

# Fines and Traffic Law Working Group Report to NLAf

Fourth Quarter - November 2018

The Fines & Traffic Law Working Group (FTLWG) met on 7 November 2018. Key issues include:

## Issuing Authorities

Earlier this year, the Department of Finance, Services and Innovation (DFSI) and Revenue NSW conducted a *Fairer Penalty Notice System* (FPNS) review to recommend measures that will reduce the disproportionate impact and social cost of the fines system on vulnerable people. On the advice of FTLWG, NLAf provided detailed feedback to the review. Unfortunately, the practices of issuing agencies were outside the scope of the FPNS review. Many recommendations, including better use of cautions, made by the NSW Law Reform Commission in [Penalty Notices \(2012\) Report No. 132](#) have not yet been adopted. As we strongly believe that reform in this area should remain a priority, FTLWG plans to focus on addressing this issue in 2019. FTLWG has invited relevant representatives from the NSW Police Force, Corrective Services NSW and Transport of NSW to join the working group to assist with this matter.

## Driver Disqualification Reform Implementation

Previous FTLWG reports to NLAf (May and August 2018) summarised two key challenges relating to the implementation of driver disqualification reforms. Progress to one of these issues has been made. In relation to whether local courts have the power to quash Habitual Traffic Offender declarations (HTODs), the Supreme Court of NSW recently decided in [Dixon v Attorney General of NSW \[2018\] NSWSC 1618](#) (per Adamson J) that Local Courts have jurisdiction to hear applications to quash HTODs. The [Justice Legislation Amendment Bill \(no. 3\) 2018](#) (passed by both Houses on 21 Nov 2018) confirms the power of local courts to quash HTODs. The other key challenge relates to the ongoing issue as to when the relevant offence free period is to commence (date of offence or date of conviction). This issue has not yet been addressed.

The [Road Transport Legislation Amendment \(Penalties and Other Sanctions\) Bill 2018](#) (assented on 5 October 2018) amends road transport legislation to target drink- and drug-driving behaviour by increasing penalties and enforcement. Amendments include expansion of the mandatory alcohol interlock program to include more offences (e.g. first time mid-range PCA), imposition of vehicle sanctions for certain repeat drink driving offences, application of licence suspension and fines to low range PCA and drug presence first offences. The expansion of mandatory alcohol interlock program will come into effect on 3 December 2018. There are other parts of the bill (e.g. infringement notices for low-range PCA) that will come into effect in May 2019.

## Plan and Review for 2019

In planning for 2019, the FTLWG reviewed its objectives under the working group Terms of Reference. Suggestions were made to update the Terms of Reference to reflect impending law reforms and our achievements to date. The amended draft Terms of Reference will be submitted to NLAf for approval in due course.

The next FTLWG meeting will be held on Wednesday 13 February 2019.

## Meredith Osborne

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