

6 December 2021

Hon Damien Tudehope, MLC
Minister for Finance and Small Business
GPO Box 5341
SYDNEY NSW 2001

Hon Mark Speakman, MP
Attorney General and Minister for Prevention of Domestic and Sexual Violence
GPO Box 5341
SYDNEY NSW 2001

By email: office@tudehope.minister.nsw.gov.au; office@speakman.minister.nsw.gov.au

Dear Ministers

A call for an immediate pause on the enforcement of COVID-19 fines

The civil society organisations that have signed this open letter have serious concerns about the impact and enforcement of fines issued for breaches of the COVID-19 Public Health Orders (**PHOs**).

Urgent action is required to reduce significant hardship and unfairness.

We call for the enforcement of all PHO fines to be paused until at least 31 March 2022, including where enforcement action has commenced.

An alarming number of PHO fines have been issued, with real doubts about whether they have been issued correctly and fairly

You may be aware that in July, August and September 2021 alone, 47,414 fines were issued for PHO breaches, amounting to \$43,234,340 in debt. We understand almost 18,000 PHO fines remain unpaid with 99% of those fines having escalated to enforcement.

We are concerned about the significant number of PHO fines issued incorrectly or unfairly. Legal services have already assisted large numbers of people who have been fined. The experience of these services is that a significant proportion of people have been fined in circumstances when they appear not to have committed an offence and/or where they would have been more appropriately cautioned or given a direction.

Following submissions to Revenue NSW, legal assistance services have had PHO fines withdrawn for a number of clients. Sometimes, these services have made multiple submissions to Revenue NSW, demonstrating the challenges involved in reviewing these fines.

Disproportionate impact on Aboriginal people and marginalised groups

We are very concerned about the disproportionate impact of PHO fines on groups already experiencing hardship.

The top 7 NSW LGAs where PHO fines were issued (adjusted for population size) are Brewarrina, Coonamble, Gilgandra, Moree Plains, Walgett, Bourke and Gunnedah. Given the significant population of Aboriginal people in each of those LGAs, it is clear that Aboriginal people and communities have been overwhelmingly impacted by PHO fines.

The experience of legal services also suggests that marginalised and disadvantaged groups such as people experiencing homelessness and people with psychosocial disability have been disproportionately issued PHO fines.

The size of the PHO fines is significant and will compound existing disadvantage for many. These sizeable fines are payable in the context of employment falling in NSW by 244,000 since May 2021. With the upcoming holiday season, this significant hardship will be even more pronounced.

Increased pressure on legal assistance services if enforcement is not paused

Legal services are inundated with requests for advice and assistance with PHO fines. Despite this demand, relative to the substantial number of PHO fines issued, a significant proportion of fine recipients have not come forward for legal assistance. We are concerned that people who are unable to engage legal help because of their circumstances will be left with an unjust fines debt.

Because of the COVID-19 lockdown many legal outreach services, particularly in regional NSW, have been suspended. Some of the regional areas where a disproportionate number of PHO fines have been issued, are still grappling with COVID-19 outbreaks. The closure of legal services over the upcoming holiday period will lead to further delays in people receiving assistance. The reality is that legal outreach services may not be able to restart until February 2022.

These are barriers to legal services being able to conduct outreach and provide legal advice before fines go into enforcement.

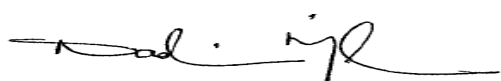
COVID-19 fine recipients need more time to seek legal assistance

We recognise and welcome the attempts being made by Revenue NSW to assist people experiencing hardship. However, the circumstances are such that too many people will not be able to engage in a timely manner and will face escalating debt and enforcement action.

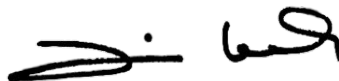
We therefore urge that enforcement action in relation to COVID-19 fines is immediately suspended, including where enforcement action has commenced. Given the delays associated with the upcoming holiday season and to allow the resumption of legal outreach services, we ask that any pause on enforcement be until at least 31 March 2022.

We would be grateful for the opportunity to meet with you or senior staff from your offices to discuss. To arrange a meeting, please contact Sheetal Balakrishnan, Senior Solicitor, Public Advocacy Centre by email on sbalakrishnan@piac.asn.au or by phone on 0432 189 163.

Yours faithfully



Nadine Miles
A/Chief Executive Officer
**Aboriginal Legal Service (NSW/ACT)
Ltd**



Tim Leach
Executive Director
Community Legal Centres NSW



Joanna Shulman
Chief Executive Officer
Redfern Legal Centre



Jonathon Hunyor
Chief Executive Officer
Public Interest Advocacy Centre

1. Arlia Fleming, Centre Director/Principal Solicitor, **Central Tablelands and Blue Mountains Community Legal Centre**
2. Asha Ramzan, Executive Officer, **Sydney Community Forum**
3. Christina Pirina, Principal Solicitor, **Macarthur Legal Centre**
4. Daniel Gobena, Manager, **Mount Druitt Ethnic Communities Agency (MECA)**
5. Elfa Moraitakis, Chief Executive Officer, **SydWest Multicultural Services**
6. Emma Golledge, Director, **Kingsford Legal Centre**
7. Frank Zheng, Chief Executive Officer, **Accessible Diversity Services Limited**
8. Gretchen Young, Executive Officer, **Inner Sydney Voice**
9. Jack de Groot, Chief Executive Officer, **St Vincent de Paul Society NSW**
10. Jane Titterington, Principal Solicitor, **Mid North Coast Legal Centre**
11. Janene Cootes, Executive Officer, **Intellectual Disability Rights Service**
12. Joanna Quilty, Chief Executive Officer, **NSW Council of Social Service**
13. John Leha, Chief Executive Officer, **AbSec - NSW Child, Family and Community Peak Aboriginal Corporation**
14. Juana Reinoso, Chief Executive Officer, **CORE Community Services**
15. Julie Hourigan Ruse, Chief Executive Officer, **Fams**
16. June Riemer, Deputy Chief Executive Officer, **First Peoples Disability Network (Australia)**
17. Justine O'Neill, Chief Executive Officer, **Council for Intellectual Disability**
18. Kate Melhopt, Chief Executive Officer, **South Eastern Community Connect (SECC)**
19. Kate Munro, Chief Executive Officer, **Youth Action**
20. Katherine McKernan, Chief Executive Officer, **Homelessness NSW**
21. Liz Yeo, Chief Executive Officer, **Newtown Neighbourhood Centre**
22. Maha Abdo OAM, Chief Executive Officer, **Muslim Women Australia**
23. Mark Patrick, Principal Solicitor, **Australian Centre for Disability Law**
24. Martin Butcher, Executive Officer, **Regional Disability Advocacy Service**
25. Michael M Shreenan, Executive Officer, **Counterpoint Community Services**

26. Niel van der Linde, Acting Principal Solicitor, **North & North West Community Legal Service**
27. Robyn Miller, Coordinator, **Penrith Disabilities Resource Centre (PDRC)**
28. Sarah Dale, Centre Director and Principal Solicitor, **Refugee Advice and Casework Service**
29. Serena Ovens, Chief Executive Officer, **Physical Disability Council of NSW**
30. Sharne Dunsmore, Chief Executive Officer, **The Fact Tree Youth Service**
31. Stacy Treloar, Chief Executive Officer, **Far West Community Legal Centre, Warra Warra Legal Service and Women's Domestic Court Advocacy Service**
32. Tara Ward, Managing Solicitor, **Animal Defenders Office**
33. Yvette Vignando, Chief Executive Officer, **South West Sydney Legal Centre.**