

## **Submission to NSW Protest Laws Review s214A of the Crimes Act**

### **About Young Labor Left NSW**

Young Labor Left NSW (YLL) represents the progressive section of the youth wing of the NSW Labor Party. We believe in participatory and representative democracy; trade unionism and workers' control of industry; the abolition of exploitation for private profit; the implementation of the ALP's socialist objective; environmentalism and sustainability; as well as feminism, queer rights, and First Nations justice. The right to public protest is inseparable from YLL's goals and values and is a critical concern for our members

### **Concerns**

YLL believes that the laws introduced in 2022 disproportionately curtail the right to protest and freedom of assembly. Protecting the right to engage with political protest in public spaces is fundamental to democracy and integral to the core values of YLL and the NSW branch of the Australian Labor Party.

The amendments introduced in 2022 are designed to prevent traffic disruptions. However, the penalties are wildly disproportionate to the level of disruption caused by temporary obstructions to roads.

As an organisation, we have been actively involved in protests on major roads, tunnels, and bridges, including, but not limited to, marches for Palestine, Invasion Day, and School Strike for Climate. Interruptions to traffic are a necessary and unavoidable consequence of the right to protest. The restrictions introduced by the 2022 amendments place inappropriate restrictions on individuals' participation in activism and create undue risks for people at public protests.

We express concern about the overly cumbersome requirements introduced by the Form 1 Regime and its potential to suppress and prevent spontaneous or urgent protests. The Form 1 Regime would prevent protests from being organised in response to urgent or rapidly changing circumstances. The requirement that the Police first consent to a protest taking place is a significantly repressive measure that not only prevents capacity for fast-moving political action but also allows the police undue discretion in deciding how the amendments should be enforced.

We acknowledge that the exceptions made by Section 3 of s214A allow industrial action to occur even when they form obstructions to major roads, tunnels or bridges. However, we believe this exception should apply to all political and social protest forms, not just industrial action. Protests must be free to take place without police authorisation, regardless of their ties to industrial action. The freedom to protest is as critical to engagement with political activism as it is to the trade union movement.

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Furthermore, despite the protections for industrial action, the amendments have resulted in union officials being charged following the Palestine protests in Port Botany. The 2022 laws still affect union members' capacity to participate in social and political demonstration.

We would also like to highlight the importance of the decision in *Kvelde v State of New South Wales* [2023] NSWSC 1560. We are of the view that this decision reflects the broader issues with these laws in that they are excessively punitive and place undue restrictions on the freedoms of individual who wish to engage in protest.

Young Labor Left – NSW calls on the government to uphold the rights of individuals to protest in public spaces and to repeal this law.

### **Recommendations**

1. Crimes Act s214A should be repealed
2. Barring repeal of the entire section, s214(1)(c) and (d) should be repealed
3. A review should be carried out into introducing a Human Rights Act for NSW to ensure the right to protest is protected
4. A review should be undertaken of the Summary Offences Act protections for protest and whether their operation facilitates the exercise of the right to protest

### **Signed**

Adam Connor  
President of Young Labor Left NSW