

Fines and Traffic Law Working Group Report to NLAf – May 2017

The working group met on 17 May 2017. Key issues discussed included:

Civil Justice Strategy

Maureen Tangney provided an overview of progress with the Civil Justice Strategy. The Strategy will have five streams and will outline what the Strategy plans to achieve, why and actions to be undertaken with set timeframes.

Access to Birth Certificates

Legal Aid NSW will be meeting with DPC representatives on 26 May to discuss issues identified by NLAf as barriers to the obtaining and storing of birth certificates for Aboriginal people living in rural and remote areas.

WDO Update

The WDO guideline changes have been approved and will take effect from 19 May 2017. Some of the main changes include:

- Under 18 year olds will automatically qualify for a WDO
- Mental Health treatment and activities included in Section 32 orders can be included in a WDO
- Definition of mental illness now includes gambling disorders.
- For profit organisations can be approved as WDO sponsors in special circumstances eg: Job Active Providers in remote areas where there no other sponsors. They have to apply annually to maintain their approval.
- Clear guidelines on how sponsors are to manage referrals to third parties providing activities being counted towards WDOs
- New guidelines around declaring conflicts of interest and ensuring there are no personal benefits to staff/volunteers within the sponsor organisation from WDOs

Victims Restitution Order (VRO) debts have now been transferred to OSR (classified as Court Fines) for enforcement. Legal Aid NSW WDO Service is currently working with OSR to develop communications for WDO sponsors and internal business rules regarding VRO debts before these will be allowed to be worked off by a WDO. It was noted that whilst the average fines debt is \$3,000, the average VRO debt is \$10,000 (with some much larger as relating to old scheme), so could impact significantly on WDO sponsors.

Licence Disqualification Reforms

Transport reported that a joint announcement about the Reforms Bill involving several NSW Ministers is expected in June with implementation due to take place from September/October. The Aboriginal Legal Service and OSR are now part of the implementation Working Group. The implementation of the reforms will include a process for allowing people with existing licence suspensions to apply in one application to the Court to have all previous driving offences wiped to then commence the process of applying for a new drivers licence. There will be some exceptions.

NSW Parliamentary Inquiry into Driver Education, Training and Road Safety

The ALS reported on their submission to this Inquiry and that they will be giving evidence at the Inquiry sitting on 22 May.

The next meeting of the Fines and Traffic Law Working Group is 16 August 2017.

Nadine Miles

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