

Protest Law in NSW



This factsheet explains the laws that apply to protests in NSW, including authorisation, police powers and possible offences.

Protests in NSW

You do not need police approval to organise a peaceful protest in a public place in NSW.

However, people taking part may be charged with offences such as blocking a road or footpath.

Consider submitting a Form 1 Notice if the protest will move along public roads or footpaths, or if you expect a large crowd.

The Form 1 tells the NSW Commissioner of Police about the proposed protest. It is the notice used under the *Summary Offences Act 1988* (NSW) and can be found on the NSW Police website.

Authorisation through the Form 1 process protects people taking part from some charges. For example, they will generally not be charged for blocking a road or footpath along the approved route.

Completing the Form 1

The Form 1 must include:

- The organiser's name and contact
- The date and start time
- The times people will gather and leave
- The route, if the protest will move
- The purpose of the protest.

When a Protest is Authorised

A protest is authorised if police tell you they do not oppose it. It is also authorised if you submit the Form 1 at least 7 days before the protest and police do not respond.

If you submit the Form 1 at least 7 days before the protest: Police must apply to the court if they want the protest prohibited.

If you submit the Form 1 less than 7 days before the protest: You must apply to the court if police oppose the protest or do not respond.

Court Process

If you are required to go to court, the court will decide whether to approve the assembly. It will consider the right to democratic expression alongside other public interests, such as safety.

A court decision in 2025 held that people who attend a protest which has been prohibited by the court may be held in contempt of court. There is no prescribed penalty for contempt of court, however it could result in a conviction as well as fines or, in serious cases, imprisonment. RLC is not aware of any person who has

been charged with contempt of court for attending a prohibited protest.

Criminal law

The criminal law applies to unlawful behaviour at protests, including:

- Violent behaviour against other people or police (including hindering, resisting or assaulting police)
- Offensive language or behaviour
- Intimidation or violence
- Vilification or banned symbols.

Move on Directions

The police generally should not disperse peaceful protests. However, police can issue 'move on' directions at both authorised and unauthorised protests in limited circumstances only if:

- A police officer believes on reasonable grounds it is necessary to deal with a serious safety risk to any person, or
- Participants are obstructing cars or pedestrian and, in the case of protests authorised under a Form 1, the obstruction goes beyond what is authorised.

Police can only give a move on direction to people causing the risk or blocking traffic.

If you are given a lawful move on direction, you must comply, otherwise you may be guilty of an offence and can be arrested.

Arrest

The police have the same power at public assemblies as they do at all other times to arrest someone without a warrant who

they reasonably suspect is committing or has committed an offence.

Use of Force

Police can use force when carrying out lawful powers at public assemblies, but only if the force is reasonably necessary in the circumstances.

The NSW Police Force may have a significant presence at larger public assemblies and sometimes use crowd control tactics such as surrounding and containing people (kettling), pushing, and using pepper spray. These tactics can be very dangerous and may cause personal injury.

You may be entitled to compensation if:

- A police officer used unreasonable or excessive force against you, or
- You were injured by the use of a crowd control tactic and the police did not take reasonable care when using that tactic. Whether the police took reasonable care will depend on the circumstances including whether the risk of injury was foreseeable.

Where to get help

If you have questions about organising a protest, have been arrested or charged during a protest or have had any other interactions with the police, you can seek legal advice from Redfern Legal Centre's police accountability practice.

This fact sheet is for information only and is not legal advice.