



Legal Observer Team Report

The Policing of the DLF Protests

January 2025

Melbourne Activist Legal Support



About Melbourne Activist Legal Support

Melbourne Activist Legal Support (MALS) is an independent volunteer group of lawyers, human rights advocates, law students, and paralegals. MALS trains and fields legal observer teams at protest events, monitors and reports on public order policing, provides training and information to activist groups on legal support structures, and develops and distributes legal information resources for protest movements. MALS works in conjunction with law firms, community legal centres, and a range of local, national, and international human rights agencies.

Acknowledgement

MALS acknowledges the centuries of Aboriginal resistance against genocide and colonisation. We acknowledge that police and the legal system in this country remains a core component of colonisation which continues to disproportionately target and incarcerate Aboriginal people. We owe a huge debt to Aboriginal activists today and throughout our history who fought for basic human rights, social, legal and political change.

Credits

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Table of Contents

Overview.....	1
Section 1: Police Use of Force and Weaponry.....	3
1.1 Use of chemical weapons.....	6
1.2 Use of explosive disorientation weapons.....	11
1.3 Use of blunt force Kinetic Energy Projectile (KIP) weapons.....	15
1.4 Use of shields as weapons.....	19
1.5 Use of force in dangerous crowd control manoeuvres on Wednesday 11 September.....	21
1.6 Use of horses for crowd control.....	30
1.7 Use of handcuffs.....	33
Section 2: Special Powers.....	34
2.1 Declarations of powers before the protests.....	34
2.2 Powers exercised by police under the COWA.....	37
2.3 The use of anti-terrorism laws against protests more broadly.....	39
Section 3: Arrests.....	41
3.1 Bail Conditions.....	42
Section 4: Treatment of Legal Observers.....	43
Section 5: Disinformation and misinformation in the media.....	49
5.1 Media framing.....	50
5.2 Language.....	55
5.3 Unverified claims and inaccurate reporting.....	58
5.4 Commentary.....	60
Section 6: Recommendations.....	67



Horses charging protesters near MCEC entrance on Convention Centre Pl and Lorimer St. Photo: Alex Zucco

Overview

The Land Forces Exposition (the expo) took place at the Melbourne Convention and Exhibition Centre (MCEC) from 11 to 13 September 2024. The expo is promoted to be the “largest defence industry event ever held in Australia”.¹ It invites international military, defence and weapons contractors and manufacturers to demonstrate their products and services to thousands of individuals in the defence, government agency, business, academic, scientific and other related weapons sectors.

The Naarm-Melbourne anti-war community organised to protest the expo from 10 to 13 September in a movement known as Disrupt Land Forces (DLF). The coalition comprising of over 50 organisations and independent individuals used a variety of mediums, including attempting to create traffic disruptions in the streets around the MCEC, picketing and blockading the expo, marches and rallies, music and artistic performances, and candlelight vigils.

Melbourne Activist Legal Support (MALS) fielded trained legal observer teams at multiple protest events across each of the four days. Anti-war protests and resistance are not new to Naarm-Melbourne. From the moment that the expo was announced to be held, negative and sensationalist responses from the Victorian government, Victoria Police, and media paved a stigmatising platform to justify extraordinary levels of force to be used by police against protesters. This preemptive response included invoking special weapons and anti-terrorism legislation to equip police with broad powers.

Commentary by the media, politicians, and police—specifically events on Wednesday 11 September 2024—have overwhelmingly focused on the actions of protesters engaging in violent or confrontational behaviours. There has been minimal scrutiny or focus on the use of force and violence by police, including coordinated tactical manoeuvres, and the disproportionate levels or forms of violence facilitated by an arsenal of weaponry, with state and media sanctioning. There has also been a dearth of commentary and analyses by these institutions on the tactics and decisions by the police and their impacts on creating, instigating, and escalating violence and tensions in the events that occurred on Wednesday 11 September 2024. This includes the increased levels of risk of harm to members of the public that arise from uses of force and violence by the police, including the use of weapons, chemical irritants, and potentially lethal weapons.

This report details MALS areas of concern from observations across the four days of protests, including police use of force and weaponry, special powers, arrests, treatment of legal observers, media narratives and strategic misinformation.

#



Police preparing to fire VKS Pepper ball gun at protesters on Lamont Bridge. Photo: Alex Zucco

Section 1: Police Use of Force and Weaponry

Police use of force is limited by law and policy. Per section 462A of the Crimes Act 1958 (Vic), any use of force must not be *“disproportionate to the objective as he [sic] believes on reasonable grounds to be necessary to prevent the commission, continuance or completion of an indictable offence or to effect or assist in effecting the lawful arrest of a person committing or suspected of committing any offence.”*

There is a common law power to use force to prevent a breach of peace. A 'breach of peace' means 'a disturbance of public order involving the threat of violence or harm to property.' This is recognised in the Victoria Police Manual (VPM) which puts limitations of police use of force including:

- *"Where possible, violent confrontation and the use of force should be avoided. Any use of force must be justified and only to the level required to reasonably effect arrest or removal of persons."*
- *"When it comes to using force, members must lead by example, treating everyone with dignity and respect while having regard to the safety of themselves, other police, members of the public and any offenders."*
- *"the goal of policing activities is to minimise harm caused by our own actions or the actions of others. This is a broader concept that extends beyond the use of force and physical injury. It encompasses human rights, psychological and emotional harm and other impacts on community safety and confidence."*
- *"If force is used, members and PCOs must record the details of the incident and any justification that determined that the use of force was necessary in the circumstances."*
- *"In line with the Operational Safety Principles, if police do attend an industrial dispute or community protest the success of the police operation will be primarily judged by the extent to which the use of force is avoided or minimised."*

To effect the use of force at protests, police are equipped with various weapons including a range of what Victoria Police term “non-lethal” or “less-than-lethal” weapons. These terms are a misnomer. In countries all around the world, protest-control weapons have caused deaths and life-altering injuries, and should be properly termed as ‘potentially lethal’ weapons.

At the Disrupt Land Force Protest, MALS observed the use of various potentially lethal weapons by police on protesters.


#

1.1 Use of chemical weapons

Riot-control agents are banned by the 1997 Chemicals Weapons Convention (CWC) for military use or as a 'method of warfare'. Despite this limitation for militaries, the CWC does not restrict or regulate the use of chemical agents by domestic law enforcement against civilians.²

1.1.1 VKS Pepperball Gun

The VKS Pepperball gun³ is a semi-automatic launcher that mirrors the AR-15 semi-automatic rifle⁴ or M4 carbine assault rifle. Designed and manufactured by United Technical Systems, the product carries this safety message with each product sold:

 *"DANGER: Never aim or shoot in at the head, face, eyes, ears, throat, groin or spine. Impact in these areas could result in unintended severe or permanent injury or death."*⁵

The VKS Pepperball gun uses projectiles which can cause skin irritation, serious eye irritation, and may cause serious respiratory irritation. The projectiles include various formulas of chemical-irritant Pelargonic Acid Vanillylamide (PAVA) powder at concentrations of 2%, 2.5%, 5%; or 5% 'MAXSAICINPAVA' powder, a formula that produces more airborne PAVA. It is difficult by design to limit exposure to individuals, resulting in bystanders and the environment being indiscriminately affected.

On Wednesday 11 September, MALS observed multiple uses of what appeared to be pepperball gun ammunition that contained the PAVA chemical irritant. MALS observed these projectiles appearing to be shot indiscriminately into the crowd during the police-push along the Clarendon-Swanston St bridge that began at approximately 9:20am; as well as directly targeted at individuals attempting to



Photo: @nathanccp

create a road barrier (discussed further below) at the northern end of the bridge, and when police were no longer pushing the crowd along.

1.1.2 Oleoresin Capsicum Foam

Oleoresin Capsicum (OC) foam and spray uses a concentration of hot pepper which binds to TRPV1 pain receptors.⁶ This causes burning sensations, skin and eye irritation, and respiratory difficulties. While immediate exposure causes

temporary pain and irritation, OC can be damaging and have lasting impacts which can depend on the concentration of OC and proximity between the police and the victim. In addition to the Crimes Act limitations on the use of force and other VPM guidelines, the VPM on the use of OC states:

“*OC aerosols should only be used where there are reasonable grounds to believe the use is necessary and proportionate in situations of violence or serious physical confrontation; where violent or serious physical confrontation is imminent; [or] where a person is involved in violent or other physical conduct and likely to seriously injure themselves or result in suicide. [...] Members and PCOs should not use OC aerosols when a person is only passively resisting e.g simply hanging limp or refusing to comply with instructions only.”*



Photo: MALS

On Wednesday 11 September, MALS observed police using OC foam at close range to protesters, dangerously targeting individuals, as well as deploying the foam or spray indiscriminately. MALS observed police deploying OC foam on people who were on the ground, attempting to help others who had been sprayed or injured; attempting to move away from police; and who were passively standing in the crowd.

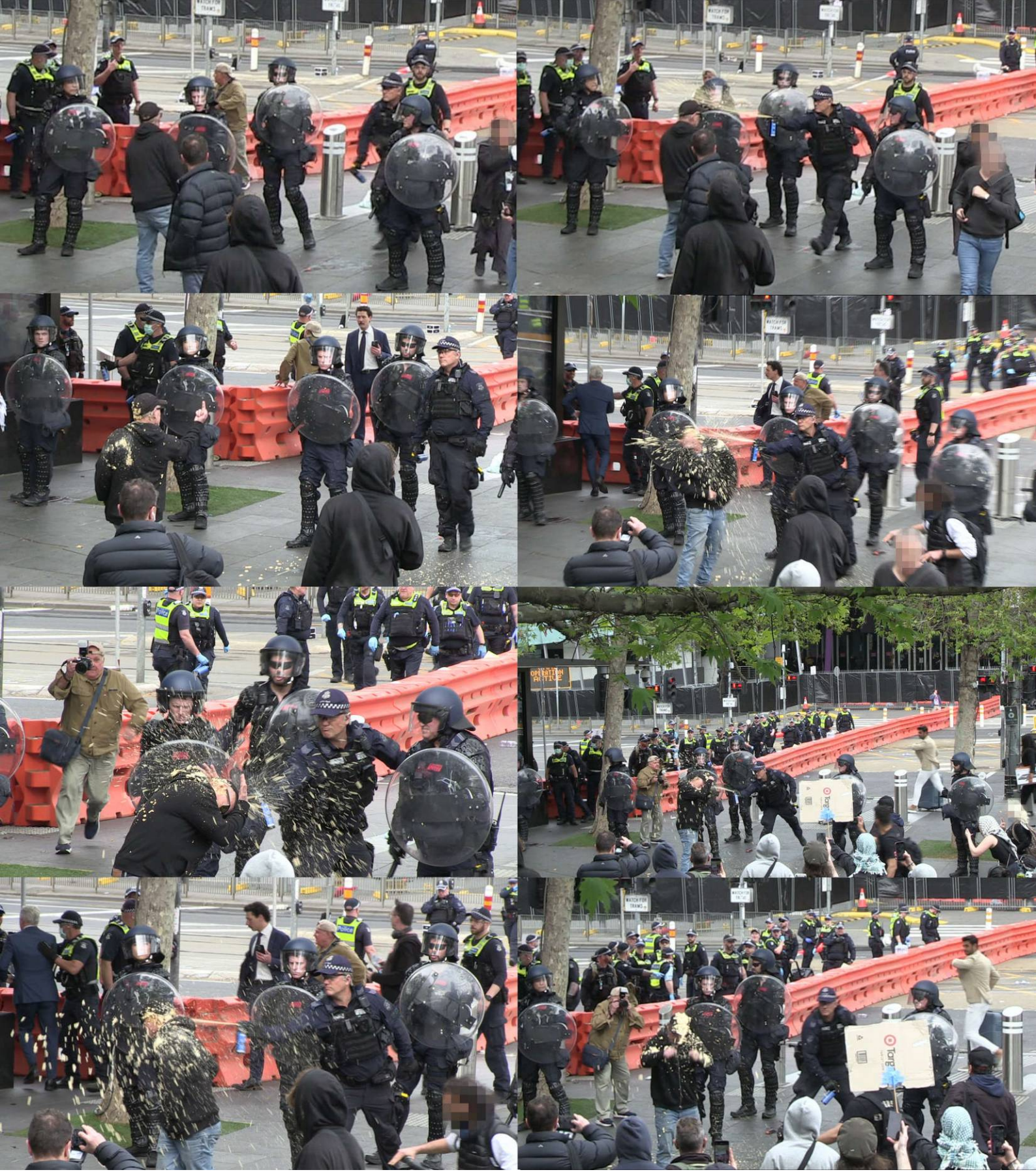
MALS observed police officers deploying OC foam on protesters who were standing and shouting, and posing no physical threat to any of the officers.

In one instance on Wednesday 11 September 2024, MALS observed a protester, who was standing near Public Order Response Team (PORT) officers with shields, and was shouting and sticking their middle finger up at police. A PORT officer then took several steps to enter this person's space and deploy OC foam on them. The police officer deploying the foam appeared to say to the person "you want some?" before

spraying the person at point-blank range in the face. The police officer then retreated behind the police line, only to repeat this set of actions and spray the protester a total of four times.

The police made no attempts to restrain, detain, or arrest this protester as no arrestable offence was made by them. The person, who was walking and standing close to the police line, clearly and objectively posed no threat of violence to police or any other person. Despite this, the police officer deployed OC foam on the person four times, significantly covering the top portion of their body and clothing with OC foam.

To MALS, the use of OC foam in this manner appeared to be for retaliation by the police officer on this individual for insulting the police. This raises serious questions on the quality and level of training being provided on the use of this chemical weapon, as well as the ability for Victoria Police to control its members and ensure they follow training protocols and abide by the law and policy directives on the use of OC foam.

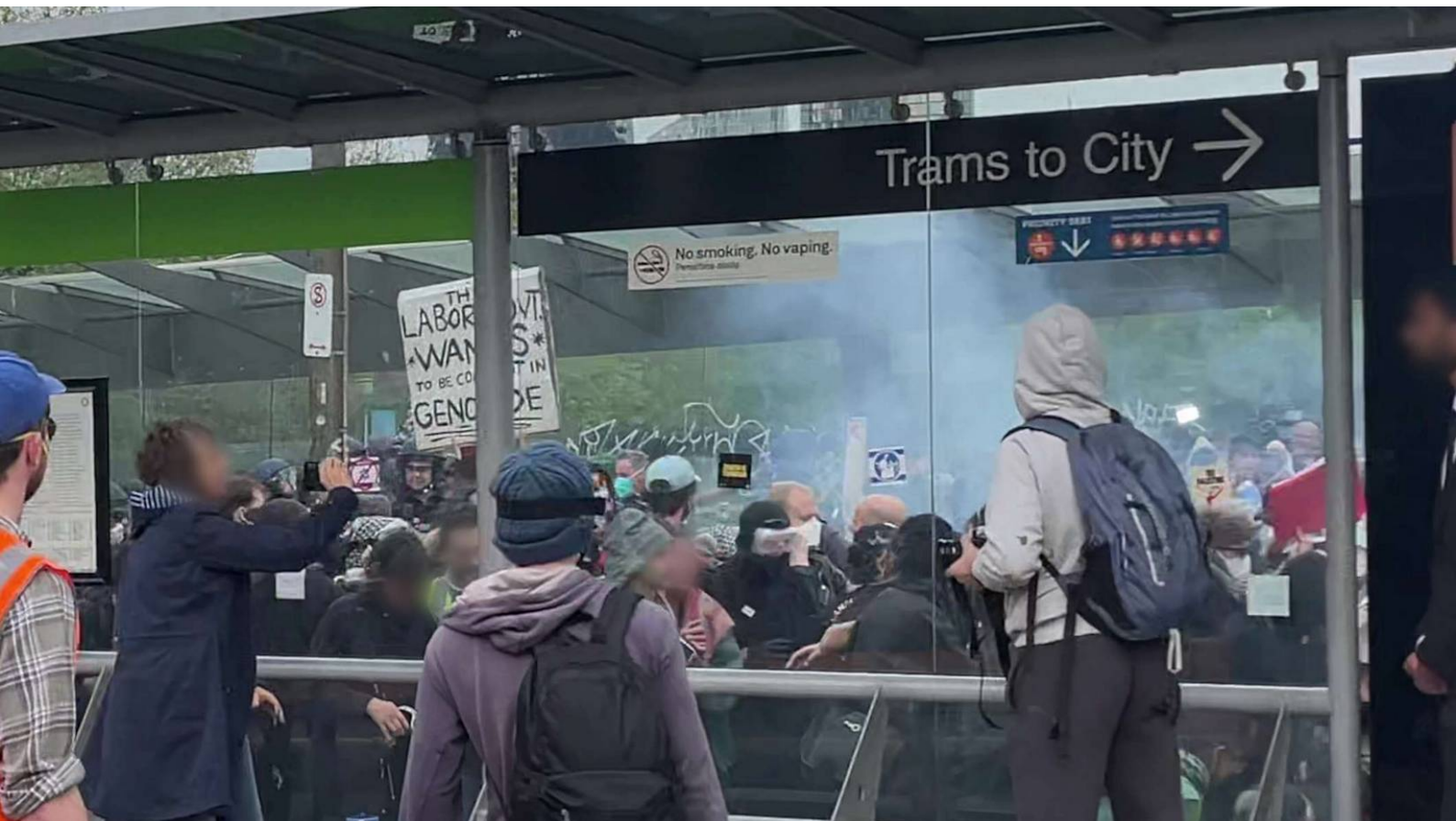


PORT officer taking several steps towards a protester in order to spray them with OC spray on four separate occasions. Photos: MALS

1.2 Use of explosive disorientation weapons

Victoria police have a variety of “disorientation or distraction” devices such as stun grenades, flash-bang grenades, blast balls, sting-ball grenades, stinger grenades, lasers, or concussion grenades. These are typically used to disorient crowds. Exposure, particularly at close range, can cause temporary blindness, blurred vision, light sensitivity or traumatic injury to the eyes and/or ears. By nature, these devices are indiscriminate and carry the risk of blast injuries from close proximity. They create fear and panic in a crowd and increase risks to safety.

MALS observed the use of disorientation devices on crowded bridges in close range of people. This increases the risk of crushing-crowds in a narrow environment, and also increases the risk of falls due to the disorienting nature such devices.



Smoke from explosive disorientation devices fired by police on Lamont Bridge. Photo: MALS



Still from video⁷ by Associated Press denoting the scope of explosion and proximity to protesters.

MALS observed four loud bangs and flashes on the Clarendon-Spencer Street bridge starting at approximately 9:20am on Wednesday 11 September. These devices also appeared to emit an irritant into the air. It is unclear exactly what device was used by Victoria Police.



Still from video by @channelnine

As discussed further below, the use of these explosive disorientation devices signified a marked change in the policing tactics that did not appear to be in response to any discernible or marked change in protester behaviour. These weapons generated fear, stress, and confusion and created unnecessary risks to safety.



Above: Persons on bridge seen covering their ears from the loud explosion sounds, and smoke rising.

Below: Explosive devices were detonated in extremely close and dangerous proximity to people's legs and feet.

Photos: @disruptlandforces





One of the several explosive devices deployed by PORT officers at protesters at the Northern side of Lamont Bridge. Note the close proximity to legs and feet, and the explosive debris after detonation. Stills: BOX4 Media

1.3 Use of blunt force Kinetic Energy Projectile (KIP) weapons

The Penn Arms L140-4 40mm single shot launcher is manufactured by Combined Systems Inc. According to the manufacturer's description, this is a "less lethal" product that may cause damage to property, serious bodily injury or death.⁸

The impact munition used at DLF was the CTS 40mm foam baton model 4557. This round is designed to cause blunt trauma and/or penetrating trauma and is made out of closed cell neoprene, a form of synthetic rubber. Although less dense than

metal bullets, these projectiles can cause serious injury as is the case of a photographer present at DLF who was shot in the head and suffered serious, and possibly permanent, injury to their ear.

MALS observed multiple instances of these rubber bullets being shot into the crowd and has been made aware of significant injuries sustained by protesters.

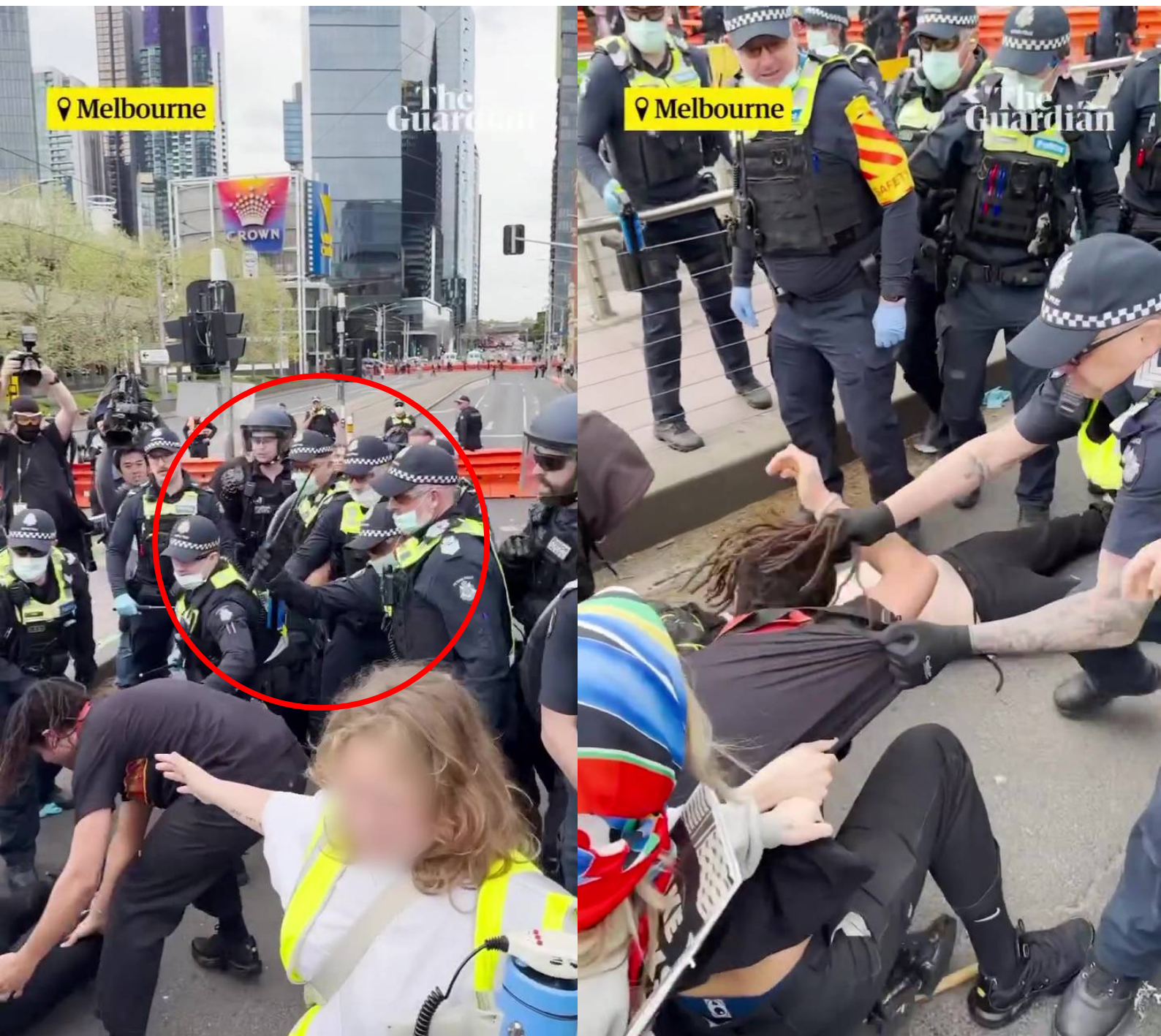
Handheld kinetic impact weapons such as the tonfa (long side-handled) baton, expandable ASP baton, and sjambok whip are classified as defensive weapons that can be used in close range to incapacitate a person using blunt force. Police are directed to use batons on the extremities,⁹ but they are often used in overhead manner which can result in injuries to the head, shoulder and/or abdomen.¹⁰ Injuries can range anywhere from bruising, internal and/or external bleeding, fractures or organ damage.



Photo: MALS

MALS observed and has seen footage of these weapons being used in several instances in overhead manners by police and the

Mounted Branch which increases the potential for life-threatening or life-altering injuries.



Protester assisting another who fell, struck with a baton and then grabbed by the hair. Stills: The Guardian.



Mounted branch with whip on Convention Centre Pl, near Lorimer St. Still from video¹¹ by: Jordan van den Lamb.



Above Left: Baton-round gun being pointed at protesters on the Lamont Bridge, moments before firing. Still: @channelnine. **Above Right:** Same weapon being aimed at protesters at extremely close and dangerous range on the corner of Yarra Promenade and Clarendon St. Photo: MALS.

Below Left: VKS Pepperball gun being fired at protesters on the Lamont Bridge. Still: SBS World News. **Below Right:** Same weapon being fired at protesters with hands raised. Still: Chelsea Catherine.

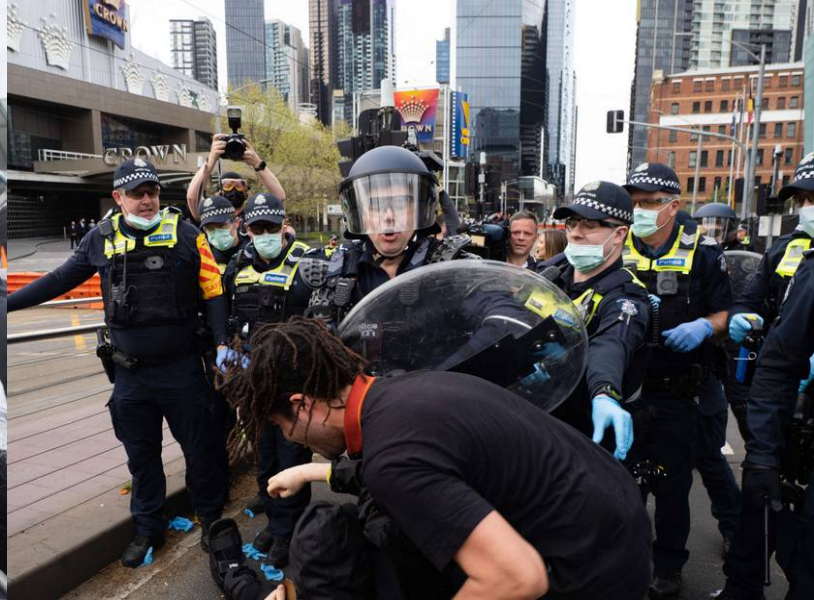


1.4 Use of shields as weapons

During DLF, the police were observed using riot shields in offensive manners to push crowds of people in attempts to move them along, and to push people who posed no objective threat to police—including pushing people who had their backs to police, pushing people in their backs who were already crouched on the ground; pushing people down to the ground; and pushing people who were moving away from police.



Photos: @nathancpp



Photos: Alex Zucco

In one instance, a protester was walking away when an officer armed with a shield rushed towards them, hitting them in the back causing them to fall, the officer then retreated backwards.

In another instance, a protester chanting with a megaphone had their back towards a large police line when police suddenly made a rush forward, slamming a shield into this protester's back, knocking them to the ground. An officer then kicked the megaphone, which had fallen out the protester's hand, back towards the police lineup.



Stills from video by @disruptlandforces

1.5 Use of force in dangerous crowd control manoeuvres on Wednesday 11 September

Dangerous crowd control tactics by police can ignite series of events leading to conflicts and arrests which, but for those police tactics, would otherwise not have occurred. Throughout Wednesday 11 September, MALS observed many dangerous police crowd control manoeuvre and tactics that generated fear, stress, confusion, created serious and unnecessary risks to safety, and which increased the likelihood and level of conflict and arrests.

At around 6:50am, a group of protesters began to gather in the shopping centre near the Novotel Hotel entrance, behind the MCEC. Soon after, 13 mounted branch officers entered the area via a thoroughfare connected to a car park and joined

existing police. Police positioned orange water bollards behind the mounted branch line and opportunities to leave the area quickly and easily were restricted.



Photo: @nathancpp

MALS observed this tactic of blocking and creating obstacles in the thoroughfare to create an unsafe environment where the closer to the front a person was in the protest group, the lesser their

ability to leave the area, as people could only retreat backwards; could only move if those behind them moved first; and could only move as quickly as those behind them. In other words, the police tactic created a risk of a crowd crush scenario. During this period, MALS observed police horses to appear agitated with one horse repeatedly kicking a glass wall.

At around 7:15am, protesters turned around and attempted to move towards Wurundjeri Way, down Convention Centre Place. Some of the mounted branch attempted to exit through the car park but were prevented by the boom gates there.

As the protest group headed towards Wurundjeri Way, MALS observed the mounted branch riding quickly and dangerously close to protesters in apparent attempts to block their movement away from the Novotel Hotel area. As the protest group got closer to the Wurundjeri Way-Lorimer Street/Convention Centre Place intersection, mounted officers rode horses closer into the crowd appearing to attempt to kettle the group in. Some protesters continued to try and get past the mounted branch



Police officers rushing horses into crowds. Photo: @nathanccp

which included touching and pushing horses, while other protesters tried to hold a line in front of the mounted branch. MALS observed the mounted branch advancing towards the group of protesters multiple times, resulting in physical contact between horses and protesters. With six horses side-by-side and sandwiched between two traffic light posts

with protesters both in front and behind the horses, the mounted officers appeared to struggle to control the horses and had little space to manoeuvre.

At one point, a protester managed to create a safe exit path for others away from the horses and when police saw this, several mounted branch moved towards that person and attempted to remove them. During this series of events, MALS observed the horses to be agitated and the mounted officers appear to struggle to control the horses' movements.

Between 7:20am and 7:30am protesters were gathered on the Wurundjeri Way-Lorimer Street intersection and the police horses were back with the protest group, behind police lines. At around this time, part of the protest group attempted to use a path heading south, around the DFO building where no police were. Police and members of the mounted branch ran to block the protesters path. The police horses were ridden very close to the protest group and a horse almost made physical contact with a MALS legal observer. Protesters near the horses had their hands raised to protect against contact, however contact was in many instances unavoidable when mounted branch officers manoeuvred horses directly into protesters. This group of protesters then joined those assembling on the Wurundjeri Way intersection.

By about 7:40am part of the protest group had left the area, walking along the Wurundjeri Way bridge towards the CBD while another group remained on the intersection. By this time, existing police had been joined by Victoria Police detectives, PORT, NSW Riot Squad, and many more general duty officers. PORT and NSW riot squad officers swapped out with general duties officers to take the front of the police line stretching across Wurundjeri Road.

Around 8:00am, MALS observed police changing their formation and the PORT officers armed with riot shields, OC canisters and batons joined the police line. As this was happening, general duties police officers continued to advance on the protesters that occupied the intersection yelling "move". MALS observed OC deployed against the protesters. One sergeant was observed shoving two protesters who were passively standing and holding their line up to 15 times. This officer appeared to be reprimanded when another officer came over, however continued shoving the protesters after that officer left.



Photos: MALS

From around 8:15am, the protesters that occupied the Wurundjeri Way intersection were being pushed up the bridge towards the CBD by police, including PORT and NSW Riot Squad with various weaponry on display and being used. During these crowd pushes, multiple deployments of OC foam and spray were used against the protesters and many protesters were arrested in violent and dangerous ways (see arrests section). Some items were intermittently seen to be thrown towards police during this time and it appeared to MALS that these actions were in response to aggressive police crowd control tactics and police use of force.

At about 8:35am, police pushed the remaining protesters up Wurundjeri Way towards the CBD, forcing the protest group to walk through the traffic jam of cars and trucks.

At around 9:15am, legal observers were present at the MCEC entrance. Police were holding a strong line around the MCEC with numerous PORT officers in riot gear, mounted officers, and divisional officers present. Police had weaponry such as batons, OC foam, and pepperball guns on hand and visible to protesters.

Protesters were yelling, chanting, confronting conference attendees, and having intermittent, contextually minor interactions with police which appeared to be largely in response to confrontations with conference attendees. Some conference

attendees appeared to want to get into the MCEC as quickly as possible, while others appeared to purposefully walk into the protest crowd to engage in confrontation with protesters.

At around 9:20am, in the execution of what appeared to be an extraction of a conference attendee from the protest crowd, a group of around nine Victoria Police officers jumped over the barricades along the zebra crossing outside the MCEC entrance, ran into the crowd of protesters, sprayed OC foam liberally and indiscriminately, and pushed protesters while yelling "get back" repeatedly. During this incident, a MALS legal observer was sprayed with OC foam in the back of their head. After taking hold of the person who appeared to be a conference attendee, the group of police quickly retreated behind the barricade.



Legal Observers getting sprayed with OC foam. Stills from 7News.

This action of Victoria Police occurred suddenly and without warning. At the time, legal observers on the scene did not know for what purpose the police had rushed into the crowd and deployed OC foam, as there had been no change or escalation in protesters behaviours. It appeared that overwhelmingly the protesters similarly didn't know the reasons for the sudden police use of force.

This sudden, and to most unexplained, escalation and use of force created an atmosphere of panic, and significantly increased the tension between police and protesters. Protesters chanted and yelled towards police, and what appeared to be plastic water bottles were thrown at the police line.

Rather than allowing tensions to settle after this sudden use of force, which for most protesters present was arbitrary and inexplicable, PORT officers armed with shields, batons in hand, OC spray in hand, and pepperball guns, formed a line in front of the barricades. PORT officers then began advancing on the protesters yelling "move" repeatedly and pushing the crowd north up the bridge.

This further sudden and unexpected change in police tactics did not appear to be in direct response to any observable change of the protest group.



*PORT officers rushing in to push protesters using shields, and spraying OC foam indiscriminately.
Stills from video by @disruptlandforces*

PORT officers pushed the protest crowd several meters up the road using shoves and OC foam, then appeared to stop and hold a line. Police were observed spraying OC foam point-blank in the faces of people who appeared to have their arms raised to protect their heads and faces while they were attempting to move back and away from the police. There was not sufficient time for protesters to move away or clear the area, as the police action had created a crowd crush scenario where those at the front could only move back as far and as fast as those behind them, and so on.

PORT officers then fired pepperball bullets into the crowd causing parts of the crowd to begin to attempt to retreat more quickly, north along the bridge. Other sections of the crowd, who were further away from the police line, appeared to be confused as to what was happening and why.


Shortly after this, two flash bangs were thrown into the crowd generating sudden panic across the crowd. PORT lines simultaneously advanced and pushed the crowd, banging batons on their shields and yelling "move" repeatedly. This action created an environment of chaos and panic, and increased the risk of crowd crush.

As the crowd continued to move north along the bridge, PORT officers appeared to throw two more flash bangs into the crowd. Police, including mounted police, continued to push protesters until they reached the northern end of the bridge and then held a line.

The decision to move protesters away from the MCEC entrance, with such extreme levels of force, was arbitrary and occurred suddenly, without warning. Police did not explain the reason behind their decision, nor did they allow sufficient or reasonable time and space for protesters to move away as directed. Instead, police were observed and recorded violently and aggressively shoving or arresting those who were trying to move away but who got swept up by the quickly advancing police line, as well as those who were attempting to assist others who had fallen or were unable to move quickly. The time lapse in between police "move" directions and

advancing police line was only seconds. This had a disproportionate and negative impact on people with disability or other mobility needs.

As reported by a member of Naarm Frontline Medics:

 *"Due to the overwhelming quickly advancing police front line and brutality, the casualty I was assisting was unable to outrun the police (due to their age and medical condition). Upon the police line overwhelming us as we attempted to leave, riot police used shields to bash me and my casualty, which caused my casualty to fall to the ground and they became incapacitated and too overwhelmed to continue moving. Despite best efforts to stay with the casualty (clearly saying to police that I'm just performing first aid and that my casualty is an elderly individual who cannot move) I was forcibly separated from my casualty by riot police as their line advanced, and retreated to join the rest of the rally with my casualty left on the bridge behind the police line lying on the ground in an unknown medical state."*

The extreme, sudden, and violent police action dramatically escalated tensions and appeared to create a sense of indignation in the protest crowd.

MALS observed protesters throwing items and attempting to create a barrier between them and the police line following the sudden police escalation. Items, such as bins and crates, were dragged onto the road and later set alight. This action was a major focus of many of the media outlets and statements by police officials and politicians who failed to acknowledge and accurately recognise that this act was in response to the excessive police violence and an attempt to create a barrier between the protesters and the police.

As DLF unfolded, MALS has received statements and seen footage shared on social media of police:

- violently shoving protesters who were standing within arms reach of the police;
- spraying OC foam directly in the face of a person who was not a part of the protests and who was believed to be a rough sleeper;
- repeatedly spraying OC foam into the face of a protester at close range who was verbally engaging with police but posing no physical threat to police;
- grabbing and attempting to drag a protester by their hair behind police lines, who was attempting to help another person who had fallen over after being pushed by an advancing police line;
- spraying OC foam onto people who were lying on the ground or who were attempting to move away from police;
- running at a protester who was facing away from them and using shields to violently knock them to the ground;
- using batons to strike protesters, including raising batons over their heads to then strike protesters;
- stepping forward in order to push and hit individual protesters, using various handheld kinetic impact weapons.

#



Photo: Alex Zucco

1.6 Use of horses for crowd control

MALS has continuously asserted that the use of the Mounted Branch and use of horses as a crowd control measure is dangerous, intimidating and creates a chaotic and unsafe environment for protesters and the horses.

MALS observed dangerous and uncontrolled use of horses by the Mounted Branch. There were numerous instances in which the horses collided with protesters, horses appeared to be used as weapons by police to intentionally push protesters, objects or other Mounted Branch/horses due to lack of adequate control. The horses were

subjected to physical contact by protesters and were in the immediate vicinity where police were deploying OC, pepperball gun projectiles, and flash bangs.

MALS also observed horses being used in a contained undercover area with limited access for the horses or protesters to easily clear the area. At least one horse was observed to be agitated kicking to the back and side and hitting a glass window next to it. This created an unsafe environment for the horses and protesters.



Photo: @nathanccp



Protester with hands raised rushed by police horses and surrounded near MCEC entrance on Clarendon St.
 Still: The Australian



Police rushing horses directly into crowds of protesters who had assembled on the footpath of Convention Centre Pl. Note that gardens and hedges are behind the footpath where persons are being rushed, preventing their movement away from the incoming police horses.

Photos: @nathanccp.

1.7 Use of handcuffs

The use of handcuffs is a use of force and must be only be done when it is reasonable, necessary, and proportionate in the circumstances. The VPM states that handcuffs should only be used if it is reasonably necessary in the circumstances, such as where the person under arrest presents a risk of absconding or a risk of harm to themselves or others.

The use of handcuffs can be an unlawful use of force if they are used when they are not reasonably appropriate and necessary. Handcuffs can cause injuries to the arm or shoulder, ligament damage, severe bruising, and circulatory damage and can pose risks when people are transported in the back of vehicles.

A police member is not entitled to use handcuffs on a person merely because an arrest has been made and their use should not be considered or formulated as 'standard practice'.

MALS observed numerous protesters to be handcuffed after arrest where it was objectively clear that they posed no risk of danger to themselves or police nor any risk of attempting to abscond.

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Photo: Alex Zucco

Section 2: Special Powers

2.1 Declarations of powers before the protests

On 2 September 2024, Victoria Police declared the Melbourne Convention and Exhibition Centre a designated place (or designated area, the words appear to be used interchangeably) under the Control of Weapons Act 1990 (Vic) ('COWA'). On 6 September 2024, the designated area was expanded to include all public places bounded by the intersection of King Street and Flinders Street, west to the intersection of Flinders Street and Montague Street, south to the intersection of Montague Street and Normanby Road, east to the intersection of Normanby Road and King Street and north to the intersection of King Street and Flinders Street.

The COWA gives police (and protective service officers) additional powers within the designated place to:

- without a warrant, stop and search a person and their possessions for weapons;¹²
- without a warrant stop and search any vehicle with a person inside it for weapons;¹³
- direct a person to leave a designated place if
 - the police officer reasonably believes that the person is wearing the face covering primarily to conceal their identity or protect themselves from the effects of crown controlling substances and the person has refused to remove the face covering when requested by the police officer;¹⁴ and,
 - the police officer reasonably believes that the person intends to engage in conduct that would constitute affray or violent disorder under the Crimes Act 1958 (Vic).¹⁵

Section 10D of the COWA states that an area can be declared a designated area if the Chief Commissioner is satisfied that more than one incident of violence or disorder involving a weapon has occurred in that area in the previous 12 months or an event is to be held in that area and incidents of violence or disorder involving a weapon have occurred at previous occasions of that event. For either reason, the Chief Commissioner must also be satisfied that the violence or disorder is likely to recur.

MALS is not aware of any previous occasions of this "event" in Melbourne nor previous occasions of this "event" where violence or disorder involving weapons has occurred. MALS is of the opinion that any reliance on unrelated violence or disorder with a weapon that may have occurred in that area in the previous 12 months as a means to designate the area in response to the planned protests may be an incorrect application of the COWA and an unlawful burden of rights protected under the Charter of Human Rights and Responsibilities Act 2006 (Vic) (Victoria Charter) or the constitutionally implied right to freedom of political communication.

On 6 September 2024, it was announced the Supreme Court of Victoria authorised the use of special powers under the Terrorism (Community Protection) Act 2003 (Vic) ('TCPA'). A public notice¹⁶ published on the Victoria Police website stated that the powers were granted to "protect persons attending the 2024 Land Forces International Land Defence Exposition from a terrorist threat" and that the powers could only be exercised within the published designated area.

The Victoria Police public notice stated that police and protective service officers had been authorised to:

- obtain disclosure of identity (s 21O),
- search persons (s 21P),
- search vehicles (s 21Q),
- move vehicles (s 21R),
- place a cordon around a target area (s 21T), and
- seize and detain things (s 21U).

The purpose of the TCPA, among others, is to expand powers and obligations relating to the prevention of and in response to terrorist acts. The TCPA states that a 'terrorist act' does not include "advocacy, protest, dissent or industrial action" that is not intended to "cause serious physical harm to a person, cause a person's death, endanger the life of a person, [or] to create a serious risk to the health or safety of the public or a section of the public."¹⁷

In the lead up to the protests, MALS is not aware of any statements made by protesters with intentions to cause serious physical harm to a person, cause a person's death, endanger the life of a person, or create a serious risk to health or safety. Any possible intentions to block or disrupt access to the Land Forces Exposition or to yell at, chant at or otherwise make uncomfortable conference attendees do not meet the high threshold of the TCPA.

In the event that Victoria Police will rely upon what happened during the protests to retroactively justify the granting of the TCPA special powers, any physical confrontations engaged in by protesters with conference attendees or towards police objectively did not meet the threshold of intending to cause serious physical harm, cause a person's death, endanger the life of a person, or create a serious risk to public health or safety.

Despite being granted the special powers, it appears that Victoria Police did not have a belief that the protest met the threshold defined under TCPA. A Victoria Police spokesperson told media, "While Victoria Police acknowledges that the National Terrorism Threat Level has been elevated to probable, there is no intelligence to suggest this event is the target of any specific threat."¹⁸

The protests were not identified as a terrorist threat nor was there any intelligence of an actual terrorist threat, as defined by the TCPA, in relation to the protests. It is unclear on the lawful basis Victoria Police applied for and were granted the special powers under the TCPA.

2.2 Powers exercised by police under the COWA

Neither the COWA nor the TCPA make it unlawful to engage in protest or political demonstration within a designated place or a target area.

Over the course of the protests, MALS observed countless search powers and directions to remove face coverings exercised by Victoria Police under the COWA. Of the searches conducted across the multiple days, media reports quoted Victoria Police that only one person was charged for carrying a prohibited weapon and one person fined for having a flick knife, both of which were reported to occur on Thursday 12 September.¹⁹

While the COWA does not require police to first form a reasonable belief that a person is carrying a weapon to enliven their search powers within a designated place, the power is to search for weapons. There is nothing in the COWA that empowers police to use the designated place powers as a means to deter, stifle, or repress protest.

Observing police actions over the course of the four days, MALS holds the view that the COWA designated place search powers were utilised by Victorian Police members on numerous occasions as an intimidation tactic and punitive measure to both deter people from engaging their rights to protest and to quasi-penalise them for doing so.

On Thursday 12 September 2024, MALS observed a group of protesters be forced to continuously move from one side of the police cordon around the MCEC perimeter to another. This included at the beginning of the planned march, at the intersection of Spencer Street and Flinders Street just north of the designated area boundary line, several police cars encircling the protest group and blaring their sirens. The protest group then marched up Flinders Street before turning along Queens Bridge Street and towards the MCEC. Each time the protest group reached a cordon, they would stop and engage in speeches and chants. MALS did not observe protesters attempt to break through the police cordon. In each instance, roughly 10 minutes after arriving at the cordon, police would make an announcement to the group that they were in a designated area and that police had powers to search people and direct people to remove face coverings. Immediately after, or during these announcements, huge numbers of police members would come from behind the cordon and conduct mass searches on the protest group while simultaneously taking space from the group and pushing them out and away from the area.

In one instance on Thursday 12 September 2024, MALS estimates there were around 100 protesters to over 150 police including the NSW riot squad, the mounted brigade, and PORT officers with pepperball guns and riot shields in hand.

As noted above, there is no law prohibiting protest within a COWA designated place or a TCPA target area. International law also recognises the right of people to protest within sight and sound of the target of their protest. The actions of police on Thursday, September 12, and their overall misuse of the COWA search powers created situations where protesters were unable to use public space to protest in a place within sight and sound of the MCEC and instead had to continually walk through the roads and streets in the vicinity of the MCEC.

2.3 The use of anti-terrorism laws against protests more broadly

Australia has a short history of enacting laws specifically aimed at the prevention of terrorism.²⁰ In 2001, Australia deviated from the ordinary criminal law, which focuses on punishment of individuals after the fact, to preventing terrorist acts from occurring in the first place.²¹ While the States and Territory have considerable legislative power in the field of criminal law, they decided against enacting their own anti-terror law regimes and referred their legislative power to the federal government. Victoria enacted a range of anti-terrorism laws.²²

Since 2001, protest spaces have been shrinking around the world.²³ Protesters are frequently stigmatised and sometimes discriminated against. Some individuals have been subjected to smear campaigns, defamation and physical harassment, spuriously charged, and prosecuted under a range of laws. Laws supposedly for countering terrorism have violated protest rights through secret, preventive or arbitrary administrative detention and unnecessary or disproportionate limitations on legal rights.²⁴

The control order provisions introduced into the Criminal Code Act 1995 (Cth) can be used to impose far-reaching restrictions or obligations on an individual for the purpose of preventing terrorism. The terms of a control order may relate to the person's presence at certain places, contact with certain people, use of

telecommunications or technology, possession of things or substances, activities, wearing of a tracking device, reporting to certain people at particular times and places, fingerprinting and photographing for the purpose of ensuring compliance with the order, and participation in consensual counselling or education.²⁵

National counter-terrorism legislation increasingly includes provisions that restrict legal rights that are key to our supposed democratic society: freedom of expression and opinion, freedom of association, freedom of assembly and freedom of religion. Australia has supported its 3rd cycle of the Universal Periodic Review (UPR) recommendations in relation to its counter terrorism laws:²⁶

- to take all measures necessary to ensure that the national counter-terrorism legislation is in line with Australia's international human rights obligations;
- to review counter-terrorism laws and ensure that they are in line with Australia's human rights obligations;
- to continue to protect civil and political rights for all persons in Australia as well as freedom of expression and freedom of religion; and,
- Ensure that Australia's international human rights obligations are enshrined in domestic law.

#

Section 3: Arrests

Victoria Police media statements that have previously reported on numbers and details of arrests are no longer available online. Media reports state that over 100 people have been arrested for offences, overwhelmingly related to Wednesday 11 September—including hinder and obstruct police; behave in a riotous manner, affray; assault police; arson; and weapons offences.²⁷

MALS is aware of protesters being charged with obstruct police in both the indictable and summary version, public nuisance, obstruct a road, and throwing a missile. Many who were arrested are still awaiting their charges at the time of this report publication and the Victoria Police taskforce 'Bastion' is seeking to make further arrests, which has included publishing photos of people online and in news articles.

MALS observed numerous incidents of Victoria Police executing chaotic, violent, and dangerous arrests of protesters. MALS observations include police:

- violently grabbing and arresting protesters;
- walking protesters behind police lines and then slamming protesters from a standing position down into the ground;
- sweeping people's feet out from underneath them;
- roughly and dangerously ripping peoples face coverings, clothing and scarfs from around their heads, necks and faces both before and after police had the person in handcuffs;
- kneeling arrested protesters as they lay on the ground;
- yelling "stop resisting" at arrested protesters who were being held down by police or who were otherwise clearly and objectively not resisting police;
- using handcuffs on people who were being compliant and at no risk of absconding.

3.1 Bail Conditions

MALS has received reports of protesters given bail conditions to not go back into the designated area until midnight Friday, 13 September 2024.

The primary purpose of bail is to ensure the appearance of an accused person before the court. Under the Bail Act 1977 (Vic) ('the Bail Act') a bail decision maker can impose conditions that will, in their opinion, reduce the likelihood of the accused endangering the safety or welfare of others, interfere with witnesses or obstruct the course of justice, or fail to surrender into custody. Any imposed condition must be no more onerous than is required and must be reasonable in light of the alleged offence and the accused circumstances.

The bail condition preventing accused persons from going into the designated area does not appear to be in line with the parameters set by the Bail Act and rather appears to be directed in preventing people from engaging in protest activity. It is MALS' opinion that bail conditions with the purpose of preventing people from engaging in protest may be in breach of the Bail Act and an undue infringement on rights protected under the Charter.

#

Section 4: Treatment of Legal Observers

On the morning of Wednesday 11 September, MALS legal observers positioned within and around protest groups outside the MCEC experienced several instances of mistreatment and use of force by Victoria Police and New South Wales Police. These actions interfered with the internationally recognised rights of legal observers to carry out their functions of observing police actions. MALS legal observers wear pink hi-vis vests with "Legal Observer" written on the back and front left side of the vest to clearly identify who we are.

At 8:05am, legal observers were positioned outside the MCEC main entrance on Clarendon Street, by the fence that had been erected by police to keep protesters away from the MCEC building entrance. At around 8:07am, protesters had pulled down a section of the fence and in response to this, police brought in the mounted unit and began pushing protesters back. During this time, police deployed OC foam spray from behind the fence aimed at the crowd. This OC spray hit a legal observer on their back and hair. Legal observers were not close to the fallen fence or posing any threat to the police.

At around 8:20am, three legal observers were at the Lorimer and Montague Street intersection monitoring arrests and the welfare of injured arrested people. Legal observers were well positioned and not hindering police in their duties. At 8:30am, Victoria police Evidence Gathering Team (EGT) officer (badge number 44147) forcibly pushed each of the three legal observers away from being able to effectively observe arrested people being processed, as well as putting them in greater danger by placing them in front of the Public Order Response Team (PORT) line.

At 8:55am, three legal observers were monitoring police on the CBD side of the Seafarer's Bridge. Police lines began to charge at protesters and push them away from Seafarer's Bridge. Legal observers were standing on the side away from the protesters and filming police advancing when police approached the legal observers and shouted at them to move. The legal observers identified themselves and asserted their independence from the protesters, however were shoved and pushed by police alongside the protesters. Additionally, as both protesters and legal observers were being pushed and walking away, OC foam and spray was deployed, hitting two legal observers in the back and hair, and covering their pink vests with OC foam, hindering their ability to legal observe for the rest of the day. Legal observers posed no threat to police.

At 8:58am, two legal observers were monitoring police on Flinders Street as police were attempting to move protesters off the road and towards the Spencer and Flinders Street intersection. Protesters attempted to head down a side road, however were cut off by police and forced back onto Flinders Street. Legal observers were filming the police during this and were shouted at and pushed away, forced to move down Flinders Street with the group of protesters. At one point, police grabbed a protester and pulled them behind lines to enact an arrest. Legal observers attempted to film the arrest, however were immediately shouted at and shoved by NSW Riot Squad police officer (badge numbers 239 and 263, see image on next page). Legal observers were forced away from the arrest and were unable to effectively monitor it further.



Legal observer vest after being sprayed with OC foam. Photo: MALS



NSW Riot Squad Officer 239 shouting at and shoving legal observers trying to monitor arrest. Photo: MALS

At around 9:12am, legal observers were standing on a raised platform on Yarra Promenade, monitoring police. Legal observers had a KIP launcher aimed at them. OC foam was sprayed in the direction of legal observers from a police officer behind PORT lines. The legal observers were not posing any threat to police in either scenario.



Police aiming weapons at legal observers. Photos: MALS

At around 9:21am legal observers were monitoring police at the MCEC entrance where barricades had been placed along the zebra crossing on Clarendon Street with police stationed behind. During what appeared to be an extraction of a conference attendee from the crowd, a legal observer was sprayed in the back of the head with OC foam when a group of around 9 Victoria Police officers jumped over the barricades and ran into the protest group spraying OC foam indiscriminately across the crowd.

In addition to the above instances, legal observers were also subject to the effects of the various weapons the police used indiscriminately against protesters. Multiple legal observers reported having trouble breathing and stinging eyes after crowd control chemicals were used by police. Multiple legal observers reported ringing in their ears after flash distraction devices were deployed by police. One legal observer was treated by a doctor for swollen and painful ear drums three days after the event.

Commentary: The amount of force used against legal observers during the Wednesday protest was entirely unacceptable. MALS has raised the mistreatment of legal observers with Victoria Police on many occasions. MALS had communicated to Victoria Police senior command ahead of the event to remind them of their legal obligations when interacting with protesters and to alert them to the presence of independent legal observer teams during the week of protests.

Throughout Wednesday 11 September and on multiple occasions, legal observers were forcefully moved away from arrests, impacting their ability to effectively monitor these arrests. Legal observers had various weapons pointed at them, and were assaulted multiple times by police through the use of force and OC foam spray.



Photo: MALS

While observing protesters being pushed away from the DFO entrance and towards Wurundjeri Way, legal observers were told by NSW riot squad that “if I see you guys doing anything, I will move you on.” It is unclear if this was a threat of a move on order or a threat of being physically removed by the riot squad.

Independent monitoring of the policing of protests is essential for defending the right to organise and participate in public assemblies. The practice of independent scrutiny of police is recognised by the UNHRC. The UNHRC describes monitoring as necessary for the exercise of the right to peaceful assembly, emphasising the duties of law enforcement officials to “[protect] journalists, monitors and observers”.²⁸

Monitoring of police responses to protest provides impartial and objective accounts and factual recordings of what takes place. This is a necessary contribution to the ability of people to engage in protest activity. The very presence of legal observers

during demonstrations can deter human rights violations. It is therefore important to allow legal observers to operate freely and unimpeded.²⁹

UNHRC General Comment No. 37 also specifically adds that “[observers] may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged. Even if an assembly is declared unlawful or is dispersed, that does not terminate the right to monitor.”³⁰



Legal observer being forcefully pushed away tens of meters by PORT EGT officer VP44147, preventing the legal observer from monitoring arrests. Photos: MALS

#

Section 5: Disinformation and misinformation in the media

Media coverage can be a tool to promote and raise public awareness of a protest's cause, but only when the reporting is factual and non-biased. Research has found that the ideological position of commercial mainstream media outlets ('the media') can result in biased, sensationalist reporting of protests that promote the views of private and government interests while unfairly portraying protesters in a negative light.³¹

Journalists and government offices have established relationships characterised by quid-pro-quo practices whereby journalists provide favourable coverage for government figures in exchange for valuable 'insider' access to people, places, and information.³² Rather than providing a range of diverse perspectives from different parties, journalists instead emphasise the views of politicians and government authorities, which results in biased and inaccurate reporting.

These journalistic practices can lead to media reports on protests—which, by nature, aim to disrupt the status quo and challenge power—that prioritise particular perspectives over others, emphasise one side of the story at the expense of truth and accuracy, and stigmatise protesters in a constant cycle of production and reproduction that generates negative public sentiment towards protesters.

In the case of media reports on the DLF protests, MALS has noticed themes and patterns including a focus on the disruptive nature of the protests while minimising or justifying police violence against protesters; the use of language to de-legitimise and demonise protesters before, during, and after the exposition; and the reproduction of unverified and de-contextualised claims resulting in inaccurate reporting of the protests.

Note: For the purposes of this report, we have focused our investigation on newspapers, television programs, radio stations, and social media accounts owned by Australia's three dominant commercial media organisations—News Corp, Nine Entertainment, and Seven West Media. We have not included independent or public media outlets although we acknowledge they also play a significant role in Australia's media landscape.

5.1 Media framing

In the months and days leading up to the exposition, media reports primed their audiences to adopt a certain attitude towards protesters and police by promoting a negative perspective of the protests that suggested to audiences that the future actions of police and authorities ought to be judged positively. Referring to the Disrupt Land Forces collective 'stretch goal' of having 25,000 people surround the Melbourne Exhibition and Convention Centre (MCEC) to shut down the Land Forces exposition,³³ the media described the protests as the biggest Melbourne has seen in over two decades³⁴ and drew attention to Victoria Police's city-wide preparations to preemptively frame the protests as a significant danger to public safety. Using headlines such as 'Victoria police on high alert',³⁵ 'Ring of steel to confront anti-war rage as radicals vent anger on Gaza',³⁶ 'Police form 'ring of steel' around Melbourne',³⁷ and 'Bollards installed in Melbourne CBD as tens of thousands anti-war protesters plan blockade'.³⁸ Invoking concerns around public safety as a justification for the massive mobilisation of police resources, these media reports served to encourage public support for police and police violence before the protests had even started.

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Terrorism threat raised as hundreds tipped to protest 2024 Land Forces International Land Defence Exposition

Police have raised the National Terrorism Threat Level as protesters are tipped to flock to a controversial event.

Clareese Packer

2 min read September 10, 2024 - 12:32PM NewsWire

Fears about public safety were further inflamed by news articles that maliciously conflated the protests with Australia's national terrorism threat level being raised from 'possible' to 'probable' in August 2024.³⁹ For example, news reports led by headlines like 'Terrorism threat raised as hundreds tipped to protest 2024 Land Forces International Land Defence Exposition'⁴⁰ featured direct quotes from an anonymous Victoria Police spokesperson linking the raised threat level to the protests by insinuating that police were mobilising resources specifically to respond to terrorist attacks during the protests including the State Police Operations Centre which is used mainly for major incidents and emergencies such as natural disasters and terrorist attacks.⁴¹ The conflation of the protests with heightened fears around terrorism was further reinforced by reports of the Supreme Court of Victoria authorising special police powers in the area surrounding the MCEC under the Terrorism (Community Protection) Act.⁴² Further, many media outlets published stories that characterised the protesters as anti-West terrorist-supporters.⁴³ However, despite the fear-mongering headlines and police statements, these reports eventually acknowledged that while 'Victoria Police acknowledges the National Terrorism Threat Level has been elevated to probable, there is no intelligence to suggest this event is the target of any specific threat.' This shows the media intentionally linked terrorism to the protests to pre-emptively justify the heavy-handed police response to the protests rather than demanding an

explanation as to why anti-terrorism legislation was enacted giving police additional powers that significantly impacted people's civil and political rights despite Victoria Police admitting there was no credible threat of a terrorist attack occurring, and the head of the Australia Security Intelligence Organisation (ASIO) Mike Burgess confirming that the raising of the threat level was not in response to the war in Gaza, and that there were no known planned attacks in Australia.⁴⁴

Media reports of the protests highlighted potential violent confrontations between police and protesters, promoting the stance that the protests were going to be chaotic and violent and amplifying police and government threats to confront protesters with physical and legal force.

As early as August 2024, Police Commissioner Patton was quoted in the media saying police would have 'zero tolerance for demonstrators not engaging in a peaceful protest and resorting to violent activity... if they come with an intent to disrupt, to confront, to assault, to impede, then we will deal swiftly with them'⁴⁵ and 'we will



take action if the [exposition] is interrupted'.⁴⁶ The media also extensively promoted similar statements from Labor's Police Minister Anthony Carabine who warned protesters they were 'on notice', would be met with the 'full force of the law', and that 'every resource that we can bring to bear will come down on top of you'.⁴⁷

During the protests, news reports primarily featured sensationalist stories of confrontations between police and protesters led by headlines such as 'Protesters clash with police at Defence Expo',⁴⁸ 'Bins set on fire, fences pulled down as protesters clashed with police', 'Riot squad arrive as tensions escalate at Melbourne anti-war rally', 'Chaos erupts as protesters march on weapons expo in Melbourne',⁴⁹ 'Ugly clashes outside major weapons expo',⁵⁰ 'Chaos erupts in

Melbourne CBD as anti-war protesters descend',⁵¹ and 'City on high alert as protest gets underway in CBD'.⁵²

Media reports also highlighted the dramatic elements of the protests with headlines that invoked a sense of spectacle, for example, 'Police pelted with poo, deploy stun grenades as Melbourne protests turn ugly',⁵³ 'Chaotic scenes in Melbourne as anti-war protesters attack police horses, hurl faeces at officers and disrupt rush hour traffic outside Land Forces military expo',⁵⁴ '3AW police reporter describes 'chaotic and confronting' scene as protests turn violent',⁵⁵ and 'Twenty-seven officers injured, 42 arrested after violent outbreak at anti-war protest'.⁵⁶ News stories were also accompanied by visually stunning photographs capturing brief moments in time including riot police aiming weapons directly at protesters, hundreds of black-clad protesters facing police lines, violent arrests, protesters surrounded by clouds of smoke after police shot chemical irritants and kinetic impact projectiles (KIPs) at them, and rubbish bins on fire in the middle of a road.⁵⁷



Police Minister says violent protesters will be hunted down, accuses Greens of inciting violence

Police Minister Anthony Carabine has accused the Greens of inciting Wednesday's shocking protest violence, suggesting there will be more arrests as bodycam footage is analysed.

Before, during, and after the exposition, numerous media reports highlighted the economic and operational costs of the police response to the protests due to the massive mobilisation of police resources including recruiting police from interstate. These news stories drew attention to the hundreds of officers that would be drawn from regional Victoria which would delay routine police work in those areas and the interstate police officers that had been called in to bolster the Victoria Police response,⁵⁸ the more than 12,000 policing shifts rostered by Victoria Police⁵⁹ and 1800 officers rostered for duty,⁶⁰ and the \$10-15 million in additional funding



Taxpayers to cop \$30m bill for violent weapons expo protests

The bill to Victorian taxpayers for the Melbourne Land Forces weapons conference — overshadowed by violent protests — has blown out to \$30m, with more than 12,000 rostered policing shifts.

requested by Victorian Labor Treasurer Tim Pallas to cover the cost of extra police resources.⁶¹ However, few media reports mentioned the fact that the deployment of police officers was often grossly disproportionate to the number of protesters in attendance, with several instances throughout the week of action where police vastly outnumbered protesters. During the protests, media coverage focused on the costs to local businesses such as cafes and shopping centres in the area surrounding the exposition, as well as to the Crown Melbourne casino and hotel⁶² After the protests, the media continued to report on the costs of the police response, highlighting the fact that the additional police budget

had blown out to \$30 million, more than double Pallas' original requests,⁶³ as well as a so-called 'eye-watering' bill of \$414,024 for food and drinks for police for ten days.⁶⁴ However, very few media reports mentioned that the cost for police included bumping in and out of the exposition itself and had nothing to do with the protests,⁶⁵ or that the additional police funding was in fact calculated when the exposition was initially confirmed, which was before the events in Gaza in October

2023, indicating that the protests were not the sole reason additional police funds were requested.⁶⁶ Ironically, despite the outrage about taxpayer funds being spent on policing the protests, Police Association of Victoria Chief Executive Officer Wayne Gatt exploited the protests as an opportunity to demand more funding for police as part of their ongoing industrial negotiations with the Labor state government.⁶⁷

While some of these stories included information about the anti-war cause behind the protests, quotes from protesters and protest organisers, and images of police violence against protesters, the majority emphasised the perspectives of police, disregarded the variety protest actions that occurred throughout the week, presented police as victims while ignoring their role in escalating conflict, and lacked background information and context regarding individual incidents as well as the anti-war protest movement in general.

5.2 Language

The predominant themes and frames that were observed in news stories before, during, and after the protests were reinforced by the language choices made by journalists to describe police and protesters, i.e.: reports primarily centred police as the main actors with protesters presented mostly as antagonists to police protagonists.

In both their journalists' reporting and when amplifying statements by police and politicians, many media outlets published reports featuring language that demonised protesters and incited fear and anger against them by producing and reproducing provocative terms such as 'troublemakers',⁶⁸ 'thugs',⁶⁹ 'mob',⁷⁰ 'army set to cause chaos',⁷¹ 'hypocrites',⁷² 'ignorant', 'stupid', and 'intellectual decay',⁷³ and characterising their actions as violent attacks.⁷⁴ Several media reports also featured headlines that linked the anti-war protest movement with violence, for example, 'Anti-War Protest Turns Violent',⁷⁵ 'Anti-war protests- Police brace for

more violent protests in Melbourne',⁷⁶ 'Why Melbourne anti-war protest was always going to be violent',⁷⁷ and 'Dozens arrested after anti-war protest turns violent'.⁷⁸ Such descriptions served to justify and generate support for angry and violent public and police responses to the protesters.

The media also published news stories and quoted official sources using dehumanising language that described protesters as a 'swarm',⁷⁹ characterised police operations as a 'hunt' for protesters,⁸⁰ and reproduced Victorian Police

Association Chief Executive Officer Wayne Gatt's comments calling protesters "dirty, filthy, disgusting animals."⁸¹ These reports uncritically amplified dehumanising descriptions of protesters, serving as vehicles to generate negative public sentiment against protesters and to tacitly send the message that the mistreatment of protesters is justified.



Numerous reports also featured language that criminalised protesters by reproducing official police statements calling them 'criminals' before any court proceedings had taken place.⁸² This denied people their right to the presumption of innocence and perpetuated stigmatising narratives that people who are charged with criminal offences are deserving of vitriol and that actual or possible breaches of the law should de-legitimise the reasons why a person is engaging in protest.

Conversely, many media reports that focused on police described them in neutral terms using passive language that failed to acknowledge the police's role in creating and escalating conflict with protesters or failed to accurately report on the excessive and violent use of force that police used against them. For example, headlines of news stories about police presented them as passive victims, such as

'Under siege—Dozens of officers injured as anti-war activists swarm the city',⁸³ 'War zone—Protesters cause mayhem on Melbourne streets',⁸⁴ 'Police brace for more violent protests in Melbourne',⁸⁵ 'Twenty-seven officers injured, 42 arrested after violent outbreak at anti-war protest',⁸⁶ 'Police injured, dozens arrested after violent anti-war protest',⁸⁷ and 'Chaotic scenes in Melbourne as anti-war protesters attack police horses, hurl faeces at officers and disrupt rush hour traffic outside Land Forces military expo'.⁸⁸

Differences in how the media portrayed protesters and police served to influence public perceptions of both groups and manipulate audiences into feeling more sympathy for police and less sympathy for protesters. Publishing relatively few reports of the many conflict-free protest actions that occurred throughout the week, the media instead repeatedly highlighted particular incidents from protests held on Wednesday 11 September 2024. In presenting incomplete and inaccurate accounts of the protests, and portraying protester behaviour as contemptible while portraying police behaviour as righteous, the media contributed to the discrediting and de-legitimisation of protesters and the anti-war protest movement.



5.3 Unverified claims and inaccurate reporting

MALS found numerous examples of news stories that misreported what happened at the protests, failed to include important context, or repeated false police claims without verification.

For example, Victoria Police Chief Commissioner Patton claimed in a press conference on 10 September 2024 that while police try to engage with all 'issue-motivated groups' to facilitate protests, that was not the case with these protests.⁸⁹

However, MALS understands that on the weekend before the start of the exposition, attempts were made by protest organisers to coordinate with police and that a senior sergeant and five police officers were informed that, as various protest groups were organising independently, if any groups had a police liaison representative they would make themselves known to police. Since then, MALS has not found any evidence that the media made any attempt to verify the Commissioner's false claim.

At the same press conference and again the following day,⁹⁰ the Commissioner stated that police deployed so-called 'non-lethal' weapons against protesters, a claim that was repeated in several news reports.⁹¹ The Commissioner also claimed that police officers made appropriate risk assessments during the deployment of these weapons taking into account human rights and organisational policies and procedures. However, MALS has seen evidence of these weapons being deployed in an extremely unsafe manner, including being aimed directly at people's faces, in possible breach of Victorian law, Victoria Police policies, and general weapon operation guidelines. As far as MALS understands, the media has made no attempts to either verify the Commissioner's claims or to explain to their audiences that these so-called 'non-lethal' police weapons can be lethal and have caused deaths and life altering injuries around the world, and are more accurately described as 'potentially lethal'.⁹² This incomplete reporting on the deadly nature of potentially

lethal police weapons encourages audiences to develop a misunderstanding that these weapons are safe to use against protesters when they are, in fact, not safe at all.

Australia News > Politics

Organisers make outlandish claim about 'peaceful' protest while blaming police for violence which injured 24 officers

Land Forces Disrupt organisers have continued to claim the mass protest was "peaceful" despite 24 police officers being injured after protesters pelted them with projectiles and sprayed them with acid as chaos erupted on Melbourne's streets.



Patrick Hannaford Digital Reporter

4 min read September 11, 2024 - 4:00PM skynews.com.au

260 Comments



explain that this was defensive or retaliatory and occurred after police and police horses had advanced on the protesters and forced them into extremely dangerous situations that risked their safety.⁹³ The media also reported that police horses were harmed by 'irritants' thrown at them by protesters,⁹⁴ however, there has been no discussion in the media of the possibility that the police horses were harmed not by protesters but by the variety of chemical irritants that police deployed in close vicinity to the horses.

Several media outlets also amplified unverified claims by police that protesters had thrown acid at them. However, despite the liquid being confirmed as a food additive derived from dairy products,⁹⁵ the media failed to update their reporting and continued to refer to it simply as 'acid' or 'low level acid'.⁹⁶ This generated

widespread outrage against protesters and attracted significant international media attention.⁹⁷

In extensive live coverage of the protests on 11 September 2024, the media repeatedly reported on police injuries and described them as having occurred as a direct result of conflicts with protesters, with protesters identified as having caused the injuries.⁹⁸ In comparison, there was relatively little reporting of protester injuries, and when there was they were mainly described as events without a direct cause, i.e: journalists failed to state that protester injuries were a direct result of violence and excessive force used against them by police.⁹⁹ In some cases, news reports mocked protesters' claims of having been injured by police,¹⁰⁰ dismissively described their own footage of police clearly enacting extreme violence against protesters simply as 'dramatic',¹⁰¹ or completely failed to mention protester injuries at all in an entire day of rolling live coverage.¹⁰² Further, some media outlets published Police Commissioner Patton's claim that he was unaware of any protesters being injured without any accompanying details to clarify that many protesters had in fact sustained injuries at the protest.¹⁰³

5.4 Commentary

Some media outlets published explanations about the protests that included information about the protest movement's anti-war purpose and statements from protesters and protest organisers.¹⁰⁴ A cursory online search shows that the majority of mainstream commercial media reports promoted a biased perspective of the protests using framing, language choices, and inaccurate versions of protest events to influence public attitudes towards both protesters and the police's response to them.

5.4.1 The protest paradigm

The vast majority of mainstream commercial media reports on the DLF protests broadly followed a protest paradigm, a 'routinised template for creating protest stories that have been naturalised through the process of journalistic socialisation'.¹⁰⁵ The protest paradigm is characterised by the elements of framing, reliance on official sources, invocation of public opinion, de-legitimisation, and demonisation.¹⁰⁶

Evidence of the protest paradigm could be seen in a significant number of mainstream commercial media stories on the DLF protests, contributing to the promotion and amplification of stigmatising narratives about the protests and the stigmatisation of the protesters themselves:

- **Framing:** media reports drew on certain elements of the protests as frames to influence how the protests were defined, interpreted, and evaluated; in this case, the old journalism adage, 'if it bleeds, it leads', prevailed. Major frames employed by the media included 'terror' to stoke fear about the protests and justify the application of repressive anti-terrorism measures; 'public safety' which positioned the audience in opposition to the protesters and provided justification for police to use any measures they deemed necessary to protect the public from the protesters; 'confrontation' which highlighted clashes between protesters as combative criminals and police as heroic defenders of the community; 'expense' to somewhat confusingly suggest the massive mobilisation of police resources was simultaneously necessary, an unacceptable drain on public funds, and a demonstration as to why police budgets should be increased; and 'spectacle', to highlight shocking and dramatic incidents and images from the protests.
- **Reliance on official sources:** media reports were based heavily on official government and police sources and tended to reflect the perspectives of

those in power over the views of protesters who were quoted in the media at a lower rate. This over-reliance on official sources overshadowed the protesters' perspectives resulting in biased media reports that advanced skewed versions of reality in service to the preferences of those in power.

- ***Invocation of public opinion:*** media coverage of the protests highlighted the differences between protesters and the general public in an attempt to contrast and alienate them from the broader community. Reports often insinuated—frequently in the absence of evidence—that the general public viewed the protesters as a radical minority group on the fringes of society, focusing on protesters' appearance and behaviour to emphasise their deviation from accepted social standards and to underscore their opposition to mainstream values. The media's 'othering' of protesters advanced stigmatising narratives that perpetuated an 'us versus them' divide aimed at manipulating public sentiment against the protests and laying a foundation for public acceptance of violence to be enacted on those people.
- ***De-legitimisation:*** the background and significance of the protests and the aims driving the anti-war protest movement were included as a relatively minor element in media reports if included at all. Further, the anti-war purpose of the protests was often portrayed as irrational and pointless, with the protesters' tactics deemed ineffective and unsuccessful. This undermined the legitimacy of the protests, trivialised their anti-war cause, and overlooked the crucial role protest movements play in building communities of knowledgeable, politically-engaged agentic people.
- ***Demonisation:*** media coverage before, during, and after the protests focused primarily on criticising the values, actions, and demands of the protesters and emphasising the potential threats and negative outcomes of the protests. By drawing attention to different groups participating in the protests including Extinction Rebellion, pro-Palestine collectives, student

organisations, First Nations justice groups, and workers unions, and by falsely insinuating that the protesters' so-called 'radical left-wing' values are inherently threatening, the media contributed to the vilification of all activist movements in general. Inciting moral panic about the protests, the media failed to adequately address the broader ethics of hosting a military manufacturer exposition—especially at a time when the Australian government is actively supporting Israel's ongoing genocide of Palestinians –and diverted the public's attention away from the role the government, police, and exposition organisers played in normalising a culture of increasing militarisation and promoting war as a core element of Australia's national identity.

5.4.2 Stigmatising narratives

Stigmatising narratives around protest movements are created, disseminated, and amplified by dominant actors to repress protests and damage the social legitimacy of protest. Driven largely by law enforcement, government figures, commercial stakeholders, and mainstream commercial media outlets, stigmatising narratives about protests are built around three key themes:

1. the cause of the protest is misguided,
2. the people protesting are non-performing members of society, and
3. the protest activities are unacceptable.¹⁰⁷

As the vast majority of media audiences were unlikely to be present at the protests to form an opinion based on first-hand experience, negative media portrayals of the protests reinforced stigmatising narratives about the anti-war protest movement, as well as activist movements in general, and influenced how they were perceived and understood by the general public. The consistent application of a protest paradigm template in media reports encouraged the stigmatisation of protesters by provoking negative attitudes towards them based on perceived negative impacts of the protests, questioning the protesters' values and suitability as members of the

broader community, and invoking moral judgements against protesters based on the perceived threat to society that they present.

Legitimacy is based on widespread normative approval and taken-for-granted societal assumptions regarding what actions and views are deemed moral, proper, or appropriate. In contrast, stigmatisation discredits individuals and groups of people, de-legitimises their views and actions as immoral, improper or inappropriate, and uses labels and stereotyping to discriminate against people and deem them inferior.¹⁰⁸ 'These judgements about the values, norms and ideologies of stigmatised people... have lasting negative social impacts, including disassociation, fear and disgust',¹⁰⁹ which can result in discrimination, exclusion, and mistreatment.

5.4.3 Discursive containment, structural containment, and the right to protest

The media is a major actor in the establishment of social and cultural norms and the construction of understandings about who is seen as valued, credible, and relevant—and who isn't. In this case, the media played a significant role in the way the DLF protests were interpreted, understood, and judged by their audiences. In manipulating the general public's attitude against the protests and protesters, the media helped to generate public support for how authorities responded to them. This is an example of the discursive containment of protests,¹¹⁰ i.e.: shifting the way protests are talked about so that the repression of protesters and protest rights 'will not be seen as unjust or as a disproportionate overreaction by the general public'.¹¹¹

When employed as a strategy to silence activists and ridicule and stigmatise protest movements, discursive containment serves to provide a foundation for the structural containment of protests, i.e.: changing how protests are governed and legislated to monitor, contain and criminalise protest.¹¹²

MALS found many examples of this process, for example:

- military and government figures invoking nationalism and nationalistic ideals to vilify anti-war protesters;¹¹³
- dehumanising language used by police to describe protesters amplified by politicians and repeated in formal parliamentary proceedings;¹¹⁴
- Labor and Liberal politicians discrediting their Greens colleagues as 'extremists' for supporting the protests and de-legitimising their calls for an inquiry into police violence against protesters.¹¹⁵
- politicians using the protests to advance calls for the introduction of a repressive protest permit regime¹¹⁶ and the reintroduction of move-on laws to shut down protests;¹¹⁷
- calls for the archaic Unlawful Assemblies and Processions Act to be enforced at future protests;¹¹⁸ and,
- calls from political figures for harsher policing and judicial responses to protesters.¹¹⁹

The media enabled the discursive containment of the protests by demonising protesters, inciting public opposition to the anti-war protest movement, and devaluing the role of protest as a legitimate tool of political action. As a result, public support was generated for the structural containment of the protests via calls for the criminalisation of protesters and the repression of protest in general, all of which contribute to the ongoing erosion of civil and political rights in Australia.

5.4.4 Misinformation, disinformation, and human rights

When the media fails to verify claims against protesters and the public made by powerful authority figures such as police, there is a danger that harmful misinformation (false information with no intent to deceive) and disinformation (deliberately misleading information that intends to deceive) could be disseminated to audiences. Research has shown that misinformation and disinformation can result in intensified polarisation and distrust within societies, amplification of hate

speech and the incitement of violence, and community divisions driven by social exclusion, intolerance, and discrimination.¹²⁰

Although typically considered credible and reliable sources of information, police and government figures have been known to weaponise misinformation and disinformation to influence public discourse through an agenda-setting process whereby the media directs the public's attention towards and shapes their opinion of specific issues.

When the media fails to fact-check, verify, challenge, or provide important context for claims made against protesters by powerful actors like police, the spread of potentially harmful and hateful misinformation and disinformation can stigmatise protesters, manufacture support for repressive and undemocratic anti-protest measures, and contribute to the erosion of formal human rights such as:

- the right to non-discrimination;¹²¹
- the right to a fair trial and presumption of innocence;¹²²
- the right to freedom from unlawful attacks upon one's honour and reputation;¹²³
- the right to freedom of expression¹²⁴ and,
- the right to freedom of assembly.¹²⁵

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Section 6: Recommendations

In light of the above areas of concern, Melbourne Activist Legal Support makes the following recommendations:

- 1.** As a bare minimum, Victoria Police take proactive measures to ensure that its members, including interstate police brought in to Victoria, comply with laws and policies governing the use of force at public assemblies;
- 2.** The Victoria Equal Opportunity and Human Rights Commission (VEOHRC) investigate the operational decisions made during the Land Forces Expo as to the extent they may have breached the Charter and/or the Equal Opportunity Act and what measures may be applied to prevent re-occurrence;
- 3.** Victoria Police consult with VEOHRC to review its Victoria Police Manual (VPM) policies, police attendance at events and incidents, operational planning, and operation orders in relation to all protests or industrial actions in order to ensure that:
 - a) the rights to assembly, association and expression are not limited by operational tactics;
 - b) operational tactics comply with laws and policies governing use of force;
 - c) operational tactics do not infringe upon the statutory and common law rights of protesters;
 - d) operational tactics do not demonstrate bias or allow or facilitate discrimination, and

e) all Victoria Police operational tactics and approaches to protests are aligned with the UNHRC General Comment No. 37 (2020).

4. Victoria Police actively ensure in policy and practice that medics and first aiders are unimpeded in providing first aid treatment at protest events and that the Victoria Police obligation to protect medical personnel is aligned with the UNHRC General Comment No. 37 (2020);
5. Victoria Police actively ensure that all operational members allow unimpeded access of legal observers at protest events, including access to arrested or injured persons and that this obligation is aligned with the UNHRC General Comment No. 37 (2020);
6. That the Victorian Government legislate to prohibit the deployment of the Mounted Branch at public order or crowd control related operations, and that police horses be limited to necessary Victoria Police search and rescue operations only;
7. Victoria Police actively ensure that all operational members comply with the Operational Safety and Tactics Training (OSTT) regulations and training and prevent further use of OC aerosols and other chemical agents against protesters;
8. The Victorian Government legislate to strictly prohibit the use of all types of explosive and disorientation devices and kinetic impact projectile (KIP) weapons by Victoria Police due to their documented

ability to cause severe injuries and deaths;

9. The Victorian Government establish a new, independent, and adequately resourced body with the capability to investigate and prosecute police misconduct and conduct wide-ranging police monitoring regimes, including transparent data on police activity, to identify systemic problems with police use of powers, weapons and equipment.

10. The Victorian Equal Opportunity and Human Rights Commission conduct a review of Victoria Police's use of the Designated Area regime and powers under the Control of Weapons Act (2006) to determine the impacts upon rights to Freedom of Expression, Assembly and Association under the Victorian Charter.

11. The Victorian Government amend the Control of Weapons Act (2006) to specifically ensure that Designated Areas are not to be applied in ways that restrict, control or manage protests or industrial actions.

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This Report is a public document and is provided to media, the Victoria Police Professional Standards Command (PSC), the Independent Broad-based Anti-corruption Commission (IBAC), the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), Government ministers, Members of Parliament, international human rights agencies, and other agencies upon request.

For inquiries regarding this statement please contact MALS: www.mals.au/contact.

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