

POLICE POWERS AND COVID-19

What powers do Victoria Police have?

In response to COVID-19, Victoria police been given the power to charge people with a criminal offence if they believe you have breached the restrictions introduced to reduce the spread of COVID-19. The latest COVID-19 restrictions and information about what you are allowed to do can be found [here](#).

On 2 August 2020, the government declared a State of Emergency, giving police and emergency services much broader powers to enforce COVID-19 restrictions.

Victoria Police can issue on the spot fines of up to \$1,652 for individuals for:

- refusing or failing to comply with the emergency directions refusing or
- failing to comply with a public health risk direction or
- refusing or failing to comply with the Public Health Directions to provide information.

Police can also issue on the spot fines of up to \$4,957 for people who live in metropolitan Melbourne who are found to be in regional Victoria without a lawful reason. This fine may also be issued if you gather outdoors in groups larger than five people, you have visitors to your home without a lawful reason, or you visit someone in their home without a lawful reason.

If you get one of these fines, you have the right to have it reviewed (see below).

What are my rights with the police?

If you are questioned by the police, you must provide your personal details, such as your full name and address.

You do not have to answer any other questions, however it might be a good idea to explain to the police what you are doing if you have a lawful excuse for doing it. A summary of what you are allowed to do under the current COVID-19 restrictions can be found [here](#).

If you do not speak English, the police should provide you with an interpreter before they question you. If you are under 18 years old, you should not be formally questioned without a parent, guardian or independent person there.

If you believe that the police have not acted properly, you should get legal advice about your options, which could include making a complaint or seeking compensation in more serious cases.

[Covidpolicing.org.au](https://covidpolicing.org.au) are monitoring the use of police powers during COVID-19, you can report any issues with police [here](#).

Layla is pulled over by the police, however she speaks limited English and is not able to explain that she is driving to her job at a hospital.

The police issue her with a fine for breaching the stay at home directions.

Layla sees a lawyer, who successfully applies to have the fine withdrawn on the basis that Layla was allowed to drive to work, and didn't do anything wrong.

What should I do if I get a fine?

If you get a fine, you have a number of options, including:

- pay the fine, or apply for a payment plan;
- apply to have the fine reviewed, if you think that the police were wrong to fine you, or if you have a reasonable excuse for your behaviour; or
- Have the fine referred to court (you should get legal advice before doing this).

You can use finexfixer.org.au to figure out your options for your fine.

It is important to take action on your fine by the due date, otherwise it will get more expensive and you may lose the right to challenge the fine. If you do nothing about your fine, there can be serious consequences such as having your car clamped, having your assets seized, or being bailed to appear at court.

If you have experienced family violence, mental health issues, homelessness, or addiction issues, you may have other options to deal with the fine. You should get legal advice as soon as possible.

Where can I get further information?

- Northern Community Legal Centre:
northernclc.org.au/covid-19-facts-and-info
- Victoria Legal Aid
legalaids.vic.gov.au/find-legal-answers/covid-19-coronavirus/fines
- Police Accountability Project
policeaccountability.org.au/police-complaints/police-complaints-resources/

Get free legal advice:

Northern Community Legal Centre - 03 9310 4376 / admin@northernclc.org.au

Victoria Legal Aid - 1300 792 387 Arabic: 03 9269 0127

THIS DOCUMENT IS NOT
LEGAL ADVICE. THIS INFORMATION IS ACCURATE AS OF 5 AUGUST 2020, HOWEVER THE
COVID-19 DIRECTIONS OFTEN CHANGE WITH LITTLE NOTICE. YOU SHOULD SEEK LEGAL
ADVICE BEFORE ACTING ON THE BASIS OF THIS INFORMATION.