

*This does not constitute legal advice, it is merely my understanding of the relevant Act used to Direct/arrest myself.*

### **The Act:**

N.S.W. Police officers will most often cite 'Law Enforcement (powers and responsibilities) Act 2002' in particular 'Section 199 (1)', which deals with "a refusal/failure to comply with direction under Part 14".

However 'Part 14, Section 200 - Limitation on exercise of powers.' clearly states "this part does not authorise a police officer to give directions in relation to ... .. (b) an apparently genuine demonstration or protest."

### **The Reality:**

A police officer would be breaching a N.S.W. Parliamentary Legislated Act by claiming to be "authorised" to give a direction, in relation to a genuine demonstration or protest, if he/she claims that authority under [Part 14] Law Enforcement (powers and responsibilities) Act 2002.

If a genuine demonstration, or protest is taking place, such as that at Eden State Forest, Doubtful Creek, the gathered demonstrators and protesters merely need to sit or stand, perhaps with arms linked for a symbol of a community united, and remain strong while making sure any members of the NSW Police Force are duly notified of the relevant legislation that they must abide by. If an arrest is to occur, it had better be under a different act/legislation or else an unlawful arrest is being made - i.e. The police officer has just crossed the line into criminality.

If one remains lawful at all times, protesters will be non-violent in confrontation with police and always comply with laws that are authorised, such as stating your name address and date of birth, when and if asked. Other than this, no communication is best unless necessary. There is, however, one or two statements and 6 (possible) questions you should have at the ready!

### **The Script:**

If a police officer asks you to move away from your demonstration/protestation position, you merely state to them

**"I/We am/are taking part in a genuine protest"** - do not say **"No"** as this can be seen as un-cooperative.

The officer will, if he is being lawful, state why he is asking you to do this, most likely quoting the above mentioned Act on Police powers and responsibilities.  
If He/She doesn't you should ask,

1) **"Under what authority do you make this direction?"**.

This is where he/she will, if not already stated, read the legislated Act that governs Police Directions. If no actual legislation is quoted by the officer, one should ask,

2) **"Are you able to prove what piece of legislation gives you this power?"**

By now they had better quote the relevant legislation, defer to their superiors, smile

and walk away or hand in their badges.

In the case of a vague answer that does not name and number the relevant legislation,

3) **"Are you referring to Part 14 of the Law Enforcement (powers and responsibilities) Act, 2002?"**

Once the actual legislation has been quoted by the police officer (or agreed to), you should ask,

4) **"Are you aware of Section 200 of said Act - Limitation On Police Powers?"**

Then,

5) **So you are/are not aware this act does not authorise police officers to give directions in relation to a genuine demonstration or protest?**

If the officer wishes to remain lawful he/she will stand down, and defer the situation to superiors, or just walk away.

This is the bit where you smile and say, *"Have a nice day officer!!"*

Most police officers are not very well versed in matters of law and generally do as they are briefed. They too are made to memorise a basic script before going into such situations en masse. If things don't follow their script, as this doesn't, they get confused and may act with bemusement and await a superior to deal with the situation, or, unfortunately get violent or physical as a reaction to their perceived loss of power/control, and forcefully arrest you. There is still no need to resist such arrest you may drive your point further by asking,

6) **"Are you really willing to breach N.S.W. legislation?",**

You may peaceably walk with them, doing as they ask while stating,

**"I comply, only under duress"** (such duress being intimidation and fears for your personal safety - police officers are, after all, armed and sometimes dangerous.)

You may be *unlawfully* arrested, or the police may shrug their shoulders at the company workers and walk away.

The law is a strange beast full of *non-english* uses of words, while it is always best to **say nothing** sometimes it is required. If you are asked to understand, something that is read/spoken to you, reply with,

**"I comprehend"** - *Do not* say "yes" or "I understand".

If you do/say anything against your wishes say it is **Under Duress**.

*e.g. If you sign bail conditions, just so as you are released from custody - when signing the form, write in clear block letters UNDER DURESS, directly after or below your signature.*

*(In this situation the duress is threat of further deprivation of freedom.)*

The above mentioned Act can be read online at the NSW Parliamentary website.