

# Freedom of Assembly

## Democratic freedoms

### Other priority human rights issues

State and territory governments continue to introduce laws which unreasonably restrict Australians' protest rights.

Peaceful protest is an essential part of our democracy. While Australia has promised to protect protest rights, these rights are not comprehensively protected under Australian law. In recent years, Australian states and territories have increasingly enacted laws that limit the right to peaceful assembly and freedom of expression. These laws often create offences that can have broad application and impose disproportionately harsh penalties on individuals exercising their right to protest. Protest laws must carefully strike a balance between legitimate need to protect public safety and fundamental democratic rights to peaceful assembly and free expression. Some examples of recent legislation and excessive penalties include:

- In response to the Bondi Terrorist attack in late 2025, NSW passed emergency-style legislation allowing police to suspend the right to public assembly for up to 90 days following a declared terrorism incident,. In April 2026, the NSW Court of Appeal struck down these anti-protest laws as unconstitutional for impermissibly restricting freedom of communication on government or political matters.
- In 2025, the *Crimes Amendment (Places of Worship) Act 2025* (NSW) introduced offences applying to protests 'in or near' places of workshop without clearly defining distance or proximity. Maximum penalties included \$22,000 or two years imprisonment. This legislation was successfully challenged and struck down by the NSW Supreme Court in October 2025.
- In 2025, the Victorian Government passed the *Justice Legislation Amendment (Police and Other Matters) Act 2025* (Vic) which expanded police powers at protests. The new powers give police powers to direct a person to remove their face covering and create offences relating to people in proximity to religious assemblies, the use of lock-on devices and the display of terrorist symbols.
- In 2023 South Australia increased the penalty for obstructing a public place from \$750 to a maximum of \$50,000 or a maximum term of imprisonment of 3 months.

- In 2022, the NSW Parliament passed legislation which could see protestors who block roads and new tunnels and/or disrupt port and rail operations receive up to a \$22,000 fine and/or prison for a maximum of two years.
- In 2022, Tasmania passed the Police Offences Amendment (Workplace Protection) Bill 2022. Anyone who obstructs a workplace during protests could face up to 12 months in prison and anyone protesting on a forestry site could face a penalty of over \$13,000 or 2 years in prison.

Newly introduced laws governing the right to protest in Australia have become increasingly vague and ambiguous. The lack of clarity leaves them open to broad interpretation and potential misuse, allowing authorities to apply them more broadly than what was originally intended. Australian law reform must have a clear and evidence-based purpose, be necessary and proportionate, operate clearly and coherently within the broader legal system while safeguarding rights.

## **Priority action**

**The Australian Government must ensure that all laws that regulate protests are consistent with the right of peaceful assembly.**