

Report to NSW Legal Assistance Forum – June 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 7 May 2014.

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:

3. *Term of Reference 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.*

The following WDO statistics were reported to the working group.

WDO Sponsors			
	Apr-11	Feb-14	% ↑↓
Organisations	143	737	515%
Health Practitioners	77	323	419%
TOTAL	220	1060	482%
Pending		47	

	2009/10	2010/11	2011/12	2012/13	2013/14 (to Feb)	Total
Approved WDOs	113	742	1,803	6,952	7,150	16,760
Fine Debt Cleared	\$41,155	\$623,300	\$1,971,568	\$7,625,336	\$9,238,160	19,499,519
Fine Debt under Mgt	\$535,472	\$2,577,565	\$5,404,357	\$20,751,209	\$21,520,815	50,789,418

Aboriginal Participation Rate			
	ATSI	Total Pop.	%
April 12 - Sept 13	2,393	10,495	23%

- A second evaluation of the WDO program is expected to commence mid-2014. The Crime Prevention Unit in the Department of Police and Justice will lead the evaluation. The working group may have an opportunity to contribute to the evaluation.
- The pilot program that referred 1000 restitution orders to State Debt Recovery to be dealt with as debts and they are eligible for inclusion in the WDO program. The working group is concerned that the overall integrity of the WDO scheme may be

jeopardised if participants selected for the pilot scheme are not appropriate to undertake WDO activities in community organisations. The working group is seeking further information about the pilot scheme.

- Legal Aid is engaging with Regional Leadership Groups with commitments in their Regional Action Plans to expand the availability of WDO programs. To date meetings have been held with the Eastern Sydney, Western Sydney and the Mid/Far North Coast groups via a WDO sub-group of the Mental Health & Substance Abuse Task Group.
- The Western Sydney Population Health Leadership Group is expanding the availability of WDOs within its mental health, Aboriginal health, and drug and alcohol services.
- Legal Aid and ALS continue to assist clients with fines debt at outreach clinics and 'Fines Days' in RRR locations, partnering with local services and CLSD partners. New clinics have commenced in Cowra, Glenroi and Macksville.
- The Northern WDO Service is to be relocated to Legal Aid's Lismore office based on priority need. The Coffs Harbour office will retain a WDO paralegal support position.
- Legal Aid and ALS WDO Service teams continue to assist sponsor organisations to rectify deficient sponsor applications. The teams are also proactive in assisting 'dormant' sponsors with training programs to maintain their sponsor credentials.
- Legal Aid is developing an eLearning package, including a DVD, to assist new sponsor organisations with their administrative, reporting and compliance obligations.
- Proposed amendments to the WDO guidelines presented to the Attorney General on 14 February 2014 are still awaiting sign-off from the Attorney General.

4. *Terms of Reference 2 & 3: Explore practical and workable options for licensing non-licensed drivers and re-licensing disqualified drivers.*

Birth Certificates and Identity documents

- In March 2014, the Chair and members of the working group met with Caroline Seagrove from the Department of Premier and Cabinet (DPC) to further discuss the government's response to assisting disadvantaged people to obtain fee waivers for birth certificate or change of name certificates.
- CS advised that a proposed pilot program would not proceed; instead, the government will commission a report into the cost to government of providing birth certificates to disadvantaged residents of NSW.
- Legal Aid reported that the Births Deaths and Marriages (BDM) has provided funding of \$5800 for birth certificates at the next outreach clinic in Bourke/Brewarrina. However, BDM have stated they will not provide funding for change of name applications because they are a more complicated application and prefer applicants to attend in person at either their Chippendale or Parramatta office.

Taree traffic law pilot project

- The Legal Aid CLSD Program is providing \$15k to support Mid North Coast CLC to provide advice, minor assistance, and representation to clients on traffic list matters at Taree Local Court. This service will commence in late June 2014 and will work with other CLSD partners, including ALS and the Driving Change project, on referrals to the service.

5. Review and Evaluation of the Terms of Reference

Term of Reference 1

The working group noted the significant growth in WDO sponsors and the number of approved WDOs since the inception of the program. The working group noted the importance of keeping as many community organisations active as possible to ensure broad community involvement in the WDO scheme.

The working group concluded that its work on this term of reference is now complete and notes that it may reconvene to participate in the planned evaluation of the WDO program.

Terms of Reference 2 and 3

As noted in the working group's March report, the working group supports the recommendations of the Parliamentary Inquiry into Drivers Licence reform.

The Chair noted that the working group made comprehensive written submissions to the Parliamentary Inquiry into Drivers Licence reform and four members of the working group gave oral evidence to the Inquiry.

The working group notes it has completed its work on this term of reference and cannot do anything further until the government responds to the Inquiry's recommendations.

The working group resolved to maintain a 'watching brief' on this term of reference and to reconvene a physical meeting once the government formally responds to the Inquiry's recommendations.

6. Next meeting

The working group will no longer hold regular quarterly meetings. The working group resolved to reconvene meetings on an ad-hoc basis and to communicate with members via email on issues as they arise.

John McKenzie

Chief Legal Officer, ALS (NSW / ACT)
Chair, NLAFF Fines and Traffic Law Working Group
29 May 2014