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Sue Higginson
Received by
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Date: 31/9/25
Resolved to pub. Josh Lees
[name of declarant]

Statutory Declaration
OATHS ACT 1900, NSW, NINTH SCHEDULE

I, Josh Lees, of _____, [residence]
do hereby solemnly declare and affirm that:

- 1 On 26 July 2025, on behalf of Palestine Action Group (**PAG**), I lodged a Form 1 – notice of intention to hold a public assembly as prescribed by the *Summary Offences Act 1988* (NSW), specifically to hold a public assembly in Lang Park and then a procession across the Sydney Harbour Bridge on Sunday 3 August starting at 1pm, called the March for Humanity.
- 2 On the afternoon of 27 July 2025, at PAG's regular rally in Hyde Park, I announced to the crowd our intention to march across the Sydney Harbour Bridge on 3 August 2025 to save Gaza.
- 3 At about 11.45am on 28 July 2025, Premier Chris Minns released a public statement about the March for Humanity as follows:

"The NSW Government cannot support a protest of this scale and nature taking place on the Sydney Harbour Bridge, especially with one week's notice.

The bridge is one of the most critical pieces of infrastructure in our city – used every day by thousands of people. Unplanned disruption risks not only significant inconvenience but real public safety concerns.

We cannot allow Sydney to descend into chaos.

NSW Police are in discussions with organisers about other routes they can take and are working to ensure community safety is upheld."

- 4 At the time this statement was released by the Premier, the NSW Police had not been in any discussions with PAG organisers about the march.
- 5 In response to this statement, at 12.28pm on 28 July 2025, PAG released a media statement as follows:

"The horrific suffering in Gaza is urgent and unprecedented, demanding an unprecedented response from the international community. That is why we have called for an urgent March for Humanity, to save Gaza, across the Sydney Harbour Bridge this Sunday.

We invite everyone who is appalled by the deliberate starvation of 2 million people to join us, including the Prime Minister Anthony Albanese, who has recognised that Israel is clearly breaching international law, and the NSW Premier and other NSW Ministers.

In 2023, the Harbour Bridge was closed for several hours to shoot a scene for a Ryan Gosling film. It is regularly closed at short notice for maintenance or emergencies. It was closed

for the historic 2000 march for reconciliation and the 2023 World Pride march. It can be temporarily closed to help stop a genocide.

The Premier warns of chaos, but there is nothing chaotic about people marching for peace, to stop mass starvation. We call on the NSW authorities to work with us to plan this event and stand on the right side of history.

If the Premier says we need more time to plan such an event, then would he agree to support the March for Humanity a week later?"

6 At 5.22pm on 28 July 2025, I received a letter by email under the hand of Acting Assistant Commissioner Adam Johnson, Regional Commander, Central Metropolitan Region, New South Wales Police Force inviting me to confer with NSW Police on the 29 July 2025 at the Sydney Police Centre, Surry Hills.

7 On the morning of 29 July 2025, before our conferral meeting with the NSW Police, Premier Chris Minns was asked on ABC radio about PAG's offer to delay the march across the Sydney Harbour Bridge by a week or two and he said "I wouldn't do it for any circumstances."

8 At about midday on 29 July 2025 I, along with Damian Ridgewell and Amal Naser (by phone) on behalf of PAG attended the Sydney Police Centre in Surry Hills and conferred with police in relation to the notice of intention to hold a public assembly. Assistant Commissioner Adam Johnson, Inspector Alicia Murphy and Chief Inspector Sam Fordy were present representing the Police.

9 During the course of the meeting, I said to the Police words to the effect of "This is our proposal (referring to the Form 1). We are open to negotiation regarding the route, starting point or ending point. We are determined to march on the Harbour Bridge, particularly because of the urgency and unprecedented situation in Gaza. We do not accept the Premier's comments and we hope he does not make the determination of the NSW Police. If the logistics and notice are the real concern, and if we can get an agreement from police that they will support a future march across the Bridge, then we are prepared to delay the march by 1 or 2 weeks. We note the Premier's comments, however, that he will oppose marching on the Bridge at any time."

10 I also said words to the effect of, "We want to do it on Sunday unless we can get agreement for down the track." Assistant Commissioner Johnson said words to the effect of, "We are only interested at looking into this form for this Sunday, and not interested in looking into any undertakings in the future."

11 I also said words to the effect of, "We can't agree to delay it without some commitment from the police that they will support this march to take place in 2-3 weeks. Given the Premier's comments you can understand why we are sceptical. If it is genuinely just about the timing, then we are agreeable to delaying it."

- 12 I also said words to the effect of, "We are happy to continue discussing into the future and hearing any proposals into the future."
- 13 During the conferral meeting, the police did not engage with our offer to negotiate and be flexible about when and how the march across the Sydney Harbour Bridge took place.
- 14 Normally, when I attend a conferral meeting with Police about a Form 1, the Police genuinely engage in the conversation and we attempt to come to an agreed position that takes into account any police concerns about things like the timing, starting location, march route and so on, and meets our needs and wishes as well. Usually the Police attend with maps and a plan for an alternative proposal. There is usually compromise on both sides. This meeting was different. It was not a two-way conversation. They did not bring any maps or plans for an alternative. It was like they were just ticking a box so that they could take us to the Supreme Court.
- 15 At 6.19pm on 29 July 2025 I received a letter by email from Acting Assistant Commissioner Adam Johnson of NSW Police stating that the Commissioner of Police opposed the March for Humanity on 3 August 2025. There was no engagement with our offer to postpone the march or change the start and finish locations. There were no reasons given for the opposition to the public assembly.
- 16 At 1.43pm on 30 July 2025 I wrote to the NSW Police (Chief Inspector Sam Fordy) by email saying: "As we indicated in our meeting yesterday, we are prepared to delay the March for Humanity over the Sydney Harbour Bridge for 2 or 3 weeks (until the 17th or 24th August 2025), if NSW Police would confirm in writing that they do not oppose the holding of the proposed public assembly and procession on that later date (the particulars of the current Form 1 could be amended by agreement between the Police and Palestine Action Group). However, if the police do not agree to holding the march across the Sydney Harbour Bridge on the later date, I do not intend to withdraw this current Form 1. Given the comments from the Premier, and their potential impact on NSW Police, we are concerned that any delay without an explicit agreement would only lead to further opposition from police to a March for Humanity across the Bridge at a later date. It remains our strong preference that the protest be carried out this weekend due to the urgency of the situation in Gaza and the mass momentum behind this event."
- 17 On the afternoon of 30 July 2025 we heard from media that the police were opposing the protest on the basis that Lang Park was too small to be an assembly point for the start of the rally. As a result, at 4.07pm on 30 July 2025, I sent a further email to NSW Police (Chief Inspector Sam Fordy) in relation to the proposed March for Humanity, saying: "We note that in our meeting on Tuesday 29 July, we offered to discuss and negotiate the particulars of our Form 1, in terms of march route, starting and ending

locations, as long as we could have a march over the Bridge. The police declined to discuss those matters and did not raise any concerns with those aspects of our Form 1. Nevertheless, in case part of the Police's concern with the March for Humanity on Sunday are about our starting and ending locations and precise march route, we offer this alternative to our original Form 1:

Public assembly to begin at Bradfield Park, Milsons Point, at 1pm on Sunday 3 August

Speakers from 1-2pm

Procession to begin at 2pm from Bradfield Park, marching north up Alfred St, then turning right onto the Bradfield Highway/Harbour Bridge, keeping to the Western lanes (leaving the Eastern lanes free for emergency vehicles and buses), proceeding south over the Harbour Bridge, then turning left onto the Cahill Expressway, continuing east and curving to the south, then exiting by turning left onto Macquarie St, proceeding south, left onto Shakespeare Place, then entering The Domain, where the march will finish and disperse, at around 4pm."

18 I suggested this variation to the march start and finish locations and the route across the bridge because this was how they did it for the World Pride March in 2023.

19 On the afternoon of 30 July 2025, the Commissioner of Police commenced proceedings in the Supreme Court against me in relation to the March for Humanity seeking an order from the Court so that participants in the protest would not have an immunity from criminal liability for participating in an unlawful assembly, or for the obstruction of any person, vehicle or vessel in a public place.

20 At about 6pm on 31 July 2025, I received a response to my emails of 30 July 2025 from Acting Assistant Commissioner Adam Johnson, which rejected both of my offers as separate offers relying on "public safety concerns". He also said "I maintain my opposition in respect of the public assembly proposed for 3 August 2025 and invite you to consider withdrawing the Form 1."

21 At about 8.30pm on 31 July 2025, I again wrote to the NSW Police (Chief Inspector Samantha Fordy and Acting Assistant Commissioner Adam Johnson) by email, saying: "In your reply, which still opposes a march over the Bridge via either an alternate route or at a later date up to 3 and a half weeks away, I note that you seek to separate the two alternative offers put forward. While I think it obvious that the offer of an alternate route also applies to the offer of a delayed march, and while I reiterate that both offers were also put forward by us in our meeting on 29 July, let me be absolutely clear that the possible alternative of a march over the Sydney Harbour Bridge on 17th or 24th August, also comes with the possible alternative of the altered march route put forward... From the beginning, in both my initial email and our meeting on 29 July, we indicated our willingness to be flexible about both the start and end

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points and precise march route, and the timing of the march, as long as it marched over the Harbour Bridge and took place within a few weeks, due to the urgent and unprecedented horror of the situation in Gaza. While our strong preference is for the march to take place as soon as possible, ie this Sunday, we indicated that we would be willing to delay by 2 or 3 weeks if that was necessary to gain the approval of police. And we implored you to work with us in planning this event or putting forward any alternate proposals, which you chose not to do."

22 I never received a response to this last email.

23 On 1 August 2025, the case was due to start in the Supreme Court at 12.30pm.

24 At about 8.30am on 1 August 2025, I submitted a new Form 1 for a march on Sunday 24 August 2025 across the Sydney Harbour Bridge starting in Bradfield Park and ending in the Domain (like the route marched for World Pride in 2023). I also changed the time of the public assembly so that it started at 7am.

25 On the morning of court, my lawyers made attempts on my behalf to negotiate with both the solicitor and the counsel for the Commissioner of Police for the march to go ahead on a later date and with variation to the start and end points (as I had consistently offered and based on my new Form 1), in an attempt to accommodate the Police concerns about short notice and the size of Lang Park and Transport for New South Wales concerns about disruption to traffic if the march were to occur on a Sunday afternoon rather than a Sunday morning. My lawyers were rebuffed. In the face of a refusal to negotiate, we had no choice but to defend the Form 1 for 3 August 2025 in court.

26 There was no meaningful engagement by the NSW Police at any point during that week with negotiations despite our genuine offers to postpone the march and change the start and end point and change the time of day for the march to address their concerns.

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: _____ on 20/08/2025
[place]

.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, Amal Nazeer, a solicitor,
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person and

2. I have confirmed the person's identity using an identification document and the document I relied on was Drivers licence

.....
[signature of authorised witness]

20/08/2015
.....
[date]