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Over \$2.1 million in COVID-19 fines issued to children

Nearly 3,000 COVID-19 fines totalling just over \$2.1 million dollars have been issued to children aged 10-17 years since 1 July last year, NSW police data reveals.

The data obtained by Redfern Legal Centre via access to information laws show that between the 2020–21 and 2021–22 financial years, 2,920 fines were issued to minors, the majority of which (59%) ranged from \$1,000 up to \$5,000 each.

In response, Redfern Legal Centre, the Aboriginal Legal Service (NSW/ACT) Limited and Public Interest Advocacy Centre are calling on government to revoke all COVID-19 fines issued to children.

“The issuing of a penalty notice should be a measure of last resort, especially where children are concerned,” RLC police accountability solicitor Samantha Lee said.

“We are gravely concerned about extremely high on-the-spot fines being issued to minors. We are calling on government to cancel COVID-19 fines issued to children, and to issue cautions instead.”

The figures released by Redfern Legal Centre reveal:

- 17 children issued with a \$5,000 fine
- 39 children issued with a \$3,000 fine
- 1,659 children issued with a \$1,000 fine

A \$5,000 COVID-19 on-the-spot fine is more than triple the cost of a fine that can be imposed by the Children’s Court, which cannot exceed 10 penalty units (\$1,100).

Victoria has a maximum penalty for COVID-19 fines for children. For children under 15 years, the maximum penalty is \$181.74. For children aged between 15 and 18 years the maximum penalty is \$726.96.

Redfern Legal Centre is concerned that many of these fines may have already be at enforcement stage. If children do not pay a fine then enforcement orders will be imposed.

These orders may include:

- A community service order (for children, this can be up to 100 hours)
- prevention from obtaining a driver licence, registering a vehicle, booking, or undergoing a driving test.

Last week, a coalition of 33 legal organisations including Redfern Legal Centre signed an open letter calling on NSW finance minister Damien Tudehope and Attorney General Mark Speakman to introduce a four-month pause on enforcement action on all COVID fines over the holidays, to support people already experiencing vulnerability with additional time obtain advice about the fines, many of which may have been wrongfully issued.

Comments from Samantha Lee, police accountability solicitor at Redfern Legal Centre:

“A child has as much capacity to pay a \$1,000 or \$5,000 fine using their pocket money as an ant has to push a boulder uphill. Hefty monetary penalties issued to children hit families hard, especially those from lower socio-economic backgrounds.

“Redfern Legal Centre has been assisting many people who have been issued with COVID-19 fines, including children. More often than not, the fine is too overwhelming for the child to deal with, so the burden and stress is shifted to the parent.

“A \$1,000 or \$5,000 fine can place enormous strain not only financially but emotionally on a family and cause tension between parent and child.”

Comments from Nadine Miles, Acting CEO of the Aboriginal Legal Service (NSW/ACT) Limited:

“The extraordinary number of fines reveals a failure by police to exercise their discretion to deal with young people appropriately, and we know that a disproportionate number of fines were issued in Aboriginal communities. Some of the children we are assisting received multiple \$1000 fines in a single day. Crushing fines only exacerbate the significant disadvantage that many of our young clients already face. The ALS continues to call for all COVID-19 fines issued to children under 18 to be withdrawn or converted to formal cautions.”

Comments from Jonathon Hunyor, PIAC CEO:

“Saddling children with \$2m in debt, with individual fines of up to \$5,000, is setting them up to fail. Trying to recover this money from children will only compound the hardship faced by families who may be doing it tough. As our community looks to recover from the pandemic, issuing cautions makes much more sense than seeking to extract this money from children.”

Samantha Lee, RLC Police Accountability Solicitor is available for interview. Contact Finn O’Keefe, RLC Communications Manager: 0424 548 019 | finn@rlc.org.au.