

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN FEDERAL POLICE

**Question No. 53**

**Senator Brandis asked the following question at the hearing on 26 May 2011:**

**Senator BRANDIS:** I confine myself now to the one rooftop protestor. What was the offence with which he was charged?

**Mr Colvin:** To be specific about what that particular individual was charged with, I would have to take that on notice.

**Senator BRANDIS:** Was it a charge in relation to his being on the roof?

**Mr Colvin:** I would have to take that on notice. There were charges around damage to Commonwealth property, affray—there was a range of charges.

**Senator BRANDIS:** Do you not know whether the charge with which that rooftop protestor was charged related to his being on the roof?

**Mr Colvin:** I cannot answer that with absolute clarity. As you know, when a crime is committed there is a number of circumstances that lead us to presenting evidence, and I am sure that was part of that.

**The answer to the honourable senator's question is as follows:**

The rooftop protestor to which the honourable senator refers to was charged with the following offences:

- Affray, contrary to section 93C (1) of the *Crimes Act 1900* (NSW). The maximum penalty for this offence is 10 years imprisonment;
- Destroying or damaging Commonwealth property, contrary to section 29 of the *Crimes Act 1914* (Cth). The maximum penalty for this offence is 10 years imprisonment; and
- Destroying or damaging property during a public disorder, pursuant to section 195(2)(a) of the *Crimes Act 1900* (NSW). The maximum penalty for this offence is 7 years imprisonment.