

Item 16.9

Notices of Motion

Democratic Right to Protest

By Councillor Ellsmore

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 The Council's submission restated the Council's position that the laws should be repealed;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 Act 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 proposed changes would have a particularly strong impact on restricting public protests outside the Sydney Town Hall, due to the light rail; and
 - (viii) 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; and
- (D) 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 proposed 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.

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