

# PROTEST LAWS

## Western Australia

Law	Description
<p><b>Protest permits</b></p>	<p>A permit is not required to hold a protest, but it offers legal protection against offences related to pedestrian regulations and road obstruction.</p> <p><u>Permit Application Process</u></p> <ul style="list-style-type: none"> <li>• Submit a notice to the Commissioner of Police at least 4 days before the event.</li> <li>• For multi-district events, lodge the notice with the relevant police station or, the State Traffic Intelligence, Planning, and Coordination Unit (STIPCU).</li> </ul> <p><u>Notice requirements</u></p> <p>The notice must include:</p> <ul style="list-style-type: none"> <li>• Date, time, and location of the event.</li> <li>• Boundaries of the area (for meetings) or route details (for processions).</li> <li>• Names and addresses of organisers.</li> <li>• Purpose of the event.</li> <li>• Estimated number of participants.</li> <li>• Any additional relevant information.</li> </ul> <p><u>Grant or Refusal of Permits</u></p> <p>The Commissioner can:</p> <ul style="list-style-type: none"> <li>• Grant a permit unconditionally.</li> <li>• Grant a permit with conditions.</li> <li>• Refuse a permit on reasonable grounds such as:             <ul style="list-style-type: none"> <li>◦ Risk of serious public disorder or property damage.</li> <li>◦ Creation of excessive obstruction or public nuisance.</li> <li>◦ Threats to public safety.</li> </ul> </li> </ul> <p><u>Appeal Process</u></p> <p>If a permit is refused or too restrictive, you can seek a review through the State Administrative Tribunal. [1]</p>

[1] *Public Order in Streets Act 1984* (WA) s 4 - s 8.

<p><b>Unlawful assembly</b></p>	<p>An "unlawful assembly" occurs when three or more people gather with a shared purpose (e.g. protest) and behave in a way that causes reasonable fear among others in the neighborhood that they will disrupt the peace or provoke others to do so without justification.</p> <p>Maximum penalty: 12 months imprisonment and a fine of \$12 000</p> <p>If a person refuses to disperse after being ordered to do so by the police they may be liable for up to 3 years imprisonment. For offences that are less serious (summary offences), the maximum penalty is 2 years imprisonment and a fine of \$24,000. [2]</p>
<p><b>Riot</b></p>	<p>An "unlawful assembly" becomes a riot when the people assembled behave in a manner that actually disturbs the peace. The maximum penalty for taking part in a riot is imprisonment for 5 years. For offences that are less serious (summary offences), the maximum penalty is 2 years imprisonment and a fine of \$24,000.</p> <p>If there are 12 or more people involved and they refuse to disperse after being given directions to do so, the maximum penalty is imprisonment for 10 years.</p> <p>If property is damaged during the course of the riot, the maximum penalty is 10 years imprisonment. If the property is damaged or destroyed by fire, the maximum penalty is 14 years imprisonment. [3]</p>
<p><b>"Move on" directions</b></p>	<p>A police officer may issue "move on" directions where 3 or more people are engaged in an unlawful assembly. Failure to comply with directions could result in a maximum penalty of imprisonment for 3 years. [4]</p>
<p><b>Out of control gathering</b></p>	<p>A gathering is classified as an out-of-control gathering if it involves 12 or more people, and at least two participants engage in illegal or disruptive behavior, such as trespassing, property damage, assault, excessive noise, or other acts likely to cause fear, alarm, or substantial interference with lawful activities or enjoyment of a place.</p> <p>If a protest permit has been obtained or the gathering is primarily for the purposes of political advocacy, protest or industrial action, this offence will not apply.</p> <p>The maximum penalty for organising an "out of control gathering" is 12 months imprisonment and a fine of \$12,000. [5]</p>

[2] *Criminal Code Act Compilation Act 1913 (WA)* s 63.

[3] *Criminal Code Act Compilation Act 1913 (WA)* s 65.

[4] *Criminal Code Act Compilation Act 1913 (WA)* s 64.

[5] *Criminal Code Act Compilation Act 1913 (WA)* s 75A.

<b>Disorderly behaviour in public</b>	<p>A person may be guilty of an offence if they behave in a disorderly manner in a public place and liable to a fine of \$6000.</p> <p>Behave in a disorderly manner includes:</p> <ul style="list-style-type: none"> <li>• using insulting, offensive or threatening language</li> <li>• behaving in an insulting, offensive or threatening manner [6]</li> </ul>
<b>Obstruction of a road</b>	<p>A person may be guilty of an offence if they unreasonably obstruct or prevent the free passage of any other pedestrian or a vehicle upon a path or carriageway. Maximum penalty: 2 penalty units (\$100). [7]</p>
<b>Obstruction of an officer</b>	<p>A person who hinders or resists a public officer (including a police officer) in the performance of the officer's functions could result in imprisonment for up to 3 years. [8]</p>
<b>Obstruction of a railway</b>	<p>A person who obstructs the use of a railway may be liable for imprisonment of up to 2 years. [9]</p> <p>Endangering the free and safe use of the railway or interfering with a light or signal near the railway could result in imprisonment of up to 20 years. [10]</p>
<b>Trespass</b>	<p>Entering a place without permission may constitute a trespass offence. Remaining on property after being asked to leave by the owner or occupier also amounts to trespassing. The maximum penalty for trespass is imprisonment for 12 months and a fine of \$12 000.</p> <p>If the offence is committed at an "animal source food production place" (e.g. a farm or abattoir), the maximum penalty is 2 years imprisonment and a fine of \$24,000. [11]</p>
<b>Interfering with a mine</b>	<p>A person who intentionally injures or obstructs a mine by engaging in the following acts may be guilty of an offence:</p> <ul style="list-style-type: none"> <li>• Causing water to run into the mine</li> <li>• Obstructing a shaft or passage of the mine</li> <li>• Obstructing the working of machinery</li> <li>• Unfastening ropes or chains in the mine</li> </ul> <p>The maximum penalty for this offence is imprisonment for 7 years. [12]</p>
<b>Forestry offences</b>	<p>Entering and using land within state forests and timber reserves without a permit may carry a penalty of \$4000. [13]</p>

[6] *Criminal Code Act Compilation Act 1913* (WA), s 74A.

[7] *Road Traffic Code 2000* (WA), regulation 201.

[8] *Criminal Code Act Compilation Act 1913* (WA), s 172.

[9] *Criminal Code Act Compilation Act 1913* (WA), s 462.

[10] *Criminal Code Act Compilation Act 1913* (WA), s 451.

[11] *Criminal Code Act Compilation Act 1913* (WA), s 70A.

[12] *Criminal Code Act Compilation Act 1913* (WA), s 456.

[13] *Conservation and Land Management Act 1984* (WA), s 97A.

# New South Wales

Law	Description
<p><b>Protest permits</b></p>	<p>A protest is not automatically unlawful if you don't apply for a permit. However, obtaining a permit offers legal protection against offences related to participating in an unlawful assembly or obstruction in a public place.</p> <p><u>Permit Application Process</u></p> <ul style="list-style-type: none"> <li>• Submit a notice to the Commissioner of Police at least 7 days before the event.</li> </ul> <p><u>Notice requirements</u></p> <p>The notice must include:</p> <ul style="list-style-type: none"> <li>• The date of the protest</li> <li>• The purpose of the protest</li> <li>• The number of people who are expected to participate</li> <li>• If the protest is a “public assembly”, the time and place at which you will gather</li> <li>• If the protest is a “procession”, the time the procession will start and the proposed route of the procession</li> <li>• The notice must be signed by the organiser and include their contact details</li> </ul> <p><u>Grant or Refusal of Permits</u></p> <ul style="list-style-type: none"> <li>• If notice is provided at least 7 days before the protest, and the Commissioner does not oppose the protest it will be authorised. However, if the Commissioner objects to the protest they must contact you to discuss the protest before they seek a court order prohibiting the protest.</li> <li>• If notice is provided less than 7 days before the protest and the Commissioner has opposed the protest, you may apply to the Supreme Court or District Court for an order that authorises the protest. [14]</li> </ul>
<p><b>Unlawful assembly</b></p>	<p>An “unlawful assembly” is defined as an “assembly of five or more persons whose common object is by means of intimidation or injury to compel any person to do what the person is not legally bound to do or to abstain from doing what the person is legally entitled to do”. The maximum penalty for this offence is 6 months imprisonment or a fine of 5 penalty units (\$550) or both.</p> <p>If you are armed with a weapon that “is likely to cause death or grievous bodily harm” the maximum penalty is 12 months imprisonment or 10 penalty units (\$1100) or both. [15]</p>

[14] *Summary Offences Act 1988* (NSW), s 23.

[15] *Crimes Act 1900* (NSW), s 545C(2).

<p><b>"Move on" directions</b></p>	<p>In general, police officers are not able to issue directions to move on where there is an authorised demonstration, protest, procession or assembly.</p> <p>However, there are a few exceptions:</p> <ul style="list-style-type: none"> <li>• If the police officer believes on reasonable grounds that the direction is necessary to deal with a serious risk to the safety of the person to whom the direction is given or to any other person</li> <li>• If the protest is obstructing traffic, a police officer may issue a move on order if the following criteria are fulfilled: <ul style="list-style-type: none"> <li>◦ the protest is not an “authorised public assembly” or is not being held in accordance with the terms of the authorisation</li> <li>◦ the police officer in charge at the scene has authorised the giving of directions</li> <li>◦ the direction is limited to the persons who are obstructing traffic [16]</li> </ul> </li> </ul> <p>If you fail to comply with a direction to move on without a reasonable excuse, the police may issue you with a fine (maximum amount: 2 penalty units/\$220). In doing so, the police will need to establish that you “persisted, after the direction concerned was given, to engage in the relevant conduct”. [17]</p>
<p><b>Riot</b></p>	<p>The law defines riot as when 12 or more people, acting together with a common purpose, use or threaten unlawful violence in a way that would cause a reasonable person at the scene to fear for their safety. A reasonable person does not actually need to be present for an offence to occur. The maximum penalty for this offence is 15 years imprisonment. [18]</p>
<p><b>Obstruction of a road</b></p>	<ul style="list-style-type: none"> <li>• A pedestrian must not cause a traffic hazard by moving into the path of a driver or unreasonably obstruct the path of any driver or another pedestrian. (Maximum penalty: 20 penalty units - \$2200) [19]</li> <li>• A person shall not, without reasonable excuse (proof of which lies on the person), wilfully prevent, in any manner, the free passage of a person, vehicle or vessel in a public place. (Maximum penalty: 4 penalty units - \$440) [20]</li> </ul>
<p><b>Obstruction of a railway</b></p>	<p>It is an offence to obstruct the passage or operation of a locomotive or assist a person in doing so. The maximum penalty for this offence is 200 penalty units (\$22,000) or imprisonment for 2 years, or both. [21]</p>
<p><b>Trespass</b></p>	<p>Trespass (unlawful entry)</p> <ul style="list-style-type: none"> <li>• It is an offence to enter inclosed land without the consent of the owner or remain on such land after being requested to leave without a lawful excuse. [22]</li> <li>• “Inclosed lands” refers to: <ul style="list-style-type: none"> <li>◦ Prescribed premises (school, child care service, hospital or nursing home)</li> <li>◦ Any land, either public or private, inclosed or surrounded by a fence or wall</li> </ul> </li> <li>• The maximum penalties are 10 penalty units (\$1100) for prescribed premises or 5 penalty units (\$550) for other property</li> </ul>

[16] *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW), s 200(4).

[17] *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW), s 199.

[18] *Crimes Act 1900* (NSW), s 93B.

[19] *Road Rules 2014* (NSW), rule 236.

[20] *Summary Offences Act 1988* (NSW), s 6.

[21] *Crimes Act 1900* (NSW), s 213.

[22] *Inclosed Lands Protection Act 1901* (NSW), s 4.

### Aggravated trespass

- If a person engages in any of the following behaviour while on the property, they may be liable for aggravated trespass:
  - interferes with, or attempts or intends to interfere with, the conduct of the business
  - does anything that gives rise to a serious risk to the safety of the person or any other person on those lands
  - damages property on agricultural land
  - wilfully or negligently releases any livestock
- The maximum penalties for aggravated trespass are as follows:
  - If the offence was committed on agricultural lands:
    - 12 months imprisonment or 120 penalty units (\$13,200) or both
  - If the offence was committed on agricultural land and in the company of 2 or more persons:
    - 3 years imprisonment or 200 penalty units (\$22,000) or both
  - If the offence is not committed to agricultural land:
    - 50 penalty units (\$5500)
  - If the offence causes serious risk to safety:
    - 3 years imprisonment or 200 penalty units (\$22,000) or both [23]

It is an offence to enter, remain on or near, climb, jump from or otherwise trespass on or block entry to any part of a major facility if that conduct:

- causes damage to the major facility, or
- seriously disrupts or obstructs persons attempting to use the major facility

“Major facilities” are public transport facilities, private ports, infrastructure facilities and other facilities prescribed by regulations.

Exceptions to this offence include:

- If consent is obtained from the NSW Police Force, another public authority or the owner or operator of a private facility
- If the action forms part of an industrial action, dispute or campaign.
- If the conduct occurs at the workplace at which the person works, or at a workplace owned, occupied, operated or used by an employer of the person
- If the conduct is in relation to Parliament House or an office of a member of parliament.
- If the person charged proves that the person had a reasonable excuse for the conduct, this is a defence to prosecution.

The maximum penalty for this offence is 2 years imprisonment or a fine of 200 penalty units (\$22,000) or both. [24]

### Damage, disrupt or obstruct major bridges, tunnels, roads and railways

[23] *Inclosed Lands Protection Act 1901* (NSW), s 4B(1).

[24] *Roads Act 1993* (NSW), s 144G.

## Damage or disrupt major facilities

It is an offence to enter, remain on or near, climb, jump from or otherwise trespass on or block entry to any part of a major facility if that conduct:

- causes damage to the major facility, or
- seriously disrupts or obstructs persons attempting to use the major facility

“Major facilities” are public transport facilities, private ports, infrastructure facilities and other facilities prescribed by regulations.

Exceptions to this offence include:

- If consent is obtained from the NSW Police Force, another public authority or the owner or operator of a private facility
- If the action forms part of an industrial action, dispute or campaign.
- If the conduct occurs at the workplace at which the person works, or at a workplace owned, occupied, operated or used by an employer of the person
- If the conduct is in relation to Parliament House or an office of a member of parliament.
- If the person charged proves that the person had a reasonable excuse for the conduct, this is a defence to prosecution.

The maximum penalty for this offence is 2 years imprisonment or a fine of 200 penalty units (\$22,000) or both. [25]

## Interfering with a mine

Interfering with a mine

- It is an offence to intentionally or recklessly:
  - Damage or obstruct a mine
  - Damage or render useless any equipment, structure, building, road or bridge belonging to, or associated with, a mine
  - Hinder the working of equipment belonging to, or associated with, a mine
- Penalty: 7 years imprisonment [26]

Obstruction of a mine

- It is an offence to without reasonable excuse, obstruct, hinder or restrict the following persons:
  - A person who is doing anything in accordance with a permit
    - Maximum penalty: 100 penalty units (\$11,000)
  - Authorised persons (inspectors, Department staff, or any other person who exercises any judicial or official functions)
    - Maximum penalty: 10,000 penalty units (\$1.1 million) for a corporation and 2000 penalty units (\$220,000) for individuals [27]

[25] *Crimes Act 1900* (NSW), s 214A.

[26] *Crimes Act 1900* (NSW), s 201.

[27] *Mining Act 1992* (NSW), s 378A.

## Forestry offences

### Obstruct a forestry officer

- It is an offence to obstruct, delay or hinder an authorised officer (including employees and police).
- Refusing to answer the questions of an authorised officer is also an offence.
- Maximum penalty: 20 penalty units (\$2200)

### Assault a forestry officer

- It is an offence to assault, threaten or intimidate an authorised officer
- Maximum penalty: 6 months imprisonment or 50 penalty units (\$5500) or both [28]



# Victoria

Law	Description
<b>Protest permits</b>	You do not need to apply for a permit to hold a protest in Victoria. However, you may provide notice to the Melbourne City Council via an online form. [29]
<b>Unlawful assembly</b>	An unlawful assembly is defined as a gathering that involve weapons or provocative banners, flags, emblems, or music likely to incite animosity between different religious or political groups. While this charge is archaic and rarely enforced, it underscores the considerable power the government holds to restrict political activities at its discretion. [30]
<b>Violent disorder</b>	<p>Violent disorder occurs where 6 or more people use or threaten violence with a common goal or intention and causes injury to another person or causes damage to property.</p> <p>The maximum penalty for participating in "violent disorder" is 10 years imprisonment or 15 years imprisonment is the participant is wearing a face covering. [31]</p>
<b>"Move on" directions</b>	<p>A police officer may issue directions to "move on" if they suspect on reasonable grounds that:</p> <ul style="list-style-type: none"> <li>• the person is or persons are breaching, or likely to breach, the peace</li> <li>• the person is or persons are endangering, or likely to endanger, the safety of any other person</li> <li>• the behaviour of the person or persons is likely to cause injury to a person or damage to property or is otherwise a risk to public safety</li> </ul> <p>Failure to comply with a "move on" order may result in a fine of 5 penalty units (\$987.95).</p> <p>Police officers are not able to issue a move on order to a person who is:</p> <ul style="list-style-type: none"> <li>• picketing a place of employment</li> <li>• demonstrating or protesting about a particular issue</li> <li>• speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is intended to publicise the person's view about a particular issue. [32]</li> </ul>
<b>Obstruction of a railway</b>	<p>A person who obstructs the use of a railway may be liable for imprisonment of up to 2 years. [33]</p> <p>Placing items on the railways or interfering with a light or signal near the railway could result in imprisonment of up to 10 years. [34]</p>

[29] City of Melbourne, 'Public assemblies, demonstrations and rallies' <<https://www.melbourne.vic.gov.au/public-assemblies-demonstrations-and-rallies>>.

[30] *Crimes Act 1958* (VIC), s 320.

[31] *Crimes Act 1958* (VIC), s 195I.

[32] *Summary Offences Act 1966* (VIC), s 6.

[33] *Crimes Act 1958* (VIC), s 233.

[34] *Crimes Act 1958* (VIC), s 232.

<p><b>Obstruction of a road</b></p>	<p>It is an offence to obstruct a footpath or road by allowing a vehicle to remain across the footpath or road or placing goods the footpath/road. The maximum penalty for this offence is 5 penalty units (\$987.95).</p> <p>The offence also covers undue obstruction of a footpath/road “by [the] assemblage of persons”. In determining whether the obstruction was “undue” the court will need to consider “all the circumstances of the case and the amount of traffic which actually was at the time on the footpath street or road”.</p> <p>This offence does not apply to processions i.e. where a protest involves moving along a footpath/road. [35]</p>
<p><b>Obstruction of a police officer</b></p>	<p>It is an offence to assault, resist, obstruct, hinder or delay a police officer.</p> <p>The maximum penalty for these offences is 60 penalty units (\$11,855.40) or imprisonment for 6 months. [36]</p>
<p><b>Trespass</b></p>	<p>It is an offence to trespass in a private or public place and refuse to leave after being warned to do so by the owner/occupier of the property.</p> <p>The maximum penalty is 25 penalty units (\$4939.75) or 6 months imprisonment. [37]</p>
<p><b>Interfering with a mine</b></p>	<p>It is an offence to unlawfully and maliciously causes water to enter a mine or its passages, or damages mine structures with the intent to destroy, obstruct, or hinder its operation. The maximum penalty for this offence is 5 years imprisonment. [38]</p>

[35] *Summary Offences Act 1966* (VIC), s 5.

[36] *Summary Offences Act 1966* (VIC), s 53.

[37] *Summary Offences Act 1966* (VIC), s 9.

[38] *Crimes Act 1958* (VIC), s 225.

# Queensland

Law	Description
<b>Protest permits</b>	<p><u>Permit Application Process</u></p> <ul style="list-style-type: none"><li>• Submit a notice to the Commissioner of Police at least 5 days before the event.</li><li>• If the assembly will take place or pass through a park, reserve, pedestrian mall, square or other public place, the authority in charge of that property should also be informed.</li></ul> <p><u>Notice requirements</u></p> <ul style="list-style-type: none"><li>• An assembly notice must be in writing, addressed to the Commissioner (and the relevant local authority if required) and signed by the organiser.</li></ul> <p>The notice must include:</p> <ul style="list-style-type: none"><li>• The name and address of the person responsible for organising and conducting the assembly</li><li>• The date, place and time of the protest</li><li>• The purpose of the protest</li><li>• The number of people who are expected to participate</li><li>• If the protest is a “procession”, the time the procession will start and the proposed route of the procession</li><li>• If the assembly is a procession, the proposed route of the procession, any places at which it is proposed that the procession will stop and the length of time it is proposed that the procession will remain at each place</li><li>• A description of any sound amplification equipment proposed to be used during the assembly</li></ul> <p><u>Grant or Refusal of Permits</u></p> <ul style="list-style-type: none"><li>• If notice is provided at least 5 days before the protest, and the Commissioner does not oppose the protest it will be authorised. However, if the Commissioner objects to the protest they must consult with you and participate in a mediation before they seek a court order prohibiting the protest.</li><li>• If notice is provided less than 5 days before the protest, you may apply to the Magistrates Court for an order that authorises the protest.</li></ul> <p><u>Conditional approval</u></p> <ul style="list-style-type: none"><li>• The Police Commissioner may issue a notice which specifies conditions that you must comply with in relation to the public assembly. For example, the notice may include conditions relating to the payment of clean-up costs or public safety. [39]</li></ul>

[39] *Peaceful Assembly Act 1992* (Qld), s 6 - s 10.

Law	Description
<b>Unlawful assembly</b>	<p>An “unlawful assembly” is where the conduct of 3 or more persons with a common purpose would:</p> <ul style="list-style-type: none"> <li>• Cause another person to reasonably fear violence</li> <li>• Pose a risk to the health or safety of a person</li> <li>• Pose a risk to the welfare of an animal</li> <li>• Is likely to directly disrupt the operation of a business carried out on the land</li> <li>• Pose a risk to the safety of food produced for human or animal consumption</li> </ul> <p>The maximum penalty for unlawful assembly is 1 year imprisonment. However, if you continue to participate in the assembly after anyone in the assembly has used unlawful violence, the maximum penalty is 2 years imprisonment. [40]</p>
<b>Riot</b>	<p>A "riot" is where there are 12 or more people assembled who use or threaten to use unlawful violence to a person or property for a common purpose and their conduct cause a person in the vicinity to reasonably fear for the person's personal safety. [41]</p> <p>Maximum penalties</p> <ul style="list-style-type: none"> <li>• General offences: 3 years imprisonment</li> <li>• If the offender is armed or property is damaged: 7 year imprisonment</li> <li>• If the offender causes grievous bodily harm to a person, uses explosives or destroys or starts to destroy a building, vehicle or machinery: Life imprisonment</li> </ul>
<b>"Move on" directions</b>	<p>Move on orders do not apply to authorised public assemblies.</p> <p>A police officer, may issue directions to move on if they reasonably suspect the person's behaviour is</p> <ul style="list-style-type: none"> <li>• Causing anxiety to others entering, at, or leaving the area.</li> <li>• Interfering with business by obstructing access to the location.</li> <li>• Acting in a disorderly, offensive, indecent, or threatening manner.</li> <li>• Disrupting the conduct of an event or gathering at the location.</li> </ul> <p>However, a police officer must not interfere with a person's right of peaceful assembly unless it is reasonably necessary in the interests of:</p> <ul style="list-style-type: none"> <li>• public safety</li> <li>• public order</li> <li>• the protection of the rights and freedoms of other persons [42]</li> </ul>

[40] *Summary Offences Act 2005* (QLD), s 10A.

[41] *Criminal Code 1899* (QLD), s 61.

[42] *Police Powers and Responsibilities Act 2000* (QLD), s 46.

<b>Obstruction of a road</b>	<ul style="list-style-type: none"> <li>• A pedestrian must not cause a traffic hazard by moving into the path of a driver. Maximum penalty: 20 penalty units (\$3226)</li> <li>• A pedestrian must not unreasonably obstruct the path of any driver or another pedestrian. Maximum penalty: 20 penalty units (\$3226) [43]</li> </ul>
<b>Obstruction of a railway</b>	<p>It is an offence to obstruct the passage of a vehicle on a railway.</p> <p>Maximum penalty: imprisonment for 2 years [44]</p>
<b>Obstruction of a police officer</b>	<p>It is an offence to assault or obstruct a police officer in the performance of the officer's duties.</p> <p>Maximum penalty: 40 penalty units (\$6452) or 6 months imprisonment. [45]</p>
<b>Trespass</b>	<p>It is an offence to unlawfully enter, or remain in, a private dwelling or place of business.</p> <p>Maximum penalty: 20 penalty units (\$3226) or 1 year's imprisonment. [46]</p>
<b>Interfering with a mine</b>	<p>It is an offence to damage a mine or interfere with equipment or infrastructure connected or used with a mine.</p> <p>Maximum penalty: 7 years imprisonment [47]</p>
<b>Forestry offences</b>	<p>It is an offence to assault, obstruct, hinder, threaten, abuse, insult, or intimidate a forest officer.</p> <p>If a forest officer finds you committing or suspects that you are committing an offence, they may direct you to leave the area. The maximum penalty for failing to comply with a direction is 50 penalty units (\$8065)</p> <p>Under the Act, you are not obliged to answer any question, or give any information or evidence that may incriminate you. [48]</p>

[43] *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (Qld), clause 236.

[44] *Criminal Code 1899* (QLD), s 477.

[45] *Police Powers and Responsibilities Act 2000* (QLD), s 790.

[46] *Summary Offences Act 2005* (QLD), s 11.

[47] *Criminal Code 1899* (QLD), s 471.

[48] *Forestry Act 1959* (QLD), s 86.

# South Australia

Law	Description
<b>Protest permits</b>	<p>A protest is not automatically unlawful if you don't apply for a permit. However, obtaining one offers legal protection against civil or criminal liability for the obstruction of a public place.</p> <p><u>Permit application process</u></p> <ul style="list-style-type: none"><li>• Serve a notice to the Commissioner of Police or the local council clerk at least 4 days before the event.</li></ul> <p><u>Notice requirements</u></p> <p>The notice must include details such as:</p> <ul style="list-style-type: none"><li>• The date and time of the assembly (start and end times).</li><li>• The location or boundaries of the assembly or, for processions, the route, stopping points, and time spent stationary.</li><li>• The organiser's name and address.</li><li>• The purpose of the assembly.</li><li>• An estimate of the number of participants.</li></ul> <p><u>Grant or refusal of permits</u></p> <ul style="list-style-type: none"><li>• The Commissioner or council may object to a proposed assembly if it is deemed to unduly prejudice public interest.</li><li>• Grounds for objection must be provided to the organiser and published at least 2 days before the assembly.</li><li>• Organisers can appeal objections to a Judge, who may quash invalid objections and approve the assembly. [49]</li></ul>
<b>Offences at public meetings</b>	<p>A "public meeting" refers to any political, religious, social or other meeting, congregation or gathering that the public or a section of the public are permitted to attend, whether on payment or otherwise.</p> <p>It is an offence to engage in the following acts at a public meeting:</p> <ul style="list-style-type: none"><li>• behaving in a disorderly, indecent, offensive, threatening or insulting manner</li><li>• using threatening, abusive or insulting words</li><li>• obstructing or interfering with a person seeking to attend the meeting, any of the proceedings at the meeting or a person presiding at the meeting in the organisation or conduct of the meeting</li></ul> <p>Maximum penalty: \$1250 or imprisonment for 3 months. [50]</p>

[49] *Public Assemblies Act 1972 (SA)*, s 4.

[50] *Summary Offences Act 1953 (SA)* s 18A.

<p><b>Riot</b></p>	<p>A riot is defined as when 12 or more people, acting together with a common purpose, use or threaten unlawful violence in a way that would cause a reasonable person at the scene to fear for their safety. A reasonable person that may fear for their safety does not actually need to be present for an offence to occur.</p> <p>The maximum penalties for this offence is are:</p> <ul style="list-style-type: none"> <li>• 7 years imprisonment for a basic offence</li> <li>• 10 years imprisonment for an aggravated offence [51]</li> </ul>
<p><b>"Move on" directions</b></p>	<p>The police are able to issue "move on" directions to group of people assembled in a public place where they believe that that the safety of a person in the vicinity is in danger or the movement of people or traffic is being obstructed.</p> <p>Failure to comply with a move on order could result in a maximum penalty of \$1250 or imprisonment for 3 months. [52]</p>
<p><b>Obstruction of a road</b></p>	<p>A person who intentionally obstructs the free passage of a public place is guilty of an offence.</p> <p>A "public place" refers to:</p> <ul style="list-style-type: none"> <li>• a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place</li> <li>• a place to which the public are admitted on payment of money, the test of admittance being the payment of money only</li> <li>• a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that that road, street, footway, court, alley or thoroughfare is on private property</li> </ul> <p>Maximum penalty: \$50,000 or imprisonment for 3 months. [53]</p>
<p><b>Obstruction of a railway</b></p>	<p>The following actions constitute an offence:</p> <ul style="list-style-type: none"> <li>• interfering with any part of a railway, tramway or track designed for the passage of a vehicle</li> <li>• interfering with any signal or machinery used in connection with any such railway, tramway or track</li> <li>• placing any obstruction on any such railway, tramway or track or in any other manner obstruct or cause the obstruction of a vehicle using any such railway, tramway or track</li> <li>• do anything else that is likely to result in damage to a vehicle using any such railway, tramway or track</li> </ul> <p>Maximum penalty: \$10 000 or imprisonment for 2 years. [54]</p>

[51] *Criminal Law Consolidation Act 1935* (SA), s 83B.

[52] *Summary Offences Act 1953* (SA), s 18.

[53] *Summary Offences Act 1953* (SA), s 58.

[54] *Summary Offences Act 1953* (SA), s 43.

<p><b>Resisting police officer</b></p>	<p>A person who hinders or resists a police officer in the execution of the officer's duty may be guilty of an offence.</p> <p>Maximum penalty: \$2 500 or imprisonment for 6 months.</p> <p>If you are convicted of this offence, you may be ordered to pay compensation for:</p> <ul style="list-style-type: none"> <li>• damage caused to property belonging to the officer</li> <li>• bodily injury suffered by the officer [55]</li> </ul>
<p><b>Trespass</b></p>	<p>Where a person trespasses on premises; and the nature of the trespass is such as to interfere with the enjoyment of the premises by the occupier; and the trespasser is asked by an authorised person to leave the premises, the trespasser is, if he or she fails to leave the premises or again trespasses on the premises within 24 hours of being asked to leave, guilty of an offence.</p> <p>Maximum penalty: \$2 500 or imprisonment for 6 months. [56]</p>
<p><b>Being on premises for unlawful purposes</b></p>	<p><u>General Premises</u></p> <ul style="list-style-type: none"> <li>• It is also an offence to unlawfully enter or remain on any other premises without lawful excuse.</li> <li>• To convict you of this offence, the prosecution bears the onus of proving that you didn't have a lawful excuse to be on the property.</li> </ul> <p>Maximum Penalty:</p> <ul style="list-style-type: none"> <li>• If you enter the property for the purpose of committing an offence that has a maximum sentence of 2 years or more, the maximum penalty will be 2 years imprisonment</li> <li>• In any other case: \$2500 or imprisonment for 6 months [57]</li> </ul> <p><u>Primary production facilities</u></p> <ul style="list-style-type: none"> <li>• Primary production facilities are premises used for primary production activities (e.g. farming, agriculture).</li> <li>• It is an offence to enter or be present on primary production premises for an unlawful purpose or without lawful excuse.</li> <li>• An offence is considered aggravated if, while on primary production premises, the person: <ul style="list-style-type: none"> <li>◦ interferes with primary production activities or intends to do so</li> <li>◦ is accompanied by two or more people</li> <li>◦ does anything that gives rise to a serious risk to the safety of the person or any other person on the premises</li> <li>◦ does anything that gives rise to the risk of the spread of disease/pests or contamination of substances related to primary production.</li> <li>◦ intentionally causes, or is recklessly indifferent as to whether they cause, damage to an operation or activity connected to the primary production activities at the premises</li> </ul> </li> <li>• To convict you of this offence, the prosecution bears the onus of proving that you didn't have a lawful excuse to be on the property.</li> </ul>

[55] *Summary Offences Act 1953* (SA), s 6.

[56] *Summary Offences Act 1953* (SA), s 17A.

[57] *Summary Offences Act 1953* (SA), s 17(1).



	<p>Maximum Penalty:</p> <ul style="list-style-type: none"> <li>• If you enter the property for the purpose of committing an offence that has a maximum sentence of 2 years or more, the maximum penalty will be 2 years imprisonment</li> <li>• For other unlawful purposes: <ul style="list-style-type: none"> <li>◦ Aggravated circumstances: \$10,000 fine or 12 months imprisonment.</li> <li>◦ Non-aggravated circumstances: \$5000 fine or 6 months imprisonment.</li> </ul> </li> <li>• If you are convicted of an aggravated offence, you may be liable to pay compensation to a person for injury, loss or damage to the person resulting from the offence [58]</li> </ul> <p><u>Police Powers</u></p> <ul style="list-style-type: none"> <li>• Police officers can order individuals to leave premises if they suspect the person is there for an unlawful purpose.</li> <li>• Failure to comply could result in penalties of up to \$2,500 fine or 6 months imprisonment. [59]</li> </ul>
<p><b>Interfering with a mine</b></p>	<p>A person must not, without lawful excuse, obstruct or hinder a tenement holder in the reasonable exercise of rights conferred under this Act.</p> <p>Maximum penalty: \$150,000. [60]</p>

[58] *Summary Offences Act 1953* (SA), s 17(a1).

[59] *Summary Offences Act 1953* (SA), s 17(2).

[60] *Mining Act 1971* (SA), s 70HD.

# Tasmania

Law	Description
<b>Protest permits</b>	<p><u>Permit application process</u></p> <ul style="list-style-type: none"><li>• In Tasmania, a permit is required to conduct a protest on a public street. A written application seeking a permit for the holding of a demonstration should be forwarded to the Commander of the nearest District police headquarters.</li><li>• A minimum of 12 weeks is required to process the application. Applications received with less than a 12 week timeframe may not be processed in time for the event</li><li>• The maximum penalty for failing to comply is 10 penalty units (\$2020)</li></ul> <p><u>Notice requirements</u></p> <p>A permit must include:</p> <ul style="list-style-type: none"><li>• The date and time of the assembly (start and end times).</li><li>• The organiser's name and address.</li><li>• The location of the assembly/procession including a map of the planned route</li><li>• The purpose of the assembly.</li><li>• Safety related strategies</li></ul> <p><u>Grant or refusal of permits</u></p> <p>In determining whether or not to grant an application for a permit, a police officer may consider:</p> <ul style="list-style-type: none"><li>• the safety and convenience of the public; and</li><li>• the arrangements made for the safety and convenience of participants in the proposed activity; and</li><li>• such other considerations as appear relevant having regard to the time and nature of the proposed activity and its location or, if applicable, its route. [61]</li></ul>
<b>Unlawful assembly</b>	<p>An assembly of three or more people becomes an unlawful assembly if they gather with a shared intent (lawful or unlawful) and the participants act in a way that:</p> <ul style="list-style-type: none"><li>• would alarm reasonable individuals in the area,</li><li>• resist opposition to their purpose,</li><li>• raise reasonable fears of a breach of peace.</li></ul> <p>A lawful assembly can turn unlawful if its members develop and display such intentions. If an unlawful assembly begins executing its common purpose, it is classified as a riot. [62]</p>

[61] *Police Offences Act 1935 (TAS)*, s 49AB.

[62] *Criminal Code 1924 (TAS)*, s 73.

<p><b>Riot</b></p>	<p>A riot is defined as an assembly of 12 or more people for an unlawful purpose. If a police officer orders that you disperse, it may be an offence if you fail to disperse within one hour. If the police wish to charge you with participating in a riot they may only do so within 12 months of the event occurring. [63]</p> <p>The maximum penalty for offences under the Tasmanian Criminal Code is 21 years. However, it is court exercises discretion regarding sentencing and it is unlikely that this offence would carry such a hefty penalty</p>
<p><b>Public annoyance</b></p>	<p>The following acts committed in a public place constitute a public annoyance:</p> <ul style="list-style-type: none"> <li>• behaving in a violent, riotous, offensive, or indecent manner</li> <li>• disturbing the public peace</li> <li>• engaging in disorderly conduct</li> <li>• jostling, insulting, or annoying any person</li> <li>• committing any nuisance</li> <li>• setting off a firework</li> </ul> <p>The maximum penalty for these offences is a fine of 3 penalty units (\$606) or imprisonment for 3 months.</p> <p>It is also an offence to recklessly throw or discharge a missile to the damage of another person or the property of another person. The maximum penalty for this offence is 5 penalty units (\$1010) or 6 months imprisonment.</p> <p>If you commit the offence again within a 6 month period, you will be liable for double the prescribed penalty. [64]</p>
<p><b>"Move on" directions</b></p>	<p>A police officer may direct a person in a public place to leave that place and not return for a specified period of not less than 4 hours if the police officer believes on reasonable grounds that the person:</p> <ul style="list-style-type: none"> <li>• has committed or is likely to commit an offence; or</li> <li>• is obstructing or is likely to obstruct the movement of pedestrians or vehicles; or</li> <li>• is endangering or likely to endanger the safety of any other person; or</li> <li>• has committed or is likely to commit a breach of the peace.</li> </ul> <p>Falling to comply with "move on" directions could result in a fine with the maximum value of 2 penalty units. [65]</p>
<p><b>Obstruction of a road</b></p>	<ul style="list-style-type: none"> <li>• A pedestrian must not cause a traffic hazard by moving into the path of a driver. Penalty: Fine not exceeding 5 penalty units.</li> <li>• A pedestrian must not unreasonably obstruct the path of any driver or another pedestrian. Penalty: Fine not exceeding 5 penalty units. [66]</li> </ul>
<p><b>Obstruction of a railway</b></p>	<p>It is an offence to obstruct the use of a railway or injure property on a railway. [67]</p> <p>The maximum penalty for offences under the Tasmanian Criminal Code is 21 years. However, it is court exercises discretion regarding sentencing and it is unlikely that this offence would carry such a hefty penalty. [68]</p>

[63] *Criminal Code 1924 (TAS)*, s 77.

[64] *Police Offences Act 1935 (TAS)*, s 13.

[65] *Police Offences Act 1935 (TAS)*, s 15B..

[66] *Road Rules 2019 (TAS)*, rule 236.

[67] *Criminal Code 1924 (TAS)*, s 271.

[68] *Criminal Code 1924 (TAS)*, s 389.

<p><b>Obstruction of an officer</b></p>	<p>It is an offence to assault, resist or willfully obstruct a police officer in the execution of their duty. It is also an offence to threaten, intimidate, or use abusive language towards the police officer. The maximum penalty for this offence is 100 penalty units (\$20,200) or imprisonment for 3 years. [69]</p>
<p><b>Unlawful entry on land</b></p>	<p><u>Unlawful entry</u></p> <ul style="list-style-type: none"> <li>• It is an offence to enter, move onto, or remain on any land, building, structure, premises, aircraft, vehicle, or vessel without the consent of the owner, occupier, or person in charge, unless the person has a lawful or reasonable excuse (which must be proven by the individual).</li> </ul> <p><u>Attachment to property</u></p> <ul style="list-style-type: none"> <li>• A person attaching themselves to property (e.g., buildings, vehicles) is considered to be unlawfully remaining on the property.</li> </ul> <p><u>General penalties</u></p> <ul style="list-style-type: none"> <li>• Offence committed on a dwelling house: 50 penalty units or imprisonment for up to 12 months</li> <li>• Offence committed on other property: 25 penalty units or imprisonment for up to 6 months [70]</li> </ul> <p><u>Impediment to lawful work</u></p> <ul style="list-style-type: none"> <li>• If the offence substantially impedes or intends to impede lawful work, penalties increase: <ul style="list-style-type: none"> <li>◦ For individuals: Up to 50 penalty units or 12 months imprisonment.</li> <li>◦ For corporations: Fines up to 250 penalty units.</li> </ul> </li> <li>• Exceptions apply for industrial disputes or campaigns where no serious safety risk is caused. [71]</li> </ul> <p><u>Serious risk to safety</u></p> <ul style="list-style-type: none"> <li>• If the offence causes or risks serious harm to the safety of others, harsher penalties apply: <ul style="list-style-type: none"> <li>◦ Up to 50 penalty units or 18 months imprisonment (first offense).</li> <li>◦ Up to 75 penalty units or 24 months imprisonment (repeat offense). [72]</li> </ul> </li> </ul> <p><u>Law enforcement powers</u></p> <ul style="list-style-type: none"> <li>• Police may detain and search individuals suspected of unlawful entry without a warrant. [73]</li> <li>• The owner or occupier of the land may also request your name and address if they believe on reasonable grounds that you have committed an unlawful entry offence. Refusing to give these details could result in a fine of up to 2 penalty units. [74]</li> </ul>

[69] *Police Offences Act 1935* (TAS), s 34B.

[70] *Police Offences Act 1935* (TAS), s 14B(2).

[71] *Police Offences Act 1935* (TAS), s 14B(2AA).

[72] *Police Offences Act 1935* (TAS), s 14B(2AD).

[73] *Police Offences Act 1935* (TAS), s 14B(5).

[74] *Police Offences Act 1935* (TAS), s 14C.

<b>Interfering with a mine</b>	<p>It is an offence to hinder or obstruct a licensee from carrying out an activity under an exploration licence.</p> <p>Penalty: Fine not exceeding 100 penalty units. [75]</p>
<b>Forestry offences</b>	<p>Failing to comply with directions to leave a timber production zone could result in a fine of up to 20 penalty units. [76]</p>

[75] *Mineral Resources Development Act 1995* (Tas), s 84.

[76] *Forest Management Act 2013* (TAS), s 22.

# Australian Capital Territory

Law	Description
<b>Protest permits</b>	<p>If the protest is carried out on public land and will impact the use of the premises by other members of the public you will need to notify authorities and obtain a permit.</p> <p>A “protest permit” is not required in the ACT. However, it is encouraged that you notify the authorities. [77]</p>
<b>Obstruction of road</b>	<p>A pedestrian must not cause a traffic hazard by moving into the path of a driver. Maximum penalty: 20 penalty units.</p> <p>A pedestrian must not unreasonably obstruct the path of any driver or another pedestrian. Maximum penalty: 20 penalty units. [78]</p>
<b>Obstruction of railway</b>	<p>A person who, by any unlawful act, omission or neglect, obstructs, or causes to be obstructed, the passage or working of a light rail vehicle, railway engine or carriage on any railway commits an offence. Maximum penalty: 100 penalty units, imprisonment for 3 years or both. [79]</p>
<b>Obstruction of officer</b>	<p>A person commits an offence if the person obstructs, hinders, intimidates or resists a public official in the exercise of his or her functions as a public official; and the person knows that the public official is a public official. Maximum penalty: 200 penalty units, imprisonment for 2 years or both. [80]</p>
<b>Trespass</b>	<p>A person who, without reasonable excuse, trespasses or enters property commits an offence. Maximum penalty: 5 penalty units. [81]</p>
<b>Damaging property</b>	<p>A person commits an offence if the person causes damage to property belonging to someone else; and intends to cause, or is reckless about causing, damage to that property or any other property belonging to someone else. Maximum penalty: 1000 penalty units, imprisonment for 10 years or both. [82]</p>
<b>Interfering with a mine</b>	<p>A person who, with intent to hinder the working of a mine, obstructs, or otherwise interferes with any airway, waterway, drain, pit, level or shaft of the mine; commits an offence. Maximum penalty: 200 penalty units, imprisonment for 7 years or both. [83]</p>

[77] *Public Unleased Land Act 2013* (ACT), s 41; [ACT Legislative Assembly Guide](#).

[78] *Road Transport (Road Rules) Regulation 2017* (ACT), regulation 236.

[79] *Crimes Act 1900* (ACT), s 145.

[80] *Criminal Code 2002* (ACT), s 361.

[81] *Trespass on Territory Land Act 1932* (ACT), s 4.

[82] *Criminal Code 2002* (ACT), s 403.

[83] *Crimes Act 1900* (ACT), s 141.

# Northern Territory

Law	Description
<b>Protest permits</b>	In the Northern Territory you must obtain a permit to conduct a protest that may disrupt traffic on a road. Failing to obtain a permit could result in a maximum penalty of 10 penalty units (\$1850) [84]
<b>Unlawful assembly</b>	An offence of unlawful assembly is committed when 3 or more persons, with intent to carry out a common purpose, act in a manner to cause nearby persons to reasonably fear disturbance of the peace. The maximum penalty for this offence is imprisonment for one year. [85]
<b>Violent disorder</b>	A violent disorder offence occurs, when 2 or more people engage in conduct that involves a violent act, and the conduct would result in anyone who is in the vicinity and of reasonable firmness fearing for his or her safety. [86]
<b>"Move on" directions</b>	The police have the power to issue "move on" directions if a person is "loitering in any public place". Failure to comply may result in a maximum penalty of a \$2,000 fine or imprisonment for 6 months, or both. [87]
<b>Obstruction of a road</b>	Protesting on a road without obtaining a protest permit may result in an "obstruction" charge. The maximum penalty is 20 penalty units or imprisonment for 6 months. [88]
<b>Obstruction of a police officer</b>	It is an offence to resist a police officer or obstruct a police officer in the execution of their duty.  Maximum penalty: 8 penalty units (\$1480) or imprisonment for 6 months or both. [89]
<b>Trespass</b>	A person commits a trespass offence if the person intentionally enters a place; and is not authorised to enter the place.  Maximum penalty: 20 penalty units (\$3700) or imprisonment for 6 months. [90]

[84] *Traffic Regulations 1999* (NT), s 38.

[85] *Criminal Code Act 1983* (NT), s 63.

[86] *Summary Offences Act 1923* (NT), s 47AA.

[87] *Summary Offences Act 1923* (NT), s 47A.

[88] *Traffic Regulations 1999* (NT), regulation 34.

[89] *Police Administration Act 1978* (NT), s 158 + 159.

[90] *Trespass Act 2023* (NT), s 13.

## **Damaging property**

A person is guilty of an offence if the person causes damage to property belonging to another person.

Fault elements

- The person intentionally causes damage to property belonging to that other person or someone else; or
- The person is reckless as to causing damage to property belonging to that other person or someone else.

Maximum penalty: Imprisonment for 10 years. [91]

[91] *Criminal Code Act 1983* (NT), s 241.