

Fines and Traffic Law Working Group Report Quarter 1 | January to March 2020

The Fines and Traffic Law Working Group (FTLWG) met on Wednesday 19 February 2020.

Bushfire Disaster Response

The Group acknowledged the concerted effort within the sector to address the legal issues arising in the context of the Bushfire Disaster, with Legal Aid NSW and Community Legal Centres having been immersed in the Bushfire Disaster response.

The Group discussed the need for ongoing work in relation to fines being issued in the disaster areas. While Revenue NSW has placed a stay on fines in 'affected areas' members of the Group shared examples of fines being issued and discussed the complexities of determining what is an 'affected area'. Clarification may be sought by referring to Revenue NSW's online [Bushfire Customer Care Guide](#), and the Group will continue to monitor the impact of fines in disaster affected areas.

Ongoing consultation on proposed changes to Work and Development Order (WDO) Guidelines

Key aspects of the ongoing review of the Work and Development Order Guidelines were discussed by the Group. Members agreed that the FTLWG will formally request the opportunity to review the proposed changes to the Guidelines, and to provide expert assistance and input.

Ongoing collaboration with Dr Julia Quilter

The Group heard a brief report, through the Chair, on Dr Julia Quilter's research project on bicycle helmet fines and the impact of those fines, particularly on the young, including evidence of geographical disparity in issuing of fines. Dr Quilter reports on some problem-solving initiatives by the Roads and Maritime Services (RMS) that involve provision of helmets. While problem-solving is encouraged, the Group agreed that there are a number of interrelated concerns that require analysis. These include: the significant number of fines issued; the absence of differentiation in fine amount for young people and adults; the cost of the imposition of the fines at an individual and State level, and the possibility of the fines being a gateway for further searches. The Group will continue its work with Dr Quilter on these complex and interrelated issues.

The likely timeframe for publication of Dr Quilter's research is late March 2020, with Dr Quilter to present her findings at the Legal Aid NSW Civil Justice Conference and the second quarter NLAF Plenary Group meetings, both in June 2020.

The Fines Amendment Act 2019

Ann King, Director of Fines and Fees, Revenue NSW, gave the Group a comprehensive outline of the changes within Revenue NSW that have flowed from the Fines Amendment Act 2019. There was a productive exchange of feedback from members of the Group on the Revenue NSW phonenumber, and information from Ann about the focus within Revenue NSW on the vulnerable response area. This useful dialogue will continue, with information being exchanged out of session.

Revenue NSW, a member of the Group, encourages NLAF members to complete its [First Nations](#) and [Young People](#) Surveys.

Input on draft Ministerial Guidelines

The FTLWG has been invited to comment on the Draft Ministerial Guidelines for the purposes of administering recent amendments to the Fines Act 1996, which provides for the reduction of penalty notice amounts by the Commissioner of Fines Administration (**the Commissioner**). Under the amendments, the Commissioner may reduce the amount of the fine by 50%, having regard to Ministerial Guidelines made under the Act. The FTLWG will provide input on the draft Ministerial Guidelines, which encompass matters such as eligibility criteria, demonstrating hardship and supporting evidence required.

Next meeting

The **next meeting** of the FTLWG is on **Wednesday 13 May 2020**, 10am-11:30am, Legal Aid NSW.

Meredith Osborne

Chair, Fines & Traffic Law Working Group

March 2020