

POLICE POWERS AND COVID-19

What powers do Victoria Police have?

In response to COVID-19, Victorian police have been given the power to charge people with criminal offences if they believe that they 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](#).

If you are fined for breaching COVID-19 restrictions, 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 present.

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

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 [finefixer.org.au](https://www.finefixer.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.

Layla was pulled over by the police while there were 'Stay at Home' directions in place in Melbourne. She speaks limited English and is not able to explain that she was driving to her sister's place to get away from her husband who had just hit her and was threatening to cancel her visa.

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

Layla should see a lawyer, who may be able to apply to have the fine withdrawn on the basis that Layla was allowed to escape family violence, and didn't do anything wrong.

Where can I get further information?

- **Northern Community Legal Centre:**
northernclc.org.au/covid-19-facts-and-info
- **Victoria Legal Aid**
legalaid.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 13 November 2020, however the COVID-19 directions often change with little notice. You should seek legal advice before acting on the basis of this information.