

Resolution of Council

13 March 2023

Item 11.6

Recent Police Intimidation of Peaceful Protesters in the City of Sydney

Moved by Councillor Ellsmore, seconded by Councillor Weldon –

It is resolved that -

(A) Council note:

- (i) on 21 November 2022, Council passed a motion acknowledging that the right to protest is fundamental in a democratic society, and condemning harsh police practices with respect to protesters;
- (ii) in December 2022, the Lord Mayor wrote to the NSW Attorney General, the NSW Shadow Attorney General, the NSW Minister for Police and the Commissioner for Police:
 - (a) to express support for the right to peacefully gather, meet, and assemble in NSW;
 - (b) to express the City's support for the repeal of protest laws which had been introduced in April 2022; and
 - (c) to call on the NSW Police to cease pre-emptive and heavy-handed policing of protests, of climate protests;
- (iii) the catalyst for the motion of 21 November 2022 was the arrest of Violet Coco, who was arrested for peacefully protesting the climate emergency on the Sydney Harbour Bridge;
- (iv) since this motion passed, there have been other reported instances of peaceful protesters being arrested and detained. Examples include:

- (a) on 22 February 2023 and 1 March 2023, The Guardian reported the case of Cherish Kuehlmann, a student at the University of NSW charged with a single count of unlawful entry on to enclosed land in Martin Place in February:
- Ms Kuehlman had been arrested at midnight at her unit following a student rally outside the Reserve Bank on Friday 17 February protest the cost of housing, bank profits and the Reserve Bank’s monetary policy;
 - Ms Kuehlman told The Guardian she was detained for “about four hours” before being released on strict bail conditions, including a ban on her travelling within two kilometres of Sydney’s town hall, which would stop her from attending another protest being held that week;
 - On 1 March 2023, Magistrate Clare Farnan, removed the restrictive bail condition saying ‘she “didn’t understand” why NSW police had imposed bail given Kuehlmann had no prior convictions and was charged with an offence that carried a maximum fine of \$5,500’; and
 - Magistrate Farnan dismissed the police argument that removing the restriction would allow Kuehlmann to attend a National Union of Students protest planned for this week, saying that was her “democratic right”;
- (b) on 9 March 2023, the Sydney Criminal Lawyers website reported that:
- Stephen Langford had been arrested on 2 March 2023 over having stuck several pieces of A4 paper on the statue of Governor Lachlan Macquarie at the entrance of Hyde Park;
 - the papers reproduced Macquarie’s 1816 directive “All Aborigines from Sydney onwards are to be made prisoners of war and if they resist, they are to be shot and their bodies to be hung from trees in the most conspicuous places near where they fall so as to strike fear into the hearts of surviving natives,” a directive that led to the April 1816 Appin Massacre, which involved a British regiment killing at least 14 Dharawal and Gandangara people;
 - police had imposed bail conditions which included a ban on his travelling within two kilometres of Sydney’s Town Hall; and
 - on 3 March 2023, a magistrate dismissed this bail condition saying it was not warranted; and
- (v) the imposition of bail conditions restricting persons from travelling within two kilometres of Sydney’s town hall and their subsequent dismissal by the courts raises serious concerns that the police are seeking to undermine the right to peaceful protest;
- (B) Council reaffirm its support for peaceful protest, and its opposition to heavy handed policing;
- (C) Council note that the City of Sydney website contains information about holding public assemblies within the City of Sydney local government area; and

- (D) the Chief Executive Officer be requested to consider providing links on the City of Sydney website to resources that provide information about the right to organise and take part in public assemblies such as those provided by the Human Rights Law Centre, NSW Council for Civil Liberties, and Amnesty International.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Kok, Scott, Scully and Weldon

Noes (1) Councillor Jarrett*

*Note – Councillor Jarrett abstained from voting on this matter. Pursuant to the provisions of clause 10.4 of the Code of Meeting Practice, Councillor Jarrett is taken to have voted against the motion.

Motion carried.

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