

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: **David Hack**

Address: [REDACTED]

Occupation: Web developer

Date: 11 January 2026

Contents

Document number	Details	Paragraph	Page
1	Affidavit of David Hack in support of interlocutory application affirmed on 11 January 2026	1-19	1-4
2	Annexure DH-1 being a copy of the piece of paper provided by a Victoria Police Officer to David Hack on 7 December 2026		5-6
3	Annexure DH-2 being an article in the Guardian on 9 January 2026		7-9

Filed on behalf of (name & role of party) David Hack, Prospective Third Applicant
 Prepared by (name of person/lawyer) Sarah Schwartz
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 (include state and postcode) Melbourne VIC 3000

[Version 3 form approved 02/05/2019]

 Monique Haly

I David Claude Hack, of [REDACTED] web developer, affirm:

1. I am a web developer and founder of Echo Active, an online community focused on protecting biodiversity, threatened species and ecosystems. I have formerly worked as a lawyer, including as a commercial lawyer, and have also worked for ASIC as an e-discovery consultant. I am Jewish and involved in a range of various Jewish community organisations. I have a Bachelor of Science and Bachelor of Laws from Monash University. I was admitted as a lawyer in 2006. I no longer work in the law, so I don't have a current practicing certificate.
2. I regularly attend peaceful protests in regard to climate and the environment, forest conservation and for Palestine, including in the Melbourne CBD. I have been going to protests for a long time, since I was at University.
3. The facts stated with this affidavit are within my own personal knowledge and true to the best of my knowledge, information and belief.

Police search on 7 December 2025 under the Control of Weapons Act

4. On 7 December 2025, I was travelling to the State Library of Victoria for the regular Palestine rally against the genocide in Gaza.
5. At around 1.11pm, I was exiting Melbourne Central Station and there were a number of Victoria Police Officers present at the exit of the Station onto Swanston Street. These officers were grouped together, and allowing some people to go through by waving them on, and stopping some people.
6. I was stopped by Victoria Police and told by one of them that they were going to conduct a weapons search. They said words along the lines of "we have the power to search people in designated areas, please show us your bag." I had a visible drum in my bag which I was going to play at the rally.
7. At some stage, a Victoria Police officer provided me with a double-sided piece of paper which had written on it that there was a designated area and what powers police have in designated areas. I kept the piece of paper and still have the original. The paper provided details about the designated area and one side had a title "Designated Area Search Notice". That side said: "A police officer or PSO intends to conduct a limited search of you or your vehicle/things ... You are requested to co-operate with that search." It had information about what I was required to do and that it would be an offence not to comply with the search. Now shown to me and marked **DH-1** is a photo I took of the piece of paper that Victoria Police handed to me.

 Monique Holz

8. I had heard about the expanded police powers in the city. So I got out my phone and started filming. A link to the video I took on 7 December is available at <https://drive.proton.me/urls/22J2W37PE0#EbN3FfR0oFIQ>.
9. One police officer took my backpack from me, placed it on the floor, and searched through my entire backpack, including the individual small zip pockets within the bag, even though they said that they were just searching for weapons.
10. Another police officer told me to turn out my pockets, and searched my body with a wand, including asking me to turn around so that he could search me with the wand.
11. During the search, I asked the officers, "what weapons are you searching for? Are you going to do everything, my bag". The officer searching my bag said, "anything under the Control of Weapons Act". Another police officer, who was next to the officer searching me, said, "knives, machetes, knuckle dusters". I said to the police "I haven't done anything wrong, and I'm being searched for weapons. The Victorian government has brought in a new law which basically enables them to do whatever they want."
12. I was fully compliant with the officers during the weapons search, but I was really angry about being searched for no reason.
13. The police didn't find anything during the search, and after they finished searching me and my bag they handed me back my bag and said "there you go sir, try and have a lovely day".
14. I then walked away and out of Melbourne Central and went to the rally.
15. After this happened, I was following news about the designated area in the Melbourne CBD. I was also following the legal challenge to the designated area in the Melbourne CBD. On 9 January 2026, I read an article in *The Guardian* which states that a spokesperson from Victoria Police said that "All searches and seizures conducted under the declaration between 30 November 2025 and 9 January 2026 remain valid". The article also says that Victoria Police are considering making a new declaration. I am worried that Victoria Police are going to reinstate the declaration over the Melbourne CBD. I am concerned about this because I don't want another experience of being searched like the one I had. Now shown to me and marked **DH-2** is a copy of the *Guardian* article from 9 January 2026.
16. I feel like the search was a complete invasion of my privacy. I was livid. I wasn't doing anything wrong. The level of search, including going through my pockets and the little zippers in my bag, didn't feel warranted at all. It felt like they were looking for more than just weapons. It made me feel like a criminal, like I'd broken the law or something, and that I'd been singled out and targeted, even though I'm a non-violent protestor and

 Monique Haly

person. It felt arbitrary and discriminatory. I was shocked that this was allowed to happen.

- 17. My experience with being searched means that I have been a bit more reluctant or hesitant to go into the Melbourne CBD while it is declared a designated area, but I would still go in.
- 18. I am planning to go to the Invasion Day rally this year. I go to the Invasion Day rallies most years.
- 19. I sometimes wear sunglasses and / or a cap when going to rallies and protests, if it's sunny. I was wearing a cap and sunglasses when going into the rally on 7 December 2025.

Affirmed by the deponent
 at Melbourne
 in Victoria
 on 11 January 2026
 Before me:

Monique Hurley

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)
)
)

[Handwritten Signature]

 Signature of deponent

 Signature of witness

Monique Hurley, 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.

Revised 05/25

VP Form 1373A



VICTORIA POLICE

Designated Area Search Notice

Control of Weapons Act 1990

Map of Designated Area



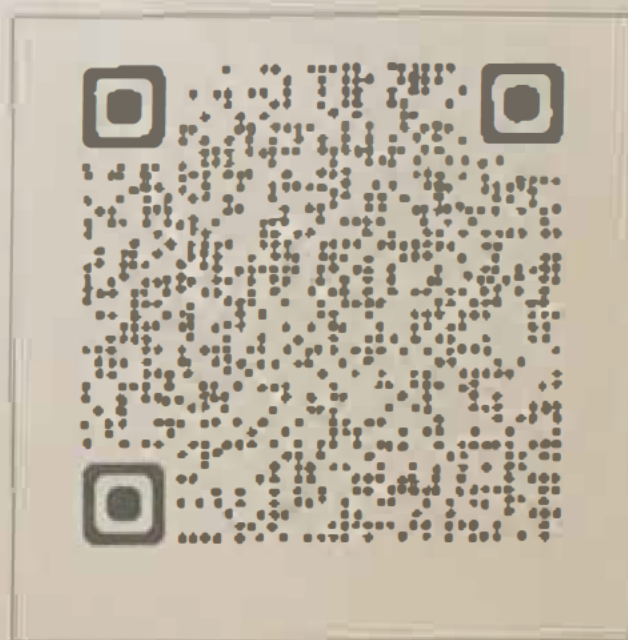
The Assistant Commissioner, North West Metro Region, acting as a delegate of the Chief Commissioner of Police, under section 10D(1) of the Control of Weapons Act 1990, declares as a designated area all public places within the area, bounded by the intersection of Peel Street and Victoria Street, east to the intersection of Victoria Street and Rathdowne Street, north to the intersection of Rathdowne Street and Carlton Street, east to the intersection of Carlton Street and Nicholson Street, south to the intersection of Nicholson Street and Victoria Parade, east to the intersection of Victoria Parade and Hoddle Street, south to the intersection of Hoddle Street and Wellington Parade, south to the intersection of Punt Road and Domain Road, west to the intersection of Domain Road and St Kilda Road, north to the intersection of St Kilda Road and Park Street, southwest to the intersection of Park Street and Clarendon Street, northwest to the intersection of Clarendon Street and Whiteman Street, northwest to the intersection of Spencer Street and the Yarra River, west along the southern side of the Yarra River to Webb Bridge, north over the Yarra River to the intersection of Navigation Drive and Harbour Esplanade, north to the intersection of Harbour Esplanade and Dudley Street, and northeast to the intersection of Dudley Street and Peel Street, including all roadways and footpaths associated with the stated road and road related areas (Road has the same meaning as in section 3 of the Road Safety Act 1986), and including all railway stations, underpasses and associated public transport hubs within the defined area



VICTORIA POLICE

Designated Area Search Notice

Control of Weapons Act 1990



Scan QR code to translate Designated Area Search Notice
and for additional information

The area depicted on the map overleaf has been declared in writing to be a "designated area" by an Assistant Commissioner of Police under s.10D or s.10E of the *Control of Weapons Act 1990* (the Act).

That declaration is in place between:

Start Date/Time:	<u>30/11/2025</u>	<u>12:00</u>	am	End Date/Time:	<u>29/05/2026</u>	<u>11:59</u>	pm
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Police officers and protective services officers (PSOs) are empowered to search a person and any thing in the possession or control of the person, or a vehicle, for weapons under the provisions of the Act.

You, your vehicle or thing in your possession are in a public place within a designated area.

A police officer or PSO intends to conduct a limited search of you or your vehicle/things.

- You are requested to co-operate with that search.
- You may be requested to remove items of outer clothing such as headwear, scarves, jackets, etc.
- You may be searched using an electronic wand.
- You may be requested to remove items from any bags or pockets.
- You may be given a "pat down" search.

A police officer may also exercise their power under the Act to request you to leave the designated area if you refuse to remove a face covering. A police officer may direct you to leave the designated area if they reasonably believe that you intend to engage in conduct that would constitute an affray or violent disorder under s.195H and s.195I *Crimes Act 1958* respectively.

It is an offence under the Act to obstruct or hinder a police officer or PSO in the exercise of a power to stop and search a person or vehicle or fail to comply with a direction to leave the designated area.

**Victorian politics**

Victoria police revokes powers to allow warrantless pat-downs across inner Melbourne

Police say declaration of Melbourne CBD and surrounds as a designated area will end on 9 January, more than four months ahead of schedule

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Benita Kolovos and Adeshola Ore

Fri 9 Jan 2026 15:13 AEDT

Victoria police have revoked their declaration of Melbourne's CBD and surrounds as a designated area four months earlier than planned, no longer be able to conduct warrantless searches from 11.59pm on Friday.

Police on Friday morning updated their website to confirm the declaration, which was meant to run until 11.59pm on Friday 29 May, 11.59pm on 9 January 2026.

They did not provide a reason. However, an [urgent hearing of a challenge to the declaration](#), brought on by Invasion Day rally organisers Browne and environmental activist Benny Zable, will begin in the federal court on Monday.

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Legal and human rights groups had been critical of the six-month declaration, which gave police and protective services officers (PSOs) search anyone, without a warrant or reasonable grounds, in the CBD, Docklands, Southbank and the sporting and entertainment precincts of Melbourne and South Melbourne.

Searches may involve an electronic wand or a pat-down and people may be asked to remove outer clothing, face coverings that could identify them and to empty bags or pockets. Vehicles can also be searched.

Under the act, it is an offence to "obstruct or hinder" an officer or PSO conducting a search. Failing to comply with a police direction in a designated area is also an offence.

Gemma Cafarella, the president of civil rights organisation Liberty Victoria, welcomed police's decision to revoke the declaration.

"We consider it to be an unjustified limitation on people's privacy," she said.


A Liberty Victoria report, released last March, found illicit items, including weapons, were seized in only 1% of searches, conducted on reasonable suspicion, in designated areas over a two-year period.

Cafarella said this showed these powers were not effective. She said data obtained via freedom of information laws showed these powers disproportionately affected First Nations people and people of colour.

Victoria police has previously said it has a "zero tolerance towards racial profiling" with officers "well trained to police in response to crime, not their background".

Cafarella said Liberty Victoria remained concerned about the legislation that allows police to "give themselves such tremendous powers".

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In November, Victoria police declared multiple locations in the city as a "designated area" until 29 May 2026. Designated areas were declared to allow police to manage major planned protests or demonstrations.

At the time, Inner Melbourne Community Legal described the six-month designation as a "vast overreach". The legal centre's chief executive said it was unprecedented in its geographic scope and proposed length of time.

Guardian Australia has previously revealed that Victoria police would inform the state's anti-corruption watchdog that it **did not consent** to use wide-ranging powers to search people for weapons on 23 separate occasions dating back eight years.

The non-compliant searches were uncovered during an internal audit police conducted of all designated areas declared between May 2025 and 29 May 2026.

A spokesperson for Victoria police on Friday said it has ended the planned six-month weapons search declaration in Melbourne's CBD.

"All searches and seizures conducted under the declaration between 30 November 2025 and 9 January 2026 remain valid," the spokesperson said.

Victoria police is considering making a new declaration with the duration and size yet to be determined, a statement said.

"Victoria police continues to make use of weapons search declarations to keep the public safe, with several made in just the last few weeks," a spokesperson said.

"We also maintain a highly visible police presence in Melbourne's CBD through targeted and regular operations."

Article count [on](#)

You've read **26 articles** in the last year

A message from Lenore Taylor, editor of Guardian Australia

I hope you appreciated this article. Before you move on, I'd like to take a moment to talk about why independent journalism matter ever, we need your help to sustain it.

This is a moment of extraordinary global upheaval: when Australia's most important ally is sliding towards authoritarianism, when increasing attack, and when rampant misinformation is eroding trust in institutions, science and democracy itself.

It is a time when trustworthy, original journalism is indispensable - helping people to understand what's really happening, to see be distortion, and hold the powerful to account.

And yet, at the very moment independent journalism matters most, we face a huge new threat to our sustainability - perhaps the encountered.

The rapid spread of AI is transforming how people find and consume news. Readers seeking to understand their world are increasin written summaries - sometimes inaccurate, often devoid of context. These summaries might not reference all their sources, nor alw to the original reporting.

This is not only a challenge for truth and transparency, but for the sustainability of journalism itself. If tech platforms keep more of keep more of the revenue - even as they draw on our reporting to generate their content. That makes it harder for readers to find we harder for newsrooms like ours to continue doing our job.

That's why, more than ever, we turn to you, our readers.

The Guardian has no billionaire owner or shareholders demanding profit. We are fiercely independent, and every dollar we receive into our journalism - helping us pursue the stories that matter and ensuring our reporting remains open and accessible to everyor

If you agree that truth matters, if you value rigorously researched reporting and investigations, if you want to know who wrote yo consider supporting our work. Thank you.

Lenore Taylor

Editor, Guardian Australia

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