

**Submission
No 19**

**EXAMINATION OF THE AUDITOR-GENERAL'S
PERFORMANCE AUDIT REPORTS SEPTEMBER
2013 – JULY 2014**

Organisation: Department of Justice

Date Received: 28 October 2015

RESPONSE FROM NSW DEPARTMENT OF JUSTICE TO THE PUBLIC ACCOUNTS COMMITTEE ON THE NSW AUDITOR GENERAL'S REPORT ON SAFE AND LEGAL DRIVING AMONG ABORIGINAL PEOPLE

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS	RESPONSIBILITY
<p>The NSW Government should support Aboriginal people to retain or regain a driver licence by:</p> <p>a) expanding and promoting Work and Development Orders</p>	<p>Accepted</p>	<p>Continue to promote Work and Development Order advocacy and sponsorship to improve coverage</p>	<p>Ongoing</p>	<p>WDOs are available to Aboriginal and non-Aboriginal inmates in all NSW correctional centres.</p> <p>Changes to section 257 of the <i>Crimes (Administration of Sentences) Act 1999</i> were made in April 2015 to facilitate the exchange of data on who is in custody, and their various levels of fine-related debt. There is now a basis for regular exchange of information between CSNSW and State Debt Recovery.</p> <p>Completed (satisfied) WDOs rose from 102 in the first quarter to 113 in the second quarter of 2015.</p> <p>In total, \$432,356.25 of debt was cleared by WDOs in correctional centres between January 2015 and June 2015.</p> <p>Third quarter date to September 2015 is pending.</p> <p>Policies and procedures are currently under review to maximise the access to, uptake and completion of, and compliance with WDOs in all correctional centres. This includes streamlining identification of eligibility for WDOs and enhancing the scope of approved activities in CSNSW. It also includes multi-media promotion of WDOs in all correctional centres and linkage of WDO eligibility to CSNSW case plans.</p>	<p>DOJ</p>

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS	RESPONSIBILITY
<p>The NSW Government should support Aboriginal people to retain or regain a driver licence by: b) developing and promoting diversionary and sentencing options for 'driver licence' offenders.</p>	<p>Accepted</p>	<p>Provide RMS driver licensing education material through Aboriginal Community Justice Groups and other community groups</p> <p>Interagency group to progress options for consideration</p> <p>Promote alternative sentencing options for 'driver licence' offenders in courts.</p>		<p>A partnership between Aboriginal Programs, RMS and the Aboriginal Services Branch, DoJ has been in place since ---. RMS resources are sent to regional Aboriginal Client Service Specialist staff and distributed to clients engaged in the Driving and Licence Offences Project. Resources have also been obtained from Legal Aid around Fines and Debt and these resources are also given to DLOP clients.</p> <p>Mandatory licence disqualifications apply for unauthorised driving.</p>	<p>RMS DoJ DOF</p>
<p>The NSW Government should develop a coherent and consistent whole of government response with each agency cooperating to deliver its part of the solution.</p>	<p>Accepted</p>	<p>Establish the inter-agency group of key government stakeholders that is focused on increasing the number of Aboriginal people with an unrestricted driver licence.</p>	<p>Dec 15</p>	<p>On track</p>	<p>Department of Justice and Roads and Maritime Services</p>

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS	RESPONSIBILITY
Examining the introduction of 'work' or 'restricted' licences as a sentencing option for magistrates.	Accepted	Its noted that, while magistrates currently have the power to dismiss a charge with licence conditions, usually this is not done because mandatory disqualification periods apply. Cabinet has approved (but is likely to revisit) a proposal to allow people who have served out a certain length of disqualification period 'offence free' to be able to apply to have the court lift the disqualification (based on the recommendations of a Parliamentary Inquiry).	Ongoing	Further work needed and this will be progressed by the Driver's License Inter-Agency group in 2015/16.	Department of Justice and Roads and Maritime Services
Reviewing the Habitual Traffic Offender (HTO) declaration provisions	Accepted	No additional work needed.	Ongoing	This work is being progressed by the Licence Disqualification Working Group.	DOJ
Improving access to a birth certificate	Accepted	Continue to work with NGO's and Aboriginal Communities to focus on intensive community actions to increase the understanding and importance of birth registration.	Ongoing	Currently working with NGOs about supporting access to Aboriginal people to obtain birth certificates through discounted rates. Registry works closely with the Aboriginal community through our Aboriginal liaison officers who regularly visit remote communities to assist with birth registration and providing advice on birth certificates and proof of identify and how to protect identify documents.	DOJ

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS	RESPONSIBILITY
Promoting appropriate driver licensing programs as diversionary and sentencing alternatives for police and courts.	Accepted	Further development work in this area is needed. Will be progressed by the Interagency group chaired by DOJ and RMS	Ongoing	Mandatory licence disqualifications apply for unauthorised driving.	RMS DOJ MPES NSWPF Transport for NSW
Fill vacant positions for Aboriginal Client Service Specialists and Aboriginal Community Justice Group Coordinators.	Accepted	Recruitment of all vacant ACCSO positions	March 16	Recruitment is underway for the majority of vacant Aboriginal Client Service Specialists, now known as Aboriginal Client and Community Support Officers. All positions are projected to be filled by March 2016.	DOJ