

CRP COMPLAINT TO THE LAW ENFORCEMENT CONDUCT COMMISSION

MARCH 2026

The Challenging Racism Project (CRP) at Western Sydney University is an internationally esteemed research collective comprised of cross-disciplinary scholars who specialise in anti-racism research and training. For over two decades we have worked with government, non-government, community, and media sectors to challenge racism.

We raise concerns regarding Government justification for extended protest laws and police intervention at the protest against the visit of Israeli President, Isaac Herzog, at Sydney Town Hall on 9 February 2026. Our complaint focuses on the disruption of peaceful prayer by Muslim men at the site of the protest. We support the Islamophobia Envoy, Aftab Malik, who expressed dismay that worshippers were seized during prayer in a nation that purports to protect freedom of religion. See Malik 14/2/26 *The Guardian*.

Our research indicates that Muslims have consistently been the group for which Australians have expressed the highest levels of negative attitudes, with 60-66% of national survey respondents having negative attitudes over the decade 2015/16-2024. Our research also reveals problems of trust in public institutions. 48% of Australians surveyed in 2023 do not have trust in the police. This is particularly noticeable with younger Australians.

The actions of the NSW Police on 9 February can be perceived as reflecting Islamophobia and may contribute to distrust in public institutions. Alongside an investigation of individual police actions, we suggest the systemic nature of Islamophobia in the police force requires investigation.

From a broader legal perspective, the diminishing right to protest in NSW narrows democratic space and risks undermining public confidence in the rule of law and the protection of fundamental freedoms. The *Terrorism and Other Legislation Amendment Act 2025*, passed on 24/12/25, introduced 'Public Assembly Restriction Declarations' (PARDs), enables police to restrict the authorisation of public assemblies in designated areas following a terrorist incident. These provisions grant police broad powers to suspend the lawful authorisation of protests within those locations.

PARDS had been issued across large parts of Sydney at the time of the incident and the NSW Government had also declared Israeli President Herzog's visit a "major event" under the *Major Events Act 2009*. This allowed the creation of special event zones and gave police additional enforcement powers.

Protests in solidarity with the people of Palestine had occurred regularly since 7 October 2023 without comparable levels of police intervention. However, these legal changes created conditions for a far more restrictive and forceful policing approach, contributing to the unprecedented events of 9 February.

When legislative changes rapidly expand police discretion over peaceful protest, especially when applied to particular events or communities, they may be perceived as targeting certain political views. This can raise concerns that laws are not being applied neutrally or

proportionately, risking further erosion of public trust in policing and in the institutions responsible for protecting democratic rights and freedoms.

We are happy, upon request, to share research evidence that provides further insight for police education but also highlights the systemic faultlines, such as legislation and institutional culture, that enables Islamophobia to persist.

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