

## **Dharriwaa Elders Group, 7 June 2023: Statement supporting Complaint to Law Enforcement Conduct Commission about NSW Police Response to the Covid19 Public Health Emergency.**

Dharriwaa Elders Group supports [the complaint made by the Redfern Legal Centre](#)<sup>1</sup> (“RLC”) and [the Public Interest Advocacy Centre](#) (“PIAC”)<sup>2</sup> to the Law Enforcement Conduct Commission (“LECC”) calling for an investigation to examine the issuing of Covid 19 penalty notices by NSW Police and whether they constituted serious maladministration or misconduct.

DEG made a [statement 5 May 2022 about the harms caused by police during the Covid19 pandemic in Walgett](#)<sup>3</sup> after we found out that police had issued the highest rate of Covid19 penalty notices in NSW in Walgett between 1 July 2020 and 10 October 2021. Our statement also explained how we had worked in good faith with police in Walgett, reaching out many times to explain how we could work together to achieve positive public health outcomes without criminalising our community during the heights of the pandemic. So far our work has been ignored.

Since then, our colleagues from the Redfern Legal Centre have successfully challenged the validity of Covid19 penalty notices and [33,000 fines were rescinded following the Supreme Court ruling](#)<sup>4</sup>. However there are 29,017 fines remaining, many of which burden our community that is experiencing significant socio-economic disadvantage.

We support the complaint to the LECC in the interests of public health. Additionally we call for the NSW Government to:

- Conduct a statutory review of fine sanctions used in NSW communities that experience high socioeconomic disadvantage, especially on children and young people.
- Ensure emergency leadership proactively seeks local solutions within the Walgett Local Emergency Management Committee 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 wellbeing services 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.
- Introduce proactive measures to prevent this fine burden for our community in the future such as:

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<sup>1</sup> <https://rlc.org.au/news-and-media/rlc-media/nsw-legal-services-call-investigation-after-reports-police-were-directed-take-strong-approach-enforcing-covid-fines>

<sup>2</sup> <https://piac.asn.au/2023/06/05/complaint-lodged-against-nsw-police-over-excessive-covid-fines/>

<sup>3</sup> <https://www.dharriwaaeldersgroup.org.au/images/downloads/DEGStatement5May2022.pdf>

<sup>4</sup> <https://www.theguardian.com/australia-news/2023/jun/06/nsw-unlikely-to-withdraw-further-covid-fines-despite-court-ruling-many-were-unlawful>

- Directing police to be led by Aboriginal Community-Controlled Organisations in our communities
- 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

Says DEG's Secretary Virginia Robinson: *"We thank Redfern Legal Centre and PIAC for their advocacy on this issue.*

*We have witnessed first-hand the damage of a police-led response to a public health crisis and we are worse off.*

*I know what this is doing to our young people and their future life-prospects.*

*We look to the new NSW Government to do the right thing and stop the way fines are used punitively on communities. Instead of punishing us with fines that keep us in poverty, support us with our approach to build more wellbeing solutions that we know are really needed."*