



**Redfern
Legal
Centre**

Media release

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State Concedes Covid Fines Are Invalid

Today at the NSW Supreme Court the State of New South Wales conceded that the COVID-19 fines issued to the three plaintiffs are invalid and fail to meet the legal requirements under the Fines Act (NSW).

The government has conceded that the COVID Penalty Notices issued to the two plaintiffs are invalid and have agreed to refund all money paid, withdraw their fines and pay their legal costs.

Samantha Lee, Acting Principal Solicitor at Redfern Legal Centre and instructing solicitor for the plaintiffs says, "What an incredible day for the people. Today justice has been granted to three people who took on the NSW government regarding the validity of their COVID fines and won!"

Fines can have a crippling impact, especially for those experiencing financial disadvantage. This case places the responsibility on the Commissioner of Fines and Administration to ensure that fines adhere to the required legislation.

We are calling on Revenue NSW to immediately stop enforcement action in relation to fines with the "Description of offence" listed above and to commence the process of refunding affected people. When the Supreme Court hands down its decision, there may be further people entitled to a refund.

At this stage, we need to wait for the judgement to be handed down before we know the full implications of the case for all COVID fines. However, it is clear that at least those with the same form of penalty notices as the plaintiffs will be invalid. These are penalty notices that state the following in "Description of the offence":

1. Fail to comply with noticed direction in relation to section 7/8/9 – COVID-19 – Individual" (the Revenue NSW website states that there are 32,648 fines in this category)
2. "Unlawfully participate in outdoor public gathering – Area of concern- Individual" (the Revenue NSW website states that there are 163 fines in this category)

The COVID fines received by our clients failed to inform them about the offence they had alleged to have committed, making it impossible for them to make an informed decision about whether to pay or contest the fine.