Victoria: The Police State

I lived in Melbourne for (slightly) more than half my life, from 1983 to 2014. And although while I was there I never really thought of myself as a 'Victorian' ("you can take the boy out of Tasmania …."), I enjoyed living there, never regretted it, and was certainly glad that I lived there rather than the obvious alternative of Sydney (where my parents lived until the day after they got married – when, in what I often think of as the smartest decision they ever made, they left and never went back, other than to visit their own relatives).

But, while I lived in Melbourne, I often thought that, notwithstanding Victoria's image of itself as Australia's "most progressive" state, something that was in many respects true, there was nonetheless an authoritarian streak in its governments, whatever their political persuasion, that was hard to reconcile with that self-styled image.
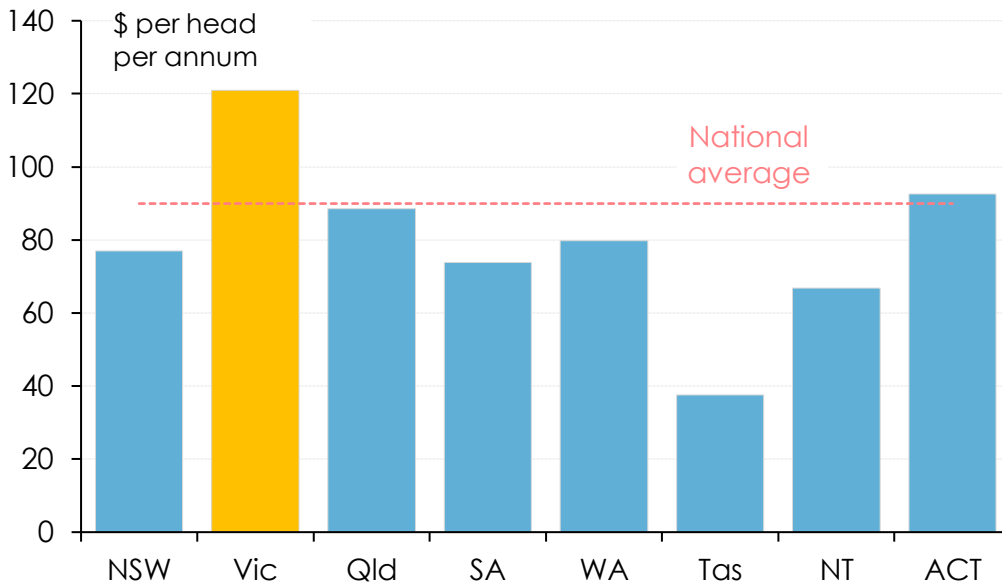
And the most obvious illustration of that was the penchant that Victorian Governments, whatever their political complexion, have long had for using the cops as an adjunct to the State Revenue Office.

Anyone who has driven in New South Wales will know that in NSW, they tell you where the speed cameras are – so much so that if you get caught by one, you really deserve to be booked for driving without due care and attention as well, because it's *that* obvious. They also take double points off drivers who get booked for speeding or other traffic offences on long weekends or public holidays. That's because, as with telling you where the speed cameras are, they actually want you to slow down – and if you don't, they want you off the road.

In Victoria, by contrast, where there are a *lot more* 'road safety devices', as (with a nod to George Orwell) they call them there – for example no less than 7 on a short stretch of the Craigieburn bypass – they *don't* tell you where they are, and they *don't* do double points for offences on long weekends or public holidays, and they create lots more "opportunities" to catch you by having multiple changes of speed limits over relatively short distances as you arrive in or leave country towns – because they *don't* want you off the road, they want your money.

Hence it's no surprise to discover that over the five years to 2018-19 (ie before the pandemic) Victoria collected an average of $120.96 per head per annum from its citizens by way of fines (Chart 1).

The all-states-and-territories average over this period was $89.95, and the only other jurisdiction which collected more than that was the ACT with $92.51. Put differently, the average for all states and territories other than Victoria was $79.30 - $41.66 or 34% less than Victoria. The figure in NSW was $76.96: and here in Tasmania, where (to the astonishment of the relatively new editor of the Hobart *Mercury*, with whom I had a coffee a couple of weeks ago) the cops actually give you a warning for a first offence, rather than take money off you, the figure is only $37.57.

Chart 1: Revenue from fines, states and territories, 2014-15 to 2018-19

$ per head per annum

National average

| NSW | Vic | Qld | SA | WA | Tas | NT | ACT |

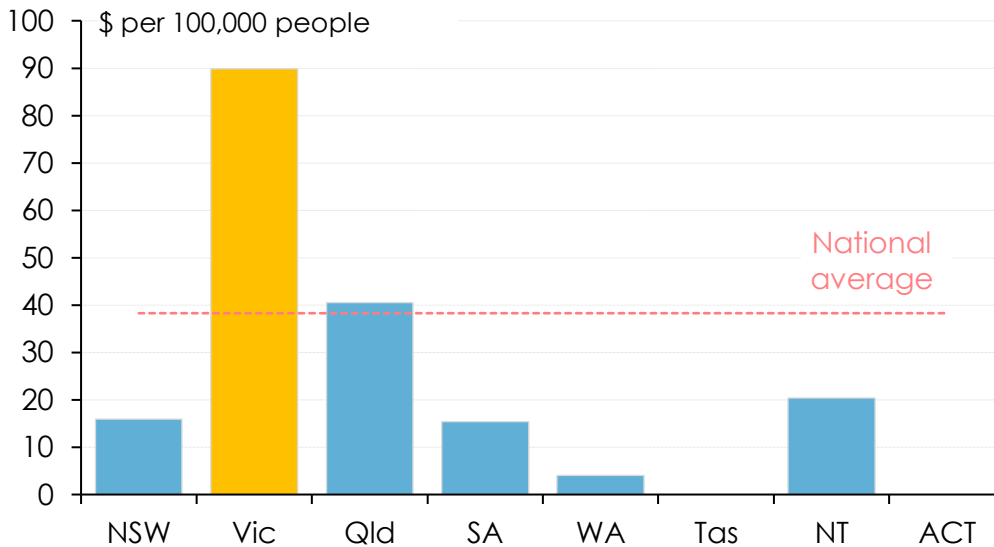*Source:* State and Territory Budget Papers; ABS population data; my calculations.

Thus towards the end of my time in Melbourne, and afterwards when I would return to Melbourne to talk at conferences, etc., I would often say that I thought they should put "Victoria – The Police State" on the licence plates, because that would be much more fitting than "Victoria – On The Move" or "Victoria – The Education State", or whatever the slogan *du jour* was.

This aggressive use of the police force as an adjunct to the State Revenue Office on the part of Victoria carried over into the pandemic.

During the first lockdown – when all states and territories were imposing broadly similar restrictions (ok, in Victoria you also couldn't play golf) – Victoria collected almost $6 million in fines for breaches of lockdown restrictions - $2.2 million more than every other state and territory put together. Per 100,000 people, Victoria collected $89.90 in fines during this period. The average for all other states and territories was $20.10 per 100,000 people (Chart 2 on the following page). NSW, which had the same 'risk profile' as Victoria – with Sydney and Melbourne being the principal points of entry into Australia for foreign visitors and returning Australians, only collected $15.90 per 100,000 people.

Was it really the case that Victorians were 4½ times more likely than other Australians to breach lockdown regulations? Did Victoria really have 4½ times more people, relative to its population, who saw themselves as 'sovereign citizens', exercising their 'constitutional' (or "God-given") rights to gather in large numbers in defiance of health advice? Or was it that Victoria imposed bigger fines for any given breach than any other state or territory, deployed more police in order to detect such breaches, and "fined first and asked questions afterwards" to a much greater extent than any other state?

Chart 2: Revenue from fines for breaches of lockdown regulations, states and territories, March-May 2020

Source: Tammy Mills, "Ahead on penalties: Victoria leads nation on COVID-19 lockdown fines", *The Age*, 28th May 2020; ABS population data; my calculations.

While it seems unarguable that the main reason for Victoria's second wave was the egregious failures in the management of hotel quarantine – and I would say, if you contracted that out to the same goons who get their kicks out of confiscating nail-clippers and shaving cream at airports, or humiliating people with hip replacements, or wearing business suits, but who have shown themselves to be about as useful as tits on a bull if anything life-threatening were to happen at an airport (as when bikies started an all-in brawl at Sydney Airport eleven years ago), what else would you expect? - I wouldn't be at all surprised if the complacency of which Dan Andrews so charmingly accused his fellow Victorians of displaying when the first lockdown regulations were eased, wasn't in some way a reflection of the relief that Victorians may have felt upon getting out from under the most oppressive policing regime in the country.

In this context it's also worth recalling the Victorian Government's first action, when locking down the 28 public housing towers which were at the centre of the initial stage of Victoria's 'second wave'. It was to send squads of police to surround the towers so that they could fine anyone who might have been tempted to sneak in or out: while it was left to volunteers to provide food, and other essentials, to the residents (most of whom didn't speak English) detained in those towers.

And when announcing the details of the 'lockdown' in early August, Victorian Premier Dan Andrews openly bragged about the "opportunities" (his word, which he used at least twice in this context) to impose "even bigger fines" on people who breached the new regulations. And he continued to boast about Victoria Police's prowess in extracting money from citizens proudly unveiling fines of $4,957 (where do they come up with these numbers?) for people who attempted to breach the "ring of steel" he erected between Melbourne and regional Victoria, when restrictions in the latter were eased in mid-September.

As we now know, the decision to impose curfews on Victorians during the current lockdown wasn't based on public health advice (as the Victorian Government wanted people to believe): it was done in order to create an 'offence' which would be easier for police to detect, and thereby extract more money from Victorian citizens.

We now also know (courtesy of Samantha Maiden on the ABC's *Insiders* program last Sunday morning) that one of the reasons why Victoria used security companies to run hotel quarantine was because the police refused to do it – they thought it was more important to be out raising revenue from ordinary citizens. And even today Victorian Police Commissioner Shane Patton is openly bragging that the police won't use discretion except in very rare circumstances, when looking to extract almost $5000 from people gathering in public parks and gardens. What is so shameful about police using discretion? (Is the unwillingness to use discretion the reason why Victoria's police shoot more people than their counterparts in any other state?)

Of course Premier Andrews has "form" on issues relating civil liberties (a "luxury", in his words) and the use of police powers – views which must have old Victorian Socialist Left folks like Jim Cairns or Joan Coxsedge turning in their urns, or wherever they are,

I'm not suggesting that laws or regulations imposed in the interests of people's health shouldn't be enforced, or that wilful or persistent breaches of them shouldn't be penalized.

But maybe, just maybe, there might be more effective methods of doing that than maximizing the revenue gain to the state government. For example, why not put the mugshots of wilful or repeat offenders on the Victoria Police Facebook page, or in widely-circulating newspapers, so that other citizens can tell these idiots what they think of them (without phone numbers or addresses, needless to say, because no government should encourage vigilantism, or people taking the law into their own hands).

The point is, Victoria's heavy-handed, revenue-driven approach to enforcing lockdown regulations failed. It didn't keep Victorians safe. Victoria could have made different choices – not just as to how it ran hotel quarantine, but in how heavy-handedly it would police lockdown restrictions, whether it would instruct police to issue warnings for inadvertent or first-time breaches of lockdown regulations, how much the fines it imposed would be, and so on. Other states, in particular New South Wales, made different choices – and achieved different, and much better outcomes.

Saul Eslake
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