

## POLICE.

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No. 29 of 1979.

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**AN ACT to amend section 2 and section 52, and to repeal and re-enact with amendments section 54B, of the Police Act, 1892-1978.**

*[Assented to 21st September, 1979.]*

**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. (1) This Act may be cited as the *Police Act Amendment Act, 1979*. Short title and citation.

(2) In this Act the Police Act, 1892-1978, is referred to as the principal Act. Reprinted as approved for reprint 11th July, 1978.

(3) The principal Act as amended by this Act may be cited as the Police Act, 1892-1979.

Section 2  
amended.

2. Section 2 of the principal Act is amended—

- (a) as to the interpretation of the term “chairman”, by deleting the passage “shire.”, in line three of that interpretation, and substituting the passage “shire;”; and
- (b) by inserting, immediately after the interpretation of the term “chairman”, a new interpretation as follows—

“thoroughfare” includes any bridge, tunnel, under-pass, arcade, pavement, footpath, court, or passage to or through which access is permitted to the public, whether or not on private property; .

Section 52  
amended.

3. Section 52 of the principal Act is amended—

- (a) as to subsection (1)—
  - (i) by deleting the words “directions and make regulations for”, in line three, and inserting in lieu thereof the words “instructions to members of the Police Force for the purpose of regulating”;
  - (ii) by deleting the words “by such directions and regulations” in lines seven and eight, and inserting in lieu thereof the word “to”;
  - (iii) by deleting the passage “and for causing all vehicles to proceed at a foot-pace by any building used for divine worship during the hours in which divine worship is being held, on Sunday, Christmas Day, or Good Friday,”, in lines fourteen to eighteen;
  - (iv) by deleting the passage “may give such directions, and take such steps as may seem expedient to him”, in lines eighteen and nineteen;

- (v) by deleting the passage “caused by any band, procession or other gathering or in any other manner. And he may also give and make suitable directions and regulations”, in lines twenty-two to twenty-five, and inserting in lieu thereof the word “and”;
  - (vi) by deleting the words “regatta shall be”, in the last line, and inserting in lieu thereof the words “sporting event or other assembly is”; and
  - (vii) by inserting after the word “held”, at the end of the subsection, the passage “, but no such instruction shall be given for the purpose of frustrating the operation of section fifty-four B of this Act”; and
- (b) by repealing subsection (2), subsection (3) and subsection (4) and inserting in lieu thereof three new subsections as follows—

(2) A member of the Police Force acting in accordance with instructions given under subsection (1) of this section may give such directions as may seem expedient to him to give effect to those instructions.

(3) Every person who, after being acquainted with the same, fails to observe or contravenes any directions given under subsection (2) of this section commits an offence.

Penalty: One hundred dollars.

(4) The power vested in the Commissioner of Police by subsection (1) of this section may be exercised by any member of the Police Force of or above the rank of sergeant duly authorised by the Commissioner of Police for the purpose. .

Section 54B  
repealed and  
re-enacted  
with  
amendments.

4. Section 54B of the principal Act is repealed and re-enacted with amendments, as follows—

Public  
meetings,  
processions  
etc.

54B. (1) For the purposes of this section—

(a) a place shall not be taken to be a public place unless—

(i) it is in, or is adjacent to and gives direct access to, a street;

and

(ii) it is a place which is usually open or accessible to the public in general at all times,

or if it is in use for the purpose of divine worship;

(b) a meeting shall not be taken to be a public meeting unless—

(i) 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 organisation or body of persons having requirements for membership), or of demonstrating, as to any matter; and

(ii) members of the public in general are invited to attend.

(2) A person or body who or which proposes to conduct or organise a public meeting in a public place or a procession, not being a funeral procession, in, or which is to proceed through, any street or public place, or both such a public meeting and such a procession, shall give notice, in accordance with this section to the Commissioner of Police or an

authorised officer under this section, requesting that a permit be issued under this section in respect of that public meeting or procession, or both, and the notice shall contain the following information—

- (a) the date of the public meeting or procession;
- (b) the time at which the public meeting or procession will convene 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, or in the case of a procession, the route that it will follow, the extent to which it will occupy the public places 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;
- (d) the name and address of the person or body by whom or which the notice is given;
- (e) the name of the person or body by whom or which the public meeting or procession is being, or is to be, conducted or organised;
- (f) the purpose of the public meeting or procession; and
- (g) an estimate of the number of persons who will participate in the public meeting or procession,

and the information shall be given with as much detail as is reasonably practicable.

(3) The Commissioner of Police may, by notice published in the *Government Gazette*, delegate the powers and duties conferred or imposed upon him by this section to any commissioned officer of the Police Force therein specified by office or other description (in this section referred to as an "authorised officer") and any such authorised officer—

(a) shall be deemed to be authorised by the Commissioner for the purposes of subsection (2) of this section in relation to the part of the State or circumstances specified in the notice of the delegation; and

(b) may, subject to the conditions or limitations set out in the delegation, exercise on behalf of the Commissioner the powers conferred, and shall carry out the duties imposed, on the Commissioner by this section,

but any such delegation may be revoked or varied by the Commissioner by notice so published and does not prevent the exercise of any such power by the Commissioner.

(4) A notice required to be given under subsection (2) of this section shall be given not less than four days before the date of the proposed public meeting or procession, or within such shorter period as the Commissioner of Police or the authorised officer may agree, and shall be verified in a manner satisfactory to the Commissioner or that authorised officer.

(5) The Commissioner of Police or the authorised officer shall have regard to the information furnished in any notice given under subsection (2) of this section and any other information available to him in relation to the proposed public meeting or procession and may—

- (a) by a permit in writing served on 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 limitations or conditions specified in that permit; or
- (b) withhold permission for the public meeting or procession.

(6) The Commissioner of Police or an authorised officer shall not withhold permission for a public meeting or procession in respect of which due notice has been given under this section 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 to an obstruction that is too great or too prolonged in the circumstances; or
- (d) place the safety of any person in jeopardy.

(7) Where notice is required to be given under this section in respect of any public meeting or procession and—

- (a) such notice is not duly given in accordance with this section; or
- (b) that public meeting or procession is conducted or organised in a manner contrary to any limitation or condition specified in the permit relating thereto; or
- (c) permission under subsection (5) of this section is withheld, or a permit granted under that subsection has not been received from the Commissioner of Police or an authorised officer by the person or body giving such notice,

any person or body concerned in the conduct or organisation of that public meeting or procession, and any person who takes part in or addresses that public meeting or procession and continues to do so after having been informed that the provisions of this section would be, or are being, contravened, commits an offence.

(8) A person who at a lawful public meeting held pursuant to this section acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened or came together, or who incites others so to act, commits an offence.

## (9) Subject to—

- (a) any directions given under subsection (2) of section fifty-two of this Act; and
- (b) the provisions of subsection (10) of this section,

where the conduct of a public meeting or procession substantially conforms with the notice and the permit relating to it, a person participating in the public meeting or procession who observes such limitations and conditions as may be specified in the permit may position himself in, or proceed over, any street or other public place referred to in the permit 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 public place.

(10) A permit granted pursuant to this section 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.

(11) A person who commits an offence against this section shall be liable, on conviction, to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding one month.