



Aboriginal
Legal Service
(NSW/ACT) Limited

PROTESTING!

What are my rights with police in NSW?



Am I allowed to protest in NSW?

Yes! The NSW Government recently passed laws limiting protections for public assemblies in some circumstances but these laws **do not ban peaceful protests**.

Police have lifted restrictions for Hyde Park in Sydney, and the planned Invasion Day rally and march will proceed as an 'authorised protest' on 26 January 2026.

Restrictions on public assemblies remain in place in [some parts of Sydney](#), meaning protestors in the Eastern Suburbs and parts of Sydney CBD are at risk of being fined or charged if they obstruct traffic. You can still participate in 'static' protests in these locations.

Can police tell me to 'move on'?

If you're taking part in an '**unauthorised**' public assembly, police can direct you or a group you are part of to 'move on' if you are obstructing traffic (e.g. by marching). You can still participate in a 'static' protest.

If you're taking part in an '**authorised**' public assembly, police can't direct you to move on unless they believe there is a serious risk to a person's safety.

If you or a crowd you are part of are directed to 'move on' by police, you should comply, otherwise you may be fined, arrested and/or charged.

No matter where you are in NSW, causing damage to or seriously obstructing people trying to use a major facility (eg train station) can lead to heavy fines & charges.

Can I film police?

Yes, you have the right to film police if it is in a public place, as long as it doesn't interfere with the police officer's duties. Always maintain a safe distance.

Do I have to give my details?

Police can require you to give your name & address in some situations, like:

- they want to give you a 'move on' direction and they don't know your identity
- they suspect you have been involved in a crime
- they've told you they're going to give you an on-the-spot fine
- you're under 18 and they suspect you're carrying alcohol

If you're required to give your details to police and you don't, you may be committing an offence.

Can police search me?

In NSW, police can only search you without a warrant if they reasonably suspect you are carrying:

- stolen property,
- illegal drugs,
- something that has been or will be used to commit a serious crime,
- knives, weapons or dangerous items,
- a laser pointer,

or if you give permission to police to search you.

What if police search me?

If police search you, stay calm and do not resist. You can say "I do not agree to being searched" but cooperate with the search. You can always make a complaint later if necessary. A police officer who searches you must tell you their **name, place of duty** and **reason for the search**.

Can police search my phone?

Police can't force you to unlock or give the passcode to your phone without a warrant.

Do I have to answer police questions?

No. You can give police your name and address and say "I don't want to discuss anything further." If you are under 18, there must be an adult support person present before you are questioned by police.

What if I am under arrest?

Police must tell you the reason you are under arrest. Police must not use more force than necessary.

You have a right to silence. This means you don't have to do an interview, give a statement or answer questions.

If police arrest an Aboriginal or Torres Strait Islander person, they are legally required to contact the ALS Custody Notification Service. Our lawyer will check if you are OK and give you legal advice on the phone.

Staying safe at protests

- Know your rights
- Stay calm and do not resist police
- Cooperate if police direct you to 'move on'
- Tell police if you are under 18
- If you are arrested, tell police you are Aboriginal or Torres Strait Islander
- If you are injured by police, take photos of your injuries, go to a doctor ASAP, and get legal advice