

Resolution of Council

13 March 2023

Item 11.7

Restriction of Peaceful Protests at Sydney Town Hall

Moved by Councillor Ellsmore, seconded by Councillor Davis –

It is resolved that:

(A) Council note:

- (i) as part of its decision of 21 November 2022, in support of the right to peaceful protest, the Council called on the NSW Government to repeal April 2022 changes to the Roads Act 1993;
- (ii) the changes to the Roads Act 1993 were made in response to a climate protest held in the City. The changes introduced fines of up to \$22,000, two years in jail, or both, for disrupting ‘major roads’, bridges, tunnels, public transport and infrastructure facilities. A large number of roads in the City were identified as potentially included in the definition of ‘major road’, but to date the NSW Government has not released specific advice to confirm where the new laws apply;
- (iii) since the introduction of the new anti-protest laws, the Office of the Deputy Lord Mayor has been made aware of claims that NSW Police have changed their approach to organised protests in the CBD, particularly those planned outside Sydney Town Hall;
- (iv) protesters claim that they have been told that new restrictions apply, and they may be charged under the new protest law for causing disruption to foot traffic and light rail in the area if they do not move or restrict their planned peaceful protests away from Sydney Town Hall;
- (v) examples provided to the Office of the Deputy Lord Mayor include:

- (a) NSW Police telling organisers of International Women's Day March (to be held on 11 March 2023), School Strike for Climate (held on 4 March 2023) and May Day that they cannot have rallies in front of Sydney Town Hall if the rally exceeds 2,000 people; and
 - (b) police telling organisers they need to hold rallies in Belmore Park and other venues instead, stating that protests in front of Sydney Town Hall cause too much disruption;
 - (vi) there is a long tradition of people gathering outside Sydney Town Hall and in Sydney Square to express their views on public issues; and
 - (vii) there may be circumstances when such gatherings may need to be relocated or rescheduled in order to protect public safety or to ensure entry to and egress from Sydney Town Hall;
- (B) Council affirm that:
- (i) Sydney Town Hall is an important and historic place for individuals to gather to express their political views;
 - (ii) public gatherings outside Sydney Town Hall and in Sydney Square should be permitted to continue subject to the need to protect public safety and ensure entry to and egress from Sydney Town Hall;
 - (iii) attempts to restrict peaceful protests at Sydney Town Hall, as described in paragraphs (A) (iii) and (iv) above, are not compatible with the City of Sydney's commitment to supporting the right of peaceful gathering, meeting and assembly in NSW; and
 - (iv) Council continues to strongly support the use of public space in the City of Sydney for peaceful political expression and the expression of views on public matters;
- (C) the Lord Mayor be requested to write to the incoming NSW Police Minister:
- (i) expressing concern about the reports of restrictions on peaceful protests outside the Sydney Town Hall as described in paragraphs (A) (iii) and (iv) above; and
 - (ii) reaffirming the City's position around the right for people to gather and express political views through peaceful protest in the CBD; and
- (D) the Chief Executive Officer be requested to:
- (i) write to the NSW Police Commissioner to seek the following information:
 - (a) clarification and further details about whether the information provided to the Office of the Deputy Lord Mayor about the actions of NSW Police as described in paragraphs (A) (iii) and (iv) above are correct;
 - (b) if correct, what is the legal basis for the Police action described in paragraphs (A) (iii) and (iv) above;

- (c) whether, and if so how NSW Police will apply the provisions of the Roads and Crimes Legislation Amendment Act 2022 to public gatherings outside Sydney Town Hall, together with the legal basis for any such application; and
 - (d) confirmation of what roads or areas in the Local Government Area are captured by the Roads and Crimes Legislation Amendment Act 2022; and
- (ii) provide Councillors with the NSW Police Commissioner's response via the CEO Update.

Carried unanimously.

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