AUSTRALIA.

PUBLIC MEETINGS AND PROCESSIONS ACT 1984.

(No. 23 of 1984.)

ARRANGEMENT.

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PUBLIC MEETINGS AND PROCESSIONS.

No. 23 of 1984.

AN ACT to make provision as to the use of streets for public meetings and processions, for purposes incidental thereto, and to amend section 52 and repeal section 54B of the Police Act 1892.

[Assented to 31 May 1984.]

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

1. This Act may be cited as the *Public Meetings and Processions Act 1984*. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

Interpreta-
tion.

3. In this Act, unless the contrary intention appears—

“authorized officer” means a police officer authorized pursuant to a determination published under section 6;

“Commissioner” means the Commissioner of Police appointed pursuant to the Police Act 1892;

“magistrate” means a magistrate within the meaning of the Justices Act 1902;

“notice” means a notice duly given in accordance with the requirements of section 5;

“order” means an order approving a proposal made by a magistrate pursuant to an application made under section 8;

“permit” means a permit granted pursuant to a notice;

“section” means a section of this Act;

“street” means any road or highway open to, or which although not open to is nevertheless used by, the public, notwithstanding that it is on private property, and includes every thoroughfare, carriageway, footpath, reservation, median strip or traffic island associated with it and any steps, doorways or entrances abutting it;

“subsection” means a subsection of the section in which the term appears;

“thoroughfare” includes any bridge, tunnel, under-pass, arcade, pavement, footpath, court, passage or other place to or through which access to or from a street is permitted to the public.

4. (1) Subject to—

Public
meetings and
processions.

- (a) any directions given by a member of the Police Force pursuant to section 52 of the Police Act 1892; and
- (b) the provisions of subsection (2),

where the holding of a public meeting or the conduct of a procession substantially conforms with the terms of the permit or order relating to it, a person participating in that public meeting or procession who observes such conditions and limitations as may be specified in the permit or order may position himself in, or proceed over, any street referred to in the permit or order and 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 meeting or procession, guilty of any offence against the provisions of any other Act or law regulating the movement of traffic or pedestrians, or relating to the obstruction of a street.

(2) A permit granted, or an order made by a magistrate, pursuant to this Act shall be deemed to contain a condition requiring persons participating in the public meeting or procession to which it relates not to obstruct the free passage of any ambulance, fire brigade vehicle, or police vehicle, and where any person contravenes that condition the holding of the public meeting or the conduct of the procession shall be taken not to have conformed with the permit or order.

(3) For the purposes of this Act an assembly shall not be taken to be a public meeting—

(a) unless—

- (i) it comprises 3 or more persons;
- (ii) it is held for the purpose of communicating or expressing any view to, or of ascertaining the view of, the public or any section of the public (whether or not an organization or body of persons having requirements for membership), or of demonstrating, as to any matter; and

- (iii) members of the public in general are invited, induced or permitted to attend;

or

- (b) if the assembly is convened solely for the purpose of divine worship.

(4) For the purposes of this Act an assembly shall be taken to be a procession if—

- (a) it comprises 3 or more persons; and
- (b) those persons are assembled with the intent of moving, or move, from the place of assembly by means of any street as, or substantially as, a body of persons in orderly succession proceeding by a common route.

Notice of
assembly.

5. (1) A person who, or body which, proposes to—

- (a) hold a public meeting in a street;
- (b) conduct a procession (not being a funeral procession) in, or which is to proceed through, any street; or
- (c) both hold such a public meeting and conduct such a procession,

may give written notice to the Commissioner setting out the proposal and applying for the grant of a permit under this Act in respect of that proposed public meeting or procession, or, if the proposal is both to hold such a public meeting and conduct such a procession, in respect of both the proposed meeting and the procession.

(2) A notice given for the purposes of subsection (1) setting out a proposal shall provide, with as much detail as is reasonably practicable, the following information—

- (a) the date of the proposed public meeting or procession;

- (b) the time at which the public meeting or procession will assemble and the time at which it will disband;
- (c) the place in which the public meeting or procession will be held, and the boundaries of the area to be occupied by the public meeting;
- (d) in the case of a procession, the route that it will follow, the extent to which it will occupy any street through which it will pass, the places (if any) at which it will halt and the time for which it will remain stationary in each such place;
- (e) the name and address of the person or body by whom or which the notice is given;
- (f) the name and address of the person or body by whom or which the public meeting or procession is being, or is to be, held or conducted;
- (g) the purpose of the public meeting or procession;
- (h) an estimate of the number of persons who will participate in the public meeting or procession; and
- (j) particulars of such other matters as may be prescribed,

and the notice may be given at any police station.

(3) A notice for the purposes of subsection (1)—

- (a) shall be given not less than 4 days before the date of the proposed public meeting or procession, or within such shorter period as may be agreed by the Commissioner or an authorized officer; and

- (b) may be required to be verified in a manner acceptable to the Commissioner or an authorized officer.

(4) On receipt of a notice for the purposes of subsection (1) the Commissioner or an authorized officer shall act expeditiously to determine the application.

Authorized
officers.

6. (1) The Commissioner may, by a determination short particulars of which are published for information in the *Government Gazette*, delegate the duties imposed and powers conferred upon him by this Act (other than this power of delegation) to any commissioned officer of the Police Force therein identified by office or other description, and any such authorized officer—

(a) shall be deemed to be—

- (i) required to carry out the duties imposed on the Commissioner by;

and

- (ii) authorized to grant permits for the purposes of,

this Act; and

- (b) shall, subject to the conditions or limitations set out in that determination, exercise those functions on behalf of the Commissioner,

in relation to the part of the State or circumstances specified in that determination, but any such delegation may be revoked or varied by the Commissioner by a further determination of which particulars are so published and does not prevent the performance of any function by the Commissioner.

(2) For the purposes of subsection (1), it shall be sufficient if the particulars published in the *Government Gazette* set out the name, the office held by or other sufficient identification of the authorized officer and the part of the State or circumstances in which he is authorized to exercise the powers conferred by this Act, but it shall not be necessary to publish the conditions or limitations to which the determination is made subject.

(3) For the purposes of this Act, the exercise of a power by an authorized officer under this section shall be deemed to be the exercise of the power by the Commissioner.

(4) If, under this Act, the exercise of a power by the Commissioner is dependent on his opinion, belief or state of mind in relation to a matter and the power has been delegated under this section, the power may be exercised by an authorized officer to whom the power is delegated on the opinion, belief or state of mind of the authorized officer in relation to the matter.

7. (1) The Commissioner or the authorized officer shall have regard to the information furnished in any notice and any other information available to him in relation to the proposed public meeting or procession and may—

Permits.

(a) by a document furnished to the person or body giving that notice—

(i) grant a permit for the public meeting or procession; or

(ii) grant a permit for the public meeting or procession subject to the conditions or limitations specified in that permit; or

(b) refuse to grant a permit for the public meeting or procession.

(2) The Commissioner or an authorized officer shall not refuse to grant a permit for a public meeting or procession in respect of which notice has been given unless he has reasonable ground for apprehending that the proposed public meeting or procession may—

- (a) occasion serious public disorder, or damage to public or private property;
- (b) create a public nuisance;
- (c) give rise in any street to an obstruction that is too great or too prolonged in the circumstances; or
- (d) place the safety of any person in jeopardy.

Appeals.

8. (1) Where a notice applying for the grant of a permit is given not less than 4 days before the date of the proposed meeting or procession and the person or body giving the notice—

- (a) is refused a permit for the meeting or procession by the Commissioner or an authorized officer;
- (b) is aggrieved by any condition or limitation specified in a permit granted in relation to the proposed meeting or procession; or
- (c) satisfies the magistrate that—
 - (i) the application for the permit has not been granted and that there is reason to apprehend that it may not be dealt with sufficiently expeditiously; or
 - (ii) otherwise, there is good cause why the application should be reviewed,

that person or body may apply to a magistrate for an order approving the proposal for the holding of the proposed meeting or the conduct of the procession or cancelling or varying any condition or limitation specified in the permit.

(2) The magistrate shall determine and cause to be made known to—

- (a) the person or body applying for the order under subsection (1);
- (b) the Commissioner, or the authorized officer to whom the application for the permit was made, as the case may require; and
- (c) such other persons, if any, as he may desire to hear in relation to the proposal,

the date, time and place appointed for the hearing of the application and, having regard to the time needed to prepare the submission required to be made by the Commissioner or authorized officer pursuant to subsection (4), that hearing shall take place as soon as is practicable.

(3) On receipt of an application made under subsection (1) the magistrate shall cause to be made known to the Commissioner, or to the authorized officer if the case so requires, the mode by which and the place at which he desires to receive the submission to be made pursuant to subsection (4).

(4) On receipt of notification from a magistrate in relation to any application for a permit the Commissioner or the authorized officer concerned shall submit to that magistrate—

- (a) a copy of the notice given under section 5;
- (b) any further particulars of the application to which that notice relates of which he is aware;
- (c) a copy of any conditions or limitations relevant to the application contained in any determination by which authority was delegated to the officer concerned; and

(d) any other information or considerations relevant to the determination of the application for a permit.

(5) Proceedings under this section may be heard and determined without formality, save that the applicant shall be required to prove—

(a) the service of a relevant notice under section 5; and

(b) the refusal of the application made in that notice or that there are reasonable grounds to believe that the application has not been, or will not be dealt with expeditiously,

and to furnish to the magistrate such information as the magistrate may require as to the matters to which that notice related.

(6) A magistrate, upon the hearing of an application under this section—

(a) shall, if he is not satisfied that proper grounds for the refusal of the application made in the notice given for the purposes of subsection (1) of section 5 exists, make an order approving the proposal to which that notice related, subject to such conditions or limitations (if any) as may be specified in the order;

(b) may cancel or vary any limitation specified in the permit; or

(c) may confirm the decision reached by the Commissioner or authorized officer,

and on the terms of an order granted by a magistrate approving a proposal or cancelling or varying any condition or limitation being notified to the Commissioner, or the authorized officer concerned, as the case requires, by or at the direction of the magistrate effect shall be given to the order according to its tenor as though a permit in the like terms approved by the magistrate had been granted by the Commissioner.

(7) In dealing with any application made under this section the magistrate—

(a) shall have regard to the information and considerations, and shall apply the like criteria, as—

(i) the Commissioner; or

(ii) an authorized officer acting in accordance with such of the conditions or limitations set out in the determination by which authority was delegated to him as are appropriate in the circumstances relating to the notice to which the application relates,

would have been required to have had regard to and to apply;

and

(b) shall hear any representations made by or on behalf of the Commissioner or an authorized officer.

9. (1) Where a person at, or in relation to, a public meeting held or a procession conducted pursuant to a permit or order—

Offences, and
evidentiary
provisions.

(a) acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting or procession assembled;

(b) obstructs the free passage of any ambulance, fire brigade vehicle or police vehicle or, otherwise than in the manner or to the extent authorized by the permit or order relating to that meeting or procession, impedes or disrupts the use by members of the public in general of any street; or

(c) incites other persons so to do,
he commits an offence.

Penalty: \$200.

(2) Where, in any proceedings for an offence against subsection (1), it is alleged in the complaint that—

- (a) a permit or order had been granted under this Act to a person or body named therein; or
- (b) a public meeting was held or a procession was conducted pursuant to a permit or order,

it shall not be necessary for the complainant to prove the facts so alleged in the absence of evidence to the contrary.

(3) Where, in any proceedings for an offence against any other Act or law regulating the movement of traffic or pedestrians or relating to the obstruction of a street, the defendant satisfies the court that a public meeting was held or a procession was conducted pursuant to a permit or order purporting to relate to it, it shall be presumed, in the absence of evidence to the contrary, that—

- (a) no irregularity occurred in, or in relation to, the grant of the permit or the making of the order; and
- (b) the holding of the meeting or the conduct of the procession substantially conformed with the terms of the permit or order relating to it.

Protection
from
liability.

10. No action or claim for damages shall lie against any person for or on account of anything done, or ordered or authorized to be done, by him which purports to be done for the purpose of carrying out the provisions of this Act, unless it is proved

that the act was done, or ordered or authorized to be done, maliciously and without reasonable and probable cause.

11. The Governor may make regulations as to any matters necessary or convenient to be prescribed for giving effect to the purposes of this Act. Regulations.

12. The provisions of the Police Act 1892 are amended in the manner set out in the Schedule to this Act. Conse-
quential
amendments.

SCHEDULE.

s. 12.

Amendments of the Police Act 1892.

*Provision
Amended**Amendment*

s. 52. As to subsection (1), by deleting "the operation of section fifty-four B of this Act" and substituting the following—

“ the holding of a meeting or the conduct of a procession authorized pursuant to a permit or order granted under the Public Meetings and Processions Act 1984 ”.

s. 54B. By repealing the section.
