

Police prosecutor claimed case over Black Lives Matter rally was ‘fatally flawed’, Melbourne court told

Officer who allegedly flagged the dropping of charges was not authorised to make that decision, Victoria police tell court



The Melbourne Black Lives Matter rally on 6 June 2020 was attended by about 10,000 people.

Adeshola Ore

Fri 15 Jul 2022

A Victoria police prosecutor had told lawyers for two women charged over a 2020 Black Lives Matter rally held in Melbourne that the case against them was “fatally flawed” and said charges would be withdrawn immediately, the organisers’ lawyer has told a court.

Crystal McKinnon, 41, and Meriki Onus, 34 were charged with breaching directions of Victoria’s chief health officer by planning the protest against Indigenous deaths in custody during a Covid lockdown.

Defence barrister Lucien Richter accused Victoria police of backflipping on the charges, describing it as an “abuse of process” during a hearing before the Melbourne magistrates court on Friday.

“This is entirely a product of a backflip by Victoria police to cover its own behind,” Richter told the court.

He told the court Victoria police had told the defence team on 29 June that an acting sergeant – who had told them the charges would be withdrawn – was not authorised to make the decision.

Victoria police later issued a statement – following an article in the Age on 6 July that reported that the charges were being withdrawn – that said there had been a “miscommunication” about the charges and that the case will proceed.

“We do not accept the person who made the withdrawal did not have that authority,” Richter said.

“This was a deliberate conveyance of correct, concise and clear information.”

On Friday, another police prosecutor, Marc Fiskien, told the court the matter had always been dealt with by the senior advocacy team at Victoria police and not the acting sergeant, who did not have the authority to withdraw the charges. He confirmed police would be proceeding with the charges and would seek to amend them – which the defence plans to oppose.

Richter told magistrate Tara Hartnett the protest was organised with “altruistic” intentions and pointed to measures, such as sourcing 50,000 masks and 50,000 bottles of hand sanitiser to reduce the risk of Covid.

“It was a legitimate expression of a long-running problem in Australia of black deaths in custody,” Richter said.

The Melbourne Black Lives Matter rally on 6 June 2020 was attended by about 10,000 protesters and followed worldwide marches sparked by the police murder of George Floyd in Minneapolis.

McKinnon, an Amangu Yamaji woman, and Onus, a Gunai and Gunditjmara woman, were initially issued with a fine by police of \$1,652 each for allegedly breaching coronavirus restrictions when they organised the rally, but are opposing the infringement notice.

The matter will return to court on 17 August.