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Shorter extension of Victorian COVID emergency powers is reasonable

September 04, 2020



The Human Rights Law Centre has welcomed the compromise reached in the Victorian Parliament to enable the passage of legislation to continue the Victorian Government’s emergency response to the COVID-19 pandemic for a further six months.

<https://www.hrlc.org.au/news/2020/9/4/shorter-extension-of-victorian-covid-emergency-powers-is-reasonable>

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Legal Director, Daniel Webb said, “The state of emergency gives the Victorian Government extra powers to protect peoples’ right to life and health in this pandemic. But it also allows major limits on other rights including peoples’ rights to earn a living, see loved ones, travel, worship, attend school, protest and more. These issues need to be carefully balanced. The compromise that was reached - with a shorter extension period applying just to this pandemic and with extra transparency measures - was reasonable.”

The state of emergency powers underpin much of the Victorian Government’s COVID-19 response. Existing public health legislation in Victoria provided that a state of emergency could not be extended beyond 6 months. The Victorian Government sought to extend this for a further 12 months to continue its pandemic response.

Under the compromise that was reached to enable the powers to be extended:

- The state of emergency may be extended for up to another 6 months in relation to the COVID-19 pandemic only (it won’t apply to other emergencies);
- The state of emergency must still be extended every 4 weeks over that possible 6 month additional period;
- The Health Minister must now provide the Parliament with a report on the reasons for any extension, including the Chief Health Officer’s advice in respect of an extension;
- These COVID-19 specific changes to the law are automatically repealed after one year.

“The Victorian Parliament has reached a sensible compromise on this legislation, highlighting the importance of continued democratic scrutiny during this pandemic,” said Mr Webb.

“Separate from issues around how long the state of emergency lasts, it is also how emergency powers are used and enforced that impacts people’s human rights. There must be continued scrutiny and oversight of how these powers are used and enforced in practice.”

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