



The Crime Of Criminalising Everyday Life: The Rule Of Law Discarded In Victoria's Covid-19 Response

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The criminal law was the main instrument employed by the Victorian government to force Victorians to comply with the strictest covid-19 lockdown in the world. More than 50,000 normally law-abiding Victorians were subjected to criminal sanctions for breaches of covid-19 restrictions.

The criminal law is society's harshest form of condemnation and strongest instrument of coercion. It must only be used as a last resort for serious wrongdoing. Imposing criminal sanctions on Victorians for engaging in banal, everyday activities which are permitted in even the most dictatorial of societies, such as sitting in public places; being out after dark, playing sport and congregating with more than two people is the greatest overuse of the criminal law in a democracy in recent history.

The criminalisation of everyday life was reflexive, unintelligent and damaging. It was ruthless. It traumatised everyday citizens, pitted police against the community and violated key rule of law virtues, including that laws must be knowable and transparent. The response was pragmatically



unworkable – most fines remain unpaid. It was jurisprudentially flawed. Incredibly, in the midst of the lockdown, the human rights industry refused to criticise the criminal law overreach. This report demonstrates why the criminal law should never again be used as a blunt instrument of oppression to achieve health objectives.

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