



Media Release

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COVID-19 laws should not prevent the public's right to protest

Redfern Legal Centre (RLC) believes the rough handling of protesters and observers by NSW Police at a University of Sydney protest yesterday was unnecessary, potentially unlawful and an incorrect use of the COVID-19 public health laws.

RLC is concerned police are using the COVID-19 public health laws as a form of anti-protest legislation, which is not the objective of the public health legislation.

"The purpose of the COVID-19 public health law is to prevent the spread of disease, not to prevent the public's right to protest," RLC police accountability solicitor, Samantha Lee said.

A number of arrests were made during the Sydney University event held in protest of increases to higher education fees, with alleged reports and some video footage showing rough handling by police.

The arrests included University of Sydney Law Professor Simon Rice, a bystander at the event, who was reportedly forced to the ground by police as he attempted to leave the protest area.

"I was shocked at how quickly police were to use force in a situation where force was absolutely unnecessary," Professor Rice said. "The actions of police against myself and the students were disturbing. Public health laws do not provide police with unfettered powers, even when it comes to protesting."

Under the law, the use of force is only to be used when 'reasonably necessary' to exercise their powers, including when making an arrest to prevent the escape of the person (*Section 230 Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)*).

Ms Lee further states, "It is important to keep the public safe from disease, but it is equally important that police adhere to legal thresholds and use discretion before any use of force, and arrests continue to be used only as required under the law – as a last resort."

"The public health laws do not ban protesting, but do place limits on the gathering of more than 20 people in a public space.

"It is important to note that even if a person does gather in a group of more than 20, police still have the discretion not have to arrest or fine – they can also decide to warn, caution or direct a person to leave a space. This discretion should be based on the level of threat to the risk of the spread of disease."

Redfern Legal Centre is providing free legal advice on COVID-19 fines issued in NSW. Anyone that was fined at this week's protest event should seek immediate legal advice from Redfern Legal Centre or another legal organisation.

Samantha Lee, RLC Police Accountability Solicitor is available for media comment. Contact Finn O'Keefe, RLC Communications Manager: 0424 548 019 | finn@rlc.org.au.