

**NLAF Fines and Traffic Law Working Group
Report to NLAF – November 2017**

The NLAF Prisoners Forum met on 8 November 2017. Nadine Miles, Chair of the Fines and Traffic Law Working Group, chaired this meeting.

Key issues discussed include:

Driver Reform Implementation

Commencing 20 October 2017, the new driver reform scheme enables people to make an application to courts to remove disqualification. The Habitual Traffic Offenders scheme was abolished as a result of these reforms, which also removed the mandatory disqualification period of 3 years for second or subsequent “never licenced” offences. Penalties and disqualification periods for “unauthorised driver offences” are reduced. While disqualification used to be cumulative and is not uncommon for people to have disqualification periods in excess of 10 years, new laws allow disqualifications to commence from the date of conviction and are served concurrently with existing periods unless ordered otherwise by the court. The key part of the reform is that the new scheme allows eligible persons to apply to the Local Court to have their disqualifications removed (subject to several criteria and exceptions, including not having a serious driving offence conviction).

Bicycle Fines

The Working Group is in the process of finalising a letter to The Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight, to raise concerns about bicycle fines. Currently, children and young people are being fined at the same rate as adults. This is contrary to the recommendations of the NSW Law Reform Commission, in its report on Penalty Notices (2012), which provides that offending by children and young people should attract a penalty at 25% of the adult rate.

Birth Certificates

In light of the implementation of the NSW outreach program for disadvantaged communities, the Working Group is looking at options to assist people with storage of replacement birth certificates. One suggestion by the Working Group is storing these documents at courts, particularly at smaller regional courts.

WDO Updates

More than \$100 million of fines debt has been cleared through the Work Development Order (WDO) Scheme since April 2012. One issue that was discussed at the meeting was the notification of Victims Restitution Order (VRO) to prisoners. Some Working Group members commented that it is not uncommon for prisoners to find out about a huge VRO debt upon release. Given that VRO can be dealt with through WDO, and prisoners have access to the WDO scheme, it is vital that prisoners be notified early.

The next meeting of the Fines and Traffic Law Working Group will be held on 14 February 2018.

Nadine Miles

Principle Legal Officer, Aboriginal Legal Service (NSW/ACT) Ltd
A/Chair NLAF Fines & Traffic Law Working Group, November 2017