



New South Wales

Summary Offences and Other Legislation Amendment (Public Assemblies) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend—

- (a) the *Summary Offences Act 1988* to make further provision about public assemblies, and
- (b) the *Law Enforcement (Powers and Responsibilities) Act 2002* to make further provision about the powers of police officers in relation to public assemblies.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Summary Offences Act 1988

Schedule 1 inserts proposed sections 27A and 27B into Part 4, which deals with public assemblies.

Proposed section 27A provides that before making certain decisions about the holding of a public assembly, the Commissioner of Police, the Supreme Court and the District Court must consider all relevant matters, including the following—

- (a) public safety,
- (b) the impact of the public assembly on public amenity and convenience,
- (c) adverse impacts of the public assembly on the economy, including businesses,

- (d) impacts of the public assembly on groups, organisations or religious groups in the vicinity of the public assembly,
- (e) the frequency of similar public assemblies using the same or a similar route or location,
- (f) other uses of the route or location of the public assembly that will be disrupted or prevented by the public assembly,
- (g) the availability of other, less disruptive routes or locations for the public assembly,
- (h) the costs incurred by the State in policing the public assembly and making or responding to applications under this part.

Proposed section 27B provides that, before making certain decisions in relation to the holding of a repeat public assembly, the Commissioner of Police, the Supreme Court and the District Court may require the organiser of the public assembly to pay a specified amount to the State as a contribution to the cost of policing the public assembly. The Commissioner or Court may refuse to make the decision until the organiser has paid the specified amount. For the proposed section, repeat public assembly is defined as a public assembly where, on 3 or more days during the previous 12 months, other public assemblies have been held for the same or a similar purpose at the same or another location in the State, regardless of whether the other public assemblies were held—

- (a) on consecutive or non-consecutive days, and
- (b) for a full day or a part of a day.

Schedule 2 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002

Schedule 2[1] inserts proposed Part 6C, including proposed section 87ZD. The proposed section prohibits a person participating in a public assembly from hiding the person's identity or disguising the person's appearance, including by wearing a face covering. A person does not contravene the prohibition merely by wearing an item of clothing or another thing for religious purposes.

If a person contravenes the prohibition, a police officer may do one or more of the following—

- (a) direct the person to surrender the thing hiding the person's identity or disguising the person's appearance, or if the thing is make-up, face paint or a similar thing, remove the thing,
- (b) direct the person to leave the vicinity of the public assembly,
- (c) remove the person from the vicinity of the public assembly,
- (d) detain the person until the earlier of the following—
 - (i) the conclusion of the public assembly,
 - (ii) the person surrendering the thing hiding the person's identity or disguising the person's appearance, or if the thing is make-up, face paint or a similar thing, removing the thing.

Proposed section 87ZD(4) makes it an offence, carrying a maximum penalty of 100 penalty units or imprisonment for 12 months, or both, to—

- (a) contravene a direction given under the proposed section, or
- (b) resist a police officer carrying out an action of removing or detaining the person.

Schedule 2[2] amends section 200(5) to address the decision of the Supreme Court in *Lees v State of New South Wales* [2025] NSWSC 1209. In that case, the Court decided that section 200(5), in its current form, is invalid on the ground it impermissibly burdens the implied constitutional right of freedom of political communication.



New South Wales

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Summary Offences and Other Legislation Amendment (Public Assemblies) Bill 2025

No. , 2025

A Bill for

An Act to amend the *Summary Offences Act 1988* to make further provision about public assemblies; and to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to make further provision about the powers of police officers in relation to public assemblies.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Summary Offences and Other Legislation Amendment (Public Assemblies) Act 2025*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Summary Offences Act 1988 No 25	1
		2
Sections 27A and 27B		3
Insert after section 27—		4
27A	Mandatory considerations before certain decisions about public assemblies	5
(1)	This section applies to the following decisions—	6
(a)	a decision by the Commissioner whether the Commissioner does or does not oppose the holding of a public assembly as referred to in section 23(1)(f),	7 8 9
(b)	a decision by a Court whether or not to prohibit the holding of a public assembly under section 25,	10 11
(c)	a decision by a Court whether or not to authorise the holding of the public assembly under section 26.	12 13
(2)	Before making a decision to which this section applies, the Commissioner or Court must consider all relevant matters, including the following—	14 15
(a)	public safety,	16
(b)	the impact of the public assembly on public amenity and convenience,	17
(c)	adverse impacts of the public assembly on the economy, including businesses,	18 19
(d)	impacts of the public assembly on groups, organisations or religious groups in the vicinity of the public assembly,	20 21
(e)	the frequency of similar public assemblies using the same or a similar route or location,	22 23
(f)	other uses of the route or location of the public assembly that will be disrupted or prevented by the public assembly,	24 25
(g)	the availability of other, less disruptive routes or locations for the public assembly,	26 27
(h)	the costs incurred by the State in policing the public assembly and making or responding to applications under this part.	28 29
27B	Organisers may be required to pay costs to police of certain repeat public assemblies in advance	30 31
(1)	This section applies to the following decisions—	32
(a)	a decision by the Commissioner that the Commissioner does not oppose the holding of a public assembly as referred to in section 23(1)(f),	33 34
(b)	a decision by a Court not to prohibit the holding of a public assembly under section 25,	35 36
(c)	a decision by a Court to authorise the holding of the public assembly under section 26.	37 38
(2)	The Commissioner or Court may, before making a decision to which this section applies in relation to a repeat public assembly, require the organiser of the public assembly to pay a specified amount to the State as a contribution to the cost of policing the public assembly.	39 40 41 42
(3)	The specified amount may be the whole or part of the amount that, in the Commissioner's opinion, is the likely cost of policing the public assembly.	43 44

(4)	The Commissioner or Court may refuse to make the decision until the organiser has paid the specified amount.	1 2
(5)	To avoid doubt, subsection (2) applies—	3
	(a) whether or not the organiser of the public assembly is the same person as an organiser of one or more of the earlier relevant public assemblies, and	4 5 6
	(b) subject to the implied constitutional right of freedom of political communication.	7 8
(6)	In this section—	9
	repeat public assembly means a public assembly where, on 3 or more days during the previous 12 months, other public assemblies have been held for the same or a similar purpose at the same or another location in the State, regardless of whether the other public assemblies were held—	10 11 12 13
	(a) on consecutive or non-consecutive days, and	14
	(b) for a full day or a part of a day.	15

Schedule 2	Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103	1
		2
[1] Part 6C		3
	Insert after section 87ZC—	4
	Part 6C Public assemblies	5
87ZD	Certain masks and disguises must not be worn during public assemblies	6
(1)	A person participating in a public assembly must not hide the person’s identity or disguise the person’s appearance, including by wearing a face covering.	7 8
(2)	A person does not contravene subsection (1) merely by wearing an item of clothing or another thing for religious purposes.	9 10
(3)	If a person contravenes subsection (1), a police officer may do one or more of the following—	11 12
(a)	direct the person to surrender the thing hiding the person’s identity or disguising the person’s appearance, or if the thing is make-up, face paint or a similar thing, remove the thing,	13 14 15
(b)	direct the person to leave the vicinity of the public assembly,	16
(c)	remove the person from the vicinity of the public assembly,	17
(d)	detain the person until the earlier of the following—	18
(i)	the conclusion of the public assembly,	19
(ii)	the person surrendering the thing hiding the person’s identity or disguising the person’s appearance, or if the thing is make-up, face paint or a similar thing, removing the thing.	20 21 22
(4)	A person must not—	23
(a)	contravene a direction given under subsection (3)(a) or (b), or	24
(b)	resist a police officer carrying out an action under subsection (3)(c) or (d).	25 26
	Maximum penalty—100 penalty units or imprisonment for 12 months, or both.	27 28
[2] Section 200	Limitation on exercise of police powers under this Part	29
	Insert after section 200(5)(a)(ii)—	30
(iii)	involves persons—	31
(A)	intentionally blocking, impeding or hindering a person accessing or leaving, or attempting to access or leave, the place of worship, or	32 33 34
(B)	harassing, intimidating or threatening a person accessing or leaving, or attempting to access or leave, the place of worship, and	35 36 37