

Fines and Traffic Law Working Group Report Quarter 3 | July to September 2021

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

The Fines and Traffic Law Working Group met on 1 September 2021.

COVID-19 impacts

The acute impact of COVID-19 in the regional, remote and hard lock down areas was raised as a priority given the increasing number of Public Health Order (PHO) fines being issued and the limitations on face to face service delivery, in areas of high disadvantage.

Representatives from Revenue NSW, Aboriginal Legal Service (ALS), Legal Aid NSW and Co-operative Legal Service Delivery (CLSD) were invited to speak to their experiences.

Revenue NSW advised there was a 52% increase in the issue of “face mask” fines since tighter restrictions were imposed in July. It was confirmed that review of these fines is being conducted by a delegated review team, however there are no special considerations and reviews will be conducted within the general Revenue NSW guidelines. Revenue NSW will however consider a further appeal and encouraged the group to send through matters that appear not to have been issued appropriately. It was also confirmed that PHO fines can be cleared through WDO participation, however feedback from Legal Aid NSW indicated that some sponsors are unwilling to support WDOs for PHO fines.

The ALS reported on the impact of the pandemic and PHO fines in the regional and remote postcodes of Wilcannia, Bourke, Dubbo and Walgett. The ALS advised they have had incidences of young people being charged and arrested for PHO offences, and many receiving fines. Advice is mainly centred around the appropriateness of the fine and whether it should have been issued, with options to court elect being considered on both circumstance and financial burden, where fines of \$3000 and \$5000 have been issued. Another issue of concern in was inability to show identification resulting in a fine. ALS have been trying to alleviate this by providing letters confirming the client’s details.

Legal Aid NSW advised the WDO team has seen an increase in client’s seeking advice in relation to PHO fines. They confirmed that data provided by Revenue NSW showed that half of all PHO fines had been issued in the month of July, resulting in a significant increase in demand for services. As at the close of business on 1 August 2021 there were 10 000 PHO fines issued totalling \$9.4M, and Revenue NSW indicated there were 40 000 review matters to be determined. Legal Aid NSW provided case examples, noting particular concern about how police are issuing Quarantine Orders under s62.

The Cooperative Legal Service Delivery program representative confirmed that PHO fines were coming to the forefront of their work and requested Revenue NSW location data to assist the CLSD to work with regional partners to provide a targeted place base response for communities.

Focus areas 2021-22

The focus areas for 2021-22 were confirmed with agreed priorities and objectives. The areas identified are PHO fines, voting and census fines; transport concessions and fare eligibility; unauthorised driving arising from no licence; Hardship Support Program and WDO guidelines changes and program expansion. Revenue NSW has agreed to provide location and fine type data to assist the group with place- based approaches and advocacy. A representative from the NSW Electoral Commission will be invited to join the FTLWG.

Progress report on Fairer Fines amendments

Revenue NSW confirmed the feedback on the Fairer Fines review was currently being analysed and prepared for submission to the Minister at the end of September.

Legal Aid NSW and the ALS confirmed they made submissions to the review outlining the narrow scope of the 50% reduction initiative. Since its introduction a year ago only 500 matters have received a 50% reduction, totalling \$160 000 and consisting mainly of reduction of fines issues to people receiving the age pension.

The FTLWG will also prepare a submission on behalf of NLAF.

Work and Development Order Scheme Guidelines update

The Department of Communities & Justice (DCJ) advised that consultation had been completed and thanked NLAF for its contribution. The Guidelines have been endorsed by the Governance Group with no issues and a brief is with the Attorney General.

Legal Aid NSW also commented on recent advice received from the Crown Solicitor regarding WDOs for NSW fines supported by interstate sponsors. The advice confirmed a WDO cannot be undertaken interstate under the *Fines Act* 1996. Revenue NSW is allowing existing WDOS to continue, however this outcome will result in significant operational changes. All interstate WDO participation will be removed pending legislative change.

Next meeting

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

Meredith Osborne

Chair, Fines & Traffic Law Working Group

September 2021

