



Protest and Police Powers in New South Wales

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The Right to Protest in NSW

There is no express right to protest in NSW. The right to protest comes from the implied freedom of political communication found in the Australian Constitution. This means that the government cannot make laws that prohibit or significantly impede a person's implied right to protest.

Public Assemblies

Part 4 of the *Summary Offences Act 1988* (NSW) contains provisions that facilitate the right to protest in NSW. It does not, however, expressly provide a right to protest, nor does it prohibit protesting. The aim of Part 4 is to encourage cooperation between protesters and the police in planning a public assembly. A public assembly is a public demonstration or protest.

Once the process (as explained below) to authorise a public assembly has been complied with, there are three potential outcomes:

1. If the NSW Commissioner of the Police (**'the Commissioner'**) does not oppose the public assembly, then it is authorised.¹
2. If at least 7 days' notice is given to the Commissioner, and the Commissioner is opposed to the public assembly, the Commissioner must apply to the Court to prohibit the public assembly. The Court then decides to either authorise or prohibit the public assembly.²

¹ *Summary Offences Act 1988* (NSW) s 23(1)(f).

² *Summary Offences Act 1988* (NSW) s 23(1)(f)(i).

3. If less than 7 days' notice is given to the Commissioner, and the Commissioner opposes it, the public assembly organisers must apply to the Court to authorise the public assembly. The Court then decides to either authorise or prohibit the public assembly.³

An authorised or prohibited public assembly – what is the difference?

Authorised Public Assembly

An authorised public assembly is:

- Where a Form 1 is not opposed by the Commissioner, or
- The public assembly is authorised by a Court.

Protesters in an authorised public assembly are afforded certain legal protections. That is, the police cannot charge protesters of an authorised assembly with participating in an unlawful assembly, or of obstructing people, vehicles, or vessels in a public place.⁴

Such protections are only provided where the public assembly is conducted substantially in accordance with the details that have been supplied to the police. For example, you cannot be charged with obstructing traffic during a protest when the police were informed of the route of the procession and that route was taken. However, you could be charged with obstructing traffic if you decide to take a different route that the police did not agree to.

While the terminology “unauthorised public assemblies” is not used in the legislation and used sparingly in caselaw, it is referred to in a policy context to describe a public assembly with no Form 1 submitted. As with a prohibited public assembly, this does not mean the public assembly is illegal, rather that the above protections do not apply.

Prohibited Public Assembly

A prohibited public assembly is where, in response to a Form 1, the Commissioner applies to the Court for it to be prohibited and the Court makes such an order. A prohibited public assembly is not illegal (the use of ‘prohibited’ in the Act is quite misleading). There is no prohibition on members of the public gathering in a public place to express their political views. However, it means that the protesters will not be afforded the legal protections that are afforded in an authorised assembly and could be charged by the police with offences of obstructing people, vehicles, or vessels and unlawful assembly.⁵

³ *Summary Offences Act 1988* (NSW) s 26

⁴ *Summary Offences Act 1988* (NSW) s 24.

⁵ See for e.g. *Commissioner of Police v Langosch* [2012] NSWSC 499 [19]; *Commissioner of Police v Jackson* [2015] NSWSC 96 [13]; *Commissioner of Police (NSW) v Bainbridge* [2007] NSWSC 105 [15]; *Commissioner of Police v Ridgewell* [2014] NSWSC 1138 [3], [4]. For thoroughness, we note that engaging in a prohibited assembly may risk a contempt of court charge. However, current court commentary suggests this is unlikely interpreting the term “prohibited” to mean protesters won’t be afforded the legal protections set out above.

Process for authorising a Public Assembly

To authorise a public assembly, notice must be given in writing of an intention to hold a public assembly. It must be addressed and delivered to the Commissioner. To effect formal 'delivery' the notice can be delivered to a NSW Police Officer.

The form [Notice of Intention to Hold a Public Assembly \(nsw.gov.au\)](https://www.nsw.gov.au/notice-of-intention-to-hold-a-public-assembly) is located on the NSW Police website.

The notice must contain the following details:

- a) The date of the proposed public assembly;
- b) If the public assembly is not a procession, a statement specifying the time and place where people intend to gather to participate in the assembly;
- c) If the public assembly is a procession, a statement specifying the time of the procession and the route. It should contain details about where a procession may stop along its route;
- d) The purpose of the public assembly;
- e) The number of people anticipated to participate in the assembly; and
- f) Any other details that would be relevant.⁶

The notice must be signed by a person who indicates that they take responsibility for organising and conducting the assembly and provide an address for service if any issues arise.

When providing your notice to the Commissioner, it will be helpful to include as much detail as possible. Consider organising the following to support your notice:

- Assign police liaisons who are responsible for communicating with the police on the day,
- Ensure there is first aid equipment available, and people trained in first aid,
- Ensure safety risks are considered and, if necessary, risk-mitigation plans put in place,
- Any other permits and approvals obtained, for example, from councils to gather on council land.

Police Powers

The law provides police with certain powers above that of the general population to ensure that they can responsibly enforce the law. These powers can only be exercised in specific circumstances. Having a basic awareness of these powers can help you to stay safe and

⁶ *Summary Offences Act 1988 (NSW) s 23.*

avoid negative consequences during police interactions. The following powers are some that are likely to be exercised by the police during a protest or demonstration.

When exercising the below powers (other than special powers to prevent or control public disorder and the power to make a public safety order), a police officer must identify themselves (the name of the police officer and his or her place of duty) and their reason for exercising the power.⁷ When police officers are giving you a direction/requirement/request to do something they are required by law to first give you a warning. They must inform you that you must comply or there may be a legal consequence.⁸ It also should be noted that a direction/requirement/request to a group of people is not required to be repeated to each person in the group.⁹ A police officer is authorised to use reasonable force to exercise their powers.¹⁰

Power to give directions in a public place¹¹

A police officer can give a direction to a person in a public place if they believe on reasonable grounds that the person is:

- a) obstructing another person or traffic; or
- b) harassing or intimidating another person; or
- c) causing or is likely to cause fear to another person; or
- d) intending to unlawfully supply any prohibited drug; or
- e) obtaining, procuring or purchasing any prohibited drug.

This direction is commonly known as a 'move on direction', which specifies that a person must cease the behaviour and/or leave a certain area. It is an offence if you do not comply with a direction given under this power and persist in the conduct or behaviour. It carries a maximum penalty of \$220.¹²

Police officers are not authorised to issue a move on direction in relation to an "apparently genuine demonstration or protest" unless traffic is obstructed.¹³ As noted above, even if traffic is being obstructed, police cannot issue move on directions to people participating in an authorised protest, provided they comply with the specific plan that was approved by police.

It should also be noted that police must comply with certain safeguards when giving a 'move on direction':¹⁴

⁷ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 202.

⁸ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 203.

⁹ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 202(3).

¹⁰ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 230.

¹¹ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 197.

¹² *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 199.

¹³ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 200.

¹⁴ *Law Enforcement (Powers and Responsibilities) Regulation 2016* (NSW) sch 3 s 5.

- a) the police officer must provide evidence that they are a police officer (if not in uniform) as well as their name and place of duty and the reason for the direction being given; and
- b) they must warn a person that the person is required by law to comply with a direction, requirement or request.

Power to give direction to groups of people¹⁵

A police officer can give a single direction to a group of people and is not required to repeat the direction to each person for it to be lawful.

Requirement for identity to be disclosed¹⁶

A police officer can require a person to disclose their identity, that is their name and address, if the officer suspects on reasonable grounds that the person can assist in the investigation of an indictable offence (an indictable offence is generally an offence that carries a maximum penalty of two years imprisonment or more. It does not include offences such as obstructing traffic, offensive language, offensive conduct etc.).

You may be required to disclose your identity even if you are the driver or passenger in a vehicle, on the same grounds as above.¹⁷

A police officer may require you to disclose your identity to them if they propose to give you a move on direction.¹⁸

If a person does not disclose their identity or provides false identity information, they may be guilty of an offence with a maximum penalty of \$220.¹⁹

Power to require a person to remove face coverings.²⁰

A police officer can require a person to remove any face covering where they have been required to identify themselves. If you fail to comply with this direction, you may be guilty of an offence with a maximum penalty of \$220. In the case of drivers or passengers in a vehicle the maximum penalty is \$5,500 or 12 months imprisonment, or both.²¹

A police officer exercising this power must "as far as is reasonably practicable":

1. ask for the person's cooperation; and
2. conduct the viewing of the person's face in a way that:

¹⁵ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 198A.

¹⁶ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) ss 11, 12.

¹⁷ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) ss 14, 15.

¹⁸ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 11(2).

¹⁹ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 12.

²⁰ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) ss 19A, 19B.

²¹ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 19B(1)(a).

- a. Provides reasonable privacy if requested; and
- b. Is as quick as is reasonably practicable.²²

Power to stop and search persons without a warrant²³

A police officer can stop and search a person (and detain them or anything in their possession) if the officer suspects on reasonable grounds that the person has in his or her possession, or under his or her control:

- a) anything stolen or otherwise unlawfully obtained,
- b) anything used or intended to be used in or in connection with the commission of a relevant offence,
- c) a dangerous article that is being (or was) used in or in connection with the commission of a relevant offence (this offence only applies to people who are in a public place),
- d) a prohibited plant or a prohibited drug.²⁴

Although you must comply with a lawful search it is advisable not to verbally express your consent to a search if asked by a police officer “Is it OK if I search you?”. This is because if a police officer does not have reasonable grounds to search you, your consent to the search can make an otherwise unlawful search lawful.²⁵ If asked, you could respond with “I do not consent, but I will cooperate”.

Power to stop and search vehicles without a warrant²⁶

A police officer can stop and search a vehicle if the officer suspects on reasonable grounds any of the following:

- a) that the vehicle or the occupants have anything stolen;
- b) that the vehicle has been used or will be used in connection with an offence;
- c) that the vehicle contains anything used or intended to be used in connection with an offence;
- d) that the vehicle is in a public place and contains a dangerous object that has been used or will be used in relation to an offence;
- e) that the vehicle or occupants have an illegal substance; or
- f) circumstances in the area mean there is a serious risk to public safety and the search may lessen that risk.

Special powers to prevent or control public disorder²⁷

²² *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 19A(3).

²³ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 21.

²⁴ in contravention of the *Drug Misuse and Trafficking Act 1985*.

²⁵ *DPP v Leonard* (2001) 53 NSWLR 227.

²⁶ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) ss 36, 36A.

²⁷ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) ss 87D – 87N.

The Commissioner or Deputy or Assistant Commissioner can give an authorisation for the use of special powers if they have reasonable grounds for believing that there is a large-scale public disorder occurring or a threat of such a disorder occurring in the near future. It must be reasonably necessary to use those powers to prevent or control the threat.

Once this authorisation is given, police have the power to do the following (without needing the normal pre-requisite of reasonable suspicion) within the prescribed area to prevent public disorder:

- a) Place or establish a cordon or roadblock;
- b) Stop and search vehicles;
- c) Search persons;
- d) Obtain the identity of a person;
- e) Seize and detain property; and / or
- f) Disperse groups.

Power to make a Public Safety Order²⁸

A public safety order is an order made by a senior police officer that prohibits a specified person or class of people from attending a specified public event or entering certain premises.

A senior police officer must not make a public safety order that would prohibit a person or class of persons from being present at any public event or premises if they believe that non-violent advocacy, protest, or dissent is likely to be the primary purpose for their presence at the event.

It is an offence to contravene a public safety order, with a maximum penalty of 5 years imprisonment.

²⁸ *Law Enforcement (Powers and Responsibilities) Act 2002 (NSW) s 87R.*

NSW Table of Protest Related Offences

The following are some examples of offences that a person might be charged with during a protest or demonstration:

Common Offences

Offence	Description	Maximum penalty
Unlawful entry on inclosed lands ('trespass') ²⁹	Any person who enters inclosed lands without the consent of the owner, occupier or person apparently in charge of those lands, or who remains on those lands after being requested to leave may have committed an offence.	\$550 fine. If the inclosed lands are a school, childcare service, hospital or nursing home: \$1,100 fine.
	A more serious version of this offence exists if, while on the land, a person does any of the following ³⁰ : <ul style="list-style-type: none"> a) Intends, attempts or does interfere with business or a task on the land; or b) Does anything that gives rise to a serious risk to the safety of the person or anyone else on the land; or c) Introduces or increases the risk of a biosecurity impact; or d) intends to commit other offences on that land; or e) damages property on agricultural land; or f) willfully or negligently releases any livestock. 	<ul style="list-style-type: none"> • If the offence occurred on agricultural land: \$13,200 fine or 12 months imprisonment or both (if in company with 2 or more persons or risking the safety of other people on the land: \$22,000 fine or 3 years imprisonment or both). • If it occurs on any other land: \$5,500 fine.
Resist or hinder police ³¹	A person who resists or hinders a police officer when that police officer is in the execution of their duty, may be guilty of an offence.	<ul style="list-style-type: none"> • 1 year imprisonment or \$2,200 fine or both.

²⁹ *Inclosed Lands Protection Act 1901* (NSW) s 4.

³⁰ *Inclosed Lands Protection Act 1901* (NSW) s 4B.

³¹ *Crimes Act 1900* (NSW) s 60.

	<p>To resist is to oppose with force some course of action that the police officer is trying to pursue.³²</p> <p>To hinder is to make the police officer's job substantially more difficult in performance.³³</p>	
<p>Failure to comply with a direction by police³⁴</p>	<p>A police officer can issue a direction to a person in public if they believe on reasonable grounds that the person is:</p> <ul style="list-style-type: none"> f) obstructing another person or traffic; or g) harassing or intimidating another person; or h) causing or is likely to cause fear to another person; or i) intending to unlawfully supply any prohibited drug; or j) obtaining, procuring or purchasing any prohibited drug. <p>A person that fails to comply with such a direction may be guilty of an offence.</p> <p>A police officer can give a single direction to a group of people.³⁵</p>	<ul style="list-style-type: none"> • \$220 fine.
<p>Destroying or damaging property³⁶</p>	<p>A person who intentionally or recklessly destroys or damages property belonging to another person (or themselves and another) may be guilty of an offence.</p> <p>Damage involves an impairment to the physical integrity of a thing rather than the functionality of that thing. For example, in the case of <i>Grajewski v DPP (NSW)</i>,³⁷ Paul Grajewski was charged</p>	<ul style="list-style-type: none"> • 5 years imprisonment (if in company, 6 years). • If damage is caused by fire or explosives: 10 years imprisonment (if in company, 11 years). • If the action occurs during a public disorder: 7 years imprisonment. • If the action occurs during a public disorder,

³² *R v Galvin (No 2)* [1961] VR 740.

³³ *Plunkett v Kroemer* [1934] SASR 124 at 127.

³⁴ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 199.

³⁵ *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) s 198A.

³⁶ *Crimes Act 1900* (NSW) s 195.

³⁷ *Grajewski v DPP (NSW)* [2019] HCA 8.

	with this offence for suspending himself from a coal loader. This rendered the coal loader inoperable, hence it affected the coal loader's functionality. The High Court ruled that he was not guilty of damaging the coal loader as there was no impairment to the physical integrity of the coal loader.	and the damage is caused by fire or explosives: 12 years imprisonment.
Interfering with a mine ³⁸	A person may be guilty of an offence if they intentionally or recklessly – <ul style="list-style-type: none"> a) Cause water to run into a mine; b) Destroy, damages or obstruct any shaft, passage, pit, airway, waterway or drain of, or associated with, a mine; c) Destroy, damage or render useless any equipment, structure, building, road or bridge belonging to, or associated with, a mine, or; d) Hinder the working of equipment belonging to, or associated with, a mine. 	<ul style="list-style-type: none"> • 7 years imprisonment.
Obstructing a railway ³⁹	A person who commits an act which causes the passage or operation of a train or other rolling stock on a railway to be obstructed or assists a person to obstruct a train may be guilty of an offence.	<ul style="list-style-type: none"> • 2 years imprisonment.
Refuse or fail to comply with requirement or answer question of	A person must not, without lawful excuse, refuse or fail to comply with a requirement made of them or to answer a question of an authorised officer asked in accordance with Part 6 Division 2 of the <i>Forestry Act 2012</i> (NSW). ⁴¹	<ul style="list-style-type: none"> • \$2,200 fine

³⁸ *Crimes Act 1900* (NSW) s 201.

³⁹ *Crimes Act 1900* (NSW) s 213.

⁴¹ See *Forestry Act 2012* (NSW) s 74 for purposes for which powers can be exercised; See *Forestry Act 2012* (NSW) ss 75-82 for powers of authorised officers.

authorised officer⁴⁰	When answering such questions, it is an offence to knowingly provide false or misleading information, evidence or documents. ⁴²	
Obstruct, delay or hinder an authorised officer⁴³	A person must not obstruct, delay or hinder an authorised officer exercising their functions outlined under the Forestry Act.	<ul style="list-style-type: none"> • \$2,200 fine.
Contravene a direction by an officer to leave a forestry area⁴⁴	A person must leave a forestry area in accordance with a direction given by an authorised officer. Failure to do so may result in an offence.	<ul style="list-style-type: none"> • \$2,200 fine.
Enter forestry area prohibited by a notice without permission⁴⁵	A person must not, without written permission of the land manager, enter a forestry area they are prohibited from entering by a displayed notice.	<ul style="list-style-type: none"> • \$2,200 fine.
Approaching or interfering with forestry equipment⁴⁶	A person must not in a forestry area approach within 100m of timber harvesting equipment while in use or interfere with timber harvesting equipment used to establish a plantation.	<ul style="list-style-type: none"> • \$2,200 fine.
Damage or disrupt a major facility⁴⁷	<p>A person must not enter, remain on or near, climb, jump from or otherwise trespass on or block entry to a major facility, if that conduct damages, disrupts or obstructs, closes, or causes people to be redirected from, the major facility.</p> <p>A major facility includes a railway station or other transport facility</p>	<ul style="list-style-type: none"> • 2 years imprisonment, fine of \$22,000 or both.

⁴⁰ *Forestry Act 2012* (NSW) s 83(1)(a).

⁴² *Forestry Act 2012* (NSW) s 83(1)(b).

⁴³ *Forestry Act 2012* (NSW) s 83(1)(c).

⁴⁴ *Forestry Regulation 2022* (NSW) s 5(1).

⁴⁵ *Forestry Regulation 2022* (NSW) s 6(3)(a).

⁴⁶ *Forestry Regulation 2022* (NSW) s 60.

⁴⁷ *Crimes Act 1900* (NSW) s 214A.

	prescribed by the Crime Regulation 2020 (NSW) , a private port defined under the <i>Ports and Maritime Administration Act 1995 (NSW)</i> or a port prescribed by the regulations and an infrastructure facility prescribed by the regulations. ⁴⁸ Examples include Martin Place railway station, Circular Quay Ferry Terminal, Port of Newcastle, Port Botany, Liddell Power Station and Sydney Domestic Airport. ⁴⁹	
Obstruct a major road ⁵⁰	A person must not enter, remain on, climb, jump from or otherwise trespass on any part of the Sydney Harbour Bridge or any other major bridge, tunnel or road if that conduct causes damage or serious delay or obstruction. A major bridge, tunnel or road is defined in the regulations. ⁵¹	<ul style="list-style-type: none"> • 2 years imprisonment, fine of \$22,000 or both.
Obstructing traffic ⁵²	A person must not, without reasonable excuse, willfully block the way of a person, vehicle or vessel in a public place. For this offence, willfully means with the intention of blocking a person and with the knowledge that they will be blocked by the conduct.	<ul style="list-style-type: none"> • \$440 fine.

Other Offences

Offence	Description	Maximum penalty
Knowingly join an unlawful assembly ⁵³	A person who knowingly joins or continues an unlawful assembly shall, on conviction before the Local Court, be guilty of an offence. An unlawful assembly is any assembly of five or	<ul style="list-style-type: none"> • 6 months imprisonment or \$550 or both. • If a person committing the offence is armed with any weapon or loaded

⁴⁸ *Crimes Act 1900 (NSW)* s 214A(7).

⁴⁹ *Crime Regulation 2020 (NSW)*; *Ports and Maritime Administration Act 1995 (NSW)* s 3.

⁵⁰ *Roads Act 1993 (NSW)* s 144G.

⁵¹ *Road Regulation 2018 (NSW)* s 48A.

⁵² *Summary Offences Act 1988 (NSW)* s 6.

⁵³ *Crimes Act 1900 (NSW)* s 545C.

	more persons whose common object is to, by intimidation, compel someone to do something they are not legally bound to or abstain from doing something they are legally entitled to do. ⁵⁴	arms: 12 months imprisonment or \$1,100.
Offensive conduct ⁵⁵	A person must not conduct themselves in an offensive manner in or near, or within view or hearing from a public place. There is no definition of “offensive” in the legislation, however the generally accepted common law definition of offensive is conduct that is "calculated to wound feelings, arouse anger or resentment or disgust in the mind of a reasonable person". ⁵⁶	<ul style="list-style-type: none"> • \$660 fine or imprisonment for 3 months.
Offensive language ⁵⁷	<p>Only using offensive language does not constitute offensive conduct.⁵⁸ If you use offensive language in or near, or within hearing from, a public place, you may be guilty of an offence.</p> <p>It is understood that what constitutes offensive language changes over time and will depend on the context of the offending.⁵⁹</p>	<ul style="list-style-type: none"> • \$660 fine.
Violent disorder ⁶⁰	If 3 or more people together use or threaten violence and their behaviour would make a person of reasonable firmness fear for their safety, they may be guilty of an offence. It is important to note that no person of reasonable firmness need actually be present. This offence can occur in public as well as private places.	<ul style="list-style-type: none"> • \$1,100 fine or 6 months imprisonment.

⁵⁴ *Crimes Act 1900* (NSW) s 545C (3).

⁵⁵ *Summary Offences Act 1988* (NSW) s 4.

⁵⁶ *Worcester v Smith* [1951] VLR 316 at 318.

⁵⁷ *Summary Offences Act 1988* (NSW) s 4A.

⁵⁸ *Summary Offences Act 1988* (NSW) s 4(2).

⁵⁹ See e.g. *Police v Butler* [2003] NSWLC 2; *Ball v McIntire* (1966) 9 FLR 237, 237, 241.

⁶⁰ *Summary Offences Act 1988* (NSW) s 11A.

<p>Assault during public disorder⁶¹</p>	<p>A person who assaults any person during a large-scale public disorder may commit an offence. A public disorder is a riot or other civil disturbance that gives rise to a serious risk to public safety, whether at a single location or resulting from a series of incidents in the same or different locations.⁶²</p>	<ul style="list-style-type: none"> • If the assault does not occasion actual bodily harm: 5 years imprisonment. • If the assault does occasion actual bodily harm: 7 years imprisonment.
<p>Assault against police officers⁶³</p>	<p>A person who assaults, throws a missile at, stalks, harasses or intimidates a police officer, when that police officer is in the execution of their duty, may commit an offence.</p>	<ul style="list-style-type: none"> • If the action does not occasion actual bodily harm: 5 years imprisonment. • If the action does occasion actual bodily harm: 7 years imprisonment. • If the action occurs during a public disorder and it does not occasion actual bodily harm: 7 years imprisonment. • If the action occurs during a public disorder, and the action does occasion actual bodily harm: 9 years imprisonment.
<p>Assault and Resist⁶⁴</p>	<p>A person who assaults any person, with intent to resist or prevent the lawful apprehension or the detainer of any person for any offence, is guilty of an offence.</p>	<ul style="list-style-type: none"> • 5 years imprisonment.
<p>Riot⁶⁵</p>	<p>Where 12 or more people use or threaten violence for a common purpose and behave in a way that would make a person of reasonable</p>	<ul style="list-style-type: none"> • 15 years imprisonment.

⁶¹ *Crimes Act 1900* (NSW) s 59A.

⁶² *Crimes Act 1900* (NSW) s 4.

⁶³ *Crimes Act 1900* (NSW) s 60.

⁶⁴ *Crimes Act 1900* (NSW) s 58.

⁶⁵ *Crimes Act 1900* (NSW) s 93B.

	firmness fear for their safety, each of those people may be guilty of an offence. It is important to note that no person of reasonable firmness needs to be present. Riot may be committed in private as well as in public places.	
Affray ⁶⁶	A person who uses or threatens unlawful violence towards another person and their behaviour would cause a person of reasonable firmness to fear for their safety is guilty of an offence. It is important to note that no person of reasonable firmness needs to be present. Affray may be committed in private as well as in public places.	<ul style="list-style-type: none"> • 10 years imprisonment.
Use and modification of authorised explosive not as prescribed ⁶⁷	A person must not use, modify, attempt to use or modify, an authorised explosive to produce an explosive effect other than for the purpose the explosive was designed.	<ul style="list-style-type: none"> • \$27,500
Public assemblies in the Sydney Harbour Foreshore ⁶⁸	A person who conducts or participates in a public assembly in the Sydney Harbour Foreshore area may be guilty of an offence.	<ul style="list-style-type: none"> • \$2,200 fine.

⁶⁶ *Crimes Act 1900* (NSW) s 93C.

⁶⁷ *Explosives Regulation 2013* (NSW) s 56.

⁶⁸ *Place Management NSW Regulation 2022* (NSW) s 18.

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