



Media release

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LEGAL CENTRES CALL FOR ALL COVID FINES TO BE CANCELLED, EXISTING FINES REGIME TO BE REVIEWED

The NSW Government's 'law and order' response to the pandemic created significant fines debt and damaged community-police relations in some of the most disadvantaged parts of the state, according to a new UNSW Law School report. Click here: [UNSW Report](#)

The Aboriginal Legal Service (NSW/ACT), Redfern Legal Centre and the Public Interest Advocacy Centre are reissuing their call for the NSW Government to cancel all COVID fines based on the report's findings. They also urge the Government to review its reliance on fines as a means of influencing community behaviour, given the disproportionate impact they have on less advantaged and marginalised communities.

Key findings from the report:

During the COVID-19 public health crisis, NSW residents were also caught in a law-and-order crisis – dealing with “frenetic and voluminous law-making, excessive financial penalties, hyperbolic rhetoric from political leaders and aggressive enforcement by police” during the Delta wave (June-November 2021).

Inconsistent messages were conveyed by the NSW Government and NSW Police Force. Rapidly changing laws added to the confusion, with 123 amendments made to public health orders within a six-month period. In July 2021, 13 amendments were made to the same public health order over 15 days. One order was only in force for 3 hours and 50 minutes before being amended.

From July to September 2021, financial penalties in excess of \$45.9 million were imposed on NSW residents by NSW Police. COVID fines were notably higher than fines for existing criminal offences and people were effectively criminalised for behaviours that would never previously have brought them into contact with the police.

The financial costs fell heavily on socio-economically disadvantaged people, families and communities, especially in south-western and western Sydney, and western NSW. The intensity of restrictions applied to these 'affected areas' (later referred to as 'areas of concern') was far greater than elsewhere. All locations outside Sydney that experienced high rates of police enforcement action are places with a significant Aboriginal population.

Quotes from Keisha Hoggood, Principal Solicitor (Justice Projects, Policy and Practice) at Aboriginal Legal Service (NSW/ACT):

"Aboriginal and Torres Strait Islander communities paid a higher cost as a result of the Government's punitive response to COVID-19 public health orders and its failure to take social inequities into account. Less advantaged residents of NSW were policed and punished, rather than protected from the public health crisis.

"It's time to cancel all remaining COVID fines. Any outstanding prosecutions for court-elected fines must be discontinued, and anyone who received a conviction or sentence after taking their COVID fine to court should have their sentence quashed.

"We also call on the Government to review the penalty notice system in general and address its unequal impact on less advantaged and vulnerable people, including children. The people of NSW deserve a fair and equitable system."

Quote from Alexis Goodstone, Principal Solicitor, Redfern Legal Centre:

"The report highlights the punitive nature of fines and the disproportionate impact fines have on First Nations people, children and those of low socio-economic status. Now we need to reflect on the time that has been and consider how policing could have been done differently, and what role it should play in any future public health response. We call on the NSW Premier to do the right thing and withdraw all COVID fines, and COVID offences before the courts."

Quotes from Jonathon Hunyor, CEO of the Public Interest Advocacy Centre:

"This report confirms that we cannot police our way out of a public health crisis. The NSW response to COVID was symptomatic of a deep-seated problem: we reach for punitive responses to social challenges instead of looking to community engagement, education or capacity-building.

"The report also highlights that already-disadvantaged groups bore the brunt of the fines frenzy, consistent with pre-existing bias in how police powers are exercised."

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