

BETWEEN:

Paul GRAJEWSKI
Appellant

and

The Director of Public Prosecutions (NSW)
Respondent



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APPELLANT'S CHRONOLOGY

Part I:

1. This chronology is in a form suitable for publication on the internet.

Part II:

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2. On 8 May 2016 the appellant was part of an organised protest at the Carrington Coal Terminal in Carrington, NSW:
 - a. At approximately 7.50am he began to climb the stairs of a machine being used to load coal onto a ship. As he did so, the machine, known as Ship Loader 2, was shut down due to safety concerns. The appellant then used a harness and roping device to attach himself to the ship loader, before descending down the rope to approximately 10 metres above the platform (Core Appeal Book (CAB) p22).

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THIS DOCUMENT IS FILED ON BEHALF OF THE APPELLANT

THIS DOCUMENT IS DATED: 5 JULY 2018

THE APPELLANT'S SOLICITOR IS: Mr Peter O'Brien

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b. The appellant was arrested and charged with one count of unlawful entry on inclosed lands contrary to the *Inclosed Lands Protection Act 1900* (NSW), and one count of damage property contrary to the *Crimes Act 1900* (NSW) (the “Act”). The charge of damage was particularised as “causing the temporary impairment of the working machinery, to wit, Ship Loader 2, Dyke 2, the property of Port Waratah Coal Services.” (CAB p22)

3. The appellant pleaded guilty to the trespass offence and not guilty to damaging the Ship Loader 2.

4. On 21 October 2016 the appellant was convicted after a hearing before Magistrate Morahan in the Local Court of NSW at Newcastle and fined \$1000 (CAB p19).

5. On 21 June 2017, Bright DCJ, sitting in Newcastle, dismissed the appellant’s appeal against conviction, brought in the District Court of NSW pursuant to s 11 of the *Crimes (Appeal and Review) Act 2001* (NSW) (CAB pp21-25). Bright DCJ stated a case on a question of law to the Court of Criminal Appeal in NSW (the “CCA”) pursuant to s 5B of the *Criminal Appeal Act 1912* (NSW) (CAB pp26-27) as follows:

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a. Can these facts support a finding of guilt for an offence contrary to section 195(1)(a), Crimes Act, 1900?

b. In particular, was the evidence capable of proving beyond reasonable doubt that Ship Loader 2 had been damaged by the conduct of Paul Olaf GRAJEWSKI?

6. On 11 October 2017 the case stated was heard by the CCA constituted by Leeming JA and Johnson and Adamson JJ (CAB p28).

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7. On 24 October 2017 the CCA decided that the facts, as referred to above, were capable of constituting an offence contrary to s 195 of the *Act* and answered the questions stated “Yes” and “Inappropriate to answer” (CAB p55, 57).

8. On 18 May 2018 the appellant was granted special leave to appeal by the High Court of Australia sitting in Sydney (CAB p58).

Dated: 5 July 2018



T. Game



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