

# Australia: Victorian Labor government hands police expanded stop-and-search powers

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The Victorian state Labor government is presiding over a massive expansion of police powers, effectively allowing areas of the state to be transformed into zones of surveillance and warrantless searches.

Acting in unison with the federal Albanese Labor government and other state Labor administrations, Premier Jacinta Allan's government has enacted sweeping changes to stop-and-search powers as part of a wider drive to shut down protests, including mass demonstrations against the US-backed Israeli genocide in Gaza and Labor's complicity in it.

The political character of these measures was shown when some of these powers were activated for potential use on February 12, when about 50,000 workers, students and youth demonstrated in Melbourne as part of protests around Australia against the visit of Israeli President Isaac Herzog, a war criminal who was welcomed to the country by the Albanese government.

Extraordinary powers were granted to Victorian police under so-called terrorism legislation ahead of Herzog's state visit. The powers allowed officers to stop and search vehicles or people and ask for identification in areas near where Herzog was to be. Police were also handed powers to seal off zones, seize items and detain people as a supposed preventive measure. The areas where the powers applied were not even revealed, and were said to be kept secret in order to protect Herzog.

According to media reports, these powers were not actually used during Herzog's visit, but the very fact that they were authorised was designed to try to further intimidate dissent in the wake of the scenes a few days earlier in neighbouring New South Wales (NSW). There, the state Labor government activated similar powers and unleashed state violence in Sydney—peaceful protesters were pepper-sprayed,

bashed and charged at by hundreds of riot police.

No less than in NSW, where the government and the police imposed a ban on all protest marches in entire areas of Sydney, the expanded powers in Victoria mark a further shift to the right by Labor governments, seeking to crush dissent by falsely accusing Gaza genocide opponents of antisemitism and cynically invoking “public safety” and “social cohesion.”

This legislative shift in Victoria began in 2009, when Premier John Brumby's state Labor government first gave the Chief Commissioner of Police powers to declare “designated areas” where police could search individuals without reasonable suspicion.

In March 2025, the Allan Labor government went further. It pushed through the Terrorism (Community Protection) and Control of Weapons Amendment Act 2025, which extended the maximum duration of such declarations from hours to months. The amendments also slashed the mandatory waiting period between declarations to just 12 hours, allowing for near-continuous police control over public space.

In tabling the amendments, Labor Police Minister Enver Erdogan openly acknowledged that the expanded stop-and-search regime was incompatible with the state's Charter of Human Rights and Responsibilities Act, which formally requires governments to consider the impact of new laws on freedoms, including expression, assembly and privacy.

Erdogan declared that “nevertheless” the amendments were “necessary and pressing in light of the significant public safety objectives.” In plain terms: fundamental rights are being infringed by the legislation, but we will proceed regardless.

This is permissible under the Charter, which contains no mechanism to invalidate legislation, but merely requires parliament to acknowledge when rights are

violated. That exposes the impotence of such frameworks when they collide with the dictates of the ruling class.

Last November, Victoria Police declared Melbourne's city centre and surrounding sporting and entertainment precincts a "designated area" for six months. This authorised them to detain anyone in the area for as long as "necessary" to conduct random pat-down searches, and allowed them to issue charges for refusal or obstruction. It also empowered police officers to demand the removal of face coverings, such as masks or scarves, if they believed people intended to conceal their identity or protect themselves against "crowd-controlling substances" such as pepper spray.

The police prematurely ended the declaration on January 9 in a blatant attempt to stave off a court challenge by rally organisers and the Human Rights Law Centre. The Federal Court decided to proceed with the case, however, and heard evidence that the police intended to re-issue the declaration within a few days in order to cover the Invasion Day Rally on January 26.

The court case was initiated by an indigenous activist, Tarneen Onus Brown, and an environmentalist, Benjamin Zable, who had been asked to remove his face covering during a protest. A third applicant, David Hacks, was added after he was intercepted and his bag searched by police while he travelled to a pro-Palestine protest in December.

In late January, the court ruled that the November declaration was invalid and unlawful, but only on technicalities. It said the police had applied an incorrect legal standard in making the declaration and had failed to consider the impact on the right to privacy.

Far from being a significant victory for free speech, the court effectively spelled out the procedures and pretexts the police should follow in making such declarations.

The court also upheld the constitutional validity of the legislation, ruling that it did not violate the 1901 Australian Constitution's implied freedom of political communication. While noting that the police power to order the removal of face coverings may have a "chilling effect" on the protest attendance for people who wear coverings for cultural or health reasons, the court declared that this restriction was justified in pursuit of the government's ostensible aim to reduce "weapons-related violence."

The government's claim that the expanded powers are aimed at "knife crime" is a fraud. The long duration of the designated areas, their geographical location and the power to order the removal of face coverings for protection from "crowd-controlling substances" show that the real objective is the suppression of political dissent.

Among the primary targets are the mass protests against the genocide in Gaza, which have been held in Melbourne almost every weekend since October 2023. That was underscored by the police rampage in Sydney to block a march against Herzog's visit. Senior police, backed by the Minns Labor government, directed riot squads to kettle, pepper spray and assault demonstrators, including legal observers, elderly people and Muslims kneeled in prayer.

Likewise, Prime Minister Anthony Albanese's federal Labor government has introduced far-reaching "hate speech" legislation that hands the state vast powers to censor and criminalise opposition, also justified as necessary to "protect communities."

These police-state measures are aimed at suppressing not only anti-genocide protests, but broader working-class opposition to the Labor governments' agenda of imposing a cost-of-living crisis and deepening social inequality, intensified by attacks on health, education, disability and other essential social programs, while funnelling hundreds of billions of dollars into skyrocketing military spending.

Democratic rights cannot be defended by appealing to the Labor governments to change course, but by building a mass working-class movement against them, based on a socialist program to end the capitalist system which is the root cause of the plunge into war, genocide and dictatorial forms of rule.



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