



Australian Government
National Capital Authority

THE RIGHT TO PROTEST

GUIDELINES





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The Right to Protest

The National Capital has many public places where people can exercise their right to communicate their opinions and ideas through peaceful protests and demonstrations.

Our democracy recognises this right which is subject to the general law and must be balanced against the rights and interests of others and of the community as a whole. Of paramount importance are the protection of public safety, the maintenance of peace and the facilitation of fair and equal access to public areas.

This information booklet has been prepared by the Federal Government to assist organisers to carry out their protests safely, peacefully and without unduly impacting on other legitimate interests.

If you are planning a protest or are uncertain about your rights or obligations when using public land in the National Capital, please contact:

National Capital Authority

Tel: (02) 6272 2901

e-mail: events@nca.gov.au

Australian Federal Police

Switchboard

Tel: (02) 5126 0000

ACT Policing Operations

Police Assistance

Tel: 131 444

Security Controller, Parliament House

After hours

Tel: (02) 6277 5855

Tel: (02) 6277 5999

Further assistance is also available from the agencies listed on pages 12 and 13 of this booklet.

Legal Requirements

You do not require formal approval to conduct a protest or demonstration within the National Capital. However, under the *Trespass on Commonwealth Lands Ordinance 1932* the erection of structures associated with a protest or demonstration do require approval. The ordinance prohibits camping and the erection or occupation of structures on unleased Commonwealth land without a permit. Parking or leaving vehicles on certain land without a permit is also prohibited. Damage to trees or plants is an offence. Police have powers to remove unauthorised structures, vehicles or articles.

The National Capital Authority has power to issue permits. In either case, it may be in your interests if you are planning a protest or demonstration to discuss your plans with the relevant authorities.

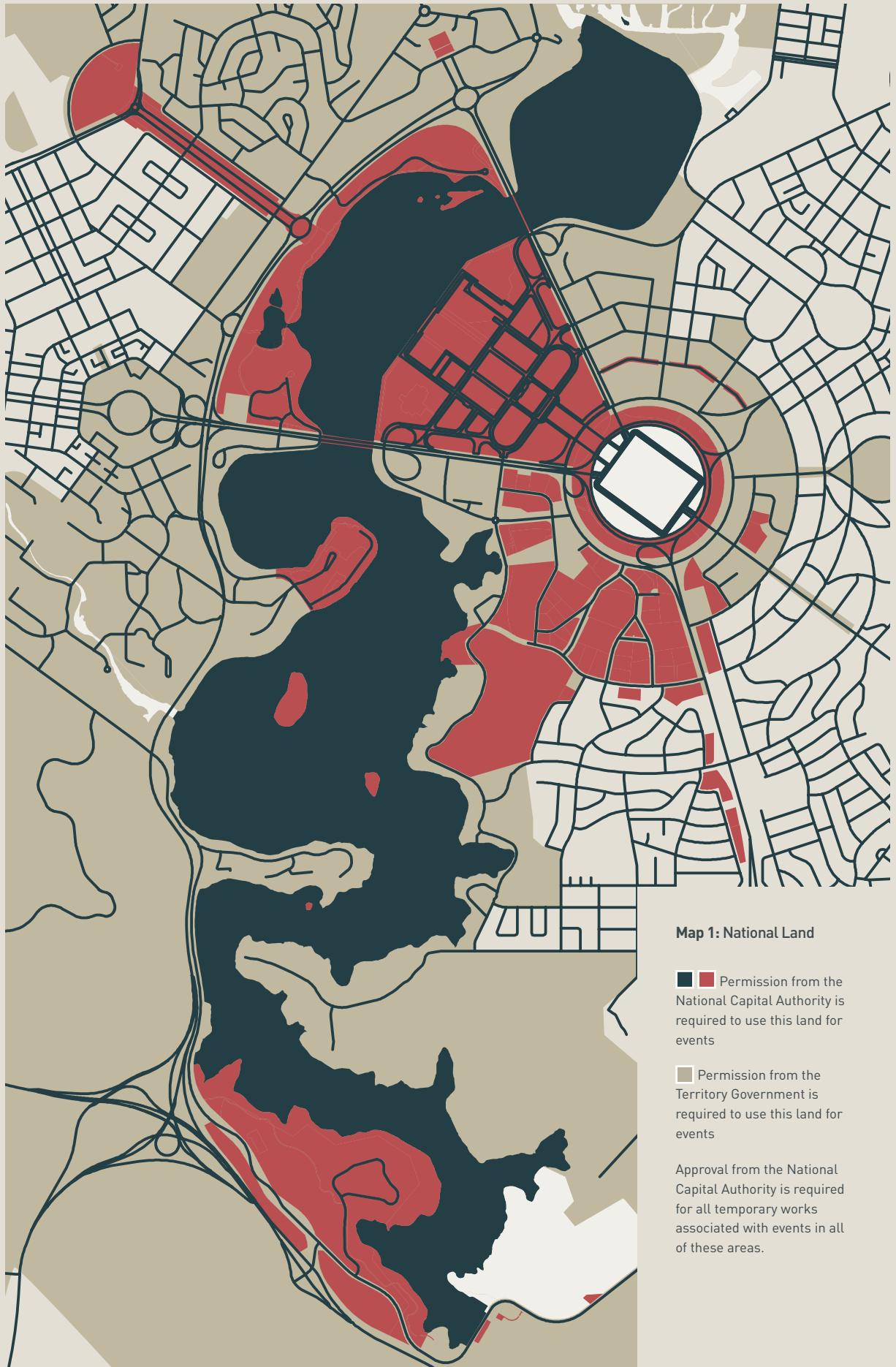
National Land in the Parliamentary Zone and the diplomatic areas (Map 1) is managed by the National Capital Authority (NCA). The Parliamentary Precincts (Map 3) are managed and controlled by the President of the Senate and the Speaker of the House of Representatives who are known collectively as the Presiding Officers. The Presiding Officers have the discretion to approve or not approve the conduct of protests, demonstrations or public assemblies including public activities within the Parliamentary Precincts. Information about the use of these areas is available from the NCA or the Parliament House Security Controller.

Most public land outside these areas within the Australian Capital Territory is managed by the ACT Government. Information about Territory land is available from the Department of Territory and Municipal Services.

You are required to comply with any lawful direction given by Parliamentary Security, Australian Federal Police or Australian Protective Service officers.

Structures

If you are planning to conduct your protest in a Designated Area as defined in the National Capital Plan and intend to erect a structure as part of your protest, you must apply to the NCA for Works Approval under the provisions of Section 12(1)(b) of the *Australian Capital Territory (Planning and Land Management) Act 1988*. The Designated Areas are shown on Map 2 and these include the Parliamentary Zone, the diplomatic areas of Yarralumla, Deakin and O'Malley, most Commonwealth Government offices, the main avenues and approach routes to Canberra, and Civic Square. The Parliamentary Zone is the area between Parliament House and Lake Burley Griffin bounded by Commonwealth and Kings Avenues.



Works Approval Assessment Criteria

The key criteria which will be used by the NCA when considering any application for a Works Approval associated with protests and demonstrations anywhere within a Designated Area (as defined in the National Capital Plan) are as follows:

- > Structures – number/type/timeframe/impact on safety and environment;
- > Public access and/or safety;
- > Duration of a protest;
- > Permanence of structures;
- > Impact on the landscape;
- > The use of vehicles; and
- > The Australian Government's international obligations.

What is a structure?

- > For approval purposes the broadest definition of a structure applies and includes anything that is built, including a fire. Structures therefore include any element fixed to (or staked in) the ground;
- > Blankets on the ground, individual chairs and/or individual tables (not fixed to the ground) do not require approval. Although where chairs or tables form a barricade or delineate a space they will be considered as structures and will require approval; and
- > Signs, flags or banners that are handheld are not regarded as structures and do not require approval.

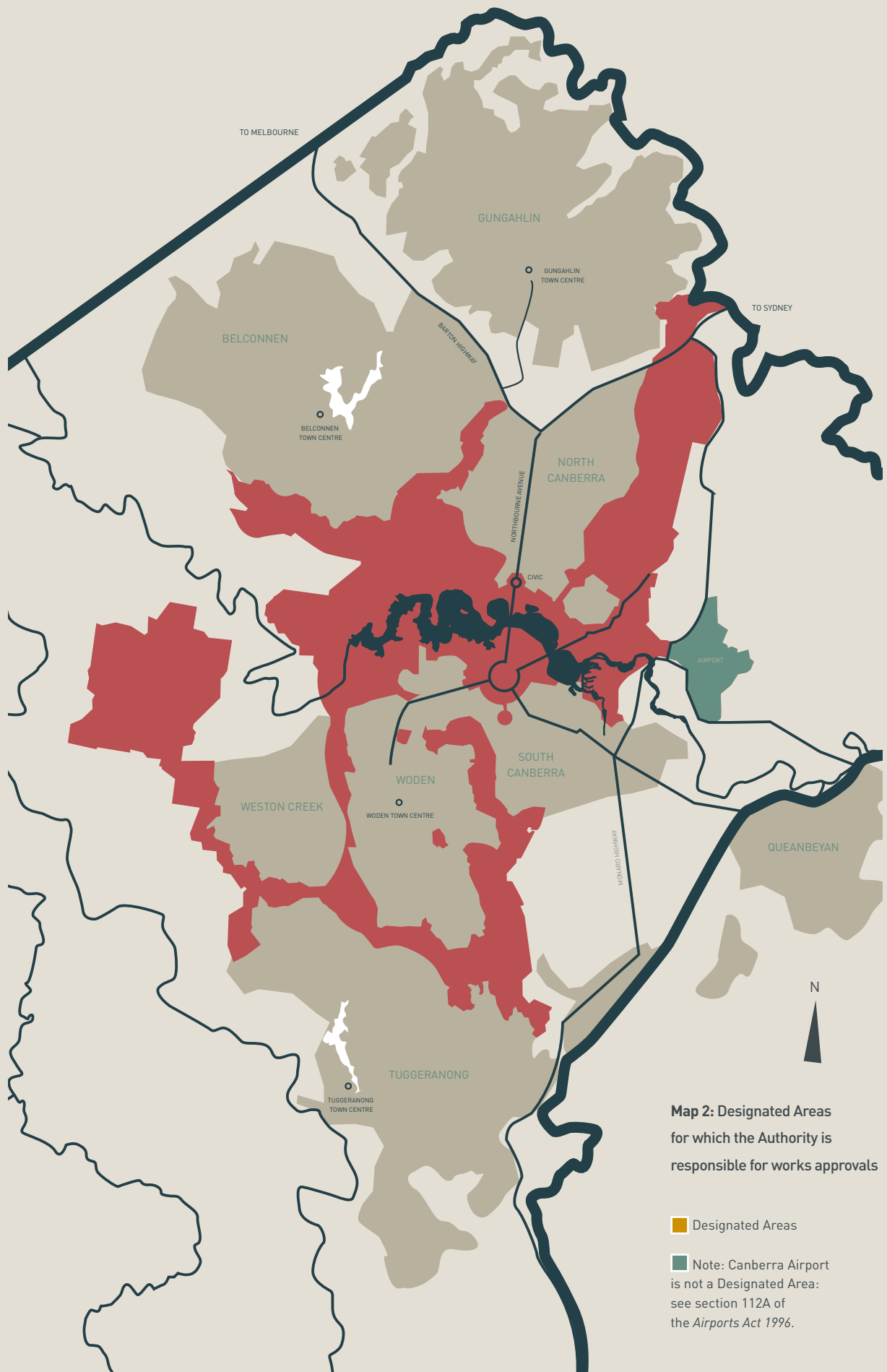
Public access and safety

No structure that impedes public access and/or affect safety will be approved.

This means that:

- > Structures must not form a barrier that would restrict general public access to the site of the protest or demonstration (eg. barricades, closely spaced banners and flags; smoking fires etc);
- > Structures must not be erected in the general vicinity of other events (eg. festivals and/or other protests) which have had prior approval;
- > Generally structures will not be approved where it is proposed that they remain overnight (sunset to sunrise) to avoid potential hazard to the public and/or potential theft of the structures;
- > Structures must not impede land management and maintenance activities (eg. mowing, irrigation etc); and
- > Language or messages associated with any approved banners (or similar) are the sole responsibility of the protesters. Approval does not imply endorsement of the content of the banner by the NCA. The NCA is not a censor. Protesters should, however, be aware that Australia has an obligation to protect the premises of a diplomatic mission and to prevent the impairment of the mission's dignity.

No long-term or permanent structures will be approved.



Map 2: Designated Areas
for which the Authority is
responsible for works approvals

■ Designated Areas

■ Note: Canberra Airport
is not a Designated Area:
see section 112A of
the *Airports Act 1996*.

This means that:

- > Generally the maximum duration of the approval will be for 3 days;
- > Further applications will not be considered within 30 days for the same (or similar) protest in the same general vicinity, to avoid a cumulative effect resulting in the perception of permanence;
- > Generally structures will be required to be removed each evening by sunset, and may not be replaced the next day before sunrise (for the period of the approval) in order to avoid public hazard, theft or perceptions of permanence;
- > No camping structures (eg. tents) will be approved overnight (sunset to sunrise); and
- > Camping is not permissible in other than Gazetted camping areas.

No structures that damage the landscape or built elements will be approved.

This means that:

- > Fires on the ground will not be approved;
- > Generally structures attached to landscape (trees etc) or other Commonwealth assets such as walls, bollards, flagpoles or other items of street furniture will not be approved; and
- > Excavation for structures will not be approved. This does not include single poles or banners staked in the ground which would be considered for approval provided they do not (in combination) create the appearance of a more substantial structure.

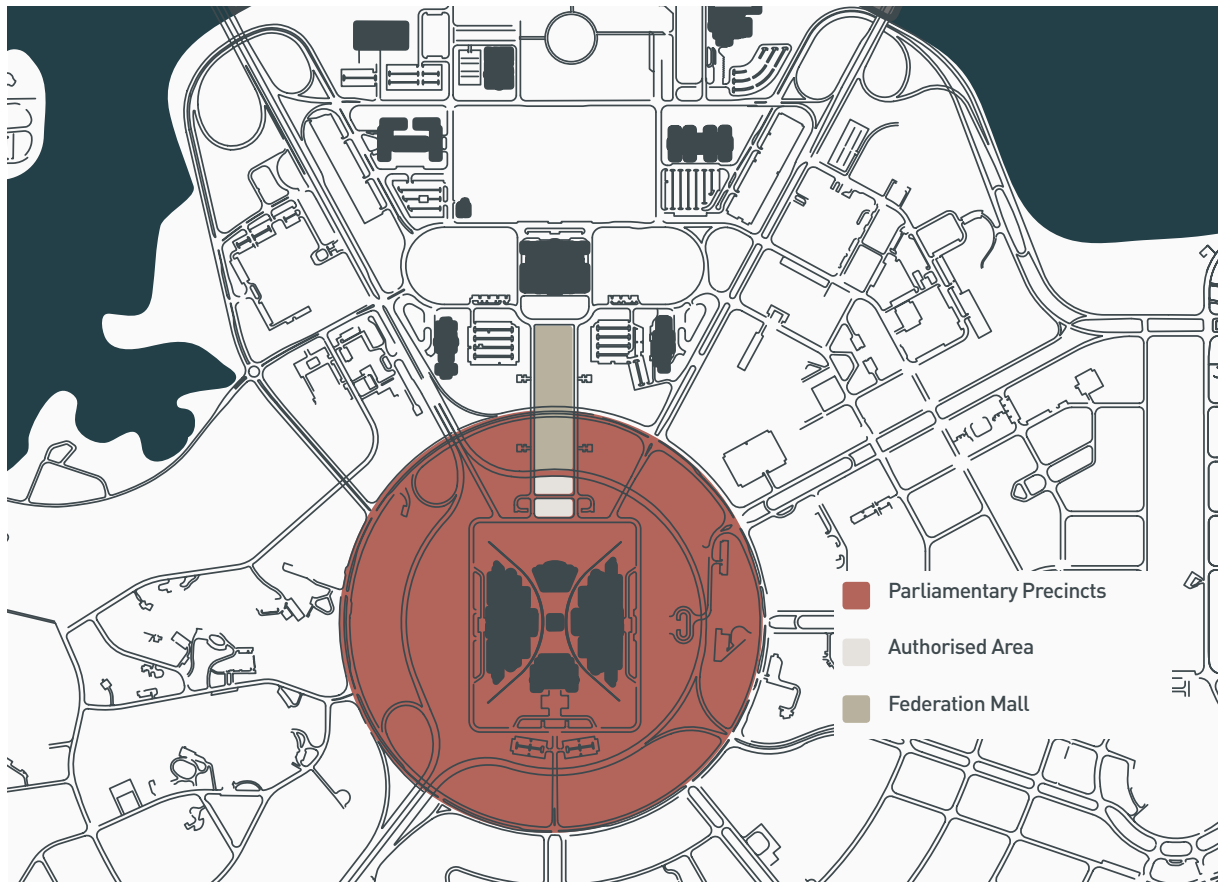
Vehicles

- > Vehicles driven or parked on public landscaped areas are not acceptable as they are likely to damage the landscape and pose a potential hazard to the public;
- > Vehicles must be legally parked; and
- > Immobilised vehicles are regarded as structures and will not be approved.

Diplomatic Areas – Vienna Convention Obligations

- > Australia is a signatory to the Vienna Conventions on Diplomatic and Consular Relations which require Australia to take special steps to protect the premises of foreign missions against any intrusion, damage, disturbance or impairment of dignity; and
- > In accordance with Australia's international obligations, structures which impair the dignity of foreign missions will not be approved.

Map 3 – The Parliamentary Precincts, the authorised assembly area, and Federation Mall



Works Approval Applications

You should allow at least two days for your Works Approval application to be processed. Approval is not guaranteed. All fees will be waived for applications associated with a protest or demonstration.

A Works Approval Application Form can be obtained by contacting the NCA by email at events@nca.gov.au or telephone (02) 6271 2888.

Guidelines for Protests and Demonstrations in the Parliamentary Precincts, Federation Mall and Adjacent Areas

The following Guidelines have been prepared by the NCA and the Presiding Officers for the conduct of protests and demonstrations within the Parliamentary Precincts and on adjacent land including Federation Mall.

These Guidelines are intended to enhance public safety, facilitate fair and equal access to public areas, and protect the operations of the Parliament. Exemptions may be granted for events of Parliamentary or national significance where safety or access would not be unduly compromised. Breach of the Guidelines may lead to the removal of structures by police and, possibly, police investigations and prosecution.

- > All NCA Works Approval Assessment Criteria apply to the Parliamentary Precincts, Federation Mall and Adjacent Areas;
- > Protests and demonstrations within the Parliamentary Precincts are restricted to the authorised area shown on Map 3;
- > Participants should arrive at and depart from the area in an orderly manner without obstructing traffic or otherwise preventing access to the Parliamentary Precincts, Parliament House or any public area;
- > Sound equipment may be permitted within the authorised area of the Parliamentary Precincts but must be directed away from Parliament House and must not be offensive, harmful or unreasonably interfere with the activities of other people;
- > Vehicles must not be used within the Parliamentary Precincts as part of a protest or demonstration without the approval of the Presiding Officers;
- > Food, beverages or other items must not be sold, and alcohol must not be consumed, within the Parliamentary Precincts without the approval of the Presiding Officers; and
- > Participants must observe lawful directions issued by Parliamentary Security, Australian Federal Police or Australian Protective Service officers. Failure to do so may result in arrest.

Event signage within the parliamentary precinct must be displayed and used in accordance with the National Capital Plan; section 5.5 Major Events Signs.

The NCA will only approve structures within the Parliamentary Precincts, on Federation Mall or in Adjacent Areas when the Presiding Officers have advised the NCA in writing of their support for the application. In this regard the NCA will conduct all liaison, on behalf of the applicants, with the Presiding Officers.

Diplomatic Areas and Protected Premises

The National Capital is host to about 90 diplomatic missions, consular, overseas and international organisation missions. Land in the diplomatic areas of Yarralumla, Deakin, O'Malley, Forrest and Red Hill is managed by the NCA.

If you are planning a protest or demonstration in these areas you are encouraged to notify the Australian Federal Police or the NCA.

Under international treaties, Australia has obligations to protect foreign missions and to ensure that their dignity is not impaired.

Marches

If you wish to organise a march, procession or convoy using public roads, you should contact the Australian Federal Police and ACT Roads, Department of Territory and Municipal Services to make arrangements to ensure the safety of participants and the public.

You should allow at least 10 working days to allow for public notification of all road closures, changes to traffic management and planning of your march in consultation with relevant authorities.

Here are some suggestions for your march:

- > Assemble in a well-known place where parking is available;
- > When planning your route, seek advice on safety and access from the Australian Federal Police and Roads ACT;
- > Where possible, use footpaths;
- > Do not make the march too long, as water, shade or shelter may not be available; and
- > Remember, Canberra experiences sub-zero temperatures in winter and can be very hot in summer.

Summary of Responsibilities

Conducting a protest in the National Capital is accepted as a right provided it is conducted peacefully and does not impinge on the rights of others. This booklet has been designed to assist those organising protests to understand their rights and obligations. In particular, it has stressed the advantage of contacting authorities and seeking their approval as land managers and/or regulatory authorities. The need to obtain Works Approval to erect structures in Designated Areas has also been outlined.

The following table summarises land management responsibilities and Works Approval requirements in different areas of the National Capital.

Land Management and Planning Responsibilities

Location	Land Managers	Works Approval from the NCA Required
Parliamentary Precincts	Presiding Officers	Yes
Parliamentary Zone	NCA	Yes
Diplomatic Areas and Roads	NCA/ACT Government	Yes
Roads in Diplomatic Areas	ACT Government	Yes
Main Avenues and Approach Routes	ACT Government	Yes
Civic Square	ACT Government	Yes

NOTE: For other locations not listed in the table, protest organisers should contact the NCA on 02 6271 2888.

Sources of the Law

Australian Capital Territory (Planning and Land Management) Act 1988

Provides that land required for the special purposes of the National Capital is managed by the National Capital Authority. No works may be performed in a Designated Area unless the Authority has approved the works in writing.

Crimes Act 1914

Defines prohibited places, and various offences against the Commonwealth, including damage to Commonwealth property. See also the Crimes Act 1900 (ACT) which deals with behaviour in public places and the possession of weapons.

Diplomatic Privileges and Immunities Act 1967 and Regulations

The Act gives force of law to Vienna Convention on Diplomatic Relations taking special steps to protect the premises of foreign missions against any intrusion, damage, disturbance or impairment of the mission's dignity. The responsible Commonwealth Minister has the power to order the removal of prescribed objects which are considered to impair the dignity of, or endanger, a diplomatic mission or its staff.

International Covenant on Civil and Political Rights

Australia is a signatory to the Covenant, which advocates the right to freedom of expression and the right to peaceful assembly, subject to necessary restrictions.

National Capital Plan

Identifies Designated Areas, which are areas of land having the special characteristics of the National Capital. No structures may be erected in Designated Areas without the prior written approval of the National Capital Authority.

The National Capital Plan may be found at www.nca.gov.au

Parliamentary Precincts Act 1988

Provides that the Parliamentary Precincts are under the joint control and management of the Presiding Officers.

This gives the President of the Senate and the Speaker of the House of Representatives power to control access to, and use of the Precincts. A map showing the Precincts is on page 7.

Public Order (Protection of Persons and Property) Act 1971

Creates offences relating to matters such as trespass on, and obstruction of premises, including protected premises, unlawful damage to property and physical violence without lawful excuse.

Trespass on Commonwealth Lands Ordinance 1932

Prohibits camping and the erection or occupation of structures on unleased Commonwealth land without a permit. Parking or leaving vehicles on certain land without a permit is also prohibited. Damage to trees or plants is an offence. Police have powers to remove unauthorised structures, vehicles or articles. The National Capital Authority has power to issue permits.

This is not an exhaustive list of relevant laws. Separate laws apply in the ACT in relation to littering, consumption of liquor, use of public streets, and defamation.

Who to contact

National Capital Authority
GPO Box 373
CANBERRA ACT 2601

Tel: (02) 6272 2901
events@nca.gov.au

The NCA can help to:

- ensure your arrangements do not clash with other planned activities;
- arrange any necessary closures of roads or public places;
- adjust land maintenance programs, including irrigation and mowing; and
- arrange access to utilities such as electricity, water, rubbish bins and public toilets.

You must have written approval from the NCA before erecting any structures on National Land. This includes the land in the Parliamentary Zone and in the diplomatic areas of Yarralumla, Deakin, O'Malley, Forrest and Red Hill. The NCA also manages Lake Burley Griffin.

Further information about the National Capital is available at the National Capital Authority's website:
www.nca.gov.au

Australian Federal Police

Switchboard

Tel: (02) 5126 0000

ACT Policing Operations

Police Assistance

Tel: 131 444

You should contact the Australian Federal Police and the ACT Policing Operations when planning a protest. The Police can provide advice on, and assistance with safety and security matters and traffic controls.

Parliament House Security Controller

Tel: (02) 6277 5855

Tel: (02) 6277 5999 (AH)

Fax: (02) 6277 5726

You should contact the Security Controller before using land within the Parliamentary Precincts. A map showing the Precincts is on page 8.

Department of Territory and Municipal Services

Tel: (02) 6207 0494 or 13 2281

Fax: (02) 6207 6872

The ACT Government is responsible for managing the land outside the national areas. To discuss the use of unleased Territory land, contact the above telephone numbers.

Roads ACT

Tel: 13 22 81

You should advise ACT Roads if you wish to organise a march using public roads. The ACT Government is responsible for roads in the ACT, which are outside the national areas.

ACT Roads can provide assistance with road closures and traffic management.

Translating and Interpreter Service

Tel: 13 1450

For assistance with translation and interpreting. The Service operates 24 hours each day.

The National Capital Authority was established under the
Australian Capital Territory (Planning and Land Management) Act 1988

National Capital Authority

Tel: (02) 6271 2888 | events@nca.gov.au

Treasury Building, King Edward Terrace, Parkes ACT 2600

GPO Box 373, Canberra ACT 2601

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