



**Tuesday, 8 August 2023 |
FOR IMMEDIATE RELEASE**

COVID Fine Case Seeks Declaration that Fine was Invalid

Today, the second COVID Fine case brought by Redfern Legal Centre was back in the Supreme Court.

Revenue NSW has withdrawn the plaintiff's COVID fine before the Supreme Court on the basis the plaintiff was homeless at the time of the incident but have not conceded that the fine is invalid.

The withdrawing of the fine normally might render the proceedings inutile (useless), putting a stop to the court determining the issue of validity of the fine. But the plaintiff is seeking interest on the money she paid for the fine, allowing the court to determine whether the fine is valid. A claim for interest was used in the recent Robodebt case, which prevented the case from also being rendered inutile and led to the Federal Court of Australia finding the scheme invalid: *Amato v The Commonwealth of Australia*.

Samantha Lee, instructing solicitor for the plaintiff from Redfern Legal Centre (RLC) states, "My client welcomes the withdrawing of the fine and having her fine repaid but she is entitled to interest on that money if the fine was invalid. And she wants justice for others. For her, this case is more than about one fine, it is about all COVID fines. My client sought two internal reviews via Revenue's online portal. Neither review accepted that the fine was invalid. This is why we are in the Supreme Court today."

In September 2021, the plaintiff lodged an internal review seeking withdrawal of the fine because she was homeless and had no money. On 23 May 2023, a second review with Revenue NSW was lodged seeking withdrawal of the fine.

Due to the plaintiff being in dire financial circumstances, she undertook a 6-month Work and Development Order (WDO), working off \$1,000 of the \$3000 fine, with the remaining amount garnished from the plaintiff's bank account.

In November 2022, before her Honour Justice Yehia, the Commissioner of Police and Commissioner of Fines Administration conceded that two COVID fines were invalid because the fines failed to meet the legislative requirements under section 20 of the Fines Act 1996 (NSW). Revenue withdrew 33,000 COVID fines but left 29,000 other COVID fines remaining. RLC considers that Revenue NSW should have withdrawn and repaid all COVID fines based on Justice Yehia's judgment, however Revenue NSW have not done so.

The case is back before the Supreme Court on 15 August 2023.

RLC senior solicitor, Samantha Lee is available for interview. Contact RLC Communications Officer: communications@rlc.org.au | 0418491459