

## **NOTICE OF FILING**

### **Details of Filing**

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 7/01/2026 3:52:39 PM AEDT  
Date Accepted for Filing: 8/01/2026 10:58:18 AM AEDT  
File Number: VID1612/2025  
File Title: TARNEEN ONUS BROWNE & ANOR v ASSISTANT COMMISSIONER OF  
POLICE, NORTH WEST METRO REGION & ANOR  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA

Registrar

### **Important Information**

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59  
Rule 29.02(1)

## Affidavit

No. 1612 of 2025

Federal Court of Australia

District Registry: Victoria

Division: Administrative and Constitutional Law and Human Rights

### TARNEEN ONUS BROWNE and BENJAMIN ZABLE

Applicants

### CHIEF COMMISSIONER OF VICTORIA POLICE and the STATE OF VICTORIA

First Respondent

Affidavit of: **Tarneen Onus Browne**


Address: [REDACTED]

Occupation: Community Organiser

Date: 7 January 2026

### Contents

Document number	Details	Paragraph	Page
1	Affidavit of Tarneen Onus Browne in support of application for relief affirmed on 7 January 2026	1-33	1
2	Annexure TOB-1, being the Invasion Day Posters for 2024 and 2025		7
3	Annexure TOB-2, being a personal photograph of Tarneen Onus Browne wearing a facemask at a Black Lives Matter protest		9
4	Annexure TOB-3, being the Invasion Day Poster for 2026		10

TOB 

I Tarneen Onus Browne, of [REDACTED], Community Organiser, affirm:

1. I am a 32-year-old Gunditjmara and Yorta Yorta person through my mother and Bindal and Meriam person through my father. I use they/them pronouns.
2. I am a Community Organiser at Common Threads, a Director at the Victorian Aboriginal Legal Service and a Community Organiser for Warriors of Aboriginal Resistance (**WAR**). As part of my role with WAR, I am responsible (with others) for organising Naarm's Invasion Day rally on 26 January 2026. I have been involved in organising Invasion Day rallies for ten years with WAR, and 2026 will be my eleventh year.
3. The facts stated with this affidavit are within my own personal knowledge and true to the best of my knowledge, information and belief.
4. I do not intend anything in this affidavit to waive any privilege.

**Background and experience in organising Invasion Day protests**

5. I have worked since I was 15 years old at Aboriginal Community Controlled Organisations and come from a long line of Black activists. My great Uncle Bill Onus was one of the brave Aboriginal people that organised the first Day of Mourning on January 26 in 1938. My grandmother is Lorraine Sandra Onus and my grandfather is Dr. Alfred Bamblett. My Nan was the appellant in the High Court case: *Onus v Alcoa of Australia Ltd* [1981] HCA 50. My Pop implemented some of the Black Deaths in Custody recommendations in Victoria before he passed away in 2015.
6. I regularly go to protests in the Melbourne CBD. Depending what is happening, I might go to four to twenty protests per year. I plan to go to protests in the Melbourne CBD in the next six months, including the Invasion Day rally. I go to protests on issues of First Nations justice, racial, climate, LGBTIQ+, and refugee justice.
7. For over ten years, I have been a community organiser for WAR. This is a volunteer role. We organise a range of rallies in Naarm, Gunditjmara lands and Djab Wurrung land including in relation to Black Deaths in Custody, Invasion Day, land rights, and stopping the forced closures of Aboriginal Communities in Western Australia.
8. WAR was founded in 2014 by a group of young Aboriginal people. We are a collective of Aboriginal people on the east coast who work on campaigns relating to justice.
9. Organising the yearly Invasion Day rally includes organising the route, theme, speakers, safety measures and various things to make sure everyone marching does so peacefully

and safely. To my knowledge, there have been no incidents of violence or weapons offences at any Invasion Day rallies I have been involved in organising.

10. WAR have a separate police liaison who speaks to the police about the rally and I am not involved in speaking or coordinating with the police.
11. I've been going to Invasion Day rallies since I was in the womb. I would go to the rally every year as a child when I lived on Gunditjmarra Country.
12. Invasion Day signifies not just the stealing of our land, but also our resistance and survival. It's a time when mob and allies come together about a range of issues, from land rights, climate justice, Black deaths in custody, the killing and removal of our babies, racism, healthcare, the over incarceration of First Nations people and the cost of living. It's our national day of protest, our version of May Day.
13. Since 2020, WAR have been telling people who come to the Invasion Day rallies to wear facemasks to prevent the risk of COVID, especially for our Elders and people with disabilities. We have recommended for everyone to wear a facemask to prevent the risk for those who are most vulnerable so that they can also attend the rally. Now shown to me and annexed at **TOB-1** are copies of the 2024 and 2025 posters for Invasion Day.

#### **My experience wearing a facemask at protests**

14. I am well known because of my advocacy and work with Aboriginal and Torres Strait Islander communities and work in organising the Invasion Day rallies. Because of this advocacy and work, I have been the subject of public attention. I have received a lot of threats, including death threats, from various people, including white supremacists and neo-Nazis. I have probably received hundreds or thousands of threats on my social media, and have even received threats in the mail. People have identified me in the street. I haven't gone to the police about these threats because I don't feel safe to do so and don't trust them to protect me.
15. At the Invasion Day rally in 2019, there were a number of people who I knew were neo-Nazis at the Young and Jackson pub, waiting for the people marching to arrive at Flinders Street Station. As I was telling the crowd who were arriving at the intersection to form a circle, one of the neo-Nazis came out of the pub and made a bee line for me. One of my friends intercepted him before he could tackle me. I believe he was targeting me because I am a known organiser.
16. Because of all of this, there have been times when I have worn facemasks at rallies to protect myself from being targeted or identified, including by neo-Nazis. For example, last year at Invasion Day, I wore a Keffiyeh (scarf) around my head and over my face

because I didn't want to be identified or targeted. I was worried that if there were neo-Nazis or people opposed to the Invasion Day rally coming to harass us, that being identified would aggravate them and make me a target.

17. I also sometimes wear a facemask at rallies because I don't want to have to engage or talk to people at the rally who might know me because of my public advocacy.
18. I also sometimes wear a facemask at protests to prevent COVID risk. I have had COVID three times in the last year. On 6 June 2020, WAR organised a Black Lives Matter rally in Naarm. The rally took place before there was a legal requirement to wear facemasks in Victoria because of COVID. We handed out facemasks at the rally and I wore a facemask to protect myself from COVID risk. Now shown to me, and annexed at **TOB-2**, is a screenshot of a post on my personal Instagram page on 7 June 2020 showing me wearing a facemask at that rally.

### **Invasion Day protest 2026**

19. This year, WAR are planning for the Invasion Day rally will take place again on 26 January 2026. The route is planned to be the same route that we have taken in the last years, starting at Parliament House, going down Bourke Street, left at Swanston Street, and ending at Flinders Street Station.
20. We usually start the rally around 10am or 11am and it goes for four hours.
21. In previous years, there have been around 100,000 people who have attended. That's my personal estimate based on comparing the amount of space taken up by people at the Invasion Day rally to other rallies. It is one of the biggest marches in the country.
22. I understand that our police liaison is in contact with Victoria Police about the route and safety measures. I am not involved in these conversations.
23. This year, we have put up a poster for the rally on social media. Now shown to me, and annexed at **TOB-3**, is a copy of the 2026 Invasion Day poster.

### **Impact of the Designated Area Declaration on Invasion Day and other rallies**

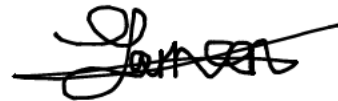
24. This year WAR have made an Humanitix page for Invasion Day, which is something we have never done before. Humanitix is an event ticketing platform where people can register for the event and receive updates. The link for the event is available here <<https://events.humanitix.com/invasion-day-rally-melbourne-2026>>. We have also made a Facebook event for the rally.

25. We have done this so that we can send people information about the rally. We are planning to send people emails about the new police powers in the designated area, which will apply to the rally, including police powers around searches and facemasks.
26. We are still figuring out what our messaging will be to people about facemasks. If there was not a designated area, we would encourage people to wear a facemask to the rally to protect against COVID risk and to protect the health of others, including Elders and people with disability. This year, because of the designated area, WAR have decided that we will tell people about the police powers in the area and tell people to wear facemasks at their own discretion.
27. I've seen videos on Instagram and TikTok of Victoria Police conducting operations in the designated area in the CBD in the last few weeks. I recall seeing one video on the instagram page '[@this.is\\_melbourne](#)'. That video was posted on 19 December 2025. It has a description attached to the video which reads "Spotted police carrying out random bag checks in the city today. Just something noticeable while walking around. #ThisIsMelbourne #MelbourneCBD #CityLife # MelbourneStreets #UrbanScenes". The video shows police approaching people in the city on the street, stopping them, going over their body with a wand while they stand with their arms out, and searching their bags. The video can be found here: <https://www.instagram.com/reel/DScDluQkax6/?igsh=dXdIIOXBmaWtxcXc=>>. That video has 1.2 million views. I have also seen other videos of police conducting searches in the CBD since the designation.
28. I found the videos quite confronting. I have also read a lot of commentary on social media about how intense these searches are. This has made me worried that these powers will be used against me when I go into the CBD, including at the Invasion Day rally. I'm also worried that these videos and commentary on social media are going to make people feel too scared to attend Invasion Day this year if the declaration remains in place.
29. As an organiser of the Invasion Day rally, I'm really worried that police will use these extra powers to stop and search anyone, and unmask people for no reason at the Invasion Day rally. I'm worried they will use these powers to harm not just Aboriginal and Torres Strait Islander people, but also all people who come to the rally and all people in the Melbourne CBD. I'm worried that police will target people who are on the outskirts of the rally and can be singled out, such as people with disabilities who often stay at the back of the rally.

- 30. I'm also worried that the declaration will now scare people from attending the Invasion Day rally, particularly any Aboriginal and Torres Strait Islander people who come, People of Colour, disabled people, or Elders who have had bad experiences with the police before. It adds another risk for them. People should be able to come to the rally without having to be worried about being searched, patted down and unmasked by police for no reason.
- 31. I'm particularly worried about our Elders, who might be wearing facemasks, and about how they might get approached, patted down, told to remove their facemasks and harassed by police and have to leave.
- 32. I have been into the CBD once since the declaration. This declaration has made me worried about going into the CBD and it has also made other people in WAR worried about coming into the CBD. For example, WAR are coordinating volunteers for the Invasion Day rally. We have decided not to have the meeting with volunteers in the CBD because of the declaration. The declaration is impacting the way that WAR coordinates volunteers and supporters for the rally.
- 33. I will be attending the Invasion Day rally on 26 January 2026 and speaking at the rally and will also be going into the CBD regularly over the next four months for work and events. I'm worried about these powers being used against me too.

Affirmed by the deponent  
 at [REDACTED]  
 in Victoria  
 on 7 January 2026  
 Before me:

)  
)  
)  
)  
)



\_\_\_\_\_  
 Signature of deponent

*Keren Adams*

\_\_\_\_\_  
 Signature of witness

Keren Adams, Australian Legal Practitioner

In accordance with section 27(1A) of the Oaths and Affirmations Act 2018 this affidavit was signed and sworn or affirmed by the deponent by audio visual link and the authorised affidavit taker has used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.



#ABOLISHAUSTRALIADAY



**TREATY**

**STOP ARMING ISRAEL**

**ABOLISH POLICE AND PRISONS**

**STOP TAKING OUR KIDS**

**END ABORIGINAL DEATHS IN CUSTODY**

**CLIMATE NOW JUSTICE**

**ABOLISH AUSTRALIA DAY**

# INVASION DAY 2024

ALWAYS WAS ALWAYS WILL BE ABORIGINAL LAND

**FRIDAY 26TH JANUARY**

**10:00AM**

**PARLIAMENT HOUSE**  
SPRING ST, MEBOURNE



PLEASE PRACTICE COVID SAFETY.  
MASK UP AND SOCIAL DISTANCE WHERE POSSIBLE.



# THE ROAD TO LAND BACK REQUIRES COMMUNITY



**STOP**  
ABORIGINAL DEATHS IN CUSTODY  
**BILLIONAIRES BEWARE**  
**CLIMATE JUSTICE NOW**  
**HANDS OFF OUR KIDS**  
END COLONIALISM - SMASH IMPERIALISM

**SUNDAY 26TH JANUARY 2025**

**10AM**

**PARLIAMENT HOUSE  
SPRING ST, MELBOURNE**



**WARRIORS  
OF THE  
ABORIGINAL  
RESISTANCE**



PLEASE PRACTICE COVID SAFETY.  
MASK UP AND SOCIAL DISTANCE WHERE POSSIBLE.



13:21



Posts  
tarneen



tarneen  
7 June 2020



View Insights

Boost post

1,011 21

Liked by nunkeribamblett and others

tarneen I ended up copying my cousin @killa.beeezzy\_ by getting the same pair of shoes as him. I got them before the march yesterday and I'm obsessed with them



tarneen



