

Statement: High numbers of Covid19 Fines issued by NSW Police in Walgett. 5 May 2022.

Those familiar with Dharriwaa Elders Group know that we are an Association of Walgett Aboriginal people over the age of 60 that work to protect and promote the wellbeing of the Walgett Aboriginal community and the Country (lands and waters and our knowledge of them) that we are responsible for.

This statement is about the harm caused by NSW Police during the Covid-19 pandemic in Walgett between July 2020 and October 2021. The NSW Government made a big mistake for our community in tasking police to lead the local emergency response to this public health crisis. Police have a long history as an intimidating presence in Walgett, without a track record of building trust or communicating well with the local Aboriginal community. We have learnt that police struggled to keep abreast of the changing public health order requirements and we know that police are not trained to be social workers or to understand our community.

On the 10th of February this year we were dismayed to read in [The Guardian](#)¹ that Walgett had the highest number of Covid-19 penalty notices, adjusted for population, issued between 1 July 2020 and 10 October 2021. These numbers are by Walgett postcode, so they are representative of Walgett town not the broader LGA. The total fines in Walgett between the above dates were 168 Covid-19 fines worth \$148,480.00.

We are grateful to the Redfern Legal Service for obtaining this data via freedom of information requests and sharing it with us so we could analyse the data for ourselves, but we are shocked and distressed by what it reveals.

The median income for Aboriginal people in Walgett according to 2016 census data is \$376 a week, and Walgett is one of the most socio-economically disadvantaged communities in NSW. The Dharriwaa Elders Group (“DEG”) understands deeply the ongoing negative impact of Revenue NSW fine debt on individuals, families and the Walgett community and the stress and financial burden it creates in an already highly disadvantaged community. This financial stress impacts children and young people in our community significantly and is a contributor to [child poverty](#)².

Given fine debt is already a major problem for our community, DEG offered tangible solutions to NSW Police on many occasions including in August 2021 during the state-wide lockdown for how we could work together to achieve positive public health outcomes without criminalising our community. These solutions included the schools providing children with identity cards showing names, DOB and addresses; Aboriginal community members assisting police in their patrols as interpreters so that opportunities for confusion and miscommunications reduced; producing community communications to assist community members to understand their rights for exercise and recreation during the height of the pandemic; proposals for emergency housing provision for the homeless.

Throughout 2020 and 2021 Dharriwaa Elders Group had, in good faith, been relying upon representations made by Walgett’s Police Inspector, the Walgett Local Emergency Operations Controller (LEOCON), in forums such as the Local Emergency Management Committee (LEMC) meetings that Walgett Police had the capability to use their discretion to appropriately enforce new powers afforded by Covid19-related Public Health Orders. We were also relying on information by the Walgett LEOCON that the majority of the community was complying with the Public Health

¹ <https://www.theguardian.com/australia-news/datablog/2022/feb/10/incredible-imbalance-nsw-covid-fines-during-delta-higher-in-disadvantaged-suburbs>

² <https://theconversation.com/i-just-go-to-school-with-no-food-why-australia-must-tackle-child-poverty-to-improve-educational-outcomes-178426>

Orders so believed that police issuing use of fines under Public Health Orders was not widespread. However, the new evidence on fines data for Walgett contradicts this.

We now feel misled by NSW Police. We wrote to Walgett's Police Inspector 15/3/22 asking for comment and commitments for change but have received no reply.

The work of Dharriwaa Elders Group would benefit from being able to identify issues as they arise so that we can deal with these issues in the Holistic Working Group³ – a group that we created to bring Walgett agencies together to improve outcomes for children and young people in our community. This way we would be able to be more proactive and not learn about problems from media reports before we have had an opportunity to work together to address them locally.

What we know is that there is no evidence that the heavy use of fines has benefited our community or achieved any public health outcome. Now we must take precious resources from our front-line services to address the harm caused by the heavy use of Public Health Order fines in Walgett by police officers. Together with the Aboriginal Legal Service and Legal Aid NSW we are pro-actively supporting community members to consider options for challenging the majority of fines that were issued without details of the infringements or addressing the fines through Work and Development Orders over time to try and avoid further poverty and disadvantage in our community.

We are asking the NSW Government for:

- A review of Walgett police's use of fines during the Covid19 pandemic
- A mass revocation of fines issued under public health orders in 2021, in the interests of public health. We are still becoming ill with Covid19 and the financial stress that these debts create for our community we believe are creating additional health burdens.
- Statutory review of fine sanctions used in NSW communities that experience high socioeconomic disadvantage, especially on children and young people.
- Police to introduce proactive measures to prevent this fine burden for our community in the future such as:
 - providing more training for police officers so as to reduce racist and colonial approaches and attitudes
 - providing timely data to local agencies including Aboriginal community-controlled organisations regarding any new policing, social and public health issues as they arise
 - Emergency leadership proactively seeking local solutions within the Walgett LEMC to create public health safeguards to avoid unnecessary criminalisation
- Work with Aboriginal community controlled organisations (ACCOs) and other agencies to provide more social housing and other measures that we and many others have identified is needed in pandemic emergencies to keep people safe.
- Plan and embed less punitive and more appropriate responses to public health emergencies that invoke supports for vulnerable communities that help keep them safe and cause no additional harms.

Says DEG's Secretary Virginia Robinson: *"There must be a better way to keep our communities safe from future pandemics, than to elevate police powers. We ask the adults in NSW Parliament to apply themselves to planning better responses for the future."*

³ Walgett services invited to participate in the Holistic Working Group include the Walgett Aboriginal Medical Service, police, justice and welfare agencies, and the schools.