COVID-19: Breaches of the public health orders

FACTSHEET

Public health orders

The NSW Government has made public health orders to limit the spread of COVID-19. Different restrictions may apply to different parts of NSW at one time. The orders are changing all the time and can be hard to understand.

This factsheet will tell you:
- what happens if you don't follow the orders; and
- where you can get help and more information.

If you want to read about how a doctor can make a public health order against an individual, read our factsheet: COVID-19: Public Health Orders – Section 62.

What can I do under the current public health orders?

The public health orders change frequently in response to the evolving COVID-19 situation.

The NSW Government website is the best source of information to tell you what the current rules and restrictions are.

What happens if I don't follow the public health orders?

Breaches of the public health orders made under the *Public Health Act 2010* is a criminal offence and attracts heavy penalties.

For an individual, the maximum penalty is $11,000, or imprisonment for 6 months, or both and a further $5500 penalty may apply for each day the offence continues.

The NSW Police may also issue on-the-spot fines to individuals of

- $1,000 for breach of a public health order

- $500 for failure to comply with a direction to wear or carry a mask for those aged 18 years or older

- $80 for failure to comply with a direction to wear or carry a mask for those aged 16 or 17 years of age

- $40 for failure to comply with a direction to wear or carry a mask for those aged 15 or younger

- $5000 for failure to comply with the obligation to:

  o answer questions asked by a contact tracer, provide your name and contact details to a contact tracer, provide true and accurate information to a contact tracer, and for spitting or coughing on a public official or other worker.

  o self-isolate if you are diagnosed with COVID-19, including staying at home or in hospital, as determined by a doctor, nurse or paramedic; providing details of contact with other persons and places you have visited; and complying with NSW Health guidelines

  o self-isolate if you are a close contact of a person diagnosed with COVID-19, including staying at home up to 14 days, as determined by a doctor, nurse or paramedic; submitting to testing

for COVID-19; and complying with NSW Health guidelines.

What are my options if I get a fine?

The options to deal with your fine are:

- Pay the fine or organise with Revenue NSW to make instalment payments over time
- Ask for a review of the fine through MyPenalty on the Revenue NSW website
- Elect to dispute the fine in the Local Court through MyPenalty on the Revenue NSW website (seek legal advice first)

If you get a public health order fine you can get free legal advice from Legal Aid NSW, so you know the best option for you.

What if I can't pay my fine by the due date?

If you can't pay your fine you have the option to:

- Make instalment payments over time. These can be small payments each fortnight if you are in financial hardship or on a Centrelink benefit.
- Clear your fines through a Work and Development Order (WDO) if you are eligible
- Request to have the fine waived by Revenue NSW if you have serious financial, medical or domestic problems.
- In some circumstances Revenue NSW may withdraw the penalty notice (under s24E of the Fines Act 1996) if you have an intellectual disability, a mental illness, a cognitive impairment or you are homeless. You should seek legal advice before your fine is due."

What will happen if I don't pay my fine?

If you don't pay or make arrangements to pay your fine, Revenue NSW have enforcement powers to:

- Suspend your driver licence
- Cancel your car registration
- Take money from your bank account or wages
- Get the Sheriff to seize and sell things you own

Each time Revenue NSW takes enforcement action they add fees to your fine. So, don't ignore a fine you can't pay, get help quickly.

If you get a NSW public health order fine, contact LawAccess NSW on **1300 888 529** for free legal help.

Where can I find more information?

For the most up to date information on what you can and cannot do under the rules go to the NSW government website.

If you have received a public health order fine and want to discuss your options directly with Revenue NSW you can contact them on **(02) 7808 6934** (8:30am to 5:00pm Monday – Friday).

For COVID-19 health questions or to check symptoms call the National Coronavirus Helpline on

1800 020 080 (open 24 hours a day, 7 days a week).

Legal Aid
NEW SOUTH WALES

How can I get help?

For free legal help call **LawAccess NSW** on **1300 888 529** or call your local Legal Aid NSW office.

There is also a series of factsheets about COVID-19 and the law available on the Legal Aid NSW website to assist you to manage all the changes that are happening in our community.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.