

The Hon. Yasmin CATLEY, MP

Minister for Police and Counter-terrorism

<https://www.nsw.gov.au/nsw-government/ministers/minister-for-police-and-counter-terrorism-minister-for-hunter>

February 13 2024

Dear Minister,

I am writing on behalf of Sydney Knitting Nannas and Friends, a group of mostly older women working towards a safer environment for younger generations.

We have two issues to raise, both related to the peaceful blockade of Newcastle coal port by environmental protesters on November 27 last year.

**1. Inappropriate bail conditions imposed on 16 of the 109 people arrested.**

Our understanding is that all the arrestees were charged with a "fine-only" offence i.e.: 'Operate vessel so as to interfere with others use of waters' under the Marine Safety Act 1998, Section 14(a). Those who had not been convicted of previous protest offences were released without bail, while those with previous convictions were bailed with conditions including the following:

**"The defendant is not to associate or engage in any planning, training, recruitment sessions or coordinating activities with any issue motivated group including but not limited to Rising Tide, Blockade Australia, Cop 28 and Extinction Rebellion.**

**This includes (but not limited to) in the form of any communication whether written, oral, electronic (via telephone, text message, email, internet application, or social media) or communication through any third party".**

Knitting Nannas believe that the bail conditions were totally inappropriate and in no way necessary to ensure that arrestees attended court on the specified date. In the 'Reasons for Decision' statement, the arrestees were accused of having "criminal associations" and posing an unacceptable risk of committing a serious crime.

These conditions look to us like a form of punishment requiring people to cut off contact with many of their relatives, friends and associates.

As one of the arrestees given these bail conditions I can say that I found them unnecessarily isolating and difficult. They had no influence at all on my compliance with the requirement that I attend court in Newcastle on 11 January.

The duration of these severe restrictions would have been more than six weeks until the court hearing on 11 January 2024. Fortunately appeals to the court against the conditions were successful on 15 December, when the court replaced them with the simple and expected condition to not reoffend.

It is our understanding that it is up to the courts, not the Police, to deal out punishments if a person is found by the courts to have committed an offence.

It appears to us that the bail conditions in this case were designed to punish a group of non-violent protesters and to undermine the right to protest and freedom of association in this state.

Magistrate John Chicken of the Newcastle Local Court agreed with our view. In his judgement on January 25, he concluded that those arrestees who had had these bail conditions imposed on them had already been punished. He ruled that the bail conditions, along with time in custody on the night of the arrest, meant that no further penalty was appropriate.

## **2. Arrest of Legal Observers**

Some of those arrested at the protest were clearly identified as Legal Observers. They were wearing the bright pink vests to ensure that both Police and protesters were aware that they were not participants in the rally and blockade but there to perform the important role of independent observers.

It came as a shock to us that the Legal Observer role was ignored by the Police on 27 November, with a number of Observers being charged as though they were protesters. We respect the work of Legal Observers and have valued their role at public protests over the years.

We regard the mistreatment of Legal Observers by the Police as a serious matter which should ring alarm bells for anyone committed to protecting the right to protest in NSW. We note that Australia has ratified the UN International Covenant on Civil and Political Rights which includes agreement to protect independent observers. Ref: <https://ukraine.un.org/sites/default/files/2021-07/GC37%20ENG.pdf>. Section VI.

We hope you agree that the role of Legal Observers needs to be respected as part of your government's commitment to protect the right to protest.

In conclusion we ask that you investigate the matters we have raised. We also ask that you ensure that in future Police do not impose inappropriate bail conditions on environmental and climate activists, and do not arrest Legal Observers who are carrying out an important role in the protection of human rights.

Yours sincerely,

Bronwyn Vost  
On behalf of Sydney Knitting Nannas and Friends.

We have sent a copy of this letter to  
Commissioner Karen Webb APM  
NSW Police Force HQ  
Locked Bag 5102