

CAMPAIGNERS CELEBRATE AS WESTERN AUSTRALIA FINALLY ENDS IMPRISONMENT FOR UNPAID FINES.

Social Reinvestment WA, 16th June 2020

Campaigners today celebrated new laws passing the WA Parliament, effectively ending the imprisonment of Western Australians who are too poor to pay off fines.

Amendments to the Fines, Penalties and Infringement Notices Enforcement Act finally passed the Legislative Council this evening. The Bill introduced by Labor was broadly welcomed by The Greens, the Nationals, and One Nation following a four-year campaign by 24 community organisations under the leadership of Aboriginal led coalition Social Reinvestment WA (SRWA).

“Our old system was fundamentally unfair, made little economic sense, and punished most severely those who did not have the capacity to pay a fine,” According to SRWA Campaign Coordinator Sophie Stewart.

“We imprison these people at a cost of \$770 a day, despite cutting out their fines at a rate of just \$250 a day,”
“Now that the legislation has passed, anyone currently in prison for unpaid fines will be freed, and existing Warrants of Commitment will be cancelled,” Ms Stewart noted.

Even as the COVID-19 Crisis began in WA on mid-March, 48 individuals were issued Warrants of Commitment for unpaid fines, as was required by WA’s previous legislation.

SRWA Co-Chair Glenda Kickett emphasised the overrepresentation of Aboriginal people amongst those jailed for fine default.

“Many people jailed for being unable to pay their fines were living in poverty, with women also adversely impacted.” she said. ***“Aboriginal people were significantly overrepresented in this group, leading to tragic outcomes.”***

“Ultimately, fine default led to the untimely death in custody of Ms Dhu in 2014 in a South Hedland cell, detained by police for just over \$3000 in unpaid fines. The findings of the coronial inquest into Ms Dhu’s death led to several recommendations which SRWA strongly advocated for.”

SRWA also looked to other states, specifically NSW and Queensland, to build a case for legislative changes already proven to work.

“Following months of consultation with Social Reinvestment WA and member organisations, we are pleased the new legislation includes common sense alternatives for people who cannot pay their fines,” said Sharryn Jackson, Member of the SRWA Board and Executive Director of Community Legal WA.

These key changes include:

- Establishing genuine alternative options for disadvantaged people living in hardship to earn off their fines, through a Work and Development Permit Scheme.
- Creating a fairer system, where prison terms can only be handed out by a Magistrate or Judge, not by a government agency (the Fines Enforcement Registrar)
- Ending the detrimental impact of license suspensions on people in remote communities and regions, who have no other options for getting around.

“We particularly welcome the adoption of our recommendation to acknowledge the impact of hardship on an individual’s capacity to pay a fine.” Ms Jackson said.

“The Attorney-General is to be congratulated for his changes to the legislation to protect people in our community who can demonstrate genuine hardship, with the introduction of a Statutory Principle of Hardship.”

The legislative amendments bring WA into line with every other state, will reduce Aboriginal overrepresentation in WA’s prisons, generate economic savings for our state, and create a fairer justice system for all people. ENDS.

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ADVOCACY TIMELINE

Social Reinvestment WA began campaign to end the imprisonment of disadvantaged people for unpaid fines in 2016:

- Letter of support to Legislative Council- 2020
- Public Letter Writing Call- 2020
- [Review](#) of the legislation - 2019
- A parliamentary briefing for MPs across 5 different parties together for a [briefing on the issue and solutions](#) in September 2019, co-hosted by Alison Xamon MLC, Colin Holt MLC, David Honey MLA, and Simon Millman MLA.
- Summary of the issues [briefing paper](#) – 2019
- Consultations with Department of Justice during drafting of the legislation - 2018-2019
- Releasing two major policy papers - [2017/2019](#)
- Letters to all Members of Parliament and Ministerial Meetings- 2017, 2018, 2019, 2020
- A Change.org [petition](#) and “Who’s Gonna Make the Gravy?” campaign - 2017



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