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A Community Legal Centre

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Occupy Melbourne Arrests showcase Melbourne's slide into lawlessness

Staff from the Fitzroy Legal Service attended as legal support on Friday 21 October 2011 as the Occupy Melbourne collective were moved on and dispersed by police horses, dogs, and around 200 members of the Victorian Police Force.

Having attended a good many sites in a similar capacity, staff observed the protestors to be remarkably peaceful. Of significance, there were no observations of criminal damage, projectiles, or violent struggle in arrest. This was despite the enormous police presence (which was not far from outnumbering protesters), provocative tactics, extensive injuries, and what seemed to be a complete and utter lack of regard for safety and wellbeing of community members in attendance.

Meghan Fitzgerald Lawyer at the Fitzroy Legal Service says:

"The use of horses to ride directly into the crowd was appalling, and a measure that ordinary people would consider appropriate only in cases of dire emergency and public risk. When you decide to do that serious injuries are almost inevitable, and really call into question the role of the police in serving and protecting the community. I personally observed a significant number of injuries amongst those arrested, including children.

"The central issue is that political demonstration is a democratic right, and should be given significant protection by the State. Justifying this kind of aggressive use of force because of inconvenience or embarrassment is really a sign that we need to have a good look at human rights protection in this State."

The numbers of people arrested was close to one hundred, with the vast majority released without charge.

One of the big questions is how has a local council come to assume such power to silence political speech and demonstration, and who in government or police command authorized the militaristic policing approaches that were engaged?

The rule of law and transparency of government action demands clear responses to these and other questions.

Meghan Fitzgerald, Lawyer at the Fitzroy Legal Service says, "The people of Melbourne have a right to know who authorized this level of use of force to be unleashed on peaceful civilians.

"It is irrelevant whether you agree or disagree with demonstrators. The real issue is how important is freedom of political speech, and should peaceful demonstrators walk away with serious injuries and/ or in fear and trauma? If anything, these actions will strengthen some of the core messages of the protest, that the decision making of the powerful does not represent the views or interests of the majority of Victorians. Most Victorians believe the right to protest is worth fighting for, and that people gathering peacefully to express their views should not be subject to violence of any kind."

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