

Item 12.5**Notices of Motion****Sydney Town Hall and Other Council Buildings Not to be Used for Policing or Surveillance of Democratic Protests**

By Councillor Ellsmore

It is resolved that:

(A) Council note:

- (i) the City of Sydney Council sometimes provides access to the NSW Police to Council buildings when major events are taking place in the George Street vicinity or across the City. These events include Mardi Gras, Vivid, and the New Years Eve fireworks;
- (ii) on 21 October 2023, for the first time the NSW Police requested – and were granted access – to the Marconi Room connected to the Sydney Town Hall, for the purposes of policing a democratic protest planned in front of or near the Sydney Town Hall;
- (iii) the NSW Police were granted access a second time on 29 October 2023 to the Marconi Room connected to the Sydney Town Hall;
- (iv) on both occasions, access was granted free of charge with the hire fee of \$3,360 being waived; and
- (v) no Councillors were consulted about the decision made to provide access, and the Council has no policy on when and if police will be provided access to the Sydney Town Hall or other Council spaces;

(B) Council affirm that:

- (i) Council buildings and Sydney Town Hall in particular play an important role in supporting local democracy. This includes the right for the community to peacefully protest as noted in Council decisions this term including on:
 - (a) 21 November 2022 - Protecting the Right to Peaceful Non-Violent Protest in NSW;
 - (b) 12 December 2022 - Supporting Peaceful Protest in the City;
 - (c) 13 March 2023 - Recent Police Intimidation of Peaceful Protesters in the City of Sydney; and
 - (d) 3 March 2023 - Restriction of Peaceful Protests at Sydney Town Hall;
- (ii) it is not appropriate that Sydney Town Hall and related buildings be used by NSW Police to support policing of democratic protests, including surveillance of democratic protests;

- (C) Council agree that, in the event that police approach the City of Sydney Council in the future and ask to use the Sydney Town Hall or Council buildings for policing protests or related democratic activities, this access should be refused unless:
 - (i) approved by the elected Council; or
 - (ii) where the request is urgent and is in the public interest, approved by the Lord Mayor; and
- (D) the Chief Executive Officer be requested to advise relevant Local Area Commands and contacts within NSW Police of this Council decision.

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