

## Report to NSW Legal Assistance Forum – March 2014

### Fines and Traffic Law Working Group

#### 1. Meeting of members of the NLA Forum Fines and Traffic Law Working Group

The following organisations are represented on the working group.

- Aboriginal Legal Service NSW / ACT
- CLCs
- NSW Department Attorney General & Justice (DAGJ)
- LawAccess NSW
- Legal Aid NSW
- Public Interest Advocacy Centre (PIAC)
- Roads and Maritime Services (RMS)
- Shopfront Youth Legal Centre
- Salvos Legal

The working group met on 12 February 2014.

Doug Thompson, from the Regional Coordination Branch in the Department of Premier & Cabinet attended the meeting.

#### 2. Activities / outcomes

The objectives of the working group are set out in its Terms of Reference. This report outlines the progress of the group towards achieving these objectives:

1. *Work with Legal Aid NSW, ALS and DAGJ to promote participation in the Work and Development Orders (WDO) program to key stakeholders and clarify referral pathways between them.*
  - A general update of the WDO program was provided: to date a total of 14,209 WDOs have been issued, representing an increase of 1,877 applicants from the previous quarter. Fine debt under management is up \$8 million to \$43 million from the previous quarter and fine debt of \$16 million has been cleared.
  - As at 30 November 2013 there were 1,050 sponsors, up 20 on the previous quarter. Of particular note is the large spike in sponsors from government sector services, such as regional Health Districts and TAFE's. A recent Audit Report identified Sponsor applications that were taking one month are now taking 8-10 weeks to process.
  - Data indicates that 25% of all WDO participants are Aboriginal, up 2.2% from the previous quarter.
  - On the 1 December 2013 the Fines Amendment Bill established a pilot program in which restitution orders relating to victims' compensation matters are defined as a debt to the state, thus making them eligible to be included in WDOs. More information will be provided at the next meeting on eligibility criteria.
  - Proposed amendments to the WDO guidelines presented to the Attorney General on 14 February 2014. Amendments include instructions on clauses for conflicts of interest and that sponsors cannot change fees to WDO participants in order to derive profits. A provision will be made for the 'for-profit' job service providers, when no local non-profit service is available.
  - Two publications are available to assist clients understand fines and WDOs. Firstly, the new edition of 'FINED OUT' will be available shortly and secondly, a joint

authored ALS/Legal Aid publication titled *'Help for people with unpaid fines'* has been completed.

2. *Explore practical and workable options for licensing non-licensed drivers and re-licensing disqualified drivers.*

- The Working Group reviewed the recommendations from the Parliamentary Inquiry into *Driver Licence Disqualification Reform*.
- The Chair expressed his hopes that all the recommendations will be implemented, and noted that any final recommendations belong to the government.
- A 'Briefing Paper' has been prepared should any media be required.

*Birth certificates and identity documents*

- In February 2014, the Chair and members of the Working Group met again with Caroline Seagrove from the Department of Premier and Cabinet (DPC).
- The DPC is looking at this issue via its Social Policy Committee within Cabinet.
- The Committee is attempting to quantify the numbers of people requiring birth certificates prior to making submissions to Cabinet. Some of this information is being extracted through regionally coordinated information days coordinated by the DPC with a focus on creating central solutions.

*Taree traffic law pilot project*

- The Taree traffic law project was referred to in Parliament by the Hon. Duncan Gay on 29 May 2013 as "*a project to assist the New South Wales Aboriginal Legal Service to address the traffic related legal problems of people from socially and economically disadvantaged backgrounds in the Taree area.*"
- RMS confirmed that the Ministry of Transport has not provided funding for this project. The Chair also noted Taree Project was never a funded project.
- NLAf will send a submission to the Minister to clarify that it is our understanding that this project is not being funded by the government at present, but we support the government committing funding to it.

3. **Next meeting**

The working group plans to meet next in 7 May 2014.

**John McKenzie**

Chief Legal Officer, ALS (NSW / ACT)  
Chair, NLAf Fines and Traffic Law Working Group  
5 March 2014