Charlie Lewis (00:35)
Hi, and welcome to Cut Through Cry Key's spin-free analysis of Australian politics, power, and news. I'm Charlie Lewis, Cry Keys reporter at large, and I'm picking up the baton from Rachel Withers. I have a more daunting task than usual this week because I'm following their incredible chat with uh Sophologist to the star, Anthony Green, and um politics editor Bernard Keene. But I'm not doing that by myself. by the way, if you haven't caught that yet, I do f highly recommend it, but not yet, because

You've got watch this episode first. Uh I am joined by writer, broadcaster, regular crikey contributor, host of two SCR's Fourth Estate, friend of the show, Tina Quinn. Tina, welcome. It is, it is. I I mean, I was gonna

Tina Quinn (01:14)
Hey Charlie. God, that's quite a mouthful that you had to get out there. Talk about a multi-hyphen. Friend of the show is my favorite title though, so that's good.

Charlie Lewis (01:23)
go further and say friend to us all, but um but maybe you didn't want to maybe that was presumptuous of me.

Tina Quinn (01:25)
uh I I

not at all, not at all. That's not getting too familiar at all.

Charlie Lewis (01:33)
So Tina,

to set the scene for a bit for what we're gonna talk about today, um, in February

Tina Quinn (01:37)
Mm.

Charlie Lewis (01:37)
this year, Israeli President Isaac Herzog visited in the in the aftermath of the the horror that happened in Bonday in late last year. and his visit prompted strong pro-Palestine protests kind of wherever he went. in particular in Sydney, those protests ended up turning violent, with I believe it was

Dozens of protesters that were charged with various things, initially at least, and um more than 400 complaints registered with the New South Wales police watchdog. You've written a piece about the what's ended up being quite a long aftermath for those events. and I can't wait to get into it with you. I guess to start us off, set the scene a little bit for us.

What's alleged to have happened at these protests? and what has some of the footage of the day kind of told us?

Tina Quinn (02:21)
So these protests in Sydney around Sydney Town Hall on February 9th of this year saw thousands of people gather. And as you mentioned, it was to to protest Israeli president Isaac Herzog's visit. They wanted to, the protesters wanted to march to parliament, but police basically refused to let them. And since then we've seen footage of officers punching protesters while restraining them. There was a lot of video footage that was taken that night.

which as I said showed uh officers punching protesters whilst holding them down, deploying pepper spray and uh you know, I think we can all remember that quite breathtaking footage of officers dragging Muslim worshippers away while they prayed.

Witnesses describe being told to disperse while finding their routes blocked, then being pushed in different directions. There's been numerous allegations that include excessive force, improper arrests, and of course kettling. So containing people within an area that they couldn't leave while they were being told that they must leave.

Tina Quinn (03:24)
So there's now an inquiry underway into the events of that night. And what's significant that's come up thus far is that counsel assisting the police watchdog, they've said the evidence that's been reviewed as far has suggested that the protest within its early stages was largely peaceful.

And that there's been limited evidence of physical violence by protesters. That is a preliminary assessment, but it does raise some pretty serious questions about the original public defense of the operation. And these are people, you know, I I I spoke with a number of them on Friday. There was a matter being heard. some of these defendants were wanting to subpoena official police communications.

to help with their legal cases. And I spoke with a number of them and many of them are still living with the consequences of that night. You know, meeting some of them at court really I think brought that home in a way that watching footage alone couldn't couldn't really do for me.

Charlie Lewis (04:24)
there are two sort of streams to this and I and we'll try and try and get into both of them. first with this inquiry that you've you've mentioned, we were talking off air about the fact that given it is dealing with what seem to be quite serious matters, it hasn't necessarily gotten as much attention as as you might expect. why do you think that is? Is there a sense that that's been by design? Um how transparent has this whole process been?

Tina Quinn (04:44)
so we can establish that the commissioner actively sought to restrict public scrutiny. He tried to have the watchdog's examinations held entirely in private. Now he didn't get everything he

wanted, but the outcome was five weeks of private examinations with officers up to and including inspector rank given pseudonyms, whereas

senior commissioned officers are going to give evidence publicly.

I can't tell you that explains every editorial decision or, the amount of coverage that this has been given. I've been surprised as well by the lack of coverage. We did see some initial media reporting that this was going to be underway. But to be fair, closing hearings plainly limits what journalists can report as the evidence unfolds. And

police and political leaders have both defended the operation publicly. When I say political leaders, uh members of the MINS government,

much of the uh the evidence testing those claims is going to be heard privately. And I think that imbalance here is pretty important. the matter that I went uh to on Friday, as I said, was an open legal matter that was

a number of the defendants have have come together launching a collective action and have were subpoenaing a lot of these official communiques from police, uh from the government, as well like the communications between police and government officials. they were wanting drone footage, they were wanting a number of different things.

Charlie Lewis (06:36)
And and do we know what comes out of this the L E D C process? Do we know when we're going to see their conclusions?

Tina Quinn (06:42)
Out of the lak.

the Commission says its final report will go to Parliament and it will be published on its website. Its stated scope covers the planning of the operation as well as the use of force, the arrest powers, uh, the use of pepper spray and how protest policing could be improved. And it can refer material for disciplinary action. It can send a brief to the director of public.

prosecutions, to consider criminal charges. It doesn't itself convict officers. I so I guess a a public report is different from public access though to all the underlying evidence. You know, we shouldn't promise that every document or witness account will eventually be released because we can't be assured of that. And the question I think is whether it's conclusions are going to reach beyond individual encounters.

to the instructions and the supervision and the and the decisions that largely shape that night.

Charlie Lewis (07:31)

it's probably worth talking a little bit about the legislative atmosphere, I suppose, that has informed these events because this is part of a very long process by the government in New South Wales, but also the state governments in in Victoria and Western Australia and and sort of nationwide in many ways, um, looking to suppress.

protest um action. I don't think that's overstating it. largely since the events of October seven, but but even prior to that, more aimed at climate protesters.

Tina Quinn (07:57)
this quite dramatic uh draconian as some are calling it crackdown really was really sort of fired up and was expanded uh in December of last year after what happened to Bondi. so and I I think also knowing that, you know, Israel's president Isa Isaac Herzog would be visiting here, I think they were very specific around

the time period that this would be enforced.

Charlie Lewis (08:21)
And I suppose that is worth again digging into because many of the people charged in the aftermath of the February nine protests were charged under legislation that was rushed through Parliament in New South Wales

Tina Quinn (08:30)
Mm-hmm.

Charlie Lewis (08:31)
in the aftermath of Bondi, which allowed uh the Commissioner to issue a public assembly restriction declaration. And

As I understand it, that law has now been declared to be unconstitutional.

so how many people are still facing charges as a result of the protest? As I understand it quite a few. There were dozens initially charged, but many of those had their their charges dropped after the laws

but they were charged under word declared uh unconstitutional.

Tina Quinn (08:55)
one of the defense lawyers I spoke to actually said that when um there was a hearing to do with a number of those charges, it was so striking how, the judge presiding over that case and deciding, basically just sat there and went dismiss, dismissed, dismiss like it was just so many of them fell down. there were roughly about 30 initially charged suspects.

And about eighteen still remain though. So it's it's still a fairly high number. but yeah, so at least eleven people, eleven or twelve people have had their charges withdrawn.

Charlie Lewis (09:25)
And um you sort of hinted at this already, but as as as we say, that running parallel with the LE DC process, looking into the conduct of the police, there are these remaining protesters yeah, we've got we've got the charges that they they face. What's their involvement with this process and what are they kind of seeking at this stage?

Tina Quinn (09:42)
So I mean Friday's hearing I mean that's separate that's a separate proceeding, as I mentioned, from the lack inquiry. Uh the protesters' lawyers uh defending the people who are facing criminal charges and

Friday's hearing was all about seeking those records of the planning and execution of the operation, how it really came to be, the sort of instructions that were given to police, the policies that were and how they were explained to them, footage, various communications that involved government and the police. uh Several charges require the prosecution to establish that officers were acting in the execution of their duty.

But the defence argues that unlawful police conduct could undermine those charges.

Nick Hanna told me they obtained most of the documents that they had sought on Friday and including government police communications.

drone footage, body-worn camera uh material. Um, he hadn't reviewed them when we spoke, so we don't know yet what they establish. I mean, there was a huge amount that was released to them. but the defense now at least has that material. It that it says it needs to sort of properly test the the police account.

Charlie Lewis (10:47)
how forthcoming have the police been when when asked for that material? Have the ha that they've encountered?

Tina Quinn (10:50)
Not very,

not very. for instance, when we all arrived uh to court on Friday morning, I mean there were numerous delays. and this was already after, you know, weeks of delays. there was a number of comments of stalling tactics, bloody stalling tactics. Uh that's, you know, um I think from some of the protesters and from some of the just people that were in attendance.

who had uh attended previous hearings. the commissioner challenged disputed categories of documents and argued that they lacked a legitimate forensic purpose. But the court rejected that argument earlier in October. So Friday was supposed to address the remaining claims that

sensitive material should be withheld on public interest grounds. Nick Hannah says the the commissioner's legal team wasn't ready to argue that application and

sought an adjournment. So that's when, you know, we started hearing, from people attending the court, stalling tactics, stalling tactics. the defense opposed another delay. so really watching the exchanges, the counsel for the commissioner, I must say, appeared on the back foot. He uh looked to me to be quite stressed and was clearly trying to seek further instructions.

The magistrate, however, pressed for those documents to be produced. by about midday was agreed that they would be. so as Nick Hanna to me, they were, you know, all of a sudden went from not being available to being the police miraculously managed to produce most of what had actually been requested and agreed to basically provide almost everything else.

Again, that doesn't tell us what's in the documents, but it does raise a number of questions about why obtaining them required that level of resistance and pressure. The defense had to really continue to push and push and push.

Charlie Lewis (12:28)
So I suppose that does bring us to some of the individual protesters who who you have spoken to.

Tina Quinn (12:33)
Mm-hmm.

Charlie Lewis (12:33)
I think one particular interviewee uh whose statements I found so striking was Sienna Hopper,

talk to me a bit about her experience today, because one of the things that she sort of talks about is the idea that she's been attending protests of this sort for years, and this was

Tina Quinn (12:47)
Hm.

Charlie Lewis (12:48)
very markedly different quite quickly. tell me what what she went through.

Tina Quinn (12:51)
Siena Hopper is a 26-year-old law student and paralegal, and she attended the rally after work. Now she'd attended numerous pro-Palestinian demonstrations for she reckons about five years. And she described them as consistently quite peaceful gatherings. There'd be speeches, there'd be a march, families, elderly people,

when I say families, I mean people with prams would would attend these uh demonstrations. but this time she describes people as being quite frightened and confused. I mean there was still a

a real sort of diversity in the attendance lot of young people a lot of people who would I guess be classified as middle aged a lot of elderly people but she described them as becoming frightened and confused quite quickly because

A lot of people were unable to work out where they were allowed to leave.

She remembers that the direction changed about three to five times. she describes seeing one man dragged from the crowd by his neck. she describes people seeking help after being pepper sprayed and protesters trying to flush each other's eyes out with water. She alleged she alleges that three male officers.

tackled her to the ground during her arrest. Now she's five foot six inches. I don't know why it would require three male officers to to tackle her to the ground. uh She says they continued to pull at her arm quite violently, which was caught in her handbag strap until a female officer intervened.

She also alleges that requests, repeated requests for medical assistance for a chronic condition that she suffers with went unanswered in custody. She says that after she was released at about 1 a.m., she attended a GP the following morning and he directed her immediately to go to emergency after her release. Now she's pled not guilty to assaulting police, and while she waits, she's pretty anxious about.

her health. she's anxious about attending large gatherings now. And she's also pretty anxious about what the proceedings could mean for her own legal career.

So the way I think it's you know that she's described how it's impacted her mental health has been quite quite substantial.

Charlie Lewis (15:06)
Yeah, that was one of the um one of the themes that really comes through in your piece is the idea that it's not simply that protesters uh allege that they had a bit of a rough night and that there was, you know, less

Tina Quinn (15:15)
Hmm.

Charlie Lewis (15:17)
than an ideal policing, it's that it actually has quite a serious and material and ongoing impact on them.

Tina Quinn (15:22)
indeed, indeed. I think a lot of the the sort of mental and emotional scars have really persisted and and they've stayed. I another protester that I spoke to, and his story has really stayed with me, is

a man named Jace Turner. so he was the young man that I think most listeners will be familiar with the footage that that sort of went viral of him that evening. So he was the young man that was

pinned down to the ground tram tracks on on George Street. he was held down while a police officer is seen to be continually punching him in the head. I spoke to Jace. He reckons he was punched in the head about twenty times while being restrained.

so one of the things that was really striking to me, uh, seeing Jace in person is how slight a frame he is. He's five foot seven, he's incredibly thin and as I as I there's no other way to put it but slight in frame. again, I I just I can't understand the need

For a police officer to hold him down while another allegedly punches him in the face 20 times. I I don't know what that's achieving. I don't know why that was necessary.

And I think what's also really important to highlight is that Jace is autistic and that affects his speech. He also has ADHD and OCD. He's also queer and has indigenous heritage. So

Look, I'm not claiming officers knew all those details. I I do think it would be clear to most people that Jace does suffer with a mental impairment. in terms of how vulnerable he is, and again, I'm not saying that they knew that he was queer and that they knew he was part indigenous and

were across all of his um medical history. But there's a real vulnerability there that I just think should prompt greater care. And a number of people that were in attendance on Friday did say to me that they were concerned that there was a real targeting of uh vulnerable communities on on that evening.

And I I think we do need to ask whether distress or difficulty communicating is is definitely being accommodated or whether it's just being treated as defiance. Because Jace has told me he struggled to hear uh the instructions. And to be honest, many people on the evening, including Sienna Hopper, said that there was incredible confusion around instructions and where people should go and where they were to exit. And

So then imagine someone like Jace Turner, who does obviously experience difficulty communicating and how confused he might actually be with with some of the instructions that were weren't being clearly communicated uh to most people.

Charlie Lewis (18:09)
you also speak to former Greens candidate Hannah Thomas as well, who obviously had a very high-profile run-in with New South Wales police in a protest situation. And I guess whose experience is a reminder that this is not necessarily a one-off.

tell me a bit about what you guys talked about and what her experience of the day was.

Tina Quinn (18:25)
so yeah, most people would would be quite familiar, I think, with with Hannah's case at a another pro Palestine march and and rally last year. she was allegedly assaulted by a police officer and um suffered quite a severe eye injury.

she was in attendance at the Herzog Rally on February 9, she attended with Sue Higginson, who's uh another a state Greens MP, and Jenning Leong, a local Greens counselor.

Yeah, so Hannah Thomas arrived with Saline and first aid supplies and goggles to protect her injured eye. She'd suffered a quite a serious eye injury, which I think most listeners, as you mentioned, would be familiar with during a separate protest arrest in twenty twenty-five. The charges that were laid against her in regards to that incident last year have since been dropped. But the officer who allegedly assaulted her has been charged and

The state has since admitted in her civil case that an officer did punch her in the eye while holding a torch. So she quite, I think, bravely returned to protest she knew how important it was to have people there providing first aid. At Town Hall, she described a pressure cooker situation. The the crowd unable to march, there were horses moving into people and widespread pepper spray, which was reaching a lot of people.

basically there were instruments that that police were using to help disperse it amongst the crowd. she heard accounts of officers removing people's eye protection. So other people arrived with goggles uh prepared because they knew that, you know, police intended to use pepper spray and apparently some officers were just simply yanking these off people.

that really frightened her when she heard that that was happening because of her existing injury, obviously. So um she sort of went, right, I think I need to get out of here. And at this point, police were really charging down the street. And she and about nine others sheltered in a 7-Eleven. the person that was running the 7-Eleven uh apparently then locked the door to help keep police out.

and actually refused an officer's request to open it. And the group was then able to administer first aid inside. I mean she said to me it felt like they were at war with us. she describes that the officer that was trying to get in and another colleague was standing outside basically just looking menacingly at them. She used the word menacing as they were administering first aid to people.

that had obviously been been injured and um had been affected by the pepper spray. you hear these descriptions and I guess what was so striking to me is that I'm reminded that law enforcement and police are, they're there to keep the community safe. that's

supposed to be the MO, that's supposed to be the modus operandi. That's supposed to be what they're responsible for doing. That's the point of them. you know, some of these first hand

accounts and the footage that we've seen from that night, I think really draws into question whether many in the force

are aware of what they're actually supposed to be doing.

Charlie Lewis (21:20)
You you did mention earlier that there's been a great deal of effort expended to try and protect the the privacy and anonymity of of many of the officers involved in the um LECC process. have the protesters experienced that same that same right of privacy?

Tina Quinn (21:37)
look, I mean there's been some protesters that have remained anonymous, but I'm saying, you know, I'm telling you the names of many of these protesters because they're already public knowledge. I mean, Sienna um Sienna Hopper describes that within twenty four to forty eight hours of her being released, she said I was doxxed, basically.

Charlie Lewis (21:44)
Yeah, yeah.

Tina Quinn (21:56)
her name and identity had been leaked to media somehow mysteriously. yet the, you know, the great irony is is that this inquiry, the LEC is is going to be conducting this inquiry largely behind closed doors. And many officers are going to have their privacy protected. They're going to be referred to uh via pseudonyms. And,

uh and they're the public officials and they're accused of of wrongdoing. yet these private citizens had their identities revealed to the media almost immediately.

Charlie Lewis (22:29)
with the added scrutiny.

that has come with what befell Hannah Thomas and um what happened in February of this year. are we seeing the New South Wales government I guess wind back any of the powers that they have invested in the police or are they giving them more arms and sending them out to more streets?

Tina Quinn (22:46)
Well, no, this is the thing. I mean, after all of this scrutiny and after all of these really incredible events uh of of the past year, it's just launched a permanent armed response command with rifle carrying officers who are going to be given powers to patrol crowded spaces and major events and places of worship. now the government stated justification for this is the capacity to respond rapidly to to serious armed threats.

After what happened in Bondi. That's what they're saying. the purpose of this is. But boundaries around protests aren't particularly clear. So Mal Lanyan, the New South Wales Police Commissioner, indicated he didn't envisage that the command would be deployed to demonstrations. Yasmin Catley.

the New South Wales Police Minister subsequently wouldn't rule it out. And she's rejected calls for for regulations which would define the deployment.

I I just think it's it's really important to to highlight here that, protecting a protest from an armed attacker is really different from managing the protest overall. And it's really unclear about how that distinction is going to be drawn or maintained. you know, Hannah Thomas put her concern very directly she felt that

There did seem to be sort of a reining in of the New South Wales police force after what happened to her in the subsequent protests that were carried out through the remainder of 2025. Gaza protests happen every few days here in New South Wales. But she said she felt that Bondi and obviously the powers of the men's government then afforded the police afterwards, instead of trying to rein them in.

it it's emboldened uh the police force. And she's very concerned now because she says, we're we're giving them more weapons instead of reining them in. We're giving them more weapons. And you know, I I think it's also important to note that equipment it it can't be separated from culture. Now I'm I'm gonna use a an example from up in the Northern Territory, but the Kumanjae Walker Inquest examined

racism and recruitment and supervision and and the overall failure to rein in dangerous behavior in its own police force. And its findings went well beyond the idea of just one isolated bad decision. And I think that's really relevant here as a question, know, obviously the claim, the cases aren't identical, right? But who are police recruiting and what sort of conduct is rewarded and

what happens when an officer boasts about force and a colleague then laughs in response, which there is, you know, camera footage, there's body worn camera footage that shows that that was taking place on February ninth at the Isaac Herzog protests, that there were officers who were boasting about the sort of force and the violence that they had perpetrated on some of these protesters and one of their colleagues was just laughing.

you know, if you're gonna

give police officers greater firepower, well, I think it's pretty fair to expect that greater accountability will accompany that.

Charlie Lewis (26:16)

And there's no better accountability measure than one that is conducted largely in secret, I think we can all agree. Which does bring

Tina Quinn (26:21)
I mean

Charlie Lewis (26:22)
momentum, I guess, to my final question, which is like where are these two processes that we've been talking about today, the

The the charges being faced by the process protesters and the the the leck kind of thing. Where where are they at? Where's the next

Tina Quinn (26:31)
Right.

Charlie Lewis (26:32)
steps?

Tina Quinn (26:32)
So the announced plan for the LEC was around, as I mentioned, so five weeks of private examinations after the October nineteen opening, and then there would be a week of public examinations of senior commissioned officers. Um

I haven't seen a confirmed date for the final report as yet. nor would I promise that the public phase will be confined to just one final week.

What matters now though is is how thoroughly it does examine the instructions and the supervision and the the sort of whole planning of the operation and I guess what consequences we might see from its findings, whether we might see some criminal proceedings following on from that and and following on from the report that that will eventually be handed down.

and I guess that all you know, that all depends on the sort of recommendations uh in the report.

for the defense team, they've got substantial material to review and compare now with the footage and the prosecution evidence that they already had in their possession. Uh, the judgment records a preliminary hearing about evidence in March of 2027. Uh, so March of next year, and that'll be followed by a six-week substantive hearing beginning on July 19. Um, so they've got

fairly long roads ahead of them. their argument about the lawfulness of police conduct, that sort of remains to be tested. But I I think getting the documents has been a really important step. but obviously it hasn't really determined the outcomes in any of any of those cases. so the

defendants are facing months more of quite a lot of uncertainty and you know, their health and their studies and careers don't really pause well.

you know, the legal process runs. I guess something that I just keep coming back to is that these proceedings do concern real people who say that the state has harmed them. and I think that deserves a really, you know, a proper and very thorough examination of of what exactly happened here. And that includes the decisions that were made above the officers that were on the street, not just by the officers.

Charlie Lewis (28:31)
Absolutely, absolutely. It's a huge story, which I think hits a bit of a nexus and points to so many other issues that are um that are

Tina Quinn (28:37)
Mm-hmm.

Charlie Lewis (28:38)
yes very, very big in Australia at the moment.

Tina, thank you so much for joining us and thank you so much for the reporting. It is such an important story.

Tina Quinn (29:42)
Thanks for having me, Charlie.