

## Item 13.3

### Notices of Motion

#### Protecting the Right to Peaceful Non-Violent Protest in NSW

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) the NSW Government has enacted a series of laws which restrict and criminalise peaceful protests;
- (ii) most recently, in April 2022 following protests by climate activists in the city, the NSW Parliament passed legislation to prevent protesting on major roads, bridges, tunnels, public transport and infrastructure facilities. The new legislation amends section 144G the *Roads Act 1993* and criminalises activities that 'cause serious disruption';
- (iii) offences carry a maximum penalty of \$22,000 or two years in gaol, or both;
- (iv) since the passing of the amendment in April 2022, many activists have been charged under these and other anti-protest laws;
- (v) the changes were strongly opposed by human rights, environmental and civil liberties groups; and
- (vi) in October 2022, The Environmental Defenders Office filed a legal challenge to the laws in the NSW Supreme Court;

(B) Council also note:

- (i) the NSW Police has formed a militarised police unit Strike Force Guard which has targeted environmental campaigners;
- (ii) the NSW Council for Civil Liberties and human rights groups have urgently written to the NSW Government (including the Attorney General, Police Minister and Commissioner for Police) expressing concern about pre-emptive and intimidatory police tactics leading up to the International Mining and Resources Conference (IMARC) held in Sydney over 2 to 4 November 2022; and
- (iii) reported police activities include police making unannounced visits to suspected activists' homes, car stops and searches, and arrests of climate activists and networks prior to the event;

- (C) Council:
- (i) acknowledge that the right to protest is fundamental in a democratic society;
  - (ii) condemn harsh police practices with respect to protesters; and
  - (iii) commit to support and facilitate the right of the community, including climate activists, to peacefully protests in the City; and
- (D) the Lord Mayor be requested to urgently write to the NSW Attorney General, NSW Shadow Attorney General, 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 support for the repeal of protest laws introduced in April this year; and
  - (iii) to call on the NSW Police to cease pre-emptive and heavy-handed policing of protests, particularly climate protests.

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