

Legislative Council—No 117

As introduced and read a first time, 27 September 2023

South Australia

**Public Assemblies (Miscellaneous) Amendment
Bill 2023**

A BILL FOR

An Act to amend the *Public Assemblies Act 1972*.

Contents

Part 1—Preliminary

1 Short title

Part 2—Amendment of *Public Assemblies Act 1972*

2 Amendment of long title

3 Insertion of section 3A

3A Assemblies to be facilitated

4 Amendment of section 4—Notice of assembly

5 Substitution of section 6

6 Exemption for participants acting in accordance with approved proposals

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Public Assemblies (Miscellaneous) Amendment Act 2023*.

5 Part 2—Amendment of *Public Assemblies Act 1972*

2—Amendment of long title

Long title—after "An Act to" insert:

facilitate and

3—Insertion of section 3A

10 After section 3 insert:

3A—Assemblies to be facilitated

It is the intention of the Parliament that police, councils and other authorities of the State should facilitate freedom of assembly within the State in accordance with this Act.

15 4—Amendment of section 4—Notice of assembly

(1) Section 4(4)—delete "four days before the date of" and substitute:

48 hours before

(2) Section 4(8)(a)—delete "two days before the proposed date of the assembly" and substitute:

20 24 hours before the proposed assembly

(3) Section 4(8)(b)—delete paragraph (b) and substitute:

(b) must be published as soon as practicable (and, in any case, at least 4 hours before the proposed assembly)—

- (i) on a website determined by the Minister; or
- (ii) in such other manner as to ensure as far as reasonably practicable that prior to the assembly, it will come to the attention of those who intend to participate in the assembly.

5 **5—Substitution of section 6**

Section 6—delete the section and substitute:

6—Exemption for participants acting in accordance with approved proposals

- 10 (1) If a person participating in an assembly acts in conformity with approved proposals, that person—
- (a) does not incur any civil or criminal liability by reason of the obstruction of a public place; and
 - (b) acts lawfully despite the provisions of section 58 of the *Summary Offences Act 1953* or any other Act or law
- 15 regulating the movement of traffic or pedestrians, or relating to the use or obstruction of a public place.
- (2) To avoid doubt, a reference in this section to a person participating in an assembly includes any person who is an organiser or promoter of the assembly.

20 **Note—**

Persons participating in an assembly may, in accordance with approved proposals, position themselves, or proceed over, any portion of a public place defined or described in the proposals. So long as a person acts in conformity with the approved proposals they will have the benefit of the exemption under this section (even if other persons participating in the assembly refuse or fail to act in conformity with the approved proposals).

25