

Resolution of Council

12 December 2022

Item 11.3

Supporting Peaceful Protest in the City

Moved by Councillor Ellsmore, seconded by Councillor Scott -

It is resolved that:

(A) Council note:

- (i) last month, Council unanimously voted to:
 - (a) acknowledge that the right to protest is fundamental in a democratic society;
 - (b) note that the NSW Government has recently enacted a series of laws which further restrict and criminalise peaceful protests, including changes to the Crimes Act 1900 and Roads Act 1993 passed by the NSW Parliament in April 2022. Under the recent legal changes, peacefully protesting can carry a maximum penalty of \$22,000 or two years in gaol, or both, if it disrupts roads, bridges and/or tunnels;
 - (c) support and facilitate the right of the community, including climate activists, to peacefully protest in the City; and
 - (d) condemn harsh police practices with respect to protesters;
- (ii) on Friday 2 December 2022, environment activist Violet (Deanna) CoCo faced the Magistrates Court, Downing Centre in Sydney. She had been charged for peacefully protesting climate inaction, following a protest in April 2022 which involved blocking one lane of traffic for approximately 25 minutes;
- (iii) Violet (Deanna) CoCo has been sentenced to 15 months in prison, with a non-parole period of eight months;

- (iv) the sentence has received national and international condemnation. Clément Voule, the United Nation's special rapporteur on freedom of association and peaceful assembly, is reported to have said he was "alarmed" by the sentence and the court's refusal to consider bail for the sentence appeal until March 2023;
 - (v) the NSW Premier and Leader of the Opposition are both reported to have expressed similar views on the appropriateness of supporting the amendments to the Crimes Act 1990 and the Roads Act 1993; and
 - (vi) over 20 other people involved in peaceful climate protests in the City this year have been charged under the new anti-protest laws, and are currently awaiting trial;
- (B) Council reaffirm its support for the right of people to peacefully protest, including on property and spaces that it owns or controls, while noting:
- (i) protests are required to be conducted under the processes set out in state law (including obtaining approvals for gatherings where required), and while Council disagrees with the NSW Government's prohibition on peaceful protest where it disrupts a road, bridge or tunnel, Council agrees with other prohibitions, such as the prohibition on hate speech; and
 - (ii) local governments do not have the authority to make criminal laws, nor enforce those laws via the police. This authority vests solely in our State and Federal Governments; and
- (C) Council note that on 23 November 2022, following the distressing arrest of Danny Lim, the Lord Mayor and Alex Greenwich MP wrote to the NSW Minister for Police requesting urgent action to prevent excessive and unnecessary policing by NSW Police.

Amended motion carried unanimously.

X086659