

## Report to NSW Legal Assistance Forum – March 2015 Fines and Traffic Law Working Group

### 1. Meeting of members of the NLAFF 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 has not formally met since the last meeting.

The following report is to update the NLAFF Plenary on recent developments in two outstanding issues and to inform the Plenary the Chair of the working group, John McKenzie has resigned from his role as Chief Legal Officer, Aboriginal Legal Service NSW/ACT, to take up the role of NSW Legal Services Commissioner. Discussions are underway to appoint a new Chair of the working group.

The working group would like to thank John for his strong leadership of the group and his commitment and passion to improving access to justice for Aboriginal people. The working group wishes John all the best in his new role as NSW Legal Services Commissioner.

### 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.***

#### *Enforcement of Victims Restitution Orders by State Debt Recovery*

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 victim's restitution debt.

The working group wrote to Victims Services on 3 December 2014 to seek clarification on the method used to select the 1000 restitution orders for enforcement action by SDR, and an understanding of the processes Victims Services will undertake to review the trial. To date we have not received a response from Victims Services.

The legislation enabling the 12-month trial lapsed on 1 December 2014 and has not been extended by regulation. Any future referrals of restitution orders to SDR will require new legislation and the approval of the Attorney General. We understand Victims Services is developing a business case to have the trial extended. The working group will continue to seek a meeting with Victims Services to understand the method used to select the restitution orders referred to the SDR and to express its concern that the inclusion of restitution orders into the WDO scheme, 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.**

*Mandatory Alcohol Interlock Program*

New mandatory alcohol interlock laws commenced on 1 February 2015. Under the new laws, stricter penalties will apply to drivers convicted of serious and repeat drink driving offences. The new penalties include a minimum licence disqualification period and a minimum 12 month period of participation in the interlock program.

In December 2014, the working group wrote to the NSW Centre for Road Safety to request a meeting to discuss the availability of the financial assistance scheme to disadvantaged clients. We have not received a response to our letter and will continue to follow up with the Centre for Road Safety for a meeting.

**5. Next meeting**

The working group will convene meetings on an ad-hoc basis and 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  
16 February 2015