

Fines and Traffic Law Working Group Report Quarter 2 | April to June 2020

1. Meeting of the Fines and Traffic Law Working Group (FTLWG)

The FTLWG met on Wednesday 13 May 2020 and was chaired by Linda Meyns, Legal Aid NSW. Representatives of the following organisations attended the meeting: Aboriginal Legal Service (NSW/ACT), Births Deaths and Marriages, Community Corrections, Community Legal Centres NSW (represented by Redfern Legal Centre), Department of Communities and Justice, Just Reinvest, LawAccess, Legal Aid NSW, NSW Police, Revenue NSW and Shopfront Youth Legal Centre.

2. Comments on draft Ministerial Guidelines

As foreshadowed in the first quarter report, the FTLWG was invited to comment on the Draft Ministerial Guidelines for administering recent reforms introduced by the *Fines Amendment Act 2019*, which allow for the reduction of penalty notice amounts by the Commissioner of Fines Administration (**the Commissioner**). A subgroup of members prepared comments out of session and a letter to the Commissioner was submitted on 26 March 2020 covering matters such as eligibility criteria, demonstrating hardship and the supporting evidence required. A copy of the 26 March 2020 letter was tabled at the meeting and will also be tabled at the upcoming NLAF Plenary Group meeting.

Ann King, Director Fines and Fees, Revenue NSW advised that the reforms are likely to commence in early July 2020 and will be accompanied by release of the final Ministerial Guidelines. The changes include provision for Centrelink recipients to apply to have their fine reduced by 50%.

3. Fairer Fines System Program Steering Committee

The Department of Customer Service through Revenue NSW has established a *Fairer Fines System Program Steering Committee* to share information on implementation of the *Fines Amendment Act 2019*, plan and implement responses with Aboriginal communities and young people and provide updates on expansion of the WDO Scheme. The Program Steering Committee is currently open to government agencies, however the FTLWG supports broader representation to include NGOs.

4. Impact of COVID-19

The Group discussed responses to COVID-19 including the new public health order fines and measures to address related hardship. Revenue NSW advised that garnishee orders have temporarily ceased and that the usual review process will be applied to public health order fines. Members were invited to attend COVID-19 & Fines webinars that are being co-presented by Revenue NSW and Legal Aid NSW.

5. Ongoing collaboration with Dr Julia Quilter

The Group received an update, through the acting Chair, on the research of Dr Julia Quilter (School of Law, University of Wollongong) on policing mandatory bicycle helmet laws in NSW. Dr Quilter and Russell Hogg

(School of Justice, QUT) have had a short article published in the *Alternative Law Journal* and submitted a longer piece to the UNSW Law Journal, which is under review.

Dr Quilter will attend the June 2020 NLAF Plenary Group meeting as Guest Speaker to present on her findings.

Next meeting

The **next meeting** of the FTLWG is on **Wednesday 12 August 2020**, 10am to 11:30am.

Meredith Osborne

Chair, Fines & Traffic Law Working Group

June 2020