

Resolution of Council

25 November 2024

Item 16.9

Democratic Right to Protest

Moved by Councillor Ellsmore, seconded by Councillor Thompson –

It is resolved that:

(A) Council note:

- (i) the right to protest remains a cornerstone of democracy;
- (ii) Council has passed a number of recent motions in support of the right to protest including on 21 November 2022:
 - (a) Council resolved to acknowledge that the right to protest is fundamental in a democratic society, condemn harsh police practices with respect to protesters and commit to support and facilitate the right of the community to peacefully protest in the City of Sydney, including outside Sydney Town Hall; and
 - (b) Council requested that the Lord Mayor urgently write to the NSW Attorney General, NSW Shadow Attorney General, the NSW Minister for Police and the Commissioner for Police to express support for the right of peaceful gathering meeting and assembly in NSW, and to express the City's support for the repeal of new laws passed which have criminalised - or increased penalties – protests, through the *Roads and Crimes Legislation Amendment Act 2022*;
- (iii) in May 2024, the City of Sydney made a submission to the statutory review of the *Roads and Crimes Legislation Amendment Act 2022*. The review was carried out by Transport for NSW and the Department of Communities and Justice. The Council's submission restated the Council's position that the laws should be repealed;

- (iv) on 14 November 2024, Transport for NSW tabled their report from the statutory review. The review had a strong community response, with 1,462 individual submissions and 20 organisational submissions, nearly all opposing the new laws. It is notable that the Transport for NSW report did not acknowledge the City of Sydney as one of the organisations that had made a submission in relation to the *Roads and Crimes Legislation Amendment 2022*;
 - (v) the Transport for NSW review report recommended establishing a cross government working group with stakeholder agencies to “investigate difficulties with interpretation and enforcement of the legislation”;
 - (vi) on 13 November 2024 the Attorney General introduced further changes to criminalise or increase penalties for protest activities, this time through the *Crimes Amendment (Obstructing a Railway) Bill 2024* to NSW Parliament. The Bill seeks to introduce \$22,000 fines for obstructing light rail, railways and trams;
 - (vii) the bill was passed by the NSW Parliament on 21 November 2024;
 - (viii) the changes will particularly threaten public protests outside the Sydney Town Hall, due to the light rail; and
 - (ix) on 13 November 2024, 13 civil society organisations wrote to the Premier and Attorney General stating their opposition to the latest bill and proposed new fines;
- (B) Council affirm that community consultation is essential in the process of introducing or sustaining any legislative changes that limit the right to protest;
 - (C) Council reaffirm its support for the right of people to peacefully protest, including outside the Sydney Town Hall, and on property and spaces that it owns or controls;
 - (D) Council note that the City of Sydney has declared a climate emergency and over many years undertaken significant action to reduce its own emissions and adapt to the impacts of climate change;
 - (E) Council note that coal exports from the port of Newcastle are responsible for exporting more than 95M tonnes each year;
 - (F) Council note that over the weekend, 170 adults and 14 young people were arrested at the Rising Tide Peoples’ Blockade in Newcastle and 40 under section 241A(b) of the Crimes Act 1900 (NSW) (anti protest laws);
 - (G) the Lord Mayor be requested to urgently write to the NSW Attorney General, NSW Shadow Attorney General and the NSW Minister for Police and the Commissioner for Police:
 - (i) to express support for the right of peaceful gathering, meeting, and assembly in NSW;
 - (ii) to express the City’s opposition to the expansion of anti-protest laws through \$22,000 fines for obstructing light rail, railways and trams;
 - (iii) to ask why the City of Sydney submission to the statutory review of the 2022 laws was not considered by Transport for NSW; and

- (iv) to request that any cross government working group formed to consider the implementation on the 2022 laws include City of Sydney and civil society representatives; and
- (H) that Council approve a donation of \$22,000 from the 2024/25 General Contingency Fund be made to Rising Tide.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Ellsmore, Kok, Maxwell, Miller, Thompson, Weldon, Wilson and Worling.

Noes (1) Councillor Gannon.

The motion, as varied by consent, was carried.

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