

Relevant Information for Council

FILE: X130950 **DATE:** 19 February 2026

TO: Lord Mayor and Councillors

FROM: Kirsten Morrin, Executive Director Legal and Governance

THROUGH: Monica Barone PSM, Chief Executive Officer

SUBJECT: Information Relevant To Item 8.3 – Public Exhibition - Amended Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy and Sydney Busking Code

For Noting

This memo is for the information of the Lord Mayor and Councillors.

Purpose

To provide clarification regarding Council's role in regulating preachers and other public speakers in the public domain.

Background

At the meeting of the Cultural, Creative and Nightlife Committee on 16 February 2026, further information was sought on limitations relating to controls around amplification in the public domain when used by preachers and for other public speaking.

The Local Government Act 1993 requires approval to be given for certain activities in the public domain, including the playing of musical instruments and singing for fee and reward. The Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy regulates when the City does and does not require approval for these activities, and the conditions of approval.

Activities such as public protest, preaching and other community expressions of belief are not regulated under Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy. There are additional legal factors for consideration in relation to these activities, including Constitutional protections on the freedom of political communications and other legislation regarding religious and other discrimination.

Council has repeatedly reiterated its position regarding free political communication, particularly in the vicinity of Town Hall.

The legislation and regulations relating to offensive noise are targeted at noise coming from premises, rather than in the public domain, or from specific machinery such as motor vehicles. However, if individuals are engaged in offensive behaviour in a public place there may be action that can be appropriately taken, including under the Summary Offences Act 1988. These matters should be raised with NSW Police.

Where a public speaker is making comments that are considered to constitute racial, religious, homosexual and HIV/AIDS vilification, a complaint can be made under the processes set out in the Anti-Discrimination Act 1977.

Memo from Kirsten Morrin, Executive Director Legal and Governance

Prepared by: Kirsten Morrin, Executive Director Legal and Governance

Approved

P. M. Barone

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Chief Executive Officer