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Redfern Legal Centre files further court case seeking withdrawal of invalid COVID fines.

Redfern Legal Centre has filed another NSW Supreme Court application seeking the withdrawal of a COVID fine on the grounds of invalidity. 33,000 COVID fines were withdrawn following the first Supreme Court case in late 2022, and 29,000 remain.

Redfern Legal Centre is representing a client who was issued with a \$3,000 COVID fine - 'Leave greater Sydney for prescribed purposes without permit – individual'. The client was homeless at the time she was issued with the fine and living out of her van. She was waiting near the NSW border for a permit to enter South Australia, where a friend had offered her accommodation.

The client represents one of 29,000 COVID fines that have not been withdrawn by Revenue NSW despite the NSW Supreme Court finding that two other COVID fines before the court were invalid as they failed to meet the legal requirements of the Fines Act 1996 (NSW).

The Court found that section 20 requires a penalty notice offence to specify clearly and unambiguously the offence that has been committed. Providing information that gives the recipient a clue or indication from which they might be able to deduce or infer the penalty notice offence is not sufficient. The Court held that in each case, the short description identifying the substance of the penalty notice offence was insufficient and did not comply with section 20 of the Fines Act 1996 (NSW).

Samantha Lee, Redfern Legal Centre, states, "It is our position that all the remaining 29,000 COVID fines fail to meet the legal requirements as outlined in the recent Supreme Court judgment and are therefore invalid."

"We expected Revenue NSW to withdraw all remaining COVID fines following the Supreme Court's judgment earlier this year, but this has not occurred."

"We are filing this case because the fine system in NSW needs to be fair and abide by the rule of law. Fines can have a crippling impact on those who are socially and financially disadvantaged. We know from statistics obtained from NSW Police that COVID fines were disproportionately issued to communities with a high proportion of First Nation populations and in low socio-economic areas. It is therefore especially important that fines that are invalid are withdrawn."

Media enquiries: Contact Jessica Lowy, RLC Communications Officer

0411 961 771 | communications@rlc.org.au

Email is preferred.