

AUSTRALIAN CAPITAL TERRITORY

PUBLIC ASSEMBLIES (AMENDMENT) ORDINANCE 1982

ORDINANCE NO. 105 OF 1982

EXPLANATORY STATEMENT

The Public Assemblies Ordinance 1982 (the existing Ordinance) establishes a procedure for notification of public assemblies and empowers the Commissioner of Police to seek an order from the Supreme Court to prohibit the holding of a public assembly if he opposes it on stated grounds. The Ordinance also enables the Commissioner to approve limited participation in a public assembly where the assembly is held on a day of special significance such as Anzac Day. Persons excluded from such an assembly and persons aggrieved by his decision may apply to the Court.

The Public Assemblies (Amendment) Ordinance 1982 makes three amendments to the existing Ordinance in the light of its operation on Anzac Day, 1982. Details of the Ordinance are set out below:

Sections 1 and 2 are interpretation provisions.

Section 3 adds a new sub-section to section 11 of the existing Ordinance to provide for the service of documents on the organizer of a public assembly.

Section 4 amends section 12 of the existing Ordinance to provide that the Commissioner of Police shall not inform the organizer of a limited participation assembly that he opposes or does not oppose the holding of the assembly until he has considered any objections made in accordance with sub-section 13(2B).

Section 5 amends section 13 of the existing Ordinance by adding new sub-sections (2A) and (2B) to provide that the Commissioner shall serve a copy of any application to participate in a limited participation assembly on the organizer of that assembly and that the organizer may inform the Commissioner within a limited period that he objects to the participation of the applicant and of his reasons for that objection. The Commissioner will then be able to consider any such objection in determining whether the participation of the applicant would be in the public interest. Section 5 further amends section 13 to provide that, in forming an opinion whether the participation of an applicant would be in the public interest, the Commissioner shall have regard to whether the relevant application contains information that is false or misleading. Existing rights of appeal to the Supreme Court are preserved.

Section 6 amends section 15 of the existing Ordinance by inserting a new sub-section (1A) empowering the Commissioner to impose terms and conditions on the participation of applicants to participate in a limited participation assembly. An applicant dissatisfied with such terms and conditions is able to appeal to the Supreme Court.

Section 7 amends section 18 of the existing Ordinance by omitting sub-section (3) consequential upon the addition to section 11 of a general provision for the service of documents on an organizer of a public assembly.

Ord. No. 83/82