

A GUIDE FOR ACTIVISTS IN NEW SOUTH WALES



YOUR
RIGHT TO
PROTEST

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This booklet was prepared by Grata Fund and CounterAct, with the generous assistance of First Nations and non-Indigenous activists across a range of movements.

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The information is correct at time of publication, 20 November 2020. Please note this is a guide to the law in NSW, and you should seek legal advice.



Grata Fund supports people and communities to advocate for their legal rights. We do this by removing the financial barriers that prevent test cases in the public interest from getting to court. Our areas of focus are democracy, human rights and climate change. For further information about Grata Fund visit www.gratafund.org.au.



CounterAct is a not-for-profit organisation that supports communities across Australia to protect the natural environment and work for social justice and human rights. This is done by providing training, educational resources and capacity building to support communities and activists. For more information visit www.counteract.org.au



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INTRODUCTION

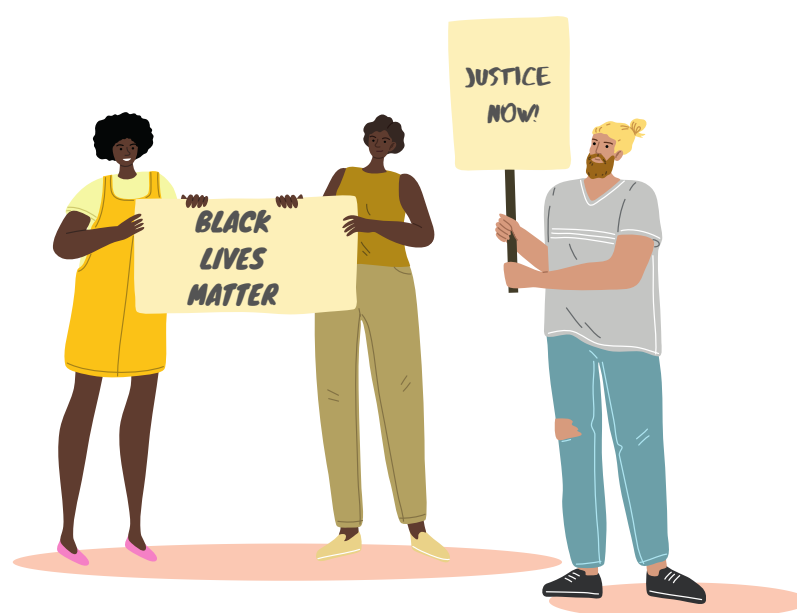
A GUIDE FOR ACTIVISTS IN NEW SOUTH WALES

The right to peaceful protest is a core component of Australian democracy. Protest provides a space for communities to raise their voice and be heard, and is a tool to hold governments and corporations accountable. Our communities have advanced and protected the rights of workers, the natural environment, First Nations Peoples, women, disabled people, the LGBTQIA+ community and a broad array of other social and environmental justice issues. We have rights and freedoms through a wide diversity of social change tactics including protest and civil disobedience.

This guide is intended to help you make informed decisions about your rights and possible consequences for certain types of actions when planning protest events. However, there is a significant amount of discretion involved in policing. This means that sometimes you may be committing an offence, but the police may choose not to charge you. Other times, the police may use their powers inappropriately and take action against you when legally they should not, effectively limiting protest.

It is important to be aware that this document is only applicable in NSW and that both laws, and how they are policed, can differ significantly state to state.

This document (current as of November 2020) refers to laws that apply in normal circumstances, not under a State of Emergency or State of Disaster – i.e. we are not referring to additional police powers, and limits on assembly during COVID. You can source additional information about extended police powers at the Grata Fund [Covid Law Monitor](#).



We pay our respects to more than 200 years of protests and resistance led by First Nations Peoples since invasion and their leadership and support of many social movements throughout this time. We acknowledge that sovereignty has never been ceded and pay respects to Elders past, present and emerging, particularly in movements for justice across the continent.



THE RIGHT TO PROTEST IN NSW



DO YOU HAVE A RIGHT TO PROTEST?

Whilst we don't have a standalone "right to protest" in NSW, Australia is a democracy and has signed international treaties to agree to protect "freedom of assembly", "freedom of expression" and "freedom of association". The Australian Constitution also has an implied right to "freedom of political communication".



DO YOU NEED A PERMIT/PERMISSION FROM POLICE TO PROTEST?

Activists may have different political, philosophical or legal reasons informing whether they apply for a permit. If you submit a "Notice of intention to hold a public assembly" to the Commissioner of Police at least 7 days' prior to your planned event and you receive no reply from the police, you will have a stronger case if they try to move you on or order you to disperse.

If you want additional protection against the possibility of charges for offences commonly associated with participation in protests submitting this application for a permit may assist. However, it is important to note your protest is not automatically unlawful if you did not submit an application for a permit.

The difference is you are notifying police, rather than seeking permission. It is up to the police to challenge your application, and they will apply discretion based on a number of factors, either in challenging your application in court or policing your protest, should you not have a permit.



DO YOU NEED POLICE CONSENT BEFORE FILMING AT A PUBLIC PROTEST?

As long as you do not enter private property, breach privacy rules, take indecent photographs without consent, or obstruct emergency services, you may film whatever you like in a public place. Please be aware that police may still ask you not to film, or infer they have a right to do so.

Be aware that separately, there are laws and limitations specifically applicable to drone photography, and also some restrictions on critical infrastructure or buildings such as the Opera House.



CAN THE POLICE ASK YOU TO "MOVE ON" FROM A PUBLIC PLACE?

The police can ask you to "move on" from a public place when they believe on reasonable grounds that you are: obstructing another person; obstructing traffic; harassing or intimidating another person; or causing or are likely to cause fear in another person.

The direction must be for the purpose of reducing or eliminating the obstruction, harassment, intimidation or fear. It is the experience of activists, however, that move on orders are often issued for the purpose of breaking up protest events.



CAN YOU BE CHARGED WITH AN OFFENCE FOR PARTICIPATING IN A PROTEST?

You cannot be charged with simply taking part in a protest. However, you may be charged with an offence depending on your behaviour at the protest (see section on POSSIBLE OFFENCES IN NSW).

ANSWERING POLICE QUESTIONS



DO I HAVE A RIGHT TO SILENCE?

Other than requiring your name and address in some situations (SEE BELOW) you have a right to silence. It is generally recommended you use this right.

You should seek legal advice if you are considering speaking to police.

Your right to silence changes if your lawyer is present for questioning, and you have been charged with a serious offence, such as burglary, murder, assault, or other charges with penalties of 5+ years in prison.



DO YOU HAVE TO ANSWER POLICE QUESTIONS?

There are two approaches to choose from. The police have a right to ask you for your name and address under certain circumstances. Other than that you **have a right to silence**.

Some people prefer to keep things simple, and minimise the potential for conflict by providing their name and address. Others may wish to take the opportunity to assert their rights and only provide this information if you believe the police have lawful reason to ask. This includes: requiring you to identify yourself if they believe you could assist with their investigation into a serious offence; requiring you to identify yourself if they intend to give you a direction to leave a particular place, or whilst driving; or requiring you to identify yourself if you are in the vicinity of a railway station if they suspect you have committed an offence.

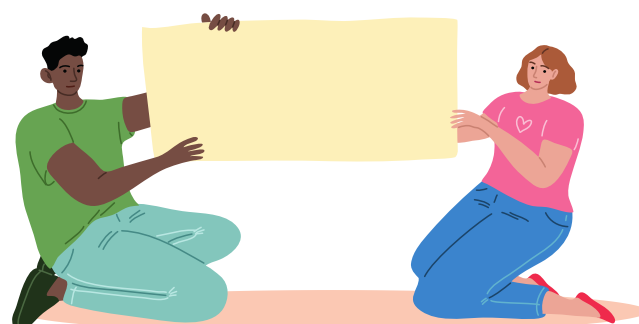
There can be other reasons, such as if you are in a temporarily restricted area, but if police do not appear to have a legitimate reason, you can politely ask, "on what basis are you asking me?". If the police have reason to ask, you should give them your name and address in the circumstances above. It is an offence not to do so, or to give police false details.

However, if under arrest you do need to give name and address. It is **strongly** recommended that you do not answer further questions. If you are uncomfortable with silence, simply say "no comment". Alternatively, you may say you do not wish to be interviewed. You should always get legal advice before you decide whether to answer police questions or do an interview.



CAN POLICE USE FORCE TO ARREST ME?

Police can use reasonable force to arrest you. What is reasonable force depends on the circumstances. The police are only allowed to use the amount of force required to restrain you and transport you to a police station. The police cannot use excessive force to do so. If you are resisting arrest, the police can increase the amount of force used to arrest you.



SEARCH AND SEIZURE



CAN THE POLICE SEIZE YOUR PHONE?

The police can seize anything you have on you if the police have reasonable suspicion that: it is stolen; it has or will be used in committing an offence; or it contains evidence of an offence.

Police cannot access your phone without a warrant, however, so it is useful to have a PIN on your phone. Police cannot compel you to put the PIN or password in. If they ask, you can say 'no comment'.



CAN THE POLICE TAKE MY PHONE OR CAMERA WHEN I HAVE RECORDED POLICE VIOLENCE?

Police can seize anything which the officer suspects may include evidence of a crime (including police violence).

If you have captured footage of police violence against activists it can be advisable to ensure it is live, or uploaded so as not to be easily deleted, or to give your SD card to someone else to secure. Activists have reported that in the past police have unlawfully obtained and destroyed evidence of police violence.



CAN I BE PHYSICALLY SEARCHED?

There are several circumstances in which you can be searched but the three that are most likely to arise from participating in a protest are: if you agree; if you are under arrest or in custody; or if the police suspect on "reasonable grounds" that you have a dangerous implement or knife. Suspicion on reasonable grounds must be more than a possibility and must create in the mind of a reasonable person an apprehension or fear.

Special provisions apply if the person being searched is aged between 10 and 17 years or is intellectually impaired.

Police may obtain a search warrant to search your home or other premises. They may also search any person at those premises. Police may use reasonable force to enter premises if they have a search warrant.

Police can search your car if they have reasonable grounds to suspect that you are carrying stolen goods, prohibited drugs, an item that has been, or may be, used in a serious crime, or weapons and laser pointers. They can also search a car if it could pose a risk to public safety and during periods when police are given special public disorder powers they may search you or your car if you/it are on a 'target road or area'.



CAN I BE FRISK SEARCHED?

A "frisk search" is when a police officer will run hands or a metal detector over your outer clothing. Police may require you to remove your coat or jacket and examine anything in your possession, but they should not touch you inside your clothes



DO I HAVE RIGHTS DURING AN ORDINARY SEARCH?

Before a search is carried out, the person searching you must show proof that the person is a police officer; tell you their name and the police station they are from; tell you the reason for the search; advise you that the search can still be carried out even if you do not agree; and advise you that failing to comply is an offence. If the police don't offer this information, you have the right to ask them. You can also say, "I do not consent to this search", which may be useful if charges result and it is found to be an unlawful strip search, however if you physically resist further charges may result.



CAN I BE STRIP SEARCHED?

You can only be strip searched if it is believed on reasonable grounds that it is necessary to do so because of the seriousness and urgency of the circumstances. For example, if the police believe you have something illegal on you, like a weapon or drugs.

There are reports of police occasionally strip-searching activists, and others when they don't have reasonable grounds. Whilst this is rare, if this happens to you, ask clearly on what grounds you are being searched and document this for later follow up.



DO I HAVE TO REMOVE MY CLOTHES IN A STRIP SEARCH?

You will be required to remove all your clothes, but it must never involve the removal of more clothing than is reasonably necessary for the search. A strip search must never involve the searching of a person's body cavities or genitals. You remove your own clothes and once they are off the police should not touch you, only look at you.



DO I HAVE RIGHTS DURING A STRIP SEARCH?

If police conduct a strip search, your rights include the following:

- It should not be done by or in view of someone of the opposite sex unless they are a doctor or you agree;
- It should not be done in view of anyone who does not need to be present;
- You must be allowed to put clothes back on as soon as the search is complete, whether back into your own clothes or into clothes provided to you; and
- If you are under 18 years old or are mentally impaired, you can only be searched with a parent or guardian present.

Please be aware that there is a need for significant reform and education for police regarding trans and non-binary people, and they have varying experiences in custody.

You can ask to be searched/witnessed by someone of the gender you identify but this isn't guaranteed. You may wish to speak directly to your legal support team prior to considering civil disobedience about any concerns you have about being mistreated in custody.

ARREST



CAN THE POLICE ARREST ME?

Police can only arrest you if they suspect on reasonable grounds that you have committed an offence or are about to commit an offence. The Police also have the power to arrest you for “breach of peace” for conduct that threatens or promotes violence.



DO THE POLICE HAVE TO IDENTIFY THEMSELVES WHEN THEY ARE ARRESTING ME?

The police should identify themselves before arresting you. If they do not you have the right to ask.



DO THE POLICE HAVE TO TELL ME WHY I AM BEING ARRESTED?

Police must tell you:

- that you are under arrest;
- the reason that you are being arrested;
- the police officer's name and their place of duty;
- a caution that you do not have to say or do anything, but that if you do, it may be used in evidence against you;
- that you have a right to contact a lawyer, or other person;
- that you have the right to have an interpreter present; and
- that you have the right to medical attention if it is necessary or requested reasonably.

You may ask for this information if it is not provided.



IS THERE ANYTHING I SHOULD DO IF I AM PLACED UNDER ARREST?

You should cooperate with the police and provide the officer your name, address and identification. However, you should not say anything else unless you have a lawyer present.

It is extremely important to know that anything you say can be used as evidence against you (and potentially others). This is also the case even for ‘informal’ or ‘off the record’ discussions with police.

If you are Aboriginal or Torres Strait Islander ensure you advise police to contact the “Custody Notification Service” if you wish so your welfare can be monitored.



CAN POLICE USE FORCE TO ARREST ME?

Police can use reasonable force to arrest you. What is reasonable force depends on the circumstances. The police are only allowed to use the amount of force required to restrain you and transport you to a police station. The police cannot use excessive force to do so.

If you are resisting arrest, the police can increase the amount of force used to arrest you. If you believe police are using unreasonable force, try to remain calm and assert loudly, “you are hurting me”, and ask people to film the situation.



CAN THE POLICE SEARCH ME ONCE I HAVE BEEN ARRESTED?

The police must conduct the least invasive search possible, which can be in the form of a frisk search or a strip search (see section on SEARCH AND SEIZURE).



DO THE POLICE HAVE TO RELEASE ME STRAIGHT AFTER THEY ARREST ME?

You must be released (whether unconditionally or on bail) within 6 hours (unless extended by a detention warrant) or brought before an authorised officer or court within that period (or as soon as practicable) (see section on GETTING OUT OF CUSTODY). The six hours does not include certain things (see section on GETTING OUT OF CUSTODY).



CAN THE POLICE TAKE PHOTOS OF ME AND MY FINGERPRINTS AFTER I’VE BEEN ARRESTED?

The police are permitted to take identifying particulars of you. This could include taking photographs of you and taking your fingerprints.



CAN THE POLICE SEIZE MY PHONE (OR OTHER POSSESSIONS) WHEN I’M UNDER ARREST?

The police can seize anything you have on you after you have been arrested. Request a receipt for any possessions that are seized.



CAN THE POLICE SEARCH THE CONTENTS OF MY PHONE?

You may be able to challenge the police if they look through parts of your phone which are not in any way related to the basis upon which the police are relying to search you. For example, if you took photos of a crime occurring and the police started looking at photos earlier than that event.



CAN THE POLICE FORCE ME TO PROVIDE MY PHONE PASSCODE?

Police require a warrant in order to require you to disclose your phone's password. A practical measure to protect the information on your phone is to ensure it is locked with a passcode (not a thumb print ID), meaning the police will require a warrant to search your phone. If your phone is unlocked police may take advantage and search your phone to look for evidence, or intelligence on your group's activities.

GETTING OUT OF CUSTODY



IS THERE A FIXED PERIOD OF TIME THAT THE POLICE CAN KEEP ME IN CUSTODY?

A person in custody can be detained for a “reasonable time” which is generally 6 hours unless extended for a further 6 hours by a warrant. It is important to know that breaks such as toilet breaks, some travel time and refreshments will not count toward the time police are allowed to hold you in custody.



WILL I BE RELEASED IF I AM CHARGED WITH AN OFFENCE?

If the police decide to charge you with an offence, you will either be: released on police bail; or brought before the court as soon as possible.

Unless you have been charged with a serious offence and/or have any history of violence or a criminal record, it is unlikely that you will be refused bail for a charge arising from participating in a protest.

In some situations the police may make bail conditional on certain things, such as not re-entering a company office you committed an offence in. If these conditions are unreasonable (such as banning you from a city centre when it's your place of work) you can challenge these – either by self-advocating whilst in custody, or challenge later before a magistrate.

There is a historical pattern of Aboriginal people being kept on remand, at a higher rate than others.



WILL I BE RELEASED IF I AM NOT CHARGED?

You will be released unconditionally.



WILL I BE GIVEN AN OPPORTUNITY TO RAISE ANY CONCERNS ABOUT MY TREATMENT?

If you are being released, you will be asked to confirm that:

- the police have not taken anything from you;
- you have been treated reasonably; and
- you have received your police charge sheets.

You can raise any issues with your treatment at this point and you do not have to sign or confirm anything if you do not want to. If you have a serious issue with treatment during custody you may wish to contact the [Redfern Legal Centre police complaints service](#).



POSSIBLE OFFENCES IN NSW

One of the key issues to consider, if you are participating in an act of deliberate civil disobedience, is are you informed and aware of the consequences – both for yourself, and also for your campaign's goals?

Please note, that these offences are examples of the types of charges that could arise during a peaceful protest or civil disobedience situation. It is important to note that it is extremely rare and against sentencing protocols to apply maximum penalties for first or second offences, for non-violent protest activity. There are no recent examples of peaceful activists being jailed for non-violent offences without a considerable criminal record, nor receiving the high end of financial penalties. There is a decent track record of successful challenges in NSW when magistrates have applied unreasonably high penalties.

What is a penalty unit? If you are found guilty of an offence, a court can order you to pay a fine, which will be expressed as a number of 'penalty units'. Different offences have different penalty units attached. A penalty unit is currently \$110.

RESIST OR HINDER POLICE

A person cannot resist or hinder a police officer in the execution of their duties. A person cannot get in the way of a police officer who is attempting to arrest someone else or carry out another police duty in a protest. This includes the police and other government workers, but generally not private contractors (s 546C of *Crimes Act 1900* (NSW)). Active resistance is required for a charge of Resist Arrest to be laid. Merely lying down and refusing to cooperate, should not constitute Resist Arrest.

Consequences: The maximum penalty is 12 months imprisonment or a fine of \$1,100.

ASSAULT POLICE

A person cannot assault a police officer in the course of a protest. This includes: throwing something at an officer; stalking; harassing or intimidating an officer (s 60 of *Crimes Act 1900* (NSW)).

Please note there have been incidents of assault that have been completely unintentional – for example, accidentally coming into contact with an officer when participating in a picket line and being removed with force. This is a charge to be careful about.

Consequences: If bodily harm is suffered by the officer, the maximum penalty is 7 years imprisonment. If no bodily harm is suffered by the officer, the maximum penalty is 5 years imprisonment.

FAILURE TO COMPLY WITH A DIRECTIVE

A police officer can give a direction in a variety of circumstances. This includes issuing directions if they believe a person is obstructing traffic, intimidating someone else or is attempting to sell or buy illegal drugs. The police can also direct a person to 'move on' if they are intoxicated in a public place. It is an offence not to comply with a direction from the police, unless you have a reasonable excuse. You could certainly ask, "on what basis are you requiring me to follow this directive?".

Consequences: The maximum penalty for failure to comply with a directive is a fine of \$220. The maximum penalty for failure to disclose a lawful request for your identity is \$220, a fine of \$5,500 or 12 months imprisonment or both for failure to disclose your identity if your car has been lawfully stopped. In the event of a large-scale public disorder, the penalty for refusing to comply is a \$5,500 fine or 12 months imprisonment, or both.

OBSTRUCTING TRAFFIC

A person cannot, without reasonable excuse, wilfully prevent, in any manner, the free passage of a person, vehicle or vessel in a public place (s 6 of *Summary Offences Act 1988* (NSW)). This is an important example of a charge that police will often use discretion in applying. You may be part of a protest that is marching on the street without a permit – it is within police discretion to allow you to continue or charge you.

Consequences: The maximum penalty is a fine of \$440.

ASSAULT DURING PUBLIC DISORDER

A person cannot assault any person during a large-scale public disorder (s 59A of *Crimes Act 1900* (NSW)).

Consequences: With bodily harm, the maximum penalty is 7 years imprisonment. Without bodily harm, the maximum penalty is 5 years imprisonment.

UNLAWFUL ASSEMBLY

A group of five or more people cannot assemble with the common object to use intimidation or injury to compel any person to do what the person is not legally allowed to do or to abstain from doing what the person is legally entitled to do (s 545C(1) of *Crimes Act 1900* (NSW)).

Consequences: With weapon, the maximum penalty is 12 months imprisonment or a fine of \$1100 (or both). Without weapon, the maximum penalty is 6 months imprisonment or a fine of \$550 (or both).

GRAFFITI

In NSW it is an offence to intentionally mark a property or premises unless the person has obtained the consent of the occupier or owner of the property. If the person uses spray paint, a marker pen, or any other substance that is not easily removed with water or detergent then the person can be subject to fines or imprisonment. Please note that police have sometimes inferred that chalk and washable paint have breached graffiti offences.

Consequences: The maximum penalty is a fine of \$2,200 or imprisonment for 12 months. In other cases, the maximum penalty is \$440. Note: a person will only be imprisoned for graffiti if they have been found guilty of graffiti crimes many times before and the court thinks it is likely the person would do it again.

POSSIBLE OFFENCES IN NSW

OFFENSIVE LANGUAGE

A person must not use offensive language in or near, or within hearing from, a public place or a school. Public places can be defined quite broadly – any place that is open to the public, or is used by the public whether or not it includes payment of money.

Consequences: The maximum penalty is 6 penalty units.

TRESPASS

In NSW, it is an offence to enter into any public or private land, enclosed or surrounded by a fence, wall or other barrier without a lawful excuse and without the consent of the owner. It is also an offence to remain on that land after being requested by the owner to leave.

In NSW it is also an offence if a person enters enclosed land where a business or undertaking is conducted and while on that land:

- Attempts to interfere with the business or undertaking;
- Does anything that puts the safety of the people on that land at a serious risk;
- Introduces or increases a risk of a biosecurity impact (introducing pests and diseases);
- Attempts to hunt or steal animals;
- Damages any property on agricultural land; or
- Releases any livestock.

The penalties for this offence are higher if the offence occurs on agricultural land (which includes land where there are businesses involving animals, undertaking forestry or aquaculture). Please note, the more serious level of trespass charge was brought in, specifically in response to successful activist protest intervening in the agriculture industry.

Consequences: The maximum penalty is a fine of \$550. If the offence is in relation to a school, childcare service, hospital or nursing home, the maximum penalty is a fine of \$1100. If the offence occurs on agricultural land and the offender was accompanied by 2 or more people and the conduct of the people caused a serious risk to the safety of the people on that land, the maximum penalty is a fine of \$22,000 or imprisonment for 3 years. For any other offences on agricultural land the maximum penalty is a fine of \$13,200 or 12 months imprisonment. If the offence does not happen on agricultural land the maximum penalty is a fine of \$5,500. Note: this offence does not include union activities or industrial action.

AFFRAY

A person cannot use a threat of violence towards another person in a way that would cause a person of reasonable firmness to fear for his or her personal safety (s 93C of *Crimes Act 1900* (NSW)).

Consequences: The maximum penalty is imprisonment for 10 years.



CRIMINAL RECORDS



One of the important aspects of participating in civil disobedience is to consider, not just the consequences for yourself – but how your behaviour may impact others, and your campaign or movement goals. We need to look out for each other, and those of us who have the least experience of policing need to be mindful of our actions – particularly when acting in solidarity with communities that have a history of being targeted by police.



CAN I GET A CRIMINAL RECORD IF I HAVE BEEN ARRESTED AND CONVICTED?

It is possible that when you are convicted of an offence, it will be recorded on your criminal record. In some instances for first, or occasionally second offences that are nonviolent in nature, you may be offered a **section 10** (no conviction recorded). This means whilst you are found technically guilty, the magistrate doesn't view it in the interests of the community to have a conviction on your record. Your case for a section 10 can be strengthened by good character references. Information on character references is available on the [Legal Aid NSW website](#).



WILL THE OFFENCE BE RECORDED ON MY CRIMINAL RECORD FOREVER?

Most convictions are capable of becoming “spent” after a crime-free period of 10 years.

However, there are a few exceptions to this. For example, it may not be possible for a conviction to become spent when a prison sentence of more than 6 months has been imposed.

A spent conviction will not appear on your criminal record. However, spent convictions can still be considered by the court when considering sentencing for future offences.



WILL I STILL BE ABLE TO TRAVEL OVERSEAS?

It will depend on the type of offence and the laws of the relevant country that you are intending to travel. Some countries may require you to disclose your criminal history or record when applying for a visa to travel.

However, it is likely that you will be able to travel overseas even if you have a conviction recorded on your criminal record. Many activists with extensive records of peaceful civil disobedience have travelled to many countries without incident. It is best to check for updated information for the country you are interested in visiting.



WILL I STILL BE ABLE TO GET A WORKING WITH CHILDREN'S CHECK?

It is likely that you will still be able to obtain a Working With Children Check if you have been charged with a minor offence. You will not automatically be excluded from working with children if you have a criminal record, however, your criminal history will be reviewed in the application process.

A number of factors will be considered as part of your application, for example: the seriousness of the offence (including details of conduct and penalty); length of time since it occurred; and your conduct since the offence.

Most people with non-violent offences have not had issue with getting a working with children's check as there tends to be higher emphasis placed on the type of crimes that are violent or sexual in nature.

FINDING LEGAL SUPPORT

If you have further questions about protest or need a legal briefing for peaceful protest please contact the [Environmental Defenders Office](#) (EDO) or [CounterAct](#) who may be able to assist you, or provide contacts of local legal activists.

There is ongoing work around the country to set up infrastructure to support lists of pro bono (free) lawyers willing to support activists working for social, racial and environmental justice. This is a work in progress.

If you're a First Nations person you can contact the [Aboriginal Legal Service NSW](#) for support on 1800 765 767.

If you're participating in an environmental protest you can contact the EDO who may be able to provide information and representation for actions that protect the environment.

In other cases you can call [LawAccess NSW](#) on 1300 888 529 for legal information and/or to be referred to your local Community Legal Centre. Alternatively, you may wish to find your local community legal centre online at www.clcnsw.org.au/resource/community-legal-centres-nsw-directory-2018. [Redfern Legal Centre](#) is also available for complaints about police conduct on 02 9698 7277.

Further resources:

- [Police powers at Redfern Legal Centre](#) - www.rlc.org.au
- [Aboriginal Legal Service NSW](#) - www.alsnswact.org.au
- [CounterAct](#) - www.counteract.org.au/resources

THIS IS NOT AND SHOULD NOT BE CONSIDERED LEGAL ADVICE.



Please inform yourself and consider consequences for yourself and your group before participating in protest activities. Be aware that we are working in a rapidly changing campaign environment. In recent years there have been numerous laws introduced across states, and federally, that further criminalise dissent. As activists find effective tactics, the authorities will often introduce legislation to stymie effective work. Anti-protest laws are increasing, as is surveillance – keep yourselves safe.

If you are planning a peaceful protest that may involve civil disobedience you should ensure you advise others in your group if you have any medical or mental health issues that could arise, so they can support you and have your prescription in its original packaging. Ensure you have your groups' number, or a legal contact number written on you (paper can get lost, phones can get confiscated), and ID if you wish to be processed without additional delay.

Please note that this is general information for some typical protest scenarios. You may wish to do further research if your action is located in an area that may be covered by specific legislation. This includes State or Commonwealth facilities such as detention centres, jails, the Opera House, airports, or Parliament House(s).

The information is correct at time of publication, 20 November 2020. Please note this is a guide to the law in NSW, and you should seek legal advice.