

Youth Law: Protest Rights in the ACT

This factsheet is designed to help young people learn their rights and obligations surrounding protesting in the ACT. If you are a young person with a matter concerning protesting, please call the **Youth Law Centre ACT** on **1300 654 314**.



The Youth Law Centre (YLC) is Legal Aid ACT's dedicated service for young people under the age of 25. It is a free and confidential legal service.

Is there a right to protest?

We do not have a right to protest written into our Australian Constitution – however the ACT has protected the right to lawful protest or peaceful assembly through its *Human Rights Act*.

Therefore, if you are in the ACT, you can exercise your rights to protest in most places, provided that it is peaceful and does not impinge on others' rights.

It is always a good idea to discuss your plans to protest with the relevant authorities, to ensure that it goes smoothly.

Organising a Protest

In the ACT, legal requirements for conducting a protest depend on where the protest takes place. Generally, you don't need a formal approval to conduct a protest or demonstration within the ACT. However, if you are planning a protest on National Land and plan to erect any structures, you will need a permit. National Land includes the land in the Parliamentary Zone and in the diplomatic areas of Yarralumla, Deakin, O'Malley, Forrest and Red Hill.

A structure is anything that is fixed to the ground. Usually, no structure that is long term, causes damage to the landscape, limits public access or compromises safety (for example, barricades) will be permitted. If you are planning to erect a structure on National Land, you need to contact the **National Capital Authority** (NCA) on (02) 6272 2888 or events@nca.gov.au to obtain written approval.

If you are planning to hold a protest in the Parliamentary Precincts, you need to obtain a permit from either the [Parliament House Security](#) or the **Australian Federal Police**. For all other areas in the ACT, you should contact **Access Canberra** on **13 22 81** or the **National Capital Authority** on **6272 2888** to see what is required.

Participating in a Protest

If you are participating in a protest, you are required to comply with any lawful direction given by Parliament House Security, Australian Federal Police or Australian Protective Service officers. This means that if you are going to a protest, you should be sure to know your legal rights and obligations, and act lawfully during the protest.

Police Powers at Protests

The Australian Federal Police may be present at protests to monitor the site, ensure the protest is conducted peacefully and manage any unlawful behaviour. It is very important to know your rights and obligations when interacting with the police.

The police only have a right to ask your name and address if they reasonably believe that you have committed an offence or are about to commit an offence. You can and should ask the police whether they believe you have committed an offence, and which offence they believe you have committed.

Youth Law: Protest Rights in the ACT

If they ask your name and address lawfully, you must provide them with accurate information. It is an offence to misrepresent your identity or your address when questioned by the police.

Police may ask you further questions, however **you are not required to provide any details besides your name and address**. You can exercise your right to stay silent. If you are unsure about whether you should answer questions, it is better to say nothing. When you are talking to the police, nothing is 'off the record'. Things you say can be used as evidence in court even if you are not under arrest.

In the ACT, Police cannot ask you to 'move on' if you are identifiable as a protestor, such as if you are holding a banner conveying a message about why you are protesting. However, they may ask you to 'move on' if you are engaging in, or likely to immediately engage in, behaviour that is violent or intimidating, or may damage property.

Being arrested

Police officers can arrest you if they have 'reasonable grounds' to think you have committed or are committing an offence. If a police officer asks you to attend a police station, you should ask if you are under arrest. If you are not under arrest, or not being taken into protective custody, you are not required to go. If you are being arrested, it is important to ask why. The police officer must tell you what offence you are being arrested for.

For more information about being arrested and detained by the police, please see the Legal Aid Youth Law factsheet about *Dealing with Police*.

If you have any questions about your rights or obligations in organising a protest, or need legal

assistance, please contact our free **Legal Aid Helpline** on **1300 654 314**.

Useful Contacts

Legal Aid ACT

Monday to Thursday: 8:30am to 7:00pm

Friday: 8:30am to 5:00pm

www.legalaidact.org.au

Phone: **1300 654 314**

Youth Law Centre

Monday to Friday: 8:30am to 5:00pm

ylc@legalaidact.org.au

Phone: **(02) 6173 5410**

Kids Helpline

www.kidshelpline.com.au

Phone: **1800 55 1800**