

South Australia

Public Assemblies Act 1972

An Act to provide for the orderly conduct of assemblies and processions in public places; and to make various provisions incidental thereto.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Public Assemblies Act 1972*.

3—Interpretation

In this Act, unless the contrary intention appears—

approved proposals in relation to an assembly means—

- (a) proposals of which notice has been given in accordance with section 4 of this Act and against which no objection has been made under that section; or
- (b) proposals approved by a Judge upon the hearing of an application under this Act;

assembly means any assembly, convention, gathering or procession;

council means a municipal or district council and includes any body corporate that is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal or district council;

Judge means a Judge of the Local and District Criminal Court;

public place includes—

- (a) a place to which free access is permitted to the public with the express or implied consent of the owner or occupier of that place; and
- (b) any road, street, footway, court, alley or thoroughfare to which free access is permitted to the public whether or not the road, street, footway, court, alley or thoroughfare is on private property.

4—Notice of assembly

- (1) Where an assembly is to be held in, or to proceed through, any public place, any person who is engaged in the organisation of the assembly, or who proposes to participate in the assembly, may give notice, in accordance with this section, containing the following proposals—
 - (a) the date of the assembly; and
 - (b) the time at which the assembly will convene and the time at which it will disband; and
 - (c) the place in which the assembly will be held, and the boundaries of the area to be occupied by the assembly, or if it is to move in 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.
- (2) The notice must also contain the following information:
 - (a) the name and address of the person by whom the notice is given; and
 - (b) the name of the person or body of persons by whom the assembly is being, or is to be, organised; and
 - (c) the purpose of the assembly; and
 - (d) an estimate of the number of persons who will participate in the assembly.
- (3) The proposals and information must be given with as much particularity as is reasonably practicable.
- (4) The notice must be served personally or by post, at least four days before the date of the assembly on—
 - (a) the Chief Secretary; or
 - (b) the Commissioner of Police; or
 - (c) the clerk of the council for the area in which the assembly is to be held,and the recipient of the notice must forthwith inform the other persons referred to in this subsection of the contents of the notice.
- (5) Where two or more notices are given under this section in respect of the same assembly—
 - (a) only one of those notices shall be valid and effective for the purposes of this Act; and
 - (b) the Chief Secretary shall determine finally and conclusively which of the notices is to be valid and effective for the purposes of this Act.
- (6) An objection may be made by or on behalf of the Chief Secretary, the Commissioner of Police or the council referred to in subsection (4) of this section to any proposal contained in a notice under subsection (1) of this section on the ground that it would, if effectuated, unduly prejudice any public interest.
- (7) Any such objection must set forth the grounds upon which the objector alleges that the proposal would unduly prejudice the public interest.

- (8) A copy of the objection—
- (a) must be served at least two days before the proposed date of the assembly upon the person by whom the notice of the assembly was given; and
 - (b) must be published at least two days before the date of the assembly—
 - (ai) on a website determined by the Minister; or
 - (i) in a newspaper circulating generally throughout the State; 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—Application to Judge

- (1) Where an objection has been made to a proposal under this Act, any person who desires to participate in the proposed assembly may apply to a Judge for a determination under this section.
- (2) The Judge may upon the hearing of an application under this section—
 - (a) if he is not satisfied that proper ground for any objection made to the proposal exists, quash the objection and approve the proposal; or
 - (b) may approve any other proposals submitted to him before, or at the hearing of, the application.
- (3) Proceedings under this section may be heard and determined by a Judge without formality.

6—Exemption for participants acting in accordance with approved proposals

- (1) Where the conduct of an assembly conforms with approved proposals, a person participating in the assembly—
 - (a) may, in accordance with the proposals, position himself, or proceed over, any portion of a public place defined or described in the proposals; and
 - (b) in acting in conformity with the proposals does not incur any civil or criminal liability by reason of the obstruction of a public place.
- (2) An act permitted by this section is lawful notwithstanding the provisions of any other Act or law regulating the movement of traffic or pedestrians, or relating to the use or obstruction of a public place.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1972	28	<i>Public Assemblies Act 1972</i>	6.4.1972	13.4.1972 (<i>Gazette 13.4.1972 p1430</i>)
2019	25	<i>Statutes Amendment and Repeal (Simplify) Act 2019</i>	3.10.2019	Pt 38 (s 80)—3.10.2019: s 2(1)

Provisions amended since 3 February 1976

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 4		
s 4(8)	amended by 25/2019 s 80	3.10.2019