

Victoria has enacted a state of disaster to enforce coronavirus restrictions. Here's what that means

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Posted Sun 2 Aug 2020 at 10:29am, updated Sun 2 Aug 2020 at 11:58am



Authorities want the state of disaster in place to ensure police can enforce the new restrictions. (ABC News: Daniel Fermer)

Six months after Victoria declared a state of disaster to deal with the summer's fires, the dramatic legislation has again come into effect to deal with the "public health bushfire" of coronavirus.

It came into effect at 6:00pm on Sunday and can be in place for at least a month.

It gives police and emergency services much broader powers to enforce [new coronavirus restrictions, including the Melbourne-wide curfew every night](#).

It also gives authorities the ability to suspend Acts of Parliament and take possession of properties.

Why is a state of disaster declared?

A state of disaster is enacted by the Premier, on the advice of the Emergency Management Commissioner, if there is an emergency which "constitutes or is likely to constitute a significant and widespread danger to life or property in Victoria".

The power to impose a state of disaster has been around since the Emergency Management Act came into effect in 1986, but it was used for the first time this year in early January during the bushfire crisis.



During Victoria's recent summer bushfires, a state of disaster was declared to empower police as they enforced roadblocks and supported evacuations. (Supplied: Chris Mulherin)

During a year of disasters, it's now being enacted to respond to the coronavirus crisis, which Premier Daniel Andrews said was "wildly infectious and absolutely dynamic".

"This is a public health bushfire, but you can't smell the smoke and you can't see the flames. This is very different, it is a wicked enemy," he said.

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Why is Victoria introducing this now?

Emergency Services Minister Lisa Neville said the decision to enforce the state of disaster was "not something we take lightly".

Victoria's high coronavirus case numbers and a rising death rate has led the Government to impose stage four restrictions across Melbourne, which include a curfew and restrictions on movement across the city.

The rest of regional Victoria will be under stage three restrictions — meaning there are only four main reasons to leave home — from Thursday.



Police and defence personnel have been enforcing checkpoints in and out of Melbourne for weeks now. (AAP: James Ross)

Ms Neville said the Government needed the legislation to ensure it had clear power to impose and enforce the curfew and other parts of the new rules.

"For all those who want to test the police powers, this now puts out of doubt any of those police powers," she said.

Under the Act, the Emergency Services Minister can "control and restrict entry into, movement within and departure from the disaster area of any part of it".

In this case, that means all of Victoria.

The Minister can also delegate the Emergency Management Commissioner — who is currently Andrew Crisp — "or any other person" any of her powers or functions.

This means police and other emergency services will get the power to enforce the new restrictions.

Read more about coronavirus:

- [Inside the hotel quarantine system that's our last line of defence](#)
- [What will international travel look like once borders open?](#)

What else can happen in a state of disaster?

Under the Act, there are some pretty broad powers given to the Emergency Services Minister.

The minister can "direct any government agency to do or refrain from doing any act, or to exercise or perform or refrain from exercising or performing any function, power, duty or responsibility".

It also gives the Government the power to suspend other Acts of Parliament if it appears it "would inhibit response to or recovery from the disaster".

As well as restricting movement, the legislation allows the minister or her delegates — so police or emergency services — to take possession of any property if it's necessary to respond to the disaster.

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Emergency Services Minister Lisa Neville said the state of disaster would put beyond doubt the powers of police to enforce health directives and shut down protests. (AAP: James Ross, File Photo)

There's also the power to evacuate people from disaster areas, which is something we saw happen for the first time in January as bushfires closed in on East Gippsland.

During the COVID-19 pandemic, Ms Neville suggested it would enable police to prevent all protests or move along crowds at settings like supermarkets if physical-distancing rules were not being followed.

Ms Neville said the legislation allowed her to appoint police as authorised officers, removing the current need for police to have a health department official with them on jobs like compliance checks.

But the Act doesn't allow the Minister to give the ADF additional enforcement powers.

How is this different to the state of emergency?

Victoria is already living under a state of emergency, [which was implemented back in March](#).