

BILL NO. 1 OF 2017

A BILL

FOR AN ACT TO AMEND THE PUBLIC ORDER ACT 1969

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Public Order (Amendment) Act 2017.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Public Order Act 1969 is referred to as the “Principal Act”.

Section 8 amended

2. The Principal Act is amended by deleting section 8 and substituting the following—

“Permits for meetings and processions

8.—(1) Subject to subsection (2), any person may organise or convene a meeting or procession in a public place without the need for a permit under this Act.

(2) Any person who wishes to organise or convene a meeting or procession on or in a public park or public road shall first make an application for a permit to the appropriate authority and, unless the appropriate authority is satisfied for good reason that such a meeting or procession is likely to prejudice the maintenance of peace or good order, the appropriate authority shall issue a permit specifying—

- (a) in the case of a meeting, the purpose for which, and the place or times at which or between which, such meeting may be held and such other conditions as the appropriate authority may think fit to impose;
- (b) in the case of a procession, the purposes for which, and routes of which, and the times at which or between which, such procession may pass and such other conditions as the appropriate authority may think fit to impose; and
- (c) the name or names of the person or persons to whom such a permit is issued.

(3) Every application for a permit under subsection (2) shall be made in writing to the appropriate authority at least 7 days, or within such lesser time as the applicant may specify in any particular case, prior to the date on which the applicant proposes to organise or convene a meeting or procession.

(4) The requirement to obtain a permit under subsection (2) shall not apply to processions solely in connection with marriages or funerals.

(5) Every person to whom a permit is issued under subsection (2) shall be responsible for the due observance of all the conditions specified in the permit.

(6) The appropriate authority may, in the appropriate authority's discretion, refuse to grant a permit under subsection (2) to any person or organisation that has on any previous occasion failed to comply with any condition imposed with respect to any meeting or procession, or any person or organisation that has on any previous occasion organised any meeting or procession which has prejudiced peace, public safety or good order or which has engaged in racial or religious vilification.

(7) For the purposes of subsection (2) and section 10(1)(a), “public park or public road” means any highway, public street, public road, public park or garden, any sea beach, river bank, public bridge, wharf, jetty, lane, footway, square, court, alley or passage whether a thoroughfare or not.”

Section 9 amended

3. Section 9 of the Principal Act is amended by deleting subsection (2).

Section 10 amended

4. Section 10(1) of the Principal Act is amended by deleting paragraph (a) and substituting the following—

- “(a) takes part in a meeting or procession on or in a public park or public road for which no permit has been issued under section 8(2);”

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Suva

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PUBLIC ORDER (AMENDMENT) BILL 2017

EXPLANATORY NOTE

(This note is not part of the Bill and is only intended to indicate its general effect)

1.0 BACKGROUND

- 1.1 At the moment, under the Public Order Act 1969 (**‘Act’**), any person who wishes to organise or convene a meeting or procession in a public place must apply for a permit from the relevant Divisional Police Commander.
- 1.2 The definition of “public place” is set out in section 2 of the Act as—
- (a) any highway, public street, public road, public park or garden, any sea beach, river, public bridge, wharf, jetty, lane, footway, square, court, alley or passage whether a thoroughfare or not; or
 - (b) any—
 - (i) land or open space, whether such land or space is closed or unenclosed; and
 - (ii) place or building of public resort, other than a dwelling house, to which for the time being the public have or are permitted to have access whether on payment or otherwise.
- 1.3 The Public Order (Amendment) Bill 2017 (**‘Bill’**) proposes to remove the requirement for a permit when organising or convening a meeting or procession in a public place.
- 1.4 However, although there will no longer be any requirement for a permit for a meeting or procession in a public place, a permit will still be required for a meeting or procession that is organised or convened in a public park or on a public road.

- 1.5 Contrary to the definition of public place, the proposed definition of “public park” and “public road” in the Bill refer only to any highway, public street, public road, public park or garden, any sea beach, river bank, public bridge, wharf, jetty, lane, footway, square, court, alley or passage whether a thoroughfare or not.
- 1.6 The restriction to having permits for meetings or processions only in public parks and public roads ensures that the safety, security and interests of others who use such parks and roads are not affected.
- 1.7 The Bill also proposes to remove the powers conferred on the Commissioner of Police or any Divisional Police Commander under section 9(2) of the Act to prohibit any procession, meeting or assembly in any public or private place, or to direct any procession, meeting or assembly in any such place to disperse. Despite this, members of the Fiji Police Force may still intervene to stop and disperse any procession, meeting or assembly if it is necessary for them to do so in the interests of law and order.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Prime Minister.
- 2.2 Clause 2 of the Bill deletes section 8 of the Act and substitutes a new section 8. This new section compels those who wish to organise or convene a meeting or procession on or in a public park or public road to apply for a permit. However, if the meeting or procession is in a public place that is not a public park or public road, there is no requirement for a permit.
- 2.3 Clause 3 of the Bill deletes section 9(2).
- 2.4 Clause 4 of the Bill amends section 10 of the Bill so that the offence is related to the amendments in clause 2.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Prime Minister.

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Attorney-General