



Photo: Zebedee Parkes

Permission to Protest?



DEAKIN
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**LAW AS
PROTECTION**



**A comparative study of protest permits
and their impact on community protest
rights in Australia**

We acknowledge the Traditional Owners of the land on which we work and live and pay our respects to Elders past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land and sovereignty has never been ceded. We honour the leadership of First Nations protest movements and believe that the inclusion of First Nations perspectives, justice and reconciliation are central to any vision of rebuilding a healthy and vibrant democracy for Australia.



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1. Executive summary and key findings

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Key findings

1. Australian protest permit systems are largely not compliant with Australia's obligation to respect and ensure the right to peaceful assembly. The UN Human Rights Committee (UNHRC) provides guidance in General Comment 37 on how signatories to the International Covenant on Civil and Political Rights can establish protest notification systems that facilitate peaceful assemblies, do not unduly interfere with them and protect participants.¹ Australia's protest permit systems breach several of the standards set out by the UN Human Rights Committee.

UNHRC Standard	Australian law
Having to apply for authorisation to protest undercuts the idea that peaceful assembly is a basic right.	Australian protest permits largely function as authorisation systems or de facto authorisation systems, requiring permission from authorities to protest. Protest is illegal without permission from council or other authorities across many public spaces in major urban and regional cities in Australia. Authorisation to protest is required in Tasmania, the Northern Territory and across most major urban and regional councils, as well as significant public places in Sydney and city parks in Melbourne. The notification schemes operating in NSW, QLD and SA function as de facto authorisation systems due to the significant penalties protestors are otherwise threatened with for obstruction and police move on order offences. This applies even to static rallies that obstruct only pedestrians.
Where authorisation regimes persist in domestic law, authorisation must be as a matter of course, in the absence of compelling reasons to do otherwise. The onus is on any restrictions.	Australian protest permits give police significant power to refuse permits and in most cases place the onus on organisers to show a court why a protest must go ahead. Police can refuse permission on unspecified grounds in NSW and NT and broad grounds elsewhere, including public nuisance, prejudice to any public interest, and undue interference with the rights and freedoms of others. If police refuse permission, in most cases organisers must bring a case to court and show the court why their protest must go ahead. Police have the responsibility to show a court why the protest shouldn't be authorised only in NSW and Queensland, and only if the notification is submitted at least 7 days or 5 days prior to the protest respectively.

Notification procedure demands on organisers must be proportionate to the potential public impact of the assembly and they should be free of charge.	Australian protest permits can include burdensome conditions on organisers, including insurance and traffic management. Organisers may be required to prepare a traffic management plan in the NT and ACT and to obtain insurance in Tasmania and SA. Councils may also impose a requirement for insurance as part of their largely discretionary permit-approval process. Communities around Australia have been asked to obtain public liability insurance cover for \$20 million as part of a permit requirement. In Tasmania, a September 2026 farmers protest involving tractors had their permit application refused due to a lack of public liability insurance. Many jurisdictions do not provide any specific legislative guidance on the conditions police can impose or what they should take into account in imposing these conditions. This creates a lack of certainty for organisers and police as to which conditions may be reasonable and appropriate.
Spontaneous assemblies, for which notification is not practicable, must be accommodated, and notification should not be required for assemblies with minimal impact on others. Minimum advance-notification periods must not be excessively long.	No Australian notification regime contains a general spontaneous-assembly exception, and lead-time practices (7 days treated as a floor in NSW; 5 days in Queensland; one month suggested in Adelaide; 8–12 weeks in Tasmania) are incompatible with it.² Only the WA regime contains a statutory requirement that the police “act expeditiously” to determine the application.

2. Most comparable democracies – the United Kingdom, United States, Canada, New Zealand and South Africa – do not operate authorisation systems for protest in public streets. Additionally, courts in these countries have repeatedly struck down attempts to impose authorisation systems. Canadian courts have invalidated permit and itinerary requirements in Vancouver, Montreal and Saskatchewan. South Africa's Constitutional Court has struck down the criminalisation of unnotified gatherings as an unjustifiable limit on assembly rights. The United States Supreme Court has held that officials cannot be given open-ended discretion over protest permits, reflecting the use of permit denials against the civil rights movement. The UK High Court has ruled that police had no power to prohibit, rather than merely impose conditions on, assemblies.

3. Permit systems do not demonstrably reduce disruption, protest frequency or policing costs. Permit systems are sometimes suggested as a means to reduce disruption, protest frequency and policing costs. But they do not have these effects in practice. For example in NSW the notification system has not reduced the incidence of large protests in Sydney compared with Melbourne, which has no equivalent scheme. NSW Police court challenges to protests – at least four since 2023 – have consumed police, court and community resources while in no case preventing a protest from occurring. The government has spent over \$300,000 attempting to restrict protests through the NSW permit system. Even if permit systems were capable of reducing protest frequency, the occurrence of protests has not been definitely shown to result in decreased business or city use amenity – for example, City of Melbourne pedestrian data shows no clear evidence that regular protests have decreased foot traffic along protest routes.

4. The current NSW, SA and QLD permit systems were introduced to protect protestors after protests were violently dispersed by police under previous overly restrictive permit laws. Australia all introduced their notification regimes as a response to the violent dispersal of protests that authorities considered unauthorised. The stated purpose of these schemes was to facilitate protest. The violent policing of the 1978 Sydney Mardi Gras, the Adelaide Vietnam moratorium march in 1970 and protests generally under the Bjelke-Petersen government were touchpoints for a national recognition that we need systems to facilitate protests – and that seeking to ban protests comes at the cost of violent policing. This reflected international experience in the US, where the approach of 'negotiated management' was adopted from the 1980s following a wave of protest permit denials in response to the civil rights and anti Vietnam war movements. The recent violent dispersal of the 9 February 2026 rally at Sydney Town Hall marks part of a return to the earlier escalated force policing approach.

5. The NSW, SA and QLD permit systems are in the process of turning into authorisation systems that increase protestor-police conflict. The NSW system, originally intended to facilitate protest, is now functioning as an authorisation system. Police are able to apply to the court to prohibit a protest which has provided notification, providing a disincentive for organisers to use the system. Police and governments have also treated protests that do not provide notification as unlawful, which they are not. Police have at least five times incorrectly told organisers that they will only have protection under the Form 1 system if they submit a notification 7 or more days before a protest. In one instance police used significant force to disperse a Wollongong rally which had given notification 3 days beforehand. The cumulative effect is heightened conflict between police and protestors that prevents effective negotiation both in the lead up to protests and during them. Recently introduced penalties (up to \$22,000 and/or 2 years imprisonment in NSW and up to \$50,000 in SA) for obstruction offences when protesting without a permit also contribute to this trend to de-facto authorisation systems, as do Brisbane City Council requirements in QLD that protestors obtain police permissions for protests on council land.

6. The burdens of permit systems fall unevenly, with discriminatory impacts.

Documented cases show First Nations groups being required to fund traffic control and insurance as a precondition of authorisation — including an \$8,000 charge levied on organisers of an Invasion Day rally in Darwin — burdens that do not appear to have been imposed on comparable events. Grassroots groups, and groups from migrant and non-English speaking backgrounds, are likely to be less able to navigate application processes, meet lead times, or contest refusals in court. The Victorian Aboriginal Legal Service has warned that a permit system “would impact many groups in Victoria who have a long history of peaceful protest, including Aboriginal and Torres Strait Islander communities”.



Recommendations:

Australian permit systems require substantial change in order to function as human-rights-compliant notification systems that assist in facilitating the smooth conduct of assemblies. We make the following recommendations:

01 **Protest permit systems in Australia should be amended to act as genuine notification systems** which assist authorities in facilitating the smooth conduct of peaceful assemblies and protecting the rights of others, in line with international human rights law.³ They should provide that:

- Authorisation is not a precondition of lawful protest
- Failure to notify cannot ground dispersal or charges
- Departure from a notified plan cannot alone justify dispersal
- Dispersal is limited to assemblies no longer peaceful or posing an imminent, serious threat
- Spontaneous and low-impact assemblies need no notice and lead times are short
- The onus is on authorities to justify restrictions to a court
- Organisers have clear review rights.

02 **The following features currently present in Australian permit systems should be removed:**

- Penalties for protesting without a permit
- Broad or unspecified refusal grounds
- Onus on organisers to challenge police permit refusal, instead of the onus being on police to justify their refusal
- Broad discretion for authorities to impose conditions for protest permits
- Requirements to obtain insurance, traffic management or other costly activities

03

Penalties for obstruction and move on order related offences during protests

should be modified to be proportionate – imprisonment terms and large scale fines are disproportionate for peaceful protest. Restrictions on protests are only justified if they are necessary on the following grounds:

- National security – preserving the existence of the nation, its territorial integrity or political independence against a credible threat or use of force⁴
- Public safety – addressing a real and significant risk to the safety of persons (to life or security of person) or a similar risk of serious damage to property⁵
- Public order – protecting the sum of the rules that ensure the proper functioning of society, or the set of fundamental principles on which society is founded, which also entails respect for human rights, including the right of peaceful assembly. This does not mean restricting assemblies which are deliberately disruptive or require a significant degree of toleration⁶
- Public health – only exceptionally permits restrictions, where gatherings are dangerous to health⁷
- Morals – only exceptionally permits restrictions, understood in the light of the universality of human rights, pluralism and the principle of non-discrimination⁸
- The protection of the human rights and freedoms of others – does not encompass protection from a certain level of disruption to ordinary life, only serious and sustained disruption, such as a major highway being blocked for days⁹

04

Police guidance on protests should provide that police seek to facilitate protests, including those that have not provided notification, by employing a negotiation and de-escalation based approach.

If restrictions are deemed necessary, authorities should first seek to use least-intrusive measures. Authorities should consider allowing an assembly to take place and addressing any transgressions afterwards rather than restricting the assembly pre-emptively.¹⁰ Only the minimum force may be used to disperse protests when necessary and force likely to cause more than negligible injury should not be used against individuals or groups who are passively resisting.¹¹

05

Decision-making by police, councils and other government bodies should be compatible with Australia's obligation to respect and ensure the right to peaceful assembly under the International Covenant on Civil and Political Rights.

2. The right to protest without a permit: the human rights framework

2.1 International human rights law and UN guidance

International law is clear that permit systems must be designed in a way that facilitates, rather than restricts, the right to protest. Australia is a party to the International Covenant on Civil and Political Rights (ICCPR), having ratified the treaty in 1980. Article 21 provides that individuals have a right to peaceful assembly. Authoritative guidance from the United Nations Human Rights Committee on Article 21 recognises that states may establish notification regimes for protests, but draws a clear line between notification and authorisation.¹² Under the guidance in General Comment 37:

- Obtaining authorisation from authorities is not a pre-condition of the protest being lawful¹³
- Providing notification is not a precondition of lawful assembly and cannot ground dispersal of the assembly or charging of participants¹⁴
- Non-compliance with previously communicated public assembly plans cannot of itself be a ground for dispersing an assembly.¹⁵
- Protests can only be dispersed if the assembly is no longer peaceful, if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests, or if they create a “serious and sustained” disruption.¹⁶



- Spontaneous assemblies, for which notification is not practicable, must be accommodated, and notification should not be required for spontaneous assemblies or assemblies with minimal impact on others. Minimum advance-notification periods must not be excessively long.¹⁷
- The onus is on authorities to justify why a protest that has provided notification should not enjoy protections from obstruction/move on offences or why certain restrictions should be imposed on a protest¹⁸
- If restrictions are imposed following a notification, organisers should have a clear right of review by courts and the restrictions should be communicated early enough to allow time to challenge them¹⁹
- Protests can only be restricted in a way that is lawful, necessary, proportionate and justifiable in a democratic society. Where peaceful assemblies are used for the propaganda of war, advocacy of national, racial or religious hatred that constitutes incitement likely to result in discrimination, hostility or violence, as far as possible action should be taken against individual perpetrators, rather than the assembly as a whole.²⁰

The OSCE/ODIHR–Venice Commission Guidelines on Freedom of Peaceful Assembly, which are regarded as an authoritative international standard, reflect the same principles, proceeding from a presumption in favour of holding assemblies: everything not expressly forbidden by law should be presumed permissible, and those wishing to assemble should not be required to obtain permission to do so.²¹ Council of Europe guidance on Article 11 of the European Convention on Human Rights likewise directs decision-makers to apply a presumption in favour of free expression and assembly, to interfere only in accordance with law and proportionately for a legitimate aim, and to take necessary steps to protect demonstrators.²²

The European Court of Human Rights has held that conditioning or refusing authorisation can itself violate assembly rights. In *Berladir and Others v Russia*, the Court found that authorising a demonstration only on condition it be held at a different place and for a shorter duration amounted to an interference with freedom of peaceful assembly.²³ In *Bączkowski and Others v Poland*, the Court held that a refusal to authorise an assembly may interfere with freedom of assembly even where the assembly ultimately takes place as planned.²⁴

2.2 Domestic human rights protections

Three Australian jurisdictions have legislated human rights protections encompassing peaceful assembly:

- Section 22(1) of the Human Rights Act 2019 (Qld) provides that “[e]very person has the right of peaceful assembly”. In addition, section 5(1) of the Peaceful Assembly Act 1992 (Qld) states that a person has the “right to assemble peacefully with others in a public place”.
- Section 15(1) of the Human Rights Act 2004 (ACT) provides that “[e]veryone has the right of peaceful assembly”.

- Section 16(1) of the Charter of Human Rights and Responsibilities Act 2006 (Vic) provides that “[e]very person has the right of peaceful assembly”.

Other states and territories remain subject to the implied freedom of political communication under the Australian Constitution and common law principles relating to peaceful assembly.

2.3 The significance of the notification/authorisation distinction

The distinction between notification and authorisation is not a technicality. A notification system assumes the assembly will occur and asks organisers to share information so that authorities can facilitate it — managing traffic, protecting participants, coordinating with other events. An authorisation system reverses the presumption: the assembly may not lawfully occur (or loses legal protection) unless the state approves it, on whatever conditions the state chooses. International guidance treats that reversal as incompatible with the nature of assembly as a right.

The stated rationale of NSW, Queensland and South Australia notification schemes has been facilitative. Western Australia’s scheme is facilitative in nature but restrictive in stated purpose. Victoria and the ACT have no specific protest permit legislation, while Tasmania and the Northern Territory cast protest as an offence without a permit.

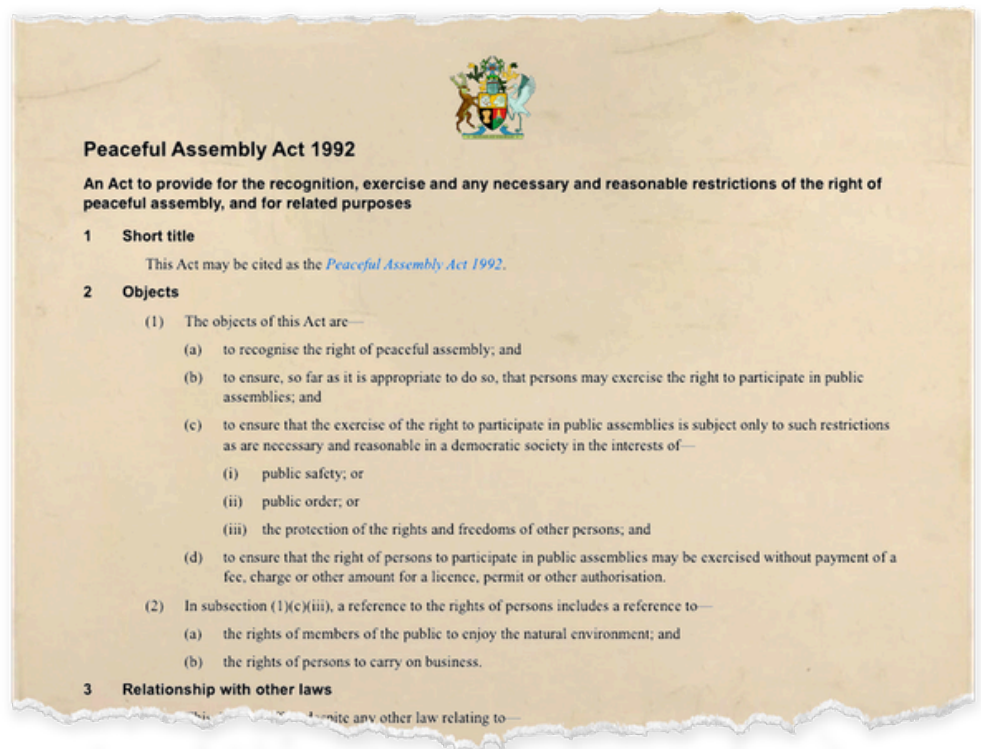
New South Wales

The Public Assemblies Act 1979 was enacted following the violent policing of the Sydney Gay Mardi Gras in June 1978. Prior to this, the Summary Offences Act 1970 (NSW) had given police the power to disperse any procession that did not have authorisation from the Commissioner of Police.

The NSW Attorney General Frank Walker stated that the aim of the Public Assemblies Act 1979 was to afford “the greatest possible recognition of the right of freedom to assemble and/or conduct a procession in public places as is reasonably consistent with the convenience and safety of the general public”.²⁵ The provisions of the Act were re-enacted as Part 4 of the Summary Offences Act 1988. Justice Hamilton in *Commissioner of Police v Gabriel* described the aim of Part 4 of that Act as “not to prohibit public assemblies but ... to facilitate them”.²⁶

Photo: The 1978 Mardi Gras





Queensland

The Peaceful Assembly Act 1992 emerged from the consequences of the Fitzgerald inquiry, which had identified the review of public demonstration law as a priority following the repression of protest under the Bjelke-Petersen administration.²⁷ It substituted a rights-protective notification model for the former street-march permit regime.

The objects of the Act are:

- recognise the right of peaceful assembly;
- ensure that persons may exercise the right to participate in public assemblies; ensure the right is subject only to such restrictions as are necessary and reasonable in a democratic society in the interests of public safety, public order or the protection of the rights and freedoms of others; and
- ensure the right may be exercised without payment of a fee, charge or other amount for a licence, permit or other authorisation.²⁸

South Australia

The Public Assemblies Act 1972 (SA) took shape as a response to the policing of Vietnam moratorium marches, with a particular flashpoint occurring in 1970 when demonstrators occupying an intersection were violently dispersed by police, triggering a royal commission into the incident.²⁹

Western Australia

The WA Public Order in the Streets Act has facilitative qualities, but its stated purpose is to "regulate the holding of public meetings and processions in streets" and "to provide for the maintenance of order in streets".

3. Protest permit and authorisation laws in Australia

3.1 Observations on the Australian landscape

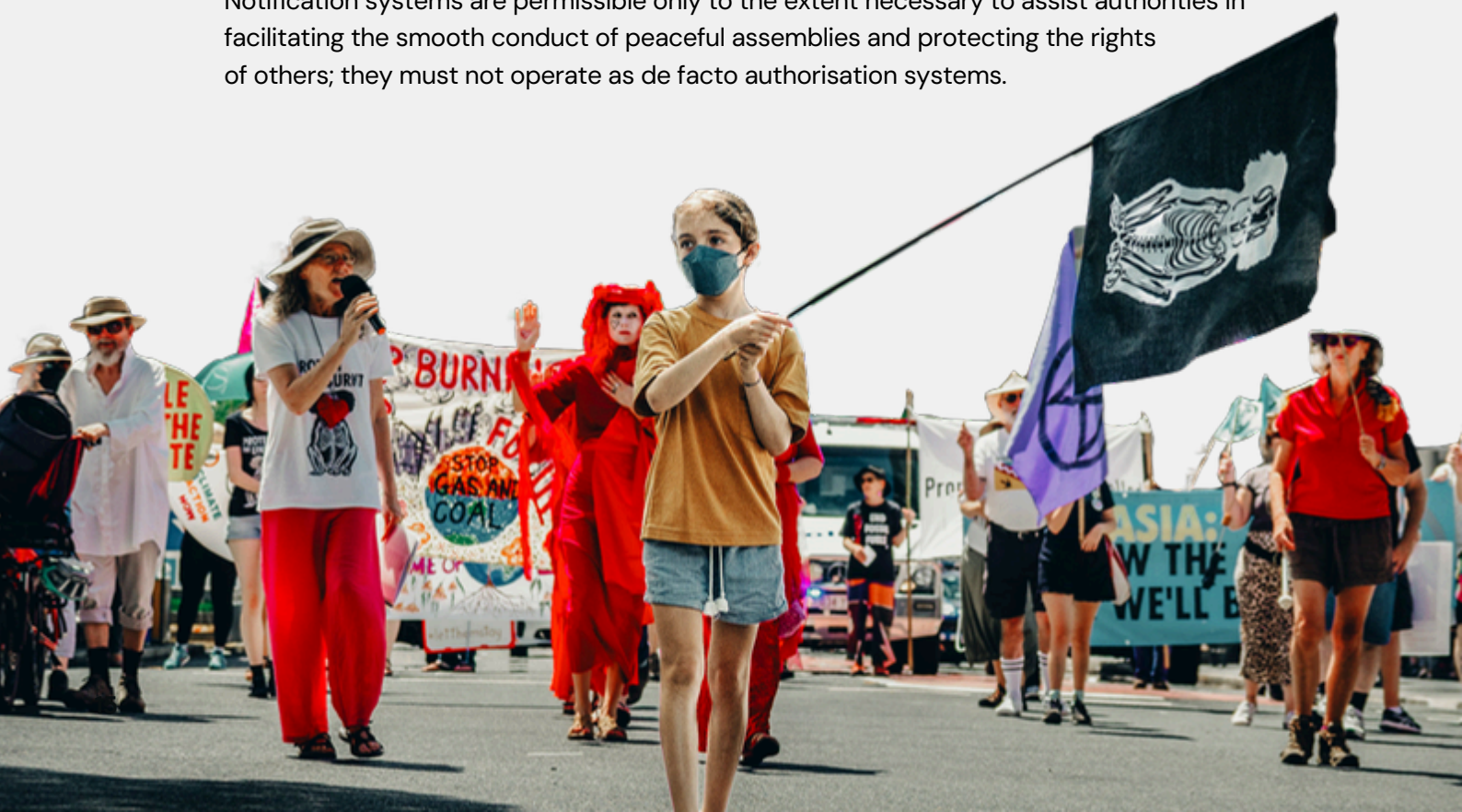
The key features of Australian protest permit regimes are laid out in Appendix 2. Several features of the Australian landscape are inconsistent with the human rights framework presented in Part 2 of this report.

Authorisation vs notification

Standard in General Comment 37

Having to apply for authorisation from the authorities to protest undercuts the idea that peaceful assembly is a basic right.

Notification systems are permissible only to the extent necessary to assist authorities in facilitating the smooth conduct of peaceful assemblies and protecting the rights of others; they must not operate as de facto authorisation systems.



Australian protest permit schemes

Authorisation to protest is required in Tasmania, the Northern Territory and across most major urban and regional councils, as well as significant public places in Sydney and city parks in Melbourne. Several jurisdictions require penalties for arranging protests without permit as the table below highlights.

Protest is illegal without permission from council or other authorities across many public spaces in major urban and regional cities in Australia.

Table 3.1 Penalties for protesting without a permit in Australian jurisdictions

Area	Penalty for protesting without a permit (maximum amount stated)
Tasmania	\$2,130 for protesting without a permit.
Hobart City	\$426 for protesting or addressing an assembly of people in a public space without a permit
Northern Territory	\$1,940 for organising or promoting a procession without a permit and \$970 for taking part in one. Permit required for any procession on or in the vicinity of a road that may disrupt traffic – given there is no actual requirement that the protest disrupts traffic, and most protests in a major population center would take place in the vicinity of a road, this amounts to a de facto requirement that all protests obtain a permit.
Adelaide	\$1,250 for protesting, using amplification equipment without a council permit
Brisbane	\$3,454 for conducting a public assembly which is not authorised under the Peaceful Assembly Act In 2022, Brisbane City Council fined a protestor \$266 for a 15 minute protest during which four people held signs in Queen Street Mall, because the protest was not authorised. ³⁰ The protestor initially received a \$266 fine which was modified to a \$1000 six month bond on appeal. The case cost the council \$8,480 in legal fees. ³¹
NSW council land	\$2,200 for carrying out a public gathering without council permit. NSW law by default requires a permit for public meetings on council land, unless council policies specify otherwise – most major regional councils in NSW require council permission for protest.

Note all penalty amounts in this report are derived from the value of the relevant jurisdiction's penalty unit as at August 2026

Sydney – Opera House, Darling Harbour foreshore, Royal Botanic Gardens, the Domain	Offence to protest, use amplification equipment without permission of governing authority. \$2,200 in Darling Harbour area, \$1,100 in Opera House area, \$275 in Royal Botanic Gardens/The Domain
Perth	\$125 for using amplification equipment without a council permit
Melbourne	\$4,182 for gathering with 50 or more people without a permit in parks in Melbourne City Council area

NSW, QLD and SA have significant penalties for obstruction and failure to comply with a move on order – protest participants can only avoid serious legal consequences by obtaining a permit that protects them from these offences, creating a de facto authorisation scheme. The legislative schemes in NSW, QLD, WA and SA provide protection from obstruction offences and from ordinarily available police move on powers. Importantly, obstruction offences can apply even for static rallies that do not march on a road, as the relevant offences capture obstruction of pedestrian traffic.

Table 3.2 Obstruction and direction-related penalties protestors are exposed to without a permit in select Australian jurisdictions

Area	Obstruction and direction-related penalties protestors are exposed to without a permit (maximum stated)
WA	\$100 for obstructing a road
SA	\$50,000 for obstructing a public place \$1,250 or 3 months imprisonment for failure to comply with move on order
NSW	\$22,000 and/or 2 years imprisonment for obstructing a major road, train station or light rail \$220 for failure to comply with move on order
QLD	\$3,454 for obstructing the path of a driver or pedestrian \$6,908 for failure to comply with move on order

Authorities' discretion to refuse permits

Standard in General Comment 37

Where authorisation regimes persist in domestic law, authorisation must be as a matter of course, in the absence of compelling reasons to do otherwise.

The onus is on authorities to justify why a protest that has provided notification should not enjoy protections from obstruction/move on offences or why certain restrictions should be imposed on a protest.

Australian permit schemes

Police, councils and place-specific authorities have significant power to refuse permits. Police can refuse to grant authorisation on unspecified in NSW and broad grounds elsewhere, including public nuisance, prejudice to any public interest, undue interference with the rights and freedoms of others and undue inconvenience. Councils have broad discretion to refuse permits.

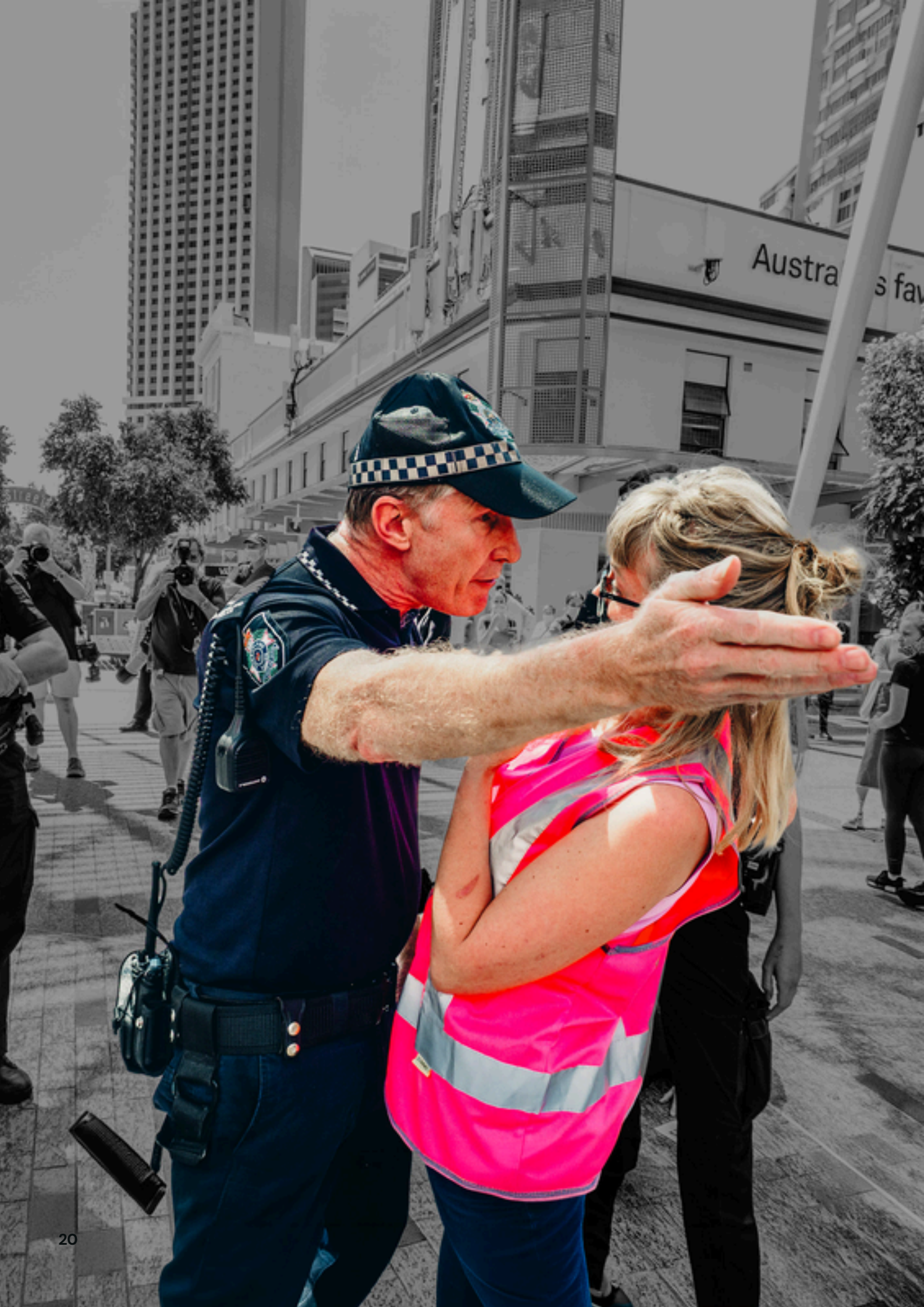
Table 3.3 Grounds for authority refusal of permit in select Australian jurisdictions

Area	Grounds for authority refusal of permit
NSW	Police or councils can refuse a permit on unspecified grounds
Sydney – Opera House, Darling Harbour foreshore, Royal Botanic Gardens, the Domain	Place-specific authority can refuse permission on unspecified grounds
NT	Competent authority discretion, must be satisfied that any persons on or in the vicinity of the road affected by protest would not be endangered or unduly inconvenienced by it
QLD	Authority may apply to the Magistrates Court to refuse if: safety of persons likely in jeopardy; serious public disorder likely; or rights/freedoms would be unduly interfered with
SA	Police can object to a permit where assembly would unduly prejudice any public interest Councils can refuse a permit on unspecified grounds
Tasmania	Police have full discretion to refuse a permit, police officer may consider safety and convenience of the public, arrangements made for safety of participants and any other relevant consideration Hobart Council can refuse a permit on unspecified grounds
WA	Police may refuse if the protest would occasion serious public disorder, damage to property, a public nuisance, an obstruction too great/too prolonged, or place any person's safety in jeopardy

If police refuse permission, in most cases organisers must bring a case to court and show the court why their protest must go ahead.

Table 3.4 Oversight of permit refusal decisions in select Australian jurisdictions

Area	Oversight of permit refusal decisions
Tasmania	No explicit right of judicial review regarding police decision to refuse a permit. Limited right to court review of the decision under the Judicial Review Act, but the court can only have regard to the lawfulness of the decision, not its merits.
Northern Territory	No explicit right of judicial review regarding council decision to refuse a permit. Limited common law judicial review available only in relation to lawfulness of decision, not merits.
Council land	No explicit right of judicial review for protest permit decisions, organiser would have to seek ways to apply for a merits review at Tribunal level or judicial review in court.
Western Australia	Organisers can apply to the State Administrative Tribunal for a review of a police permit refusal, but only if the organisers notified police 4 days or more before the protest and there is "good cause" for why it should be reviewed
South Australia	Organisers can challenge a police objection to a permit and must satisfy the court that the objection from police doesn't have "proper ground"
New South Wales	Police have to apply to a court if they wish to refuse a protest permit, so long as the notification is submitted within 7 days of the protest
Queensland	Police have to apply to a court if they wish to refuse a protest permit, so long as the notification is submitted within 5 days of the protest



Power of authorities to set conditions

Standard in General Comment 37

Notification procedure demands on organisers must be proportionate to the potential public impact of the assembly and they should be free of charge.

Non-compliance with previously communicated public assembly plans cannot of itself be a ground for dispersing an assembly. Protests can only be dispersed if the assembly is no longer peaceful, or if there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted arrests.

Australian permit schemes

Authorities have wide-ranging powers to set conditions for protests.

Table 3.5 Conditions authorities can set for protest permits in select Australian jurisdictions

Area	Conditions authorities can set
Northern Territory	Organisers may be required to prepare and fund a traffic management plan. In January 2024, the First Nations justice group Uprising of the People was charged an \$8,000 “traffic control” fee five days out from a planned Invasion Day rally in Darwin. The council stated that any event likely to disrupt traffic “requires traffic management in order to apply for a permit”; the group reported that police were not “voluntarily offering their protection to allow this protest to happen safely”, and was forced to crowdfund the \$8,000 to obtain the permit.³²
ACT	Organisers may be required to prepare a traffic management plan Organisers may be required to obtain insurance.
Tasmania	In September 2026, farmers planned to drive tractors to the Tasmanian Parliament House as part of a protest. Police refused to approve their permit application because organisers lacked public liability insurance, which is a condition of the Tasmanian permit scheme.^{32A} Police also noted organisers had submitted the notification three weeks ahead of the rally instead of 12 weeks ahead. Police suggested the rally be postponed to allow time to acquire insurance. Police also asked rally organisers to tell the media that tractors were banned from the event due to a lack of public liability insurance.
South Australia	Organisers may be required to obtain insurance
Council land	Organisers may be required to obtain insurance Recently, seven councils around Australia were reported to have required protest organisers to obtain public liability insurance cover of \$20 million to hold a rally on council land.³³ Organisers seeking to organise a rally in the Greater Dandenong Council faced difficulties accessing a permit despite providing four weeks notice and cooperating with council. At one point organisers were threatened with a \$3,000 fine by council if they did not meet specific conditions which apply to gatherings of over 200 people and an emergency meeting had to be held the night before the protest with council officers.³⁴



NSW, NT, SA and WA do not provide any specific legislative guidance on the conditions police can impose or what they should take into account in imposing these conditions. This creates a lack of certainty for organisers and police as to which conditions may be reasonable and appropriate. It also gives authorities significantly more power in the negotiation process, as they may use the threat of refusing approval and the ensuing costly legal battle to make organisers accept specific conditions – even when these are not reasonable or appropriate. For example, NSW Police have in the past made authorisation conditional on protestors obtaining permission from the local council and having a minimum number of rally marshals present.³⁵ In another instance, NSW Police made authorisation conditions on a climate group not using a skeleton prop in their march due to the proximity of anti-war rallies nearby.³⁶

Compliance with permit conditions is a requirement for the protections of the permit to apply in almost every jurisdiction. If participants engage in actions not in compliance with the permit, the ordinary move on and obstruction offences may apply. Given the breadth of police move on powers and available obstruction offences, this may in practice amount to a power to disperse an assembly if it does not comply with previously communicated public assembly plans, contrary to international human rights law.

Capacity for protests to occur promptly

Standard in General Comment 37

Spontaneous assemblies, for which notification is not practicable, must be accommodated, and notification should not be required for assemblies with minimal impact on others. Minimum advance-notification periods must not be excessively long.

Australian permit systems

No Australian notification regime contains a general spontaneous-assembly exception, and lead-time practices (7 days treated as a floor in NSW; 5 days in Queensland; one month suggested in Adelaide; 8–12 weeks in Tasmania) are incompatible with it.³⁷ Only the WA regime contains a statutory requirement that the police “act expeditiously” to determine the application. In Chapman, WA Police left a permit application undetermined for months, and the Tribunal found the application had not been dealt with “sufficiently expeditiously”, observing that late decisions effectively eliminate the right to protest because “protests need to be organised, advertised, speakers organised”.³⁸

Permit system transparency and accessibility

Standard in General Comment 37

Notification regimes should be transparent and not unduly bureaucratic

Australian permit systems

Protest organisers may face overlapping requirements from police, councils and place managers due to different protest-related rules existing at each level in almost every State. Several councils require a valid permit from police or notification of police in order to provide a council permit. For example, Rising Tide's 2025 Newcastle Council event application involved a council licensing process under the Local Government Act 1993 (NSW) with public exhibition, an event authorisation, and a council-imposed requirement to lodge and maintain a valid Form 1 with NSW Police — effectively converting the nominally voluntary police notification into a condition of council approval.³⁹ Police approval of the protest is also a condition of council approval in Brisbane. This is in contrast to the principle in General Comment 37 that notification regimes should be transparent and not unduly bureaucratic.

Photo: Rising Tide's 2025 Newcastle event



4. International comparisons

Most comparable democracies – the United Kingdom, United States, Canada, New Zealand and South Africa – do not operate authorisation systems for protest in public streets. Where notification systems exist, courts applying constitutional or human rights principles have confined their application, struck them down, or insisted that failure to comply does not make a protest unlawful.

4.1 United Kingdom and Northern Ireland

United Kingdom

The United Kingdom does not operate an authorisation system for protests. Under section 11 of the Public Order Act 1986, organisers of most public processions must give written notice to police six clear days in advance, specifying the date, time, route and organiser, unless it is not reasonably practicable to give any advance notice – an exception that accommodates spontaneous protests.⁴⁰ Three

features distinguish this from an authorisation regime: notice is not required for static assemblies (rallies, pickets, vigils); no permission is required from police for a procession to proceed; and while an organiser who fails to give notice commits a summary offence, the procession itself is not thereby rendered unlawful, and participants commit no offence.⁴¹

Police powers to impose conditions on processions and assemblies arise separately (sections 12 and 14) and are subject to the Human Rights Act 1998, which incorporates the Article 11 right of peaceful assembly. Authorities can prohibit a protest march, but only if conditions imposed by police are not sufficient to prevent the march from resulting in serious public disorder and the Secretary of State approves the order.



Photo: "She can vote because of protest" in London, England by Alisdare Hickson

At the same time, scholarship on UK law cautions against reading the absence of a permit system as the absence of protest restriction: Pickard's study of the policing of young people's protest documents a growth of coercive policing, surveillance and criminalisation of dissent through other legal tools, at odds with official "policing by consent" narratives.⁴²

During Extinction Rebellion's October 2019 "Autumn Uprising," the Metropolitan Police imposed a blanket Section 14 Public Order Act ban across the whole of London and arrested more than 400 people, only for the High Court in *R (Jones) v Commissioner of Police of the Metropolis* (2019) to rule the ban unlawful because the police had no power to prohibit, rather than merely impose conditions on, assemblies.

Northern Ireland

The distinct regime in Northern Ireland — where the Public Processions (Northern Ireland) Act 1998 requires 28 days' notice of parades and empowers the Parades Commission to issue legally binding determinations restricting contentious parades — is a product of the specific post-conflict context of disputed sectarian parades. The Northern Ireland Human Rights Commission set out a human rights framework for the regime's operation as early as 2001.⁴³

A 2025 report by Rights & Security International documents its rights-violating operation in practice. Protesters in Northern Ireland must give 28 days' notice of a march compared with six days in England and Wales. In some council areas organisers must give three months' notice and may be refused and local authorities have told some protesters to obtain £10 million in insurance cover, treating protests as commercial events. Some local authorities have no policy on protests on public land at all, opening the door to discrimination; and women activists report specific gendered harms.

The report describes the cumulative "chilling effect" of these administrative measures and perceived differential treatment based on cause or identity.⁴⁴ Binding parade regulation was adopted only as an exceptional response to inter-communal conflict, through an independent quasi-judicial body rather than police discretion. Even in that exceptional context, notification-and-restriction machinery has generated documented rights violations,

4.2 United States

The First Amendment to the United States Constitution protects "the right of the people peaceably to assemble". Permit regulations must be content-neutral, narrowly tailored, serve a significant governmental interest and leave open ample alternatives for communicating the message of the protest, such as the use of other public space.⁴⁵ The significance of the government interest and the tailoring of the permit process to address this interest has been a key question in cases assessing permit system validity. Courts have struck down permit requirements that do not include exceptions for small gatherings.⁴⁶ Notice periods have been struck down due to governments failing to justify their length as reasonably necessary.⁴⁷

Courts have drawn strict limits on the conditions permits can set. Courts have concluded that entirely forbidding demonstrations in specified areas may be disproportionate to the government interest served.⁴⁸ Alternative areas for specific protests have sometimes been deemed adequate, but the justification has required a substantive reason, such as the expected number of attendees.⁴⁹ Time-based restrictions must be tailored to allow an “ample” amount of speaking time. Although some financial conditions are allowed, authorities may not charge more than necessary to serve a valid state interest; tie the cost of obtaining a permit to the content of an applicant’s speech; exercise unfettered discretion in deciding how much to charge; or charge an amount so large as to prevent the applicant from speaking in an effective manner.⁵⁰ Although the Supreme Court has not addressed whether insurance requirements violate the First Amendment, lower courts have often struck down insurance-related conditions, usually due to a lack of connection between the government’s liability risks for a particular event and the size of the resulting insurance requirements.⁵¹

*Photo: No Kings
protest in New
York City, 2025*



4.3 Canada

Canada has no general permit requirement for protest. Section 2 of the Canadian Charter of Rights and Freedoms protects freedom of expression and peaceful assembly. Canadian courts have repeatedly struck down municipal permit and notification requirements — jurisprudence that is significant for Australia, as Australian courts adjudicating human rights cases have typically considered Canadian authority.⁵²

Bylaws requiring city consent for structures on the street with wide council discretion were examined in *Vancouver (City) v Zhang* (2010). The British Columbia Court of Appeal held that a by-law requiring written city consent for structures on streets, as applied to Falun Gong practitioners' protest structures outside the Chinese Consulate, was an unjustified and "unconstitutionally disproportionate" limit on expression. The Court also found that the by-law was an absolute prohibition subject only to an "uncertain possibility of exception by Council on unknown grounds", with no policy or guidelines governing exemptions for political expression, could not minimally impair the right.⁵³

Permit requirements requiring demonstrators to provide their route to police in advance and banning masks have been found to be unjustified. Montreal's experience is perhaps the closest natural experiment on itinerary/notification requirements backed by sanctions. By-law P-6, amended in 2012 during the Quebec student protests, required demonstrators to provide their route to police in advance and banned masks. It was enforced through mass arrests ("kettling") and thousands of fines. The Quebec Superior Court in 2016 and the Quebec Court of Appeal in 2018 struck down the itinerary requirement as arbitrary and unreasonable, courts having already exempted spontaneous protests. Approximately \$1.2 million in fines was quashed as prosecutions collapsed.⁵⁴ Montreal repealed the by-law in December 2019. In 2023 the city agreed to pay \$6 million and publicly apologise to settle class actions over mass arrests of protesters under the regime.⁵⁵ The episode illustrates both the human and fiscal costs of route-notification enforcement, and its failure as a public-order tool.

Permit requirements for protests in a city park were examined in *Dubois v Saskatchewan* (2022) the Saskatchewan Court of Appeal. The court held unconstitutional a by-law requiring a permit for protest activities in Wascana Centre, the park surrounding the provincial legislature, in a case concerning an Indigenous-led protest camp raising the treatment of Indigenous children. The court noted the traditional role of public squares in expressing dissent and the by-law's failure to accommodate Indigenous spiritual practices connected to land. Following the decision, the provincial authority undertook to build consideration of Charter rights into its permit process.⁵⁶

4.4 New Zealand

New Zealand has no general permit requirement for protest. Section 16 of the New Zealand Bill of Rights Act 1990 affirms the right of peaceful assembly, and local government by-laws must be consistent with it.⁵⁷ Councils may require notice or traffic-management arrangements for marches that occupy roadways, but community legal guidance emphasises that such requirements must be reasonable, and legal commentary indicates that by-laws broad in notice period or grounds of prohibition are unlikely to survive Bill of Rights scrutiny.⁵⁸

In *Wadsworth and Bright v Auckland Council*, arising from Occupy Auckland, the High Court held that clauses of Auckland's public places by-law requiring event permits interfered with rights of expression, assembly and association and could not be interpreted consistently with those rights "in their fullest sense". However, the permit clause was, in light of the guidelines governing grants, ultimately held a justified limit on the facts. The injunction obtained against the protesters, insofar as it purported to restrain future breaches, went further than could be justified.⁵⁹ Notably, the presence of detailed criteria and guidelines was central to the by-law's survival — echoing the Canadian and US insistence that unstructured permit discretion is constitutionally problematic.

In 2025, New Zealand's Independent Police Conduct Authority published a thematic review of protest policing, reflecting an ongoing public debate about balancing facilitation and public order within a framework that does not require protest authorisation.⁶⁰ Human rights bodies including Amnesty International and the New Zealand Council for Civil Liberties criticised the report due to its emphasis on the capacity of police to control protests, including through imposing criminal penalties for non-notification and requiring traffic management fees from organisers.⁶¹

4.5 South Africa

In South Africa, assembly is governed by the Regulation of Gatherings Act 205 of 1993, which establishes a notification regime rather than one of prior authorisation. Under section 3 of the Act, the convener of a gathering of more than 15 people must give the relevant local authority advance notice of the intended gathering. The section 4 provides for a consultative process in which the authority, police and convener may negotiate conditions. The authority may impose conditions on or, in limited circumstances, prohibit a gathering, but the scheme is framed around notice and negotiation rather than a discretionary permit. This structure sits under section 17 of the Constitution, which guarantees the right to assemble, demonstrate, picket and present petitions peacefully and unarmed. The Constitutional Court in *Mlungwana v The State* (2018) unanimously struck down the previous criminalisation of convening a gathering without notice under the Regulation of Gatherings Act, holding that criminalisation was an unjustifiable limitation on the right to freedom of assembly.⁶²

5. Permit systems in practice: impacts and effectiveness

This Part assembles the available evidence on how protest permit systems operate in practice, organised around impacts on protest frequency, business impacts and police resources, protestor-police cooperation and the capacity of communities to participate in protest.

5.1 Impact on protest frequency, business impacts and police resources

Discussions around the need for protest permit systems in Australia often center on the notion that permit systems reduce the frequency of protests, leading to lesser business and amenity impacts and use of police resources.

Photo: Free Palestine Protest,
October 2023, Sydney
by Nikolas Gannon



Protest frequency

The NSW authorisation system has not reduced the incidence of protest in the Sydney CBD relative to Melbourne, which has no such system. Pro-Palestine rallies occurred weekly in the Sydney CBD from October 2023 to February 2025 and monthly thereafter — a rate comparable to Melbourne's, which does not have a protest permit system.⁶³ NSW Police have taken organisers of Sydney CBD protests to court to deny them authorisation at least four times since 2023. None of these cases prevented a protest from occurring; only one resulted in a change to the protest route.⁶⁴ Each proceeding consumed police, court and community resources — organisers must brief lawyers within days, and outcomes have sometimes arrived within hours or minutes of the event.

Business and amenity impacts

Although business activity and pedestrian data is difficult to access, the City of Melbourne pedestrian count data is indicative of general trends in how protest impacts CBD usage. The data analysed by council staff, found “no clear evidence that Sunday protests have decreased counts along the protest route”. Sunday foot traffic on Swanston Street did not decrease compared to Saturday, and protest-route sensors did not show decreased foot traffic relative to control sensors. Claims of business impacts have rested on anecdote rather than data.⁶⁵ Protests are, moreover, one modest source of disruption among many that city infrastructure routinely absorbs — roadworks, corporate events, sporting events and traffic incidents. The vast majority of large protests are publicly promoted with police notified well ahead of time.⁶⁶

Police and government resources

As the presence or absence of a permit process does not seem to determine the frequency of protests, policing resources are similarly not determined by whether protestors are required to obtain permits. Where police resourcing pressure exists, observers including Melbourne Activist Legal Support have attributed it to unnecessarily high policing levels at protests rather than the number of protests.⁶⁷ The Elaborated Social Identity Model (ESIM), a leading theory for analysing crowd behaviour, provides a useful reflection on the effects of high-intensity police action at protests. ESIM identifies how the in-group identity of people in a crowd is shaped by the actions of an out-group, for example police. When police use indiscriminate force against people who see themselves as posing no threat, the crowd comes to view the police as illegitimate and unites against them, so heavy policing manufactures the very disorder it is meant to prevent.⁶⁸ ESIM-based dialogue policing models are the foundation of national crowd policing guidance in England and Wales.⁶⁹ Dialogue policing is facilitation-led and dialogue-driven, with police prioritising relationships with protestors over enforcing punishments for infractions like obstructing a road or not obtaining a permit for a road march.⁷⁰ The Columbus Division of Police introduced a policing framework based on ESIM following the violent policing of the 2020 Black Lives Matter protests. A study of its operation found that by prioritising communication, proportionality and problem-solving, the dialogue unit was able to facilitate protests with minimal conflict and use of enforcement resources.⁷¹

Enforcing permit restrictions can be costly for governments. The consequences of violent police enforcement of Montreal’s permit requirement for organisers to provide itineraries and not wear face masks are stark – approximately \$1.2 million in quashed fines, years of litigation, and a \$6 million settlement with a public apology.⁷² The NSW government has spent \$151,100 on legal fees to contest protest permit applications, and \$117,455 to unsuccessfully attempt a legal defence its temporary ban on protest marches in the form of the Public Assembly Restriction Declaration.⁷³

Police have significant powers in relation to protests even where permit systems do not exist, like in Victoria. Victoria Police already hold extensive powers to address violent or vilifying conduct at or around public gatherings — designated-area search and move-on powers, breach-of-the-peace powers, arrest powers for affray and assault, and a suite of anti- vilification offences, alongside federal prohibited-symbol offences.⁷⁴

Photo: Swedish Dialogue Police



5.2 Impact on protestor–police cooperation

Besides the above cited reasons, permit systems are often defended as a way to foster cooperation between police and protesters. A genuine notification system can do that, by allowing authorities to close streets, manage traffic and protect participants. But the international and NSW experience shows that notification easily hardens into authorisation. Protesters are policed more heavily for not holding a permit, cooperation breaks down, and force is used more readily, leaving lasting damage to the relationship. Determined communities protest anyway when permission is refused — but without agreed lines of communication, which raises tension and the likelihood of force.

International evidence

This dynamic is well documented overseas. Permit denials during the US civil-rights and anti-Vietnam era repeatedly produced the disorder they were meant to prevent: in Birmingham (1963) the refusal of a march permit and an injunction led to the Good Friday arrests of Martin Luther King Jr and Fred Shuttlesworth, and at the 1968 Chicago Democratic Convention the denial of almost all permits left thousands with nowhere sanctioned to gather, producing violent clashes. An investigation by the National Commission on the Causes and Prevention of Violence concluded that the disorder amounted to a “police riot” of “unrestrained and indiscriminate” force, and its narrative makes clear that the breakdown of permit negotiations—leaving protesters and police with no shared understanding of where assembly would be tolerated—was central to how the situation escalated.⁷⁵

From the 1980s, US police agencies institutionalised “negotiated management” — routinised permit negotiation with protest organisers — which scholars initially credited with reducing violence compared with the prior “escalated force” era.⁷⁶ However, scholarship shows that this has since hardened into a permitted/unpermitted divide. Vitale’s study of the New York Police Department describes a “command and control” approach that uses the permit process to micro-manage demonstrations — dictating locations, pens and dispersal — in an effort to prevent any disruption of everyday life.⁷⁷ Myers–Montgomery’s analysis of Ferguson finds a nexus between militarised police responses and unpermitted protest: protests without permits are perceived as threats to order and met with escalated, militarised force.⁷⁸ McPhail and colleagues’ foundational study observed that groups that do not or cannot negotiate permits are considered ineligible for the softer tactics of negotiated management.⁷⁹

Duncan’s research on South African municipalities documents how, notwithstanding a formal notification-based statute, municipal over-regulation and over-policing converted notification into de facto authorisation — a “doctrinal decline” in which protests came to be treated as threats to stability rather than exercises of a democratic right.⁸⁰ Tertytchnaya’s study of Russia, using detailed data on authorised and unauthorised protests and an original survey experiment, shows how authorities in electoral autocracies use the denial of protest authorisation as a form of “preventive repression”: branding rallies “not authorised”

delegitimises protesters and erodes public support for them without the visible costs of violent dispersal.⁸¹

In the UK, an official inquiry into the policing of London's 2009 G20 anti-globalisation protests criticised the police strategy of planning too much on confronting violence instead of facilitating peaceful protest. The report's author, a former Metropolitan Police Service commander, instructed police that the initial planning should "not be defining protest as lawful or unlawful" but "the presumption should be in favour of facilitating peaceful protest".

Top Photo: 1968 Democratic National Convention, one of the most tense and confrontational political conventions in American history
Bottom Photo: 2026 protest the visit of Israeli President Isaac Herzog, Sydney Town Hall.



Australian evidence

The origin of Australia's notification systems is precisely the recognition that legislative systems which give authorities too much power to say when and how protests occur result in peaceful protests being violently dispersed by police.

New South Wales, Queensland and South Australia all introduced their notification regimes as a response to the violent dispersal of protests that authorities considered unauthorised. The violent policing of the 1978 Sydney Mardi Gras, the Adelaide Vietnam moratorium march in 1970 and protests generally under the Bjelke-Petersen government were touchpoints for a national recognition that we need systems to facilitate protests – and that seeking to ban protests comes at the cost of violent policing.

Recent trends in Australian protest policing have seen a resurgence of the “escalated force” era. Communities peacefully engaging in protest have been increasingly subject to heavy-handed militarised policing, including more frequent deployment of dangerous police weapons such as tear gas, batons, rubber bullets and flash-bang grenades.⁸² The use of OC spray has increased, having been used at 11 protests in 2023–24, compared to seven in the five years prior.⁸³ Serious injuries have been sustained as a result of police use of force at protests, including a perforated eardrum, soft tissue damage, a broken arm,⁸⁴ eye injuries occasioning multiple surgeries and permanent vision damage⁸⁵ and broken vertebrae.⁸⁶

In NSW, the policing of the 9 February 2026 rally at Sydney Town Hall provides a recent example of escalated force policing based on an attempt by authorities to enforce a ban on protest marches. Under the Public Assembly Restriction Declaration (PARD), the protest notification system was suspended following the antisemitic terror attack at Bondi on 14 December 2025. The scheme empowered the NSW Police Commissioner to suspend the ordinary protest notification process across vast geographic areas for up to three months following a designated terror incident. The wide scope of the PARD meant it banned all protest marches in the declared area, regardless of their content or the issue they were connected to. The declaration did not prevent rallies from going ahead, with several rallies occurring in January 2026.⁸⁷ It did, however, create an atmosphere of uncertainty and increased the need for police response around protests. The uncertainty created by the declaration meant First Nations communities did not know if they would be able to legally participate in January 26 marches until a week before the protest.⁸⁸

The clearest practical effect of the ongoing declaration was the policing approach to a rally on 9 February 2026 opposing the visit of Israel's President Herzog. Due to the declaration being in place, protesters were prohibited from marching to NSW Parliament House as was their intention. In addition, further move on powers were given to police under the Major Events Act in the lead-up to the protest. The consequences were grave. Mass arrests were made, and

there were widespread reports of disproportionate police violence against participants. Police were recorded to have punched protesters lying on the ground, violently dispersed a group of Muslim men kneeling in prayer, and charging at and pepper spraying protesters.⁸⁹ Sixty nine organisations subsequently called for a comprehensive inquiry into protest policing in NSW. The incidents are under investigation by the Law Enforcement Conduct Commission, with the Commission receiving over 800 complaints in relation to police conduct on 9 February, a record in its history. The following month, evidence emerged that advice provided by the NSW cabinet office national security to the Premier warned that disproportionately restrictive laws could “damage trust between police and communities, undermining broader efforts to counter extremism”.⁹⁰

Australia’s recent experience echoes the lessons of the 1960–70s protests that gave rise to the practice of negotiated management. Giving authorities the power to say whether protests occur often leads to peaceful protests being violently dispersed, damaging the capacity of protestors and police to cooperate.



THE NSW CASE STUDY:

from notification to de facto authorisation

The NSW experience offers a useful case study of the effect of authorisation-based permit systems on protestor–police cooperation, with the transformation of the NSW Form 1 system into a de facto authorisation regime having had a significant negative impact on protestor–police cooperation.

The original intent of the Form 1 system is voluntary and facilitative, acting like a notification system. The Minister’s Second Reading Speech for its introduction specifically denounced the requirement for permission to protest in the 1970 Act as ‘a fascist and totalitarian measure reminiscent of the worst excesses of Stalin’s Russia’ and went on to state that under the Public Assemblies Act, ‘the freedom to assemble will not be dependent upon the permission of some authority, be it the police or otherwise’. However, recent developments have inverted this purpose.

A court can prohibit attendance at a protest which has provided notification under the Form 1 system.

In the October 2025 case, *Commissioner of Police v Naser*, the NSW Court of Appeal departed from previous jurisprudence on the Form 1 system by finding that a court ruling that a protest was not 'authorised' under the Summary Offences Act was in effect prohibited by the court, and attending it could subject participants to contempt of court and unlawful assembly offences. The NSW Supreme Court had previously made Form 1 rulings approximately 20 times. In almost every case heard, outside those heard during the COVID-19 pandemic, the court found that removing the s 24 immunity is 'all that an order prohibiting the assembly does', or that a prohibition order under s 25 'does not prohibit the holding of a public assembly at all' or 'prohibits nothing'.⁹¹ The Naser decision turns the Form 1 system into an authorisation regime by creating a mechanism by which the court can prohibit attendance at a protest.

Misrepresentation of the scheme by police and ministers.

NSW Police and government representatives have repeatedly stated that protests which have not been notified under the Form 1 system are unlawful and treated protests as unlawful if they submit notifications less than 7 days before the protest – both are misrepresentations of the law.

The Form 1 system provides that a public assembly has protections from obstruction offences and certain move-on powers, but participation in a non-notified protest is not unlawful. In at least three instances, police have used significant force to disperse protestors on the basis of the protest not having been notified under the Form 1 system. In 2022, at least 133 homes across NSW, Victoria and Queensland were visited by police in the lead-up to protests, with police informing individuals that participating in a protest that has not been notified under the Form 1 system may constitute illegal activity.⁹²

The Summary Offences Act 1988 (NSW) does not provide a minimum timeframe for notification and does not contemplate that an assembly is unauthorised solely because the Commissioner received less than 7 days' notice. The NSW Court of Appeal in *Bassi v Commissioner of Police* expressly contemplated that an assembly can be authorised despite a Form 1 lodged within seven days.⁹³ However, police have at least three times referred to a 7 day notification requirement and refused to facilitate protest marches on the basis of the notification being provided less than 7 days before the protest.⁹⁴

Pre-emptive enforcement and surveillance.

Notification and authorisation processes also generate data — organisers' names, addresses and contact details, planned routes and equipment — that feeds the broader surveillance of protest movements documented in the policing literature.⁹⁵ The surveillance dimension is intensifying: legal scholarship warns that facial recognition technologies deployed at assemblies require the automated processing of every participant's biometric data, enabling blanket surveillance with a plausible chilling effect on participation.⁹⁶ Research on recent protest movements shows participants now receive, and act on, extensive digital security advice reflecting the assumption that attending a protest exposes them to monitoring.⁹⁷ Systems that require organisers to identify themselves to police as a precondition of protection amplify these dynamics.

Council layering.

As noted in Part 4, Newcastle Council's approval for Rising Tide's 2025 event was made conditional on the organisers lodging and maintaining a valid Form 1 with NSW Police — a council converting a voluntary police notification into a mandatory condition.⁹⁸ It is notable that the council's own public processes demonstrated substantial community support for the protest events: almost 75% of the 123 public submissions on the 2024 event, and 76.6% of 1,855 submissions in 2025, supported the applications.⁹⁹

The pattern documented here — a facilitative notification scheme operating in practice as a permission system — is precisely what General Comment 37 warns against.

Impact of the transformation of the NSW system into an authorisation system on protestor-police cooperation

The use of the Form 1 system as a de-facto authorisation regime has produced effects that are in direct opposition to the intended purpose of the Form 1 system to facilitate cooperation between police and protestors.

Protestor-police trust has been eroded through a steady creep of escalatory policing even against protests that engage in the Form 1 system in good faith, the use of the system to crack down on protests and seek their prohibition and heavy-handed policing of protests that do not have Form 1 authorisation.

Submission of notification less than 7 days before the rally used as basis for escalatory policing

Wollongong Protest 28 June 2025.¹⁰⁰

Wollongong Friends of Palestine had been carrying out fortnightly rallies in the centre of Wollongong for 21 months, with 4–5 police officers typically attending. The group submitted a Form 1 for a rally on 28 June three days prior and received acknowledgement of the receipt by police, with no indicated intention to oppose it. When they gathered to rally on 28 June, about 30 police officers were present, including members of the riot squad, the Raptor squad which is used for organised crime policing, and four police on horseback. Police stood at the front of the rally during the speeches and when the protest moved to march down the mall to Crown Street, as they have done at previous protests with police cooperation, officers moved to block the march, physically preventing people from marching on the street. Protestors reported feeling fear and intimidation, with some having to leave due to the fear created and children reported to have left the rally "in tears". Police subsequently said the rally was unauthorised due to the application being submitted less than 7 days before the rally and stated that there was a 7 day notification period requirement.

Lack of Form 1 protections used as basis for escalatory policing

Belmore Protest 27 July 2025. Police approached individuals who were on their way to a protest in Belmore and issued them with move on orders on the basis of the protest being 'unauthorised'. The Law Enforcement (Powers and Responsibilities) Act 2002 (NSW) does not give police the power to move on protestors for this reason – move on powers are only available if an unauthorised protest is obstructing traffic, or if there is a risk to the safety of a person.¹⁰¹ Neither of these grounds were evoked by police in issuing the move on orders.¹⁰² Protestors were therefore moved on solely on the basis of the protest not having authorisation. During the interaction between protestors and police, some protestors asserted that they had a right to protest and that police were not using their move on powers validly.¹⁰³ One protestor was grabbed by a police officer and punched in the eye with a torch, causing significant eye injuries.¹⁰⁴ The charges against this protestor were subsequently dropped and a criminal matter initiated against the police officer¹⁰⁵

Protests without a Form 1 treated with significant force

Wollongong protest 1 October 2025.

A snap protest was held at Wollongong mall to demand the Australian government take action regarding the Israeli military intercepting Australian citizens participating in a Gaza-bound aid flotilla.¹⁰⁶ The protest was organised spontaneously, in direct response to the interception, and did not submit a Form 1. A 70 year old man was participating in the rally, which marched to the intersection at the end of the mall following the route the rally had followed fortnightly since October 2023. When the rally reached the intersection, police charged onto the intersection without any prior warning and began to drag and push participants away from the intersection. The man was pushed against a lamp-post and was unable to move back any further when a police officer pepper sprayed him into both his eyes, mouth and face at close proximity. The man was fitted with a heart pacemaker and had previously had eye surgery.

Sydney protest 2 October 2025.

A snap protest was held at Sydney Town Hall to demand the Australian government take action regarding the Israeli military intercepting Australian citizens participating in a Gaza-bound aid flotilla. The protest was organised spontaneously, in direct response to the interception, and did not submit a Form 1. An estimated 400 people gathered at Sydney Town Hall and protestors spilt onto the light rail tracks on George Street.¹⁰⁷ Some protestors laid down on the light rail tracks and on the road and others marched through the CBD.¹⁰⁸ Police moved in on protestors on the light rail and road, restraining some and pushing others. No arrests were made. Following the protest, police said "there was minimal impact on pedestrian or road traffic in the area" and told media the protest had been 'unauthorised'.¹⁰⁹

During the confrontation, a 60 year old woman was thrown to the ground by police while trying to move from the road onto the pavement, fracturing her ankle.¹¹⁰ Police refused to call an ambulance for the woman when she asked them to, telling her they were too busy. Rally participants called an ambulance and the woman was taken to RPA Hospital. An Xray at RPA

Hospital confirmed that she had sustained a fracture to her right ankle as a result of police pushing her to the ground. Police pushed another woman with epilepsy in the chest, causing her to collapse and have a seizure. The woman was filming police at the time and complying with police directions. The woman sustained bruising on her elbow and was unable to move it as a result of the fall. She was taken to hospital in an ambulance following the incident.

Sydney protest 9 February 2026.

The police response to the anti-Herzog rally in Sydney Town Hall was shaped to a significant extent by the suspension of the Form 1 system and the subsequent automatic ban on any protest marches. Inspector Dunstan was recorded to have told an MP who was attempting to negotiate a march: ""No one's marching. We are not facilitating a march. That has been very, very clear. It is in breach of the PARD. The PARD is in place for a reason. It is staying as it is." The police instead attempted to order the crowd to disperse and then enforced this order through use of force when a part of the crowd attempted to march.



5.3 Impact on capacity of communities to participate in protest

When protests are subject to authorisation by authorities and treated violently if they lack it, communities are less able to participate in protest. This impact does not fall evenly. Marginalised groups are often the most impacted by permit systems and permit systems must be carefully designed to protect against this impact.

International evidence

In the US, the constitutional guardrails around permits developed in response to documented misuse of permit systems. During the civil rights era, permit systems were used to obstruct Black-led protest: civil rights activists led by Rev. Dr Martin Luther King Jr were unable to obtain march permits in segregationist Southern cities.¹¹¹ In *Shuttlesworth v City of Birmingham* (1969), which arose from the Birmingham campaign, the Supreme Court held that officials cannot be given power to grant or withhold permits according to their own opinions; permit schemes must be governed by narrow, objective and definite standards, and may not be used to suppress disfavoured viewpoints.¹¹² The Court has also held that permit fees cannot be varied according to the anticipated public reaction to the message, and civil liberties bodies note that charges cannot exceed the actual administrative cost.¹¹³ These cases underline a lesson directly relevant to Australian schemes with broad refusal grounds and undocumented policies: unstructured permit discretion invites discriminatory application.

Australian evidence

Communities generally.

When permit systems are overly restrictive and give authorities broad discretion, with the power to fine, imprison or use significant force to disperse protests without a permit, communities face significant barriers to protesting. Although it is difficult to quantify the chilling effect of the way permit systems are used to restrict protest in Australia, available evidence suggests that communities can face significant barriers to organising even small, non-disruptive protests. Protest is illegal without permission from authorities in Tasmania and the NT and many significant public places in major cities, and significant penalties attach to non-permitted protest in NSW, South Australia and Queensland. Rural organisers being forced to seek out \$20 million in public liability insurance cover, protestors in Brisbane being fined over a 15 minute 4 person protest without council approval, and the breakdown of the protestor-police relationship in NSW all illustrate that permit systems are not working for communities.

First Nations communities.

In January 2024, the First Nations justice group Uprising of the People was charged an \$8,000 “traffic control” fee five days out from a planned Invasion Day rally in Darwin. The council stated that any event likely to disrupt traffic “requires traffic management in order to apply for a permit”; the group reported that police were not “voluntarily offering their protection to

allow this protest to happen safely”, and was forced to crowdfund the \$8,000 to obtain the permit.¹¹⁴ There are documented cases in the NT and NSW of police requiring First Nations groups to fund traffic control and public liability insurance as a precondition of authorisation, with no recorded instances of equivalent requirements being imposed on other groups in the same period.¹¹⁵ The Victorian Aboriginal Legal Service has warned that “a permit system would impact many groups in Victoria who have a long history of peaceful protest, including Aboriginal and Torres Strait Islander communities”, and that it should not be for police to decide “which voices are worthy of being granted ‘permission’ to be heard”.¹¹⁶ Associate Professor Crystal McKinnon described a proposed permit system as “a return to the mission days”, where police and authorities controlled “where Aboriginal people can go and who we can see”.¹¹⁷ The Saskatchewan Court of Appeal’s decision in *Dubois* makes a parallel point in constitutional terms: permit regimes that cannot accommodate Indigenous relationships to land and traditions of assembly are constitutionally deficient.¹¹⁸

Migrant and non-English speaking communities, and grassroots groups.

Navigating application forms, statutory timeframes, police negotiation and potential court proceedings requires administrative capacity, legal literacy and resources. Smaller grassroots groups, and groups from migrant or non-English speaking backgrounds, are less likely to successfully navigate a permit system or to have the resources to challenge refusals in court.¹¹⁹ VALS noted that a Victorian permit system would fall on communities including Palestinian community members, trans Victorians campaigning for anti-vilification protections, and communities protesting the destruction of Country.¹²⁰

*Photo: “Solidarity with Iranian Protests”,
Sydney Town Hall by Matt Hrkac*



6. Conclusion and recommendations

Australia's protest permit regimes were, for the most part, born of a hard-won recognition that giving authorities the power to decide whether a protest may proceed leads to peaceful assemblies being violently dispersed. The notification schemes of New South Wales, Queensland and South Australia were each enacted to facilitate protest and to protect participants. Yet the evidence assembled in this report shows that in practice these systems increasingly operate as the very thing they were designed to replace and that Australian permit systems significantly restrict protest. Across most jurisdictions, protest is unlawful or unprotected without permission from police, councils or place managers; broad or unspecified grounds of refusal, wide condition-setting powers, costly insurance and traffic-management demands, and the absence of genuine merits review place the onus on organisers rather than the state; and significant obstruction and move-on penalties convert nominally voluntary notification into de facto authorisation.



Measured against Australia's obligations under Article 21 of the ICCPR and the standards articulated in General Comment 37, these features are not compliant. Nor are they supported by the evidence advanced to justify them: permit systems have not been shown to reduce protest frequency, business or amenity impacts, or the demands on police, and the resources they consume are considerable. The costs of needing permission to protest, by contrast, are well documented. The burdens of authorisation fall unevenly, weighing most heavily on First Nations, migrant, grassroots and other marginalised communities least able to navigate application processes, meet lead times or contest refusals in court. And as the New South Wales experience demonstrates, treating protest as unlawful in the absence of permission does not prevent protest — it removes the shared framework through which police and communities negotiate, eroding trust and cooperation and making the use of force more, not less, likely. This is the same dynamic, drawn from both the historical record and comparative and social-scientific research, that gave rise to negotiated, facilitative approaches in the first place. The task for governments is therefore not to make permit schemes more restrictive but to restore the facilitative purpose these schemes were meant to serve: to ensure that the right to peaceful assembly does not depend on official permission, that any restriction is necessary, proportionate and independently reviewable, and that police approach all protests — including spontaneous and un-notified ones — through communication and de-escalation.



Appendix 1:

Methodology

This report adopts a socio-legal approach that combines three complementary methods — doctrinal legal analysis,¹²⁹ comparative jurisdictional analysis, and qualitative case studies — each situated within a normative framework drawn from international human rights law. Its aim is not to generate new empirical data but to contextualise how protest permit and notification regimes operate both in law and in practice, and to assess them against established rights standards.

The doctrinal component involves close analysis of the primary legal instruments governing public assembly together with the case law interpreting them. This allows the report to distinguish what the law formally provides from how those provisions are represented and enforced in practice.

The comparative dimension places the Australian position against a set of overseas jurisdictions — including the United Kingdom, Northern Ireland, Poland and South Africa — selected because they illustrate recurring features of permit-based and notification-based regimes and the tensions those regimes produce. The purpose of the comparison is analytical rather than exhaustive: it identifies patterns that recur across different legal cultures, so that developments in Australia can be understood as instances of a broader phenomenon rather than as isolated local anomalies.

The report's evidentiary base is qualitative and documentary. It is organised around a series of case studies, each chosen because it illuminates a distinct aspect of how authorisation powers shape the relationship between police and protesters. These cases are reconstructed from published court judgments and legislation; reports and case summaries by legal and human-rights organisations; scholarly literature on protest policing; and contemporaneous media reporting.



international human rights law, in particular the right to peaceful assembly under Article 21 of the International Covenant on Civil and Political Rights and the requirement that any restriction be necessary and proportionate to a real and specific risk. This framework supplies the standard against which the report evaluates whether particular laws, decisions and policing practices are justified, and it is applied consistently across the jurisdictions examined.

Two limitations follow from this design and should be read alongside the report's findings. First, the report does not present original empirical or quantitative research. The case studies are illustrative, chosen to demonstrate and explain a pattern rather than to test it against a representative sample from which it could be statistically generalised or disconfirmed. Second, because the field is fast-moving and several of the key events are recent, some sources are contemporaneous reports whose details may be revised as litigation and inquiries — such as the Law Enforcement Conduct Commission investigation into the 9 February 2026 policing — conclude. Within these bounds, the method is well suited to the report's purpose: to explain how permit and notification regimes function, to trace their effects on the right to protest, and to inform law-reform and advocacy debate.





Appendix 2: Summary of schemes by jurisdiction

Juris.	ACT	ACT
Level	State scheme	Place-specific – Parliamentary Precinct
Scheme/ instrument	No general permit requirement	APH Protests and other assemblies in the Parliamentary precincts policy, cl. 20–22, 48–50
Permission requirements	No permission required; ACT Government encourages organisers to complete Application to Use a Public Place for Events	No permission required for protest if taking place in authorised area near Parliament House; Presiding Officers may approve a protest outside the authorised area; permission required for structures (anything fixed to the ground)
Basis on which authority can oppose		
Conditions authority can set	May require a traffic management plan if marching to Civic Square	Protests allowed in authorised area only if they are not inconsistent with the dignity of Parliament House, not a threat to security, public safety or property and do not impede the business of Parliament House occupants or visitors, sound equipment must be directed away from Parliament House and not unreasonably interfere with the activities of other people
Court review rights		Administrative–law judicial review only (lawfulness, not merits)
Minimum lead time to protest	Application to Use a Public Place form – 28 days	10 working days for a march
Maximum penalty if no permission	If no traffic management plan for march, may be subject to obstruction offences – \$3,200	Removal and ban from Parliamentary Precinct Refusal to leave when ordered to do so – \$3,200

Juris.	NSW	NSW
Level	State scheme	Council
Scheme/ instrument	"Form 1" — Summary Offences Act 1988, Part 4 Relevant offences Roads Act 1993 s144G, Summary Offences Act s6, Road Rules 2014 R.236, LEPR s.199, Crimes Act 1900 s545C	All NSW councils (statutory default) — Local Government Act 1993 s68, Pt D items 5–6 Bathurst Regional Council — Local Approvals Policy 2022, cll 1.4.5–1.4.6 Narrabri Shire Council — Local Approvals Policy 2025, cll D5–D6 Tenterfield Shire Council — Local Approvals Policy 2019, Pt D items 5–6 Central Coast Council — Draft Local Approvals Policy (2023–24)
Permission requirements	Form 1 notice to hold an assembly; protects from obstruction and unlawful assembly and move-on powers	Council approval to hold a public meeting / address and to use amplification on community land unless the Local Approvals Policy exempts (amplification exempt only where a Council notice on the land permits, reg 49)
Basis on which authority can oppose	Commissioner may apply to the Supreme Court to prohibit an assembly; Act specifies no particular grounds	Council discretion; grounds not specified in the Act
Conditions authority can set	No statutory conditions specified; route / logistics negotiated with police Protest must be 'substantially in accordance' with the details supplied to police to have protections	Conditions at council discretion, may include requirements for insurance
Court review rights	Onus on the Commissioner to seek a court prohibition (if 7+ days' notice); if <7 days, organisers bear the onus to seek authorisation if police refus	No specific review rights – merits (NCAT), legality (court) review by application
Minimum lead time to protest	7 days (to keep the onus on police); shorter possible but organiser then bears the onus	Per each council's process
Maximum penalty if no permission	Obstruction of a major road, train station or light rail – \$22,000 and/or 2 years imprisonment Preventing free passage of person or vehicle – \$440 Obstruction of traffic generally – \$2,200 Failure to comply with move on – \$220 Unlawful assembly – 6 months imprisonment and/or a \$550 fine	Carrying out a public gathering or failing to comply with approval terms – \$2,200

Juris.	NSW	NSW	NSW
Level	Place-specific	Place-specific	Place-specific
Scheme/ instrument	Royal Botanic Gardens & Domain Trust — RBG & Domain Trust Regulation 2020, cl 30; cl 20	Sydney Opera House Trust — Sydney Opera House Trust By-law 2021, cl 9(1)(d),(j); cl 19	Darling Harbour foreshore (Place Management NSW) — Place Management NSW Regulation 2022, ss 18, 10(1)(a); ss 42–43, Sch 1
Permission requirements	Trust's consent needed to address a public gathering (except for in an area designated for this purpose) and operate a loudspeaker/PA	Trust's consent needed to conduct, cause or assist in the conduct of a public demonstration and operate a PA / loudspeaker	Place Management NSW authorisation required to hold a public assembly and use a PA / loudspeaker
Basis on which authority can oppose	Trust's discretion	Trust's discretion	Place Management NSW discretion to authorise
Conditions authority can set	Trust's discretion to impose conditions on the manner the gathering takes place	Trust conditions	Conditions may include insurance, noise control, crowd management, security, cleaning, temporary structures
Court review rights	No specific review rights – legality (court) review by application	No specific review rights – legality (court) review by application	No specific review rights – legality (court) review by application
Minimum lead time to protest	Generally two weeks in advance	Per Trust process	Per authority process
Maximum penalty if no permission	Addressing a public gathering – \$275 Using a loudspeaker – \$500	Conducting, causing or assisting in the conduct of a public demonstration – \$1,100 Using a loudspeaker – \$1,100	Conducting or participating in a public assembly – \$2,200 Using a loudspeaker – \$2,200

Juris.	NT	NT
Level	State scheme	Council
Scheme/ instrument	Permit — Traffic Regulations 1999 (NT), reg 38	Alice Springs Town Council — Alice Springs (Management of Public Places) By-laws 2009 (comm. 2010), cll 1, 2, 33
Permission requirements	Permit from 'competent authority', ie authority who has control of a public place or road (often council), for a procession on or in the vicinity of a road that may disrupt traffic; offence otherwise	Permit to organise or lead a demonstration / protest in a public place; offence without.
Basis on which authority can oppose	Competent authority discretion, must be satisfied that any persons on or in the vicinity of the road affected by protest would not be endangered or unduly inconvenienced by it	Council discretion; grounds not specified
Conditions authority can set	Competent authority's discretion, may include Traffic Management plan Person who applied for the permit must comply with the conditions of the permit – separate offence if doesn't	Council's discretion
Court review rights	No specific review rights – legality (court) review by application	No specific review rights – legality (court) review by application
Minimum lead time to protest	Per competent authority process	Per council process
Maximum penalty if no permission	Organising or promoting a procession – \$1,940 Taking part in a procession – \$970 Not complying with permit conditions – \$970	Organising or leading a demonstration or protest – \$194 Obstructing or impeding the use of a public place – \$388

Juris.	QLD	QLD
Level	State scheme	Council
Scheme/ instrument	Notice of Intention — Peaceful Assembly Act 1992 Relevant offences in Transport Operation (Road Use Management – Road Rules) Regulation 2009, r 125; Police Powers and Responsibilities Act 2000, ss44–48	Brisbane City Council — Public Land and Council Assets Local Law 2014
Permission requirements	Notice to assemble; statutory right of peaceful assembly; protects from offences stemming from obstruction of a public place and from police move on powers	Public assembly on council land must be authorised under the Peaceful Assembly Act; using an amplifying device on council land needs approval
Basis on which authority can oppose	Authority may apply to the Magistrates Court to refuse if: safety of persons likely in jeopardy; serious public disorder likely; or rights/freedoms would be unduly interfered with	Aligns with the Peaceful Assembly Act; council notification
Conditions authority can set	Conditions require consultation with organisers and organiser agreement to the condition. Conditions must relate to public safety, the maintenance of public order, the protections of the rights and freedoms of persons, the payment of clean up costs, the recognition of environmental or cultural sensitivity of the place of assembly or any delicate resource management practices at the place of assembly. Court can specify its own conditions.	Council conditions
Court review rights	Court review required of refusal by authority. Authority can only apply to the court for refusal if the protest means safety of persons would be likely to be placed in jeopardy, serious public disorder would be likely to happen, or the rights or freedoms of persons would be likely to be excessively interfered with. A mediation process with the organisers must also have been attempted.	Per the Peaceful Assembly Act (court)
Minimum lead time to protest	If notice given 5+ business days before protest, onus on authority to apply to court for an order that protest should not be authorised. If less than 5 days notice, onus on organisers to apply to the court for an order authorising the protest.	Per the Peaceful Assembly Act (5 da
Maximum penalty if no permission	Obstructing the path of a driver or pedestrian – \$3454 Failure to comply with move on order – \$6,908	Conduct a public assembly which is not authorised under the Peaceful Assembly Act 1992 – \$3454

Juris.	SA	SA	SA	SA
Level	State scheme	Council	Council	Council
Scheme/ instrument	Notice — Public Assemblies Act 1972 Relevant offences Summary Offences Act s18, s18A, s58	City of Adelaide — Local Government Land By-law 2024 (By-law No. 3), cll 4.2, 4.15.2, 4.24 Penalty set by Local Government Act 1999 s246(3)(g)	City of Mount Gambier — Local Government Land By-law 2018 (By-law No. 2), cll 9.4, 9.19.2 Penalty set by Local Government Act 1999 s246(3)(g)	City of Onkaparinga — Local Government Land By-law 2016 (By-law No. 4), cll 9.3, 9.16.2 Penalty set by Local Government Act 1999 s246(3)(g)
Permission requirements	Notice to assemble; protects from offences stemming from obstruction of a public place and from police move on powers	Council permission to hold a public gathering/meeting, hold any organised event of 20+ people and use an amplifier	Council permission to hold a public gathering / meeting and use an amplifier	Council permission to hold a public gathering / meeting and use an amplifier
Basis on which authority can oppose	Police objection where the assembly would unduly prejudice any public interest	Council discretion to grant / refuse; grounds not specified	Council discretion; grounds not specified	Council discretion; grounds not specified
Conditions authority can set	No statutory conditions specified Persons participating in the assembly must act in conformity with the proposal set out in the notice	Prescribed routes set by SA Police	Fees; site conditions	Fees; site conditions
Court review rights	Organisers may challenge an objection; must satisfy the court that it lacks “proper ground”	No specific review rights – legality (court) review by application	No specific review rights – legality (court) review by application	No specific review rights – legality (court) review by application
Minimum lead time to protest	4 days	Council suggests ~1 month	Per council process	Per council process
Maximum penalty if no permission	Obstructing a public place – \$50,000 or 3 months jail Failure to move on – \$1,250 or 3 months imprisonment	Breach of bylaw – \$1,250	Breach of bylaw – \$1,250	Breach of bylaw – \$1,250

Juris.	TAS	TAS
Level	State scheme	Council
Scheme/ instrument	Permit — Police Offences Act 1935, s 49AB	Hobart City Council — Public Spaces By-law No. 4 of 2018
Permission requirements	Permit required to hold a demonstration on a public street, road, footpath, bridge or place used by the public; offence without	Council permit to hold a public meeting, deliver an address or speak to an assembly of people in a public space
Basis on which authority can oppose	Discretionary; police officer may consider safety and convenience of the public, arrangements made for safety of participants and any other relevant considerations	Council discretion; grounds not specified
Conditions authority can set	Anything considered necessary or expedient, including public notification, compliance with police directions, marshals, escort vehicles, need for insurance policy Holder of the permit must comply with conditions	Permit conditions; fees
Court review rights	No explicit review right; only limited review under the Judicial Review Act (lawfulness, not merits)	No specific review rights – legality (court) review by application
Minimum lead time to protest	12 weeks recommended; 8 weeks minimum	Per council process
Maximum penalty if no permission	Holding a demonstration – \$2,130	Holding a public meeting – \$426 Addressing an assembly of people – \$426

Juris.	VIC	VIC	VIC	VIC
Level	State scheme	Council	Council	Council
Scheme/ instrument	Notice — Public Assemblies Act 1972 Relevant offences Summary Offences Act s18, s18A, s58	Melbourne City Council Activities Local Law 2024, cl. 8.9 ‘Public assemblies, demonstrations and rallies’ webpage on City of Melbourne website Parks and Gardens (Joint Trustee Reserves) Regulations 1994 – Penalty set by Crown Land (Reserves) Act 1978 s13	City of Greater Geelong — Neighbourhood Amenity Local Law 2024, cl 37	Greater Dandenong Local Law No. 3, cl 28 Greater Dandenong Local Law No 4., 12.10
Permission requirements		Melbourne City Council permit required for activity which obstructs or interfered with pedestrians or vehicles in public place – Council guidance states permit not required for protest activities, but notification encouraged Park permit for a rally of 50+ people; amplified sound needs a “Permit to Make Noise in a Public Place”	No permit required for political or industrial marches provided Victoria Police is informed prior to the march	Permit required to hold a rally, demonstration, procession on a road, public place, or reserve
Basis on which authority can oppose		Council discretion		Council discretion; must consider whether organisers have traffic management plan, notification of property occupiers within reasonable radius of event, agreement of Vic Police and Road Authority have been obtained, clean up after event
Conditions authority can set		Park conditions; busking amplification battery-only	Victoria Police to be informed	Conditions can be set by council in respect of any of the matters council considers as part of the decision to grant the permit
Court review rights		No specific review rights – legality (court) review by application	No specific review rights – legality (court) review by application	No specific review rights – legality (court) review by application
Minimum lead time to protest		Per council process		45 days before if involves road closure
Maximum penalty if no permission		Obstructing pedestrians /vehicles – \$522.75 Breaching a Parks and Gardens regulation – \$4,182	Holding procession on a road or using a megaphone on council land – \$3,136	Failure to comply with Local Law – \$2,091

Juris.	WA	WA
Level	State scheme	Council
Scheme/ instrument	Permit — Public Order in Streets Act 1984 Protects from offences in Road Traffic Code 2000, R.201	City of Perth — Thoroughfares and Public Places Local Law 2017, cl. 2.2, First Schedule
Permission requirements	Permit for protests of 3+ persons and processions; protective against offences regulating the movement of traffic or pedestrians or relating to the obstruction of a street	Permit to use a loudspeaker and obstruct traffic/pedestrians by lying or sitting
Basis on which authority can oppose	Police may refuse if the protest would occasion serious public disorder, damage to property, a public nuisance, an obstruction too great/too prolonged, or place any person's safety in jeopardy	Council discretion
Conditions authority can set	Police may set permit conditions; may include insurance; automatic condition of any permit that the protest must not obstruct free passage of any ambulance, fire brigade or police vehicle Actions by protestors that disrupt members of the public and are not specified in the permit incur separate penalty	Permit conditions
Court review rights	State Administrative Tribunal review of a refusal — only if notified 4+ days ahead and not being dealt with expeditiously or "good cause" shown	No specific review rights – legality (court) review by application
Minimum lead time to protest	4+ days (to preserve the review right)	Per council / WA Police process
Maximum penalty if no permission	Obstruction of a road by a pedestrian – \$100 Impeding or disrupting the use by members of the public of any street, except as specified in permit – \$200	Failure to comply with Local Law – \$125

Endnotes

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³ Above n 1, ^{70–73}.

⁴ Above n 1, ⁴².

⁵ Above n 1, ⁴³.

⁶ Above n 1, ⁴⁴.

⁷ Above n 1, ⁴⁵.

⁸ Above n 1, ⁴⁶.

¹⁰ Above n 1, ³⁷.

¹¹ Above n 1, ⁸⁶.

¹² Above n 1, ^{70–73}.

¹³ Above n 1, ⁷⁰.

¹⁴ Above n 1, ⁷¹.

¹⁵ Above n 1, ⁸⁵ (setting out the limited grounds on which an assembly may be dispersed).

¹⁶ Above n 1, ⁸⁵.

¹⁷ Above n 1, ⁷².

¹⁸ Drawing on General Comment No 37, above n 1, ³⁶, which places the onus on authorities to justify any restriction, and taking account of existing State frameworks to the same effect.

¹⁹ Above n 1, ⁷².

²⁰ Above n 1, ⁵⁰.

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²² Council of Europe, 'Meetings and Demonstrations', ECHR Toolkit (Web Page).

²³ *Berladir v Russia* (European Court of Human Rights, 2012) ^{47–51}.

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²⁵ New South Wales, Parliamentary Debates, Legislative Assembly, 19 April 1979, 4677 (Frank Walker, Attorney-General) (Cognate Summary Offences Bills).

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<<https://www.theguardian.com/commentisfree/2022/aug/17/brisbane-council-inspectors-have-broader-powers-to-suppress-protests-than-even-queensland-police>>.

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- ³⁸ Chapman and Commissioner of Police ²⁰²⁴ WASAT 112, ⁵⁹, ⁶³.
- ³⁹ City of Newcastle, Determination regarding Event Authorisation No 45815 (2025); City of Newcastle, 'Council Confirms Decision on Rising Tide Event' (Media Release, 12 August 2025).
- ⁴⁰ Public Order Act 1986 (UK) s 11.
- ⁴¹ Public Order Act 1986 (UK) s 11(7)–(9).
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