

Report to NSW Legal Assistance Forum – September 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 met on 30 April 2015.

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 commenced a 12 month trial of enforcement of victims compensation restitution Orders to see if an improved rate of recovery could be achieved through State Debts debt enforcement process.

On Monday 22 June a delegation from the working group met with Mahashini Krishna, A/Commissioner, Victims Rights to discuss a number of issues. The delegation included Meredith Osborne, Jenny Lovric and Andrew Taylor from Legal Aid NSW.

Mahashini advised that the participants were randomly selected for the pilot, however certain categories of offences were excluded including sex offenders.

An evaluation of the pilot has been undertaken, however Victims Services had not seen the report as of the date we met. They were also waiting on Cabinet to make a decision on whether the referral of restitution orders to SDR would be continued. We raised some issues including the importance of maintaining good faith with WDO sponsors and stakeholders particularly by ensuring that appropriate consultation is undertaken so that sponsors are aware of this change in who is able to access the WDO scheme.

Key issues include:

- Appropriate consultation with WDO sponsors and other stakeholders including Legal Aid NSW
- Clarification of the types of offences that may be included
- How debts would be treated. For example would partial write offs be available for restitution debts once a WDO has been completed?

Mahashini made a commitment to keep NLAFF informed.

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

No update.

.6. *Next meeting*

Working group members noted the working group is in a wind-down phase and will reassess its ongoing viability at its next meeting.

The next working group meeting will be held in October 2015.

Andrew Taylor

Senior Solicitor, Civil Law and Homeless Outreach, Legal Aid NSW
Chair, NLAF Fines and Traffic Law Working Group
20 May 2015

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