



New South Wales

# Summary Offences Amendment (Public Assemblies) Bill 2025

## Explanatory note

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

This Bill is cognate with the *Crimes Amendment (Display of Nazi and Terrorist Symbols) Bill 2025*.

## Overview of Bill

The object of this Bill is to amend the *Summary Offences Act 1988* to make further provision about 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 on the date of assent to the proposed Act.

**Schedule 1** inserts proposed sections 27A–27C into the *Summary Offences Act 1988*, 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.

Proposed section 27C 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, facepaint 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, facepaint or a similar thing, removing the thing.

Proposed section 27C(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.



New South Wales

# Summary Offences Amendment (Public Assemblies) Bill 2025

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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 Amendment (Public Assemblies) Bill 2025**

No. \_\_\_\_\_, 2025

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### **A Bill for**

An Act to amend the *Summary Offences Act 1988* to make further provision about public assemblies.

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

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

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

3

**2 Commencement**

4

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

5

<b>Schedule 1</b>	<b>Amendment of Summary Offences Act 1988 No 25</b>	1
		2
<b>Sections 27A–27C</b>		3
Insert after section 27—		4
<b>27A</b>	<b>Mandatory considerations before certain decisions about public assemblies</b>	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
<b>27B</b>	<b>Organisers may be required to pay costs to police of certain repeat public assemblies in advance</b>	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 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.	3 4 5
(6)	In this section— <b>repeat public assembly</b> 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—	6 7 8 9 10
	(a) on consecutive or non-consecutive days, and	11
	(b) for a full day or a part of a day.	12
<b>27C</b>	<b>Certain masks and disguises not to be worn during public assembly</b>	13
(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.	14 15
(2)	A person does not contravene subsection (1) merely by wearing an item of clothing or another thing for religious purposes.	16 17
(3)	If a person contravenes subsection (1), a police officer may do one or more of the following—	18 19
	(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, facepaint or a similar thing, remove the thing,	20 21 22
	(b) direct the person to leave the vicinity of the public assembly,	23
	(c) remove the person from the vicinity of the public assembly,	24
	(d) detain the person until the earlier of the following—	25
	(i) the conclusion of the public assembly,	26
	(ii) the person surrendering the thing hiding the person’s identity or disguising the person’s appearance, or if the thing is make-up, facepaint or a similar thing, removing the thing.	27 28 29
(4)	A person must not—	30
	(a) contravene a direction given under subsection (3)(a) or (b), or	31
	(b) resist a police officer carrying out an action under subsection (3)(c) or (d).	32 33
	Maximum penalty—100 penalty units or imprisonment for 12 months, or both.	34 35
(5)	In this section— <b>face covering</b> has the same meaning as in the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	36 37 38