

**Submission
No 16**

DRIVER LICENCE DISQUALIFICATION REFORM

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The Chair
Committee on Law and Safety
Parliament of New South Wales



By email: lawsafety@parliament.nsw.gov.au

Dear Chair

Inquiry into driver licence disqualification reform

Thank you for the letter dated 27 June 2013, inviting the Public Interest Advocacy Centre (PIAC) to provide a submission to this inquiry.

As you may be aware, PIAC is a member of the NSW Legal Assistance Forum (NLAFF), and is also a member of the NLAFF working group dealing with driver licence disqualification reform. As such, PIAC contributed to the NLAFF submission on this issue, and endorses the points made in that submission.

PIAC's direct experience in this area is drawn particularly from its work managing and running the Homeless Persons' Legal Service (HPLS). Through HPLS, PIAC has seen the unintended consequences that flow from some of the features of the current system of driver licence disqualification in NSW. We urge the NSW Parliament to prioritise the reforms set out in the NLAFF submission.

In addition to the points specifically raised in the NLAFF submission, PIAC notes that there is an option under consideration for NSW Police to be empowered to impose sanctions at the roadside. Through its casework experience, and more broadly, PIAC has not come across a compelling evidence base for the NSW Police to be given the power to impose such roadside sanctions. Such a change would also cause greater risks in ensuring that NSW drivers are accorded procedural fairness in the imposition of any sanctions. Therefore, if reform in this area were to be deemed necessary, it seems preferable for the courts to be provided with any additional power, because they are better equipped to take into account all relevant factors in imposing sanctions.

Yours faithfully



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