



The Hon. Gladys Berejiklian MP, Premier of NSW

Via online form: <https://www.nsw.gov.au/premier-of-nsw/contact-premier>

cc The Hon. Victor Michael Dominello MP, Minister for Customer Service

cc The Hon. David Elliot MP, Minister for Police

15 September 2021

Dear Premier

### **A call to address unjust COVID-19 fines**

The organisations and individuals that have signed this open letter are concerned about the impact of COVID-19 fines on vulnerable people and communities in NSW.

**We call on the Government to reduce the use of policing and fines to ensure compliance with public health orders and invest more heavily in non-punitive approaches.**

Many communities in NSW are facing dire financial consequences as a result of the ongoing COVID-19 crisis. While fines are a common mechanism for enforcing the law, we are very concerned by the emphasis that has been placed on them as a means for securing compliance with public health orders. These new public health orders have been introduced and amended at a rapid pace. Their legal elements are complex and difficult to understand. This has inevitably resulted in confusion among some members of the public about their rights and responsibilities, with a disproportionate impact on vulnerable community groups.

People from culturally and linguistically diverse backgrounds who lack access to accurately translated and culturally appropriate health advice also risk being further disadvantaged.

The excessive use of fines against Aboriginal and Torres Strait Islander people and communities in NSW also has the potential to further entrench disadvantage and exacerbate negative relationships between Aboriginal communities and the police.

We urge the Government to reduce reliance on policing and fines as a predominant strategy for achieving compliance with COVID-19 public health orders.

We instead encourage greater investment in community education and engagement strategies, and enhanced social and economic measures to support communities already in crisis. This will engender greater trust in contact tracers and authorities enforcing public health advice.

**We call on the Government to reduce the monetary amounts of COVID-19 fines.**

The cost of COVID-19 fines are significant, especially compared to other fines. People experiencing disadvantage already suffering from the economic impact of COVID-19 risk being plunged further into debt. The appeals and financial hardship review processes

relating to fines are insufficient to address these concerns – they require an understanding of complex and changing legal rules, knowledge of the right to seek review, prompt action within tight timeframes and language and advocacy skills, which many people just don't have.

**We call on the Government to review and revoke all fines erroneously imposed for lawful outdoor recreation.**

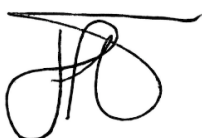
We are concerned that many people have been incorrectly issued a \$1,000 or \$3,000 fine by NSW Police for undertaking lawful outdoor recreation activities including sitting in a park by themselves, or with one other person or household members, eating in an outdoor public space by themselves, or with one other person or household members, and sitting alone in a car.

The *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order* allows for a person (excluding areas of concern) to leave their place of residence to undertake 'exercise or outdoor recreation' with one other person or members of the same household within a 5km radius or within their local government area. Up until the 12 August 2021, it also allowed those in areas of concern to undertake recreation within 5km of their place of residence. The NSW Government website states: 'Recreation includes outdoor leisure activities such as sitting for relaxation, or to eat, drink or read outdoors.'

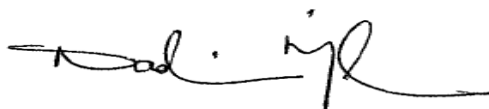
**We cannot fine our way out of the pandemic.**

We need alternatives to the widespread use of fines to ensure compliance with the public health orders. This includes better social and economic support for struggling communities, more investment in community engagement and education and the distribution of culturally appropriate materials and messages. Such an approach will be more effective in building support for important public health measures that seek to protect our community.

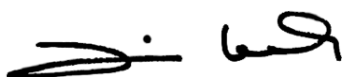
Yours sincerely



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Chief Executive Officer  
**Redfern Legal Centre**



Nadine Miles  
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Tim Leach  
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Jonathon Hunyor  
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**Public Interest Advocacy Centre**

## Signatories endorsing this letter

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3. Tim Leach, Executive Director, Community Legal Centres NSW
4. Jonathon Hunyor, Chief Executive Officer, Public Interest Advocacy Centre
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71. Jenny Leong MP Member for Newtown, NSW Parliament, The Greens
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73. David Shoebridge MLC (Legislative Council), The Greens
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