

Fines and Traffic Law Working Group Report to NLA – September 2016

The working group met on 1 September 2016. Key issues discussed included:

Guest Speaker – Ben Finn, Acting Registrar Birth Deaths and Marriages (BDM)

A presentation about the BDM Indigenous Access Program was given. The BDM Indigenous worker attends community events throughout the State to promote birth registrations and assist with birth certificate (BC) applications. BDM can also partner with agencies with funding to assist Indigenous clients get/update identity documents, providing a reduced bulk purchase price of \$40 per BC. BDM has been working with Dept of Corrective Services (DCS) Aboriginal Unit to streamline getting BCs for prisoners (paid by DCS) prior to release. Written applications for fee waivers can be submitted to the BDM Registrar in accordance with their Policy. If a fee waiver is not available a discount price may be offered depending on the person's circumstances. These are only done on a case by case basis. There are no current plans for BDM to be able to offer BCs for free to any target population groups. However Ben indicated BDM would be open to considering a proposal regarding an ongoing partnership with the Legal Assistance Sector to support bulk applications for BCs from remote Indigenous communities taking into account both discounts and fee waiver options through applying BDM policy to clients. This is to be followed up by the Working Group.

Request to NLA Plenary - NSW Bicycle Laws and Fines

A response was received from the NSW Minister for Roads, Maritime and Freight, Duncan Gay, to the Working Group letter regarding new bicycle penalties. This letter advised that the NSW Government has no plans to scale cycling offence fines for adults and children at this time. A copy of the Caution Guidelines under the *Fines Act 1996* to be taken into account by issuing officers when deciding whether it is appropriate to issue a penalty notice to children was included with the letter and circulated to Working Group members.

Traffic Law Reform

It was reported that an Implementation Working Group has been formed to oversee the Driver Licence Disqualification Reforms, chaired by Justice. Their first meeting is in September.

Fines and WDO Update

OSR reported that there has been a change to bank garnishee orders (GO) issued for fines. These will now be in accordance with s122 of the *Civil Procedure Act 2005 (NSW)*, requiring that amounts under one or more GO must not, in total, reduce the bank account balance to less than \$480.50. This is referred to as the 'weekly compensation amount' which is adjusted in April and October each year. The MOU with Corrective Services was mentioned – see details in Prisoners Forum report. It was noted that in the 2015/16 year 16,821 WDOs were approved and \$19,952,234 fines debt was cleared through WDO activities.

The Working Group raised the issue of women in Domestic/Family Violence situations being left with fines debt incurred by ex-partner and having to go through annulment process including local court attendance and/or deal with garnishee orders for fines they weren't aware of. Julianne Evans reported that OSR are currently looking at their internal review processes and creating policy around this issue. Progress will be reported to the Working Group.

The next meeting of the Fines and Traffic Law Working Group is 16 November 2016.

Nadine Miles

Chief Legal Officer, Aboriginal Legal Service (NSW/ACT)

Chair, NLA Fines and Traffic Law Working Group – September 2016