

The Hon. Bradley Hazzard MP
Minister for Health and Medical Research
GPO Box 5341
Sydney NSW 2001

By Email: office@hazzard.minister.nsw.gov.au

22 January 2021

Dear Minister Hazzard,

Re: Request for exemption pursuant to clause 38 of the *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020* in relation to the Invasion Day Rally in the Domain at Sydney and the subsequent march to Prince Alfred Park on 26 January 2021

I am instructed by the principal organisers of a planned peaceful Invasion Day rally at the Domain and associated march to Prince Alfred Park on 26 January 2021 and am writing to request an exemption, pursuant to clause 38 of the ***Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 7) 2020*** (the **Order**) to the limitation imposed by clause 19(4)(b)(i) of the Order that a gathering for the purpose of a protest or demonstration about a governmental or political matter in Greater Sydney be no more than 500 persons.

We note that regional gatherings can be up to 3000 people and based on numbers estimated to date submit that would be a reasonable adjustment to the Order if further amendments are being considered, or, alternatively that a limit of 3000 people would be a reasonable condition on any exemption granted.

Evidence as to safety of Rallies

A Black Lives Matter protest occurred on 6 June 2020 involving tens of thousands of people. There has not been a single reported case of community transmission arising out of that gathering.

On 28 July 2020 the family of David Dungay Jnr, who was killed in Long Bay jail in December 2015, held a lunchtime demonstration and led a march to the NSW Parliament on this day, as part of an ongoing campaign for justice. The COVID-19 safety measures that were in place that day were followed, and no outbreak occurred as a result of the demonstration.

Other Black Lives Matter rallies in Sydney, Newcastle, Melbourne and other locations have been held safely without becoming super spreading events and with compliant participants in relation to COVID-19 safety. Dr Brendan Murphy, Chief Medical Officer has noted publicly that these events did not result in a public health risk, despite widely expressed concerns.

The organisers will apply similar COVID-19 Safety rules and they have prepared a plan based on the NSW Health template for outdoor protests (enclosed). The organisers anticipate that the cohort of attendees will be similarly compliant and peaceful.

We submit that any assessment of the risk involved in this planned gathering must take that fact into account, as well as the fact that numerous other protests have occurred during the existence of the public health orders with no transmission occurring attributable to those events.

We note exceptions have been made for large sporting and other events. We also note that for many people attendance at this Invasion Day Rally is significant for and helpful to their social and mental wellbeing.

Notice of Intention

Due to the views on sovereignty held by the organisers, the NSW Commissioner of Police has not been served with a notice of intention under the *Summary Offences Act 1988* (NSW). We provide their contact details should the NSW Police wish to meet with them and are instructed that they have requested that the police meet with them, but to date that offer has not been accepted.

For the safety of all Invasion Day Rally attendees, we would appreciate your support in facilitation of a meeting with NSW Police.

Organisers

The following people are the organisers for the Invasion Day Rally. All are happy to meet with NSW Police beforehand.

- David Bell: 0414329166
- Elizabeth Jarrett: 0484603703
- Raul Bassi: 0403037376
- Seth Dias: 0498034770

Plan

The current plan for the Invasion Day Rally is as follows:

- Gather in Sydney Domain at 9 am to hear speeches;
- March to Prince Alfred Park at approximately 10:30 am;
- The approximate route is as per the map in the COVID-19 plan;
- Wrap up and thanks at Prince Alfred Park;
- Disperse at 1:00pm.

Attendance

The organisers are expecting an attendance of between 500 and 2000 people. GetUp is assisting in disseminating information, including how to attend remotely. However, given the prominence of the *Black Lives Matter* movement at the moment, there is an outside possibility that attendance will be in the thousands.

The measures we will be taking to mitigate against the risk of the spread of COVID-19 are set out in the **attached** COVID-19 Safety Plan. Any queries regarding the COVID-19 Safety Plan should be directed to Seth Dias (0498034770).

We note that in the past, when a crowd of thousands has gathered outside Parliament House, police have often assisted in blocking off Macquarie St entirely to allow for the crowd to spread out on the road and that would certainly assist in this case if we did have larger numbers. If we do get in the order of 5000 people at the start of the event at Sydney Domain, this will require the crowd to spread out when moving to Hyde Park and again it would certainly assist if the police were cooperative in this regard.

Healthy and safe democracy: Respect First Nations Peoples

The right to protest not only involves exercising a number of fundamental human rights, it is also essential to securing all human rights. Your consideration of whether to except the proposed public assembly ought to recognise the importance of peaceful protests to our society in raising issues of importance and working towards a more just, and respectful relationship with our First Nations Peoples.

Given the importance of the right to peaceful protest, the low risk of transmission, the mitigation of that risk by the measures outlined in the attached COVID-19 Safety Plan, and the substantial public gatherings that are otherwise allowed to occur in the community under the Order, we submit that you have reasonable grounds to give an exemption for this Invasion Day Rally and March from the 500-person limitation in the Order. We otherwise request that the Order be amended to permit greater numbers at outdoor protests in Greater Sydney.

I would be grateful for a response to this request by **close of business on Friday 22 January 2021**.

If you would be assisted by any further information, please do not hesitate to contact me at kathryn@ridgelegal.com.

Kind Regards,

Kathryn Ridge

Solicitor Director

Ridge & Associates Pty Ltd

Phone: 0438 899 774

INVASION DAY 2021 COVID SAFETY PLAN

Wellbeing of staff and customers

Exclude staff, volunteers and participants who are unwell.

We will be publishing an information document before the protest which we will encourage all participants to read through. This will clearly state that if they are sick, they should stay at home as per regular COVID recommendations. All participants will also be required to register in advance in a google form which will include a question where participants must declare they are not unwell.

This information will also be clearly communicated with marshalls, speakers, and other volunteers. If COVID marshalls or group leaders at the event see attendees who look like they may be unwell, they will speak to the participant, encouraging them to leave if they are indeed unwell.

Provide staff and volunteers with information and training on COVID-19, including when to get tested, physical distancing, wearing masks, cleaning, and how to manage a sick visitor.

We will have a COVID safety briefing for all volunteers and speakers before the rally. Information regarding where to get tested, physical distancing, wearing masks, and managing unwell participants will be communicated with them both verbally and through a written document. If any volunteer becomes sick in the lead up to the rally they will be told to not attend.

Display conditions of participation, including not attending if unwell (website, social media, venue entry).

Conditions of entry will be extensively displayed on the Facebook event. There is one major entrance to the Domain; 20 COVID Marshals will be stationed along that entry with signs showing conditions of entry and QR codes for registration to the event. They will also all have masks and hand sanitiser for attendees.

Ensure processes are in place to exclude staff or participants who have visited, in the previous 14 days, a location or venue at a time for which there is a self-isolation alert. Locations with self-isolate alerts are listed on the NSW Government website.

All participants and volunteers will be encouraged to follow NSW Health advice and not attend if they have visited a location which has a self-isolation alert.

This will be done through: COVID safety document released before rally and the COVID safety briefing for volunteers. We will also be posting into the Facebook event asking everyone to check if they have attended a location which has a self-isolation alert.

Physical Distancing

We will be able to accurately estimate the number of attendees, and will prepare accordingly so that the density doesn't exceed approximately one person per 4 square metres. This event is also taking place outside in a large park, and so we have the option of expanding the area we are standing in if more people come. This is certainly possible in this site as the Domain successfully held over 80'000 people during the 2019 Climate Strike with ample space left over. Our Covid-19 Marshalls will also walk through the crowd separating people into smaller contingents if the numbers become problematic, both ensuring physical distancing and ensuring substantial/dangerous crowds aren't assembling.

Ensure participants comply with 1.5 metres physical distance between non-household contacts where practical. The proper use of masks should be encouraged at all times, noting that at certain times attention to physical distancing may lapse. Mask wearing is not a substitute for physical distancing, but may further reduce risks.

All participants will be continuously reminded to wear masks properly by COVID marshalls and group leaders. COVID marshalls will ask people to social distance and also hand out masks and hand sanitiser while walking through the crowd. Signage and marshalls will also explain this to people as they enter the Domain

Singing or chanting and should comply with the most recent advice from NSW Health.

Attendees will be encouraged to comply with NSW health advice for chanting, including all facing one direction and wearing masks. This will be mandated by both COVID marshalls and group leaders, and participants will be made aware of these recommendations via marshalls and written material which will be released in advance of the rally with other relevant COVID safety information.

Consider organising a seated protest wherever practical, with markers or barriers in place to maintain appropriate distancing.

This will not be a seated protest.

Reduce crowding wherever possible and promote physical distancing with markers where people are asked to queue or stand. When people are moving, consider measures to support the unidirectional flow and appropriate spacing of people

COVID safety marshalls will be encouraging participants to keep their distance and aim to ensure that each group stays together. If the protest is mobile, organisers and COVID marshalls will ensure that each group stays appropriately far apart and that the entire protest is moving in a unidirectional flow.

Have strategies in place to avoid mingling and reduce the frequency and extent of contact between different groups of participants. This could be facilitated through separation of protesters into smaller groups and/or staggered start times to limit mixing between groups, and through seating of participants.

Using the ample space at the Domain COVID marshalls will walk around the rally and encourage groups to distance from one another if they appear to be very close together. The chairs of the rally will encourage distancing periodically throughout the event.

Have strategies in place to manage gatherings that may occur immediately before or after the protest, such as with staggered start/finish times for different groups of people

Covid-19 marshalls will arrive early and stay back late to ensure physical distancing still takes place and that the crowd arrives and disperses in a COVID safe manner. They will also ensure that people stay in small groups and adequately distance from each other, and disseminate relevant covid safety information, such as the information about chanting. We will promote leaving the process in a staggered fashion.

Coordinate with public transport, where reasonably practical, around strategies to minimise COVID-19 risks associated with transportation to and from the protest if crowding may occur.

It is unlikely that this event will cause crowding on public transport. Nevertheless, participants will be made aware of good COVID safety practices on public transport ahead of time via the COVID safety document which will be released, and are encouraged to follow it.

Encourage private transport options to minimise crowding on public transport where practical.

It is unlikely that this event will cause crowding on public transport. Nevertheless, participants will be made aware of good COVID safety practices on public transport ahead of time via the COVID safety document which will be released, and are encouraged to follow it.

Where possible, encourage participants to avoid carpools with people from different household groups.

Participants will not be encouraged to carpool. Participants are expected to arrive as they usually do to the city, likely on public transport.

Hygiene and Cleaning

Adopt good hand hygiene practices.

There will be specific COVID marshals who will be carrying hand sanitiser and dispensing to participants. People are also encouraged to bring and use their own hand sanitiser and masks. This recommendation will be included on the COVID safety document which will be released to participants in advance of the rally.

Encourage participants to bring and regularly use their own hand sanitiser throughout the protest.

The COVID safe document and many other images and signs will be distributed on social media before the protest and will encourage participants to bring and use their own hand sanitiser.

Encourage participants to bring their own water bottle and snacks. Avoid shared food and drinks.

The COVID safe document which will be distributed on social media before the protest will encourage participants to bring their own water and snacks, and discourage sharing.

Reduce sharing of equipment such as microphones where practical and ensure these are cleaned with detergent and disinfectant between use.

Where practical we will reduce sharing of equipment and will ensure to clean equipment in between shared use.

Staff and participants should wash hands thoroughly with soap and water before and after cleaning.

Volunteers will be briefed and encouraged to partake in this practice in the COVID safety briefing given before the protest, and participants will be encouraged to do so via COVID marshalls, group leaders, and the COVID safety document which will be distributed in advance.

Encourage contactless payment options.

This is not relevant as there will be no opportunity to pay for or purchase anything from the protest organisers or in relation to the protest. Should protesters decide to purchase food or other items from stores during the protest, they will follow the instructions and encouragements of the individual stores.

Record keeping

Keep a record of name and a mobile number or email address for all staff, volunteers and participants attending, where this is practical, for a period of at least 28 days. Where possible, personal details should be collected in a way that protects it from disclosure to other customers and any paper records must be digitised within 24 hours. Records are to be used only for tracing COVID-19 infections, must be stored confidentially and securely, and provided immediately to an authorised officer on request. Electronic collection (such as QR code) of contact details for each person is strongly encouraged.

The system for record gathering will be two tiered, and entirely electronic.

First, we expect most participants to pre-register in order to attend. Organisers will be consistently sharing COVID registration information into the facebook event to encourage registration.

Second, we acknowledge that some participants may not register beforehand for a variety of reasons, such as seeing the protest in real life and deciding to join spontaneously. The COVID marshalls who will be walking around will also be asking people if they have registered, and will have a QR code available for scanning and registering which will be strongly encouraged.

Make your staff and volunteers aware of the COVIDSafe app and its benefits to support contact tracing if required.

We will distribute information before the rally which will include information about the COVIDSafe app. Volunteers will also be made aware of this through the COVID safety briefing given before the rally.

Protests should consider registering through nsw.gov.au

Cooperate with NSW Health if contacted in relation to a positive case of COVID-19.

Organisers will cooperate with NSW health if contacted in relation to a positive case of COVID-19. We will give over any and all relevant information.

Other Information

Expected numbers: Based on previous Invasion Day rallies and the current numbers on the Facebook event we expect approximately between 500 and 2000 people to attend.

March Route: We will exit the Domain, march down College Street, turn right on William street and then turn left onto Elizabeth Street. We will then march down Elizabeth street all the way to Prince Alfred Park. Please see the map below for more information

