

## Fines and Traffic Law Working Group Report Quarter 1 | January to March 2021

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

The Fines and Traffic Law Working Group met on 17 February 2021.

### 2. Presentation by Dr Julia Quilter and Prof. Russell Hogg on further research into Transport, Disadvantage and Financial Penalties

The FTLWG invited Dr Julia Quilter, University of Wollongong (UOW) and Prof. Russell Hogg, Queensland University of Technology (QUT) to present their proposed research into transport-related fines and disadvantage. This research is an extension of their Mandatory Bike Helmet Laws project which demonstrated the hidden and unintended consequences of bike helmet fines, including over-policing and debt accumulation. Dr Quilter highlighted that a broader overview of 'non-serious' transport offences, such as fare evasion (the most common fine for young people) is required to address the wider social impact on mobility and financial disadvantage. A smaller group of FTLWG members including executive representatives from Revenue NSW will discuss with Dr Quilter the purpose of the research and refine the focus areas. This group will report back to FTLWG members at the next scheduled meeting.

### 3. Discussion Paper Concession Fare Eligibility

The Cooperative Legal Service Delivery Program (CLSD Program) representative presented a discussion paper (**Addendum A**) on access to concession cards (50% fare discount). A significant proportion of fine debt in regional areas where there are high levels of financial disadvantage is incurred by people travelling on public transport without a valid ticket. The CLSD raised challenges with obtaining a concession fare entitlement, highlighted in two reviews by the NSW Independent Pricing and Regulatory Tribunal (IPART) in 2020. Both reviews made important recommendations regarding access to free and concession travel for vulnerable people at risk of incurring fines for public transport offences. The CLSD Program will have further discussions with Transport NSW regarding the IPART recommendations and provide an update at the next FTLWG meeting.

### 4. Fines Fixer and Traffic Offences Guided Pathway demonstration – Lauren Watts, Legal Aid NSW

Legal Aid NSW shared the analytics for both pathways. Fine Fixer continues to get steady traffic. Of the 3000 Fine Fixer users to date, 92.5% had never visited the site before. Legal Aid NSW will continue to work on improvements to engage site users for longer periods. The most popular pathway is "name another driver" and the data suggests that clients can easily navigate the system and find the most appropriate option.

### 5. Progress report on Fairer Fines amendments

Revenue NSW provided a progress report on the amendments to the *Fines Act* 1996. 439 fines have received the 50% reduction (totalling \$84,670) and 1360 requests have been declined. To date the top offence for receiving the reduction is "unregistered vehicle" (54) and the top declined offence is "disobey no stopping" (86). The majority of approvals have been given to pensioners (113).

### 6. Work and Development Order Scheme Guidelines update

The Department of Communities & Justice (DCJ) advised that the consultation brief is awaiting approval and will be referred to the FTLWG as soon as possible.

### Next meeting

The **next meeting** of the FTLWG is on **Wednesday 12 May 2021**, 10am to 11:30am.



Meredith Osborne  
**Chair, Fines & Traffic Law Working Group**  
February 2021

## ADDENDUM A

### NLAF Fines and traffic working group paper: concession fares for public transport

This paper has been prepared by the Legal Aid NSW Cooperative Legal Service Delivery (CLSD) Program to support discussion by members of the NLAF Fines and traffic working group on what action might be taken by the working group in response to recent recommendations made by the NSW Independent Pricing and Regulatory Tribunal (IPART) to address transport disadvantage experienced by people on low income. In the context of high fine debt that can be attributed to public transport offences the recommendations are significant. Transport disadvantage also has an impact on access to education, health, employment and welfare services.

It is also likely that there are links to be explored between the recommendations and the Transport Disadvantage and Financial Penalties Project that was introduced at the last working group meeting held on 11 November 2020.

#### Background

A significant proportion of unpaid fine debt, including fine debt owed by people living in regional locations of relatively high economic and social disadvantage, is incurred by people travelling on public transport without a valid ticket.

Concession fares for public transport are available to people receiving the full rate of Centrelink benefits or who are in full time study or undertaking an apprenticeship and who have a NSW Concession Entitlement Card issued by Transport for NSW. The card can be applied for on-line or at a Service NSW centre, and once approved and processed the card is mailed out to the applicant. Cards are valid for 90 days only and must be renewed using the same process.

Concerns about access to concession fares for people recently released from prison have been raised by CLSD Program partners in Wagga Wagga. Inmates cannot make an application for a Transport Concession Entitlement Card prior to release from prison. It is likely that both the process for obtaining a card and the requirement to reapply every 90 days have a significant effect on the ability of vulnerable and disadvantaged people across NSW to access concession fares for public transport. Moreover, the current eligibility criteria for concession fares excludes people experiencing financial disadvantage but who are not in receipt of full Centrelink benefits.

#### Independent Pricing and Regulatory Tribunal recommendations on access to concession fares

In 2020 IPART made some important recommendations regarding the availability of concession fares on NSW public transport services in its reviews of rural and regional bus fares and Opal fares in 2020.<sup>1</sup>

IPART recommended that concession fares be available to people who hold a Commonwealth health care card. This would expand the group of people eligible for concession fares and include carers and people who are not well enough, or able, to work full time, as well as people who are underemployed or who have

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<sup>1</sup> Review of Opal fares from July 2020 and Review of Rural and Regional Buse Fares 2021 – 2025  
<https://www.ipart.nsw.gov.au/Home/Industries/Transport>.

insecure or sporadic work.<sup>2</sup> It also addresses the problems associated with having to apply and regularly reapply for a separate concession card.

IPART made other recommendations in both reviews that would have a positive impact on access to free and concession travel for vulnerable and disadvantaged people who might be at risk of incurring fines for public transport offences.

The Review of Opal fares recommended that the NSW Government consider implementing targeted programs for vulnerable people by:

- Trialling the use of discounted weekly, monthly, and quarterly travel passes to community service organisations to be provided to vulnerable people in addition to the daily passes already available.
- Providing the opportunity for people to apply for free travel where they have a permanent physical disability, cognitive condition or mental illness that prevents them from using the Opal ticketing system.<sup>3</sup>

The Review of Rural and Regional Bus Fares made recommendations aimed at improving access to bus transport for vulnerable people:

- Transport for NSW simplify the concession fare application process for rural and regional bus travel.
- Transport for NSW consider implementing additional measure to assist vulnerable people.<sup>4</sup>

IPART considered the economic impact of expanding the availability of concession fares to people who hold a Commonwealth health care card. In the case of Opal fares it estimated that implementing the recommendation would reduce fare revenue by around \$350 000 per week, which could be easily funded through an increase to the Gold Opal cap to \$3:60 as recommended by IPART in 2016. In relation to regional and rural bus travel IPART concluded that implementing the recommendation could cost up to \$183 000 per year in lost revenue, which represents a reduction in fare revenue of around 2.7%.<sup>5</sup>

### Fine debt for transport offences

Based on information provided by Revenue NSW on fine debt in some CLSD Program regions it appears that a significant proportion of unpaid penalty notices are incurred for the offence of travel or attempt to travel without a valid ticket (adult) which has a maximum penalty of 5 penalty units, or a penalty notice amount of \$200 for an adult, or \$50 for people under the age of 18 years.<sup>6</sup>

The following table summarises the number of outstanding penalty notices for offences of travel without a valid ticket as at 4 December 2020 for some CLSD Program regions.

Region	Number of outstanding penalty notices
Central West	1 331
Kempsey Nambucca	1 663
Far West	176
Northern Rivers	949
Central Tablelands	5 132

<sup>2</sup>IPART, Final Report Review of Opal fares from July 2020 p 20, IPART Final Report Review of Rural and Regional Bus Fares p 21.

<sup>3</sup> Final Report Review of Opal fares from July 2020 p 21.

<sup>4</sup> Final Report Review of Rural and Regional Bus Fares 2021 – 2025 p 21.

<sup>5</sup> Transport for NSW provides contract payments to service providers. In addition providers keep any fare revenue collected from passengers. Ticketing and payment options vary amongst providers and most operators require cash payment from passengers.

<sup>6</sup> Passenger Transport Regulation 2017 clause 77A(1).

In the Kempsey Nambucca region, the offence of travel without a valid ticket has the highest number of penalty notices contributing to fine debt, and in Central West region it has the second highest number of penalty notices. IPART notes that income and mobility related transport disadvantage is higher in regional NSW, and that the level of household income is lower, compared to Greater Sydney. It also found that people who travel by bus in rural and regional areas typically have lower income and face greater transport disadvantage than the ge general population.<sup>7</sup>

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<sup>7</sup> Final Report Review of Rural and Regional Bus Fares p 8.