

Yuwaya Ngarra-li Briefing Paper:
Dealing with Fines

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Executive Summary

The Dharriwaa Elders Group (DEG) in Walgett has witnessed the detrimental impact of fines in their community, leading to cycles of financial hardship, poverty and criminalisation. Fines, issued as civil and criminal penalties, can result in 'secondary criminalisation' when individuals are unable to pay, leading to further interactions with police. During the COVID pandemic, the over-policing in Walgett resulted in the highest rate of public health order fines in NSW, disproportionately affecting Aboriginal community members.

As a response, DEG has established a Dealing with Fines project through its [Yuwaya Ngarra-li partnership with UNSW](#). The Dealing with Fines project aims to provide access to justice for the Walgett Aboriginal Community, reducing criminalisation and improving diversion from the criminal justice system. It focuses on assisting individuals in resolving their fine debt permanently through various means. Key elements include early support to access culturally appropriate legal services and advice, preventing further criminalisation through flexible support, and ongoing outreach to gather evidence for appeals or write-off applications. The project emphasises culturally appropriate Work and Development Orders (WDOs) to address community priorities and social needs.

To implement an effective WDO scheme in Walgett, we have learnt that the project must be client-centred and community-led, which aligns with the [Yuwaya Ngarra-li Two River Pathway to Change model](#). The Dealing with Fines Team, recruited in 2022, works directly with community to reduce fine debt, offering support, transport and mentoring to overcome barriers. The project collaborates with the Aboriginal Legal Service NSW/ACT to provide legal advice and explore alternative solutions to deal with fine debts.

The outcomes of the Dealing with Fines Project in Walgett are promising. Revenue NSW data analysis reveals that the number and value of fines issued in the area have fluctuated over time, with a significant increase in fines in 2021/22, totalling \$483,577, substantially due to COVID-related policing. The Dealing with Fines Project's WDO program has made significant progress in helping individuals in Walgett pay off their fines. In the 2022/23 financial year, 39 people participated in DEG's WDO activities, clearing \$57,230 worth of fine debt. Additionally, the Dealing with Fines team supported community members to have \$120,882 worth of fine debt written off, totalling \$178,112 worth of fine debt written or worked off in its first year of operation.

Taking a community-led approach with the Dealing with Fines project has proven effective in resolving legal and financial problems for individuals in Walgett and preventing primary and secondary criminalisation due to outstanding debt. Having a locally based team within an Aboriginal community-controlled organisation (ACCO) offers flexible and timely support, reducing

fine debt burdens and increasing access to support, treatment, skills and employment. Holistic collaboration is crucial, providing a client-centred and relational model of engagement, early legal advice, and outreach support to access justice and divert people from the criminal justice system. Collaborating with the Aboriginal Legal Service has been instrumental in building meaningful diversionary options.

The project has valuable lessons for systemic advocacy and reform, emphasising the importance of understanding the holistic community experience to achieve effective outcomes. It has also highlighted the systemic issues in the fines system that do not consider relevant factors in contexts like Walgett, such as remoteness, homelessness, literacy and health barriers, and their disproportionate impact on Aboriginal communities. It also highlights the administrative burden for ACCOs in registering as WDO providers and establishing effective WDO programs.

In the next phase, the project's aim is to target early intervention priorities and causes of fine incurrence, provide proactive support for new fines and address unmet disability and housing needs in clients of the Dealing with Fines team, and to integrate the work more closely with Yuwaya Ngarra-li's projects on youth justice and wellbeing, housing, and food and water security.

Context

It is [well established](#) that fine debt disproportionately impacts upon community members and groups experiencing social disadvantage. The Dharriwaa Elders Group (DEG) has long seen the impact of fines for minor infringements in Walgett, and the ways in which community are locked into cycles of financial hardship and poverty, and criminalised through fine debt. Barriers to accessing education and employment pathways are further entrenched for both adults and young people through this cycle.

From a community perspective, one of the key challenges to addressing fine debt is the complexity of the laws and systems which regulate 'fines law' as a specialist area of law, policy and practice. Fines are a civil penalty which can be issued by police, the courts, and agencies such as Transport NSW (using traffic cameras and Transport Officers) as civil law and criminal law sanctions. The ALS has also supported clients with unpaid ambulance bills, unpaid toll bills and penalties, fines for failing to vote in local, state and federal elections (issued through the state and federal electoral authorities), and fines for failing to attend jury duty (issued by the Office of the NSW Sheriff). Where these unpaid fines are referred to Revenue NSW, the usual sanctions might apply if they remain un-dealt with. The regulation and enforcement of civil fine penalties by state agencies can cause criminalisation of social need, but also 'secondary criminalisation' whereby inability to deal with fine debt results in new contact with the police. For example, a community member receives a fine for driving an unregistered vehicle and receives a fine penalty. A failure to pay the incurred fine

results in their driver's licence being suspended, and detection by police results in a further penalty for driving unlicensed. The penalties available to a court for driving unlicensed, disqualified or suspended include fines of up to \$5500 and/or 6-months imprisonment.¹

COVID fines in Walgett

The revelation that Walgett had the highest rate of public health order fines in NSW in 2021 was a stark reminder of the devastating impact of the over-policing that happens in the community. Walgett police's high issuing of COVID fines—168 fines totalling \$148, 480.00—was contrary to the assurances given at the time by the local Inspector to DEG after the group had raised concerns about the criminalisation of young people through harsh enforcement of public health orders.² Further, Walgett police's own advice was that most residents in Walgett were following the regulations and doing the right thing to keep the community safe.³ While the Walgett Aboriginal Medical Service (WAMS) and DEG were in fact commended for the very effective community-led approach to COVID in Walgett, those community-controlled organisations were the frontline organisations left to deal with the legacy of the tens of thousands of dollars' worth of fines given to community members who cannot afford to pay them.

On 5 May 2022, DEG [released a statement](#) to the public detailing the harms caused by NSW Police in Walgett during the pandemic response between July 2020 and 2021. The statement was an important contribution to the public debate about the efficacy of a police-led emergency response, as DEG's Virginia Robinson explained:

“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.”

The rapid, widespread and intense use of fines by police to enforce Public Health Orders during the COVID pandemic brought the issue of fines to the broader public's notice. Yet for many years, community legal centres and civil society organisations have been advocating to raise awareness of the over-reliance on fines by police and courts and the disproportionate impact on disadvantaged groups and communities. DEG added their voice to the network of advocates in [building a systemic response](#) to the fine burden caused by the police-led approach to public health order compliance, raising awareness of the disproportionate impact upon Aboriginal communities.

¹ NSW Government, available: <https://www.nsw.gov.au/driving-boating-and-transport/demerits-penalties-and-offences/offences/licence-and-registration-offences-and-penalties>

² Dharriwaa Elders Group, Statement: High numbers of Covid19 Fines issued by NSW Police in Walgett. 5 May 2022. Available: <https://www.dharriwaaeldersgroup.org.au/index.php/reports>

³ Dharriwaa Elders Group, Statement: High numbers of Covid19 Fines issued by NSW Police in Walgett. 5 May 2022. Available: <https://www.dharriwaaeldersgroup.org.au/index.php/reports>

DEG and Yuwaya Ngarra-li collaborators have also consistently raised the need to scrutinise the practice of substituting criminal law sanctions for fine penalties in contexts where a public health or social needs response is more appropriate and effective. The use of fines alone has the unintended consequence of 'net-widening' and criminalisation, with no improved outcomes for the clients or the community. For example, police issuing fines to community members for very minor drug possession and use instead of a response which resources increased access to local drug and alcohol (AOD) counselling services and other social services which minimise drug related harms. As Virginia Robinson told the [ABC in June 2023](#),

"These fines just don't help people in our community, it just makes them worse off in their life chances in this community. 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"

A community-led solution

In building a response to fine debt in Walgett, Yuwaya Ngarra-li and DEG quickly discovered that government-led 'solutions' to dealing with fine debt are, on their own, not appropriate or fit for purpose for the needs of communities such as Walgett.

In implementing a community-led solution to the burden of fine debt in Walgett, the key factors to consider included:

- Remoteness
- Higher rates of homelessness
- Higher volume and intensity of police contact and intervention in the lives of community members
- Historic lack of resourcing of community-led options for supports
- Higher numbers of community members carrying significant burden of disability and ill-health (chronic-disease, mental health, AOD issues)
- Ongoing legacy of the Stolen Generations
- Greater need for supports related to literacy and numeracy
- Greater need for supports which are culturally safe and capable, including gender and age considerations
- No post delivery service and increasing government use of digital service delivery given low levels of digital literacy and internet access meaning people often unaware they have outstanding fines or have had their licence cancelled

The Dealing with Fines Project

Access to justice achieved through Dealing with Fines

In 2022, Yuwaya Ngarra-li established the Dealing with Fines project to support community members in Walgett to resolve their fine debt permanently. The project is focused on increasing access to justice for the Walgett Aboriginal Community, including decriminalisation and diversion from the criminal justice system. This looks like:

- Early support provided to clients to access quality legal advice about what options are available to them to deal with their fine debt
- Flexible support provided to clients to prevent further criminalisation (for example, putting holds on enforcement action by NSW State Revenue)
- Ongoing outreach and assistance to gather documents and evidence for legal advice and action to appeal or prepare write-off applications for fines
- Ongoing support provided to clients to link with and build relationships with community-controlled health and social services as part of dealing with fines under a Work and Development Order (WDO).

DEG has learnt that to achieve the best outcomes in a context like Walgett with this project, the following elements are key:

- The Dealing with Fines client-facing team must be Walgett-based and embedded in community-led and -controlled organisation/s; and
- Have strong relationships and links with the local Aboriginal community.

This aligns with what the research tells us works best to achieve positive social outcomes, “that when disadvantaged people do get appropriate assistance for their fines problems, they achieve outcomes on par with others.”⁴

Through the work of the Dealing with Fines team to date, DEG have identified key areas of focus that are both planned and responsive to address the burden of fine debt in Walgett, in line with community priorities.

⁴ Ibid note 1, p1.

Table 1: Dealing with Fines project community priorities

Responsive (2020-2023)	Planned (2023 onwards)
<p>Address historic Police and Court fines, and COVID Fines issued in Walgett for adults, children (0<18) and young people (18<25).</p>	<p>Identification and early referral of clients with newly issued Police and Court Fines from job service providers, health services and Walgett Local Court for adults, children (0<18) and young people (18<25).</p>
<p>WDO Activities which are culturally appropriate and address priority social needs, for example:</p> <ul style="list-style-type: none"> - Voluntary support work for Elders - pro-social and mentoring activities - building links with local health services for social, emotional and wellbeing response (mental health and AOD counselling). 	<p>WDO Activities which target early-intervention priorities and causes of fine incurrence, for example:</p> <ul style="list-style-type: none"> - licensing, vehicle registration and driving offending programs - health and wellbeing activities - short-course or credential activities for employment pathways.

NSW Work and Development Order (WDO) Scheme

The Work and Development Order (WDO) scheme is jointly run by the NSW Department of Communities and Justice (DCJ), Office of State Revenue (OSR), and Legal Aid NSW. The WDO scheme enables eligible people who are experiencing significant hardship to reduce their fine debt through voluntary participation in unpaid work, courses, treatment, programs and other activities.

The WDO initiative has been highly effective for various groups of people in NSW. However, its potential to make an impact in communities such as Walgett in an ongoing and sustained way has been limited until now. While non-government and government organisations have been registered sponsors, the key supports to make the scheme accessible and meaningful have not been prioritised or resourced.

Yuwaya Ngarra-li identified that an effective WDO scheme in Walgett would need to be designed to be client-centred and community-led and -controlled.

Setting up DEG as a WDO provider

Participation in the WDO scheme requires the support of an approved WDO sponsor. DEG had registered as a WDO provider previously but had never had the resources or capacity to supervise people on WDOs.

Through developing DEG's WDO program since 2022, we have learnt how administratively complex and onerous the registration and establishment of such a program is for community-controlled organisations; this would be even more challenging without the expert advice and resources available through Yuwaya Ngarra-li. Having lawyers within our team has been invaluable in understanding community priorities and experience of fines, how to deal with outstanding fines, and operationalising the guidelines and requirements of the WDO scheme. Using our legal sector network, we were able to connect with key legal services to assist us in establishing DEG's WDO activities as a WDO sponsor. Provided with support from Legal Aid NSW's WDO Service, DEG was able to begin delivering WDO services as part of helping community deal with their fines.

The support from Legal Aid NSW's WDO Service included:

- Professional development and training in the WDO scheme requirements, including eligibility for clients and technical considerations for sponsors.
- Ongoing support to monitor processes and troubleshoot issues with the NSW Revenue Dashboard and the WDO's scheme's digital infrastructure and environment.
- Ongoing support and coaching in communicating with the Revenue NSW advocacy hotline.

Establishing the Dealing with Fines team

At the core of the Dealing with Fines Project is the team that is working directly with community and clients to achieve improved social outcomes in alignment with our Two River Pathway to Change model of diversion. The Dealing with Fines team members were recruited in May 2022 and are all members of the local community with connections to Walgett Aboriginal families. The team has key skills and experience in working with clients experiencing disadvantage and contact with the criminal justice system and is on the frontline daily, building connections to provide effective supports.

In the second half of 2022, the Dealing with Fines team started working with community members to reduce their fine debt, providing support to access legal advice and, where appropriate, signing up for a WDO. The WDOs developed by the team involved participation in various activities, including:

- Helping Elders with gardening
- Participating in art workshops and on Country trips
- Maintaining local parks
- Enabling access to mental health and AOD support via an agreement with WAMS.

The Dealing with Fines team takes a proactive approach to working in community to overcome barriers in addressing fine debt. This includes daily outreach to people's homes, other Walgett services, and Walgett Court. The team is also able to provide transport, food and other social supports, such as informal mentoring and wellbeing checks, for clients who are experiencing homelessness, have mental health and primary health concerns, and are experiencing social isolation and interactions with police.

Steven "Bungee" Dennis is a much-loved Walgett local who joined our team to work on the Dealing with Fines project. He says the best things about living in Walgett are:

"Everything. Being with my mob, fishing on the river, going out on Country. I have a lot of things to do with my family and friends here, and I play football for Walgett."

Bungee has a clear vision for the work he is doing in the Yuwaya Ngarra-li Partnership and knows what future he wants for Walgett:

"I want better quality of life for our mob - better water, cheaper food, more activities for our youth. I want more gardening programs to grow food, more lunch and dinner programs. There are still people going hungry in Walgett. I want to help change that."

Collaboration with the Aboriginal Legal Service (ALS)

We discovered early on that while the WDO scheme is an important tool to enable people to work off fine debt, it is not the only solution needed. In many cases, it is not a solution at all due to the often complex social support needs of Walgett clients with fine debt. WDOs require a level of ability and capacity to engage and participate, which itself requires supports (for example, transport or childcare). And for many community members the Dealing with Fines team was engaging with, it became apparent that there may be other pathways to deal with fine debt.

In response, Yuwaya Ngarra-li developed a formal collaboration with the Aboriginal Legal Service NSW/ACT ('ALS') Fines Clinic to support the work of DEG's Dealing with Fines team.

The work with the ALS Fines Clinic in 2022 included:

- Outreach ALS solicitors co-locating in DEG for drop-in legal advice on all fines, including COVID fines
- Referring clients for legal advice about what options were available to deal with COVID fines
- The ALS COVID Fines Clinic Solicitor providing Community Legal Education sessions to DEG staff
- Strategic advice regarding police powers and fines.

The Dealing with Fines project's ongoing collaboration with the ALS provides community members with both supports to access culturally appropriate legal advice and the most appropriate solution based on the needs and circumstances of the client (for example, if a client is homeless, has a cognitive or intellectual disability, and other accessibility considerations).

Through a collaborative, shared-client approach whereby the Dealing with Fines team is working closest with community, the following options to deal with fines are now accessible where they were not before:

1. **Assistance setting up 'CentrePay' payments and deductions** – Centrepay is a free and voluntary service used by Centrelink clients to pay bills and other expenses (such as fines) through deductions from Centrelink payments. The Dealing with Fines team has found that clients often need assistance to amend payment plans that are not working for them, for example, they are deducting too much, or too little, to make it an effective solution to resolve fine debt.
2. **'Write-off'** – If community members are eligible, they may have overdue fines written-off or partially written-off, meaning clients will not have to pay some or all the fine. This option requires substantial documentary evidence, which can be a barrier for clients with complex

needs. Collaborating with the ALS legal team also enables the DEG to support clients to access options which are only available through approved legal assistance services, such as low-documentation write-offs for eligible clients.

3. **Work and Development Order (WDO)** – A WDO supports a client to reduce fines by up to \$1,000 a month by doing unpaid work, courses, counselling, mentoring or treatment programs.
4. **Internal review by Revenue NSW or the issuing authority** – Where a fine has been issued contrary to law or there are exceptional circumstances.
5. **Court election or legal challenge** – Where the circumstances of the fine being issued should be decided by a court due to an error made at law in its issuance, unlawful police conduct, or other factors (such as where a young person might not be criminally liable at law because they are aged under 14).
6. A combination of the above.

The way of working between the Dealing with Fines team and the ALS legal team is illustrated below.

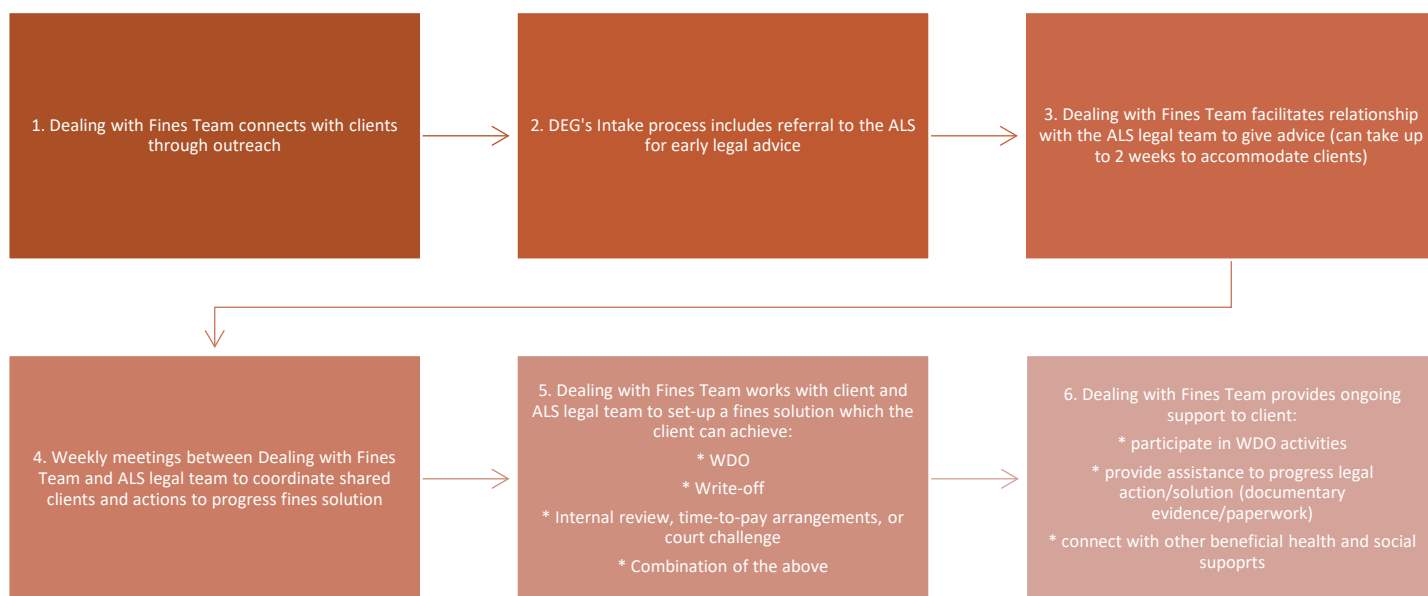


Figure 1: way of working between the Dealing with Fines team and the ALS

Outcomes of the Dealing with Fines project

To understand the level of fine debt in Walgett and the impact of the work of the Dealing with Fines team, Yuwaya Ngarra-li's Research and Evaluation team used Revenue NSW dashboards to obtain and analyse data about fines issued to people in the Walgett postcode area (2832). As shown through analysis of Revenue NSW data on overdue fines in Walgett, the number and value of fines issued has gone up and down over time but was higher in 2021/22 (995 fines issued) than in any of the previous four years, and the number of fines issued increased again to 1,069 in 2022/23. This is shown in Figure 3.

We found that the total value of fines issued in 2021/22 was \$483,577, more than double the already large amount of \$230,206 worth of fines issued in 2020/21 in a small community. These numbers are shown in Figure 2.

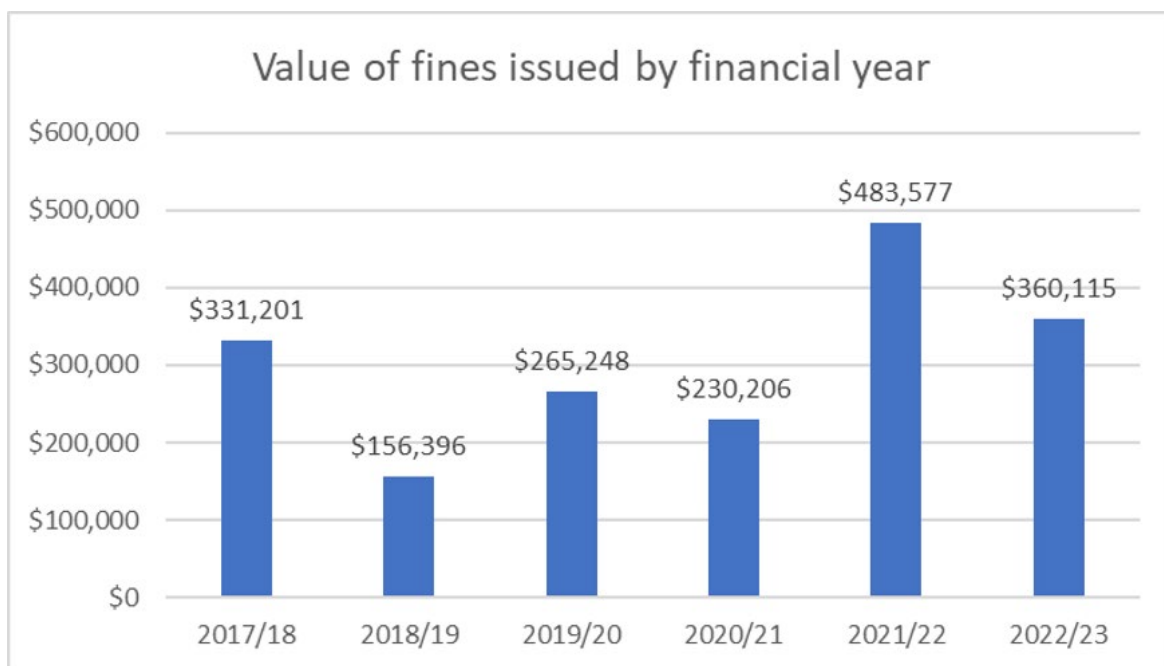


Figure 2: Value of fines issued by financial year

While the number of fines issued is higher in 2022/23, the total value of fines issued has fallen from the previous year to \$360,115.

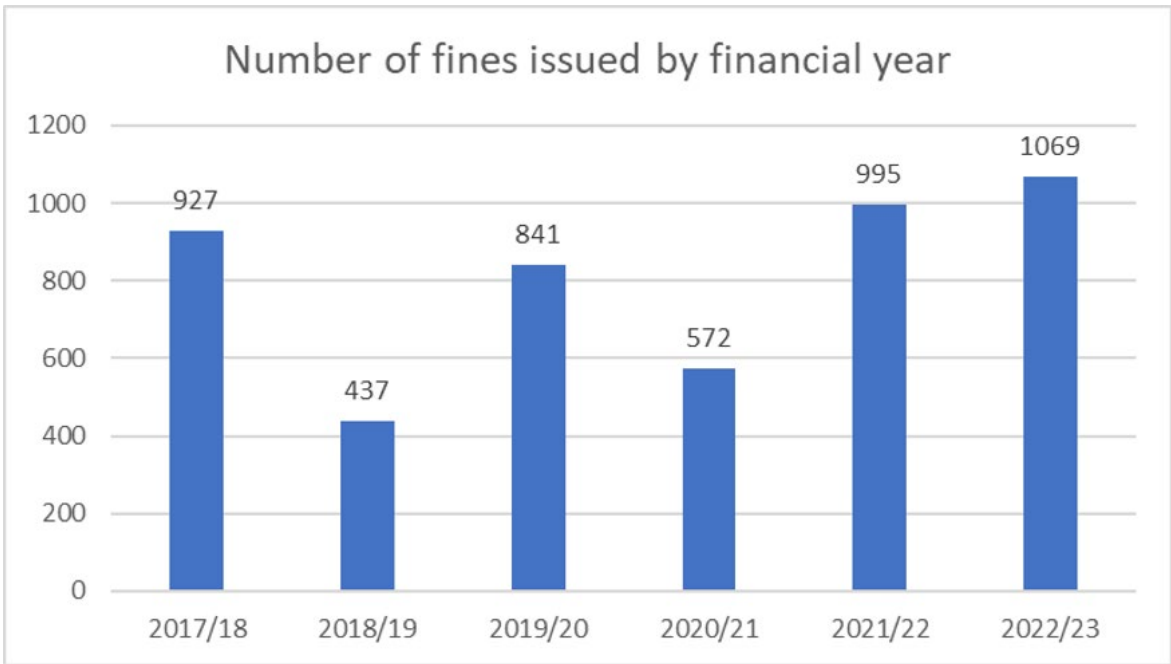


Figure 3: Number of fines issued by financial year

Figure 4 and Figure 5 below detail the number and value of overdue fines by type. Over the 11 months from 5 August 2022 to 7 July 2023, the number of overdue court fines has decreased and the number and value of other overdue fines have decreased. The increase in value of court fines in the last year helped us to identify this as an area of priority for future efforts.

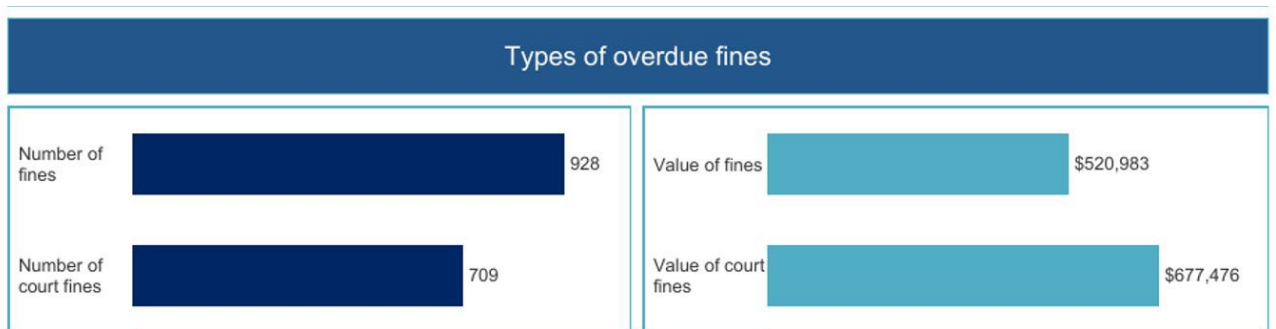


Figure 4: Types of overdue fines on 5 August 2022

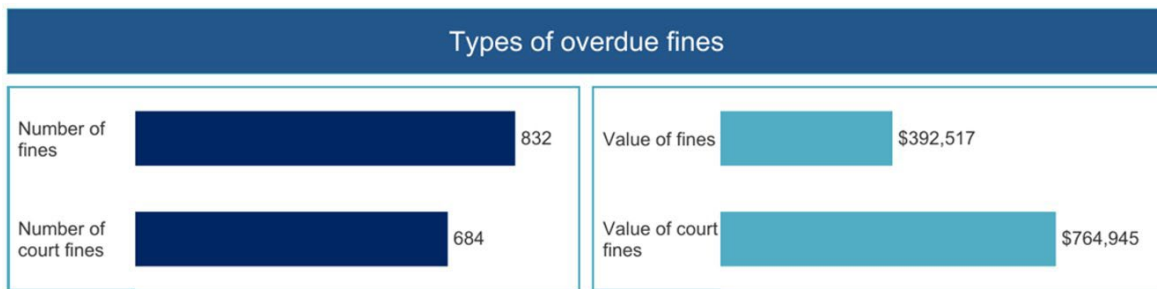


Figure 5: Types of overdue fines on 7 July 2023

The Yuwaya Ngarra-li WDO program is helping people in Walgett to pay off their fines. In the 2022/23 financial year:

- WDO participation is greater than the previous three years, with 39 people participating
- \$57,230 of fine debt has been cleared through WDOs, far exceeding the previous three years
- While the total overdue fine burden in Walgett still exceeds \$1 million dollars, it has reduced compared to the previous year by more than \$40,000
- The proportion of fines being paid off through Centrelink deductions has fallen.

Case Studies

Jarrold

Jarrold is a 26-year-old Aboriginal father of one, who was born and raised in Walgett. He lives with his partner, parents, and his small child in a small three-bedroom house in one of the villages on the outskirts of Walgett. Jarrold has family come and stay with him often, so the house is regularly over-crowded. Jarrold's child was born with a disability, and Jarrold is his primary caregiver.

Jarrold received his first fine in his teenage years, issued by the court upon conviction for property damage. Since then, fines Jarrold has received include for not driving with L plates, not driving with a seat belt, not wearing a mask, and not having a correctly installed child car seat, which is a difficult service to find in Walgett.

Jarrold is currently unemployed and does not have the capacity to pay off his fines. He is keen to work and has taken up opportunities to undertake training and skill building to enable him to be prepared for employment when it becomes available.

Jarrold knew some of the DEG staff from previously completing a TAFE course in Walgett, which helped him to feel comfortable talking about his fine debt after avoiding it for so long. When Jarrold approached the Dealing with Fines team for help with his fines, he had a total of \$12,926 worth of fine debt.

The Dealing with Fines team were able to support Jarrold to access legal advice through the ALS. Through their advocacy, NSW Revenue acknowledged Jarrold's circumstances and wrote off \$5,000 worth of his fine debt. The Dealing with Fines team were also able to advise Jarrold of the legal challenge led by Redfern Legal Centre which found that many of the fines issued by NSW Police under Public Health Orders were invalid, leading them to be withdrawn by the NSW Government. This led to \$1,605 worth of Jarrold's COVID-related fine debt being deducted.

Now Jarrold is working off the last of his fines, just under \$6,000, through a WDO with DEG. The Dealing with Fines team works with Jarrold flexibly, so he can fit his hours around caring responsibilities for his child, and still meet his obligations to be looking for work as required to receive his Centrelink payments each fortnight.

Fine debt can be very stressful and serve as a barrier to people accessing employment. Jarrold's case demonstrates the value of the Dealing with Fines team being able to support community members to access the advice and support needed to deal with their fine debt while balancing other responsibilities. The team can also support clients with access to skills and networks that can lead to future employment.

Gemma

Gemma is a 29-year-old Aboriginal woman who lives in a caravan located on her father's rental property on one of the villages just outside of Walgett. There is no public or community transport available to travel into Walgett from the village, such as for grocery shopping or accessing services.

The vast majority of Gemma's fine debt is for driving related matters—for example, driving without a licence, not displaying P plates and speeding.

When the Dealing with Fines team started to help Gemma with her fines, she had a total of \$3,267 of fine debt.

Gemma has now worked off half of her fine debt under a WDO sponsored by DEG. Gemma has recently been back in court for driving related issues, as accessing regular transport to be able to travel from her village to Walgett continues to be a challenge.

A significant proportion of the outstanding fine debt for Aboriginal community members living in and near Walgett is connected to driving-related matters. Given there is no public or community transport, it is a systemic problem. Being connected with broader networks that can assist Gemma to access transport may also be helpful.

Gemma's case study illustrates the potential for fines to lead to more serious contact with the criminal justice system if the systemic drivers of those fines aren't addressed. Continuing to work with Gemma around reducing her fine debt provides an opportunity to also support her to reduce her risk of driving-related incidents in the future.

Neville

Neville is a 55-year-old Aboriginal man who has lived in Walgett his whole life. He has five children, and great-grandchildren now too. He lives in Walgett in a house with one of his sons. Since losing his licence, Neville rides his bicycle around town, but he continues to be targeted by police.

Recent fines that Neville has received include fines for riding without a helmet and riding a bicycle without a bell. Historical fines which Neville has never had support to deal with include for not displaying P plates and failure to vote.

When the Dealing with Fines team started to work with Neville, he had \$1,046 worth of fines.

Neville is currently working off his fine debt under a WDO sponsored by DEG, and has so far worked off \$500 of his fines.

Neville's case study illustrates the impact of over-policing on Aboriginal people in Walgett, for example, a fine for riding a bicycle without a bell. It also reflects another systemic issue, which is that many Aboriginal people in Walgett have never registered to vote; this may be because they do not have the ID required to register with the Australian Electoral Commission, or because they have not felt represented by a system that has historically not served the interests of Aboriginal people in Walgett.

Jack

Jack is a 36-year-old Aboriginal man who lives in Walgett with his partner and children. Jack is currently unemployed and has never held a licence. Jack now gets around town mainly using his bicycle.

The fines which Jack came to DEG for help with include driving unlicensed and police issued fines for riding a bicycle on the footpath and not wearing a helmet while riding his bicycle.

The barriers to Jack earning his licence over the years include the cost and availability of lessons provided by licenced driving instructors, vehicle availability (registered, safe and road worthy) and the cost and availability of driver testing.

Bike helmets are also not able to be bought locally in Walgett, as well as being a cost that many can't afford.

Not being a licenced driver has been a major barrier to Jack finding employment over the years, which is true for many other Aboriginal people in Walgett.

As with Jarrod, the Dealing with Fines team were able to support Jack to access legal advice through the Aboriginal Legal Service. Due to their legal advocacy, NSW Revenue acknowledged Jack's circumstances and wrote off \$5,000 worth of his fine debt.

Jack is working off the remainder of his fine debt via a WDO with DEG.

WDOs sponsored by DEG have involved activities such as helping Elders with gardening, participating in art workshops and on Country trips, maintaining local parks and running community dinners. Over time, it is hoped that DEG may be able to address the systemic barriers to people holding a driver license in Walgett. Jack's case study illustrates the benefit of the Dealing with Fines project in supporting people to access new skills, training and networks to improve their skills and employment prospects as well as to work off their fine debt.

Adam

Adam is a 56-year-old single Aboriginal man who lives in Walgett. Adam has an intellectual disability, with a long history of mental health concerns, and has been assessed as capable of

living on his own with regular social supports. However, Adam is homeless, so often presents to DEG needing accommodation and food. For many years, Adam has been couch surfing, sleeping in his car or finding shelter in the bush or emergency accommodation in motels when available.

This year, Adam began receiving drug and alcohol counselling from WAMS through his WDO arranged by DEG. After working with Adam for many months, his counsellor supported Adam's application for housing. The counsellor described Adam as desperately needing safe and affordable accommodation to help manage and improve his considerable health conditions. His counsellor describes Adam as "loveable and compassionate, who deserves a chance at life and an opportunity to improve his self-esteem and achieve better health outcomes".

Adam experienced trauma in his early childhood and was taken in by a Walgett family in his pre-teen years after losing connection with his biological family. Upon the death of his adoptive father, Adam's mental health deteriorated as one of his key supports was no longer with him. This loss and grief and lack of support led to ongoing contact with the criminal justice system, a cycle that has continued for more than 10 years in the absence of appropriate accommodation or specialist disability support.

Adam began receiving wraparound supports from the Dealing with Fines team at the beginning of 2023. The team has been able to work with Adam to identify key areas he needs assistance with, including legal matters before the court. Adam was sentenced to a community-based order during this time which contained a condition that was almost impossible for Adam to comply with because of his intellectual disability. While working out what fines Adam had, the Dealing with Fines team discovered that any breach of the condition would result in Adam ending up back in custody. The team got in touch with the ALS Fines solicitor and explained the issue, and they assisted DEG to understand exactly what the options were to prevent Adam going back into custody. The ALS also arranged for the local Walgett ALS criminal lawyers to meet with Adam, with the help of the team, to plan a way forward using the courts to change his order. By identifying the condition that could disrupt Adam's good progress in his rehabilitation in the community, the Dealing with Fines team learnt how ongoing holistic and social and emotional wellbeing supports together with legal advocacy can work to divert vulnerable community members from the criminal justice system.

What We've Learnt Through the Dealing with Fines Project

The outcomes achieved through the Dealing with Fines project are further evidence of the value of a community-led approach, involving the tangible resolution of legal and financial problems (ending years of financial hardship) and prevention of primary and secondary criminalisation by resolving outstanding debt matters.

Lessons for systemic advocacy and reform

We have learnt that the fines system in NSW, and the initiatives to address the issues it creates, is built on a set of assumptions which does not consider relevant factors in contexts such as Walgett (for example, remoteness, homelessness, literacy and numeracy, health barriers). Consequently, fines for minor infringements have the effect of criminalising poverty, and the level of fine debt of Aboriginal people in Walgett exacerbates disadvantage and contact with the criminal justice system. As these factors are systemic, we believe our dealing with fines approach would be beneficial to other ACCOs and community-led groups that are also trying to address this issue.

We have learnt that systemic advocacy and community-led solutions which capture the holistic experience of the burden of fine-debt at the community-member level is most effective in achieving outcomes. This is distinct from understanding issues without context and the solutions which are built from a systemic level alone, for example, through legal services identifying a systemic problem through an increase in advice sought for fines. Therefore, any reform in fines law and the system of issuing, managing and enforcing fines must be informed by the holistic community-experience of their impact so as not to leave behind groups and communities who are disproportionately impacted by them.

Lessons for ACCOs

Registering to be a WDO provider and establishing an effective WDO program is administratively complex and onerous for ACCOs, and this would be even more challenging for organisations without expert advice and resources. Having lawyers within Yuwaya Ngarra-li has been invaluable in understanding how to deal with outstanding fines and operationalising the guidelines and requirements of the WDO scheme.

We've learnt that taking a community-led approach means building a team that is locally based within an ACCO which can provide a flexible, timely and effective model of support. This is the

holistic model in action and achieves a reduction in the burden of fine debt and increases access to support, treatment, skills, and employment.

Having their own dedicated bush-ready vehicle is essential for the Dealing with Fines Team as they have to spend a lot of time following up clients and transporting clients to and from WDO activities and other services our team is linking them to. Mentoring and team support is also essential and we've learnt that a program has to be undertaken with a minimum team of two – but preferably more to enable effective interaction with different age and gender client cohorts. A decent budget for tools, art materials and refreshments is also required.

Lessons for holistic collaboration

It is critical to provide client-centred and relational model of engagement to assist people to deal with fine debt. In order to increase access to justice and diversion from the criminal justice system, early support needs to be provided to clients to access quality legal advice regarding their options, along with flexible support to prevent further criminalisation (for example, holds on enforcement action; court support; broader access to legal advice), and ongoing outreach support including to link and build relationships with community-controlled health and other social services.

Through working closely with the ALS NSW/ACT it became apparent that the project needed to embed early legal advice into our model of dealing with fines in Walgett. As a result, we have increased access to justice and built meaningful diversionary options through the Dealing with Fines project. Establishing a practice of a weekly clinic with ALS lawyers has been invaluable in providing support and capacity building to the Dealing with Fines team, and ensuring timely advice is given to clients.

We've learnt that embedding a social and emotional wellbeing approach, which is the Aboriginal Community Controlled approach to holistic service provision, is best achieved when working with other ACCOs. Through our relationship with the ALS NSW/ACT we have integrated our very different service functions through our shared agenda for holistic individual and community outcomes.

What's Next

Over the coming year, Yuwaya Ngarra-li's Dealing with Fines project will be focused on the following areas:

- Greater integration with Two River Pathway to Change and Food and Water for Life programs.
- WDO activities which target early intervention priorities and causes of fine incurrence, for example, licensing, vehicle registration, driving and offending programs, along with short courses or credentials to create employment pathways.
- Shifting to more proactive support for new fines in addition to dealing with historic fines.
- Linking unmet housing need of clients to broader advocacy and efforts around supported accommodation, in particular plans to develop youth diversion and emergency/crisis housing.