

**Report to NSW Legal Assistance Forum – December 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 of Justice
- 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 9 October 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.***

*Second Evaluation of the WDO Scheme*

The second evaluation of the WDO scheme is underway. Inter Consulting have been engaged to conduct the qualitative evaluation and the Crime Prevention Division, NSW Department of Justice, will conduct the quantitative aspect of the evaluation.

*WDO Statistics*

The following WDO statistics were reported to the working group.

***WDO Clients***

- 22,155 WDOs approved since commencement of the scheme
- \$26m of fine debt cleared
- \$56m of fine debt currently under management

***Q2 2014***

- 3125 WDOs approved
- \$4.06m fine debt cleared
- 1,250 applications received in May 2014, a record month

***Sponsors***

- Total Sponsors: 1216
- Comprising:
  - Not for Profit organisations: 647 locations
  - Government organisations: 197 locations
  - Health Practitioners: 397

- Regions with the highest number of approved sponsors: Sydney, Illawarra, and Mid North Coast

#### Inclusion of Victims Restitution Orders

In December 2013 State Debt Recovery (SDR) commenced a 12 month trial for enforcement of restitution orders. Victims Services selected 1000 restitution orders which were not representative of the entire portfolio of victims restitution debt.

Some members of the working group have expressed concern that the inclusion of restitution debt into the WDO scheme may jeopardise the overall integrity of the scheme if participants selected for the trial are not appropriate to undertake WDOs in community organisations. Other members expressed support for the inclusion of restitution debt as a viable means for offenders to pay off their debt, particularly for young people who have no other means to pay off restitution debt other than through the WDO scheme.

The working group will write to Victims Services to seek clarification of the method used to select the restitution debt referred to the SDR and to express the working group's concern that the inclusion of restitution orders into the WDO, without consultation with key stakeholders, represents a significant alteration of the scheme beyond its original intention of assisting participants to clear fine-only debt.

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

##### Alcohol Interlock Program

The NSW Government has amended the alcohol interlock program to place stricter conditions on drivers convicted of serious and repeat drink driving offences. Commencing 1 February 2015, offenders convicted of high range, and repeat drink driving offences will be required to complete a minimum mandatory licence disqualification period and participate in the interlock program for a minimum of 12 months.

The working group is concerned that Aboriginal and other disadvantaged people may be excluded from accessing the interlock program due to the limited and discretionary nature of RMS' financial assistance scheme.

The working group will write to the General Manager, NSW Centre for Road Safety, expressing its concern that the safety of all road users is at risk if the financial assistance scheme is not extended to all financially disadvantaged people.

#### **5. 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  
20 November 2014