

INDIGENOUS LICENSING AND FINE DEFAULT — REPORT RECOMMENDATIONS

3871. Hon Giz Watson to the Parliamentary Secretary representing the Attorney General

I refer to the September 2007 report, 'Indigenous Licensing and Fine Default: A Clean Slate', prepared by the Committee to Explore the Effect of Motor Driver's Licence and Driving Laws on Remote Communities for the former government, and I ask —

- (1) Which of the report's recommendations that fall within your portfolio responsibilities do you support?
- (2) Regarding any recommendations that fall within your portfolio responsibilities but do not have your support, what is the reason for your lack of support?
- (3) Regarding the answer given to (1) —
 - (a) what process is in place for monitoring the level of implementation of those recommendations;
 - (b) which recommendations are currently fully implemented (where applicable, please provide full details);
 - (c) which recommendations are currently partially implemented (in each case, please specify the extent);
 - (d) which recommendations are currently not implemented;
 - (e) of the recommendations referred to in (3)(d), when will they be implemented; and
 - (f) where is the information referred to in the answers (3)(a)–(e) inclusive publicly available

Hon MICHAEL MISCHIN replied:

- (1) Recommendations 20-26 and Recommendations 30 and 31 fall within the responsibilities of the Attorney General. I am supportive of the substance of recommendations 20, 22, 23, 24, 25, 30 and 31.
- (2) Recommendations 21 and 26 are not supported at this time. Recommendation 21 was considered but not supported by the Department of the Attorney General for a variety of reasons including governance, equity, infrastructure and resourcing issues. Ultimately, the Attorney General's view is that licence suspension is a useful sanction for recovery of all forms of unpaid fine and consequently the Government would not be inclined to consider a blanket cessation of its use. Recommendation 26, which was also rejected by the previous Labor Government, must be viewed with caution given it would require very direct administrative interference with judicial or statutorily imposed penalties.
- (3)
 - (a) Although the report broadly accords with the Government's approach to indigenous licensing issues, and hence a number of the recommendations are supported and have been implemented through work planned or underway, there is no formal process for monitoring the implementation of the recommendations of this report. This is because the recommendations have not been committed to being universally implemented either by this Government or by the previous Government.
 - (b) Recommendations 20 and 22 have been fully implemented by the Department of the Attorney General.
 - (c)–(e) Recommendations 23, 30 and 31 are currently under consideration. Recommendations 24 and 25 have been partially implemented as follows:
 - i. Recommendation 24: Funding for the implementation of discrete, targeted 'licensing projects' has been received and implementation will commence over the next 12 months.
 - ii. Recommendation 25: The Sentencing Act 1995 (WA) states that the ability of an offender to pay any fine must be considered before a fine is issued, however a fine is highly dependent on the history of the offender and subject to the judicial officer's discretion. The Fines Enforcement Registry can also take an individual's means into account when making Time to Pay arrangements, as well as suspending any arrangement or outstanding fine/licence suspension if that person can demonstrate hardship.
 - (f) Information is not publicly available for those recommendations mentioned at 3 (a)–(e) which are currently under consideration (i.e. Recommendations 23, 30 and 31). Information on Recommendations 20 and 22 can be found in the Fines, Penalties and Infringement Notices

Act 2008 (WA). The funding referred to for 'licensing projects' in relation to Recommendation 24 is available on the Royalties for Regions section of the 2011 State Budget website at www.ourstatebudget.wa.gov.au Information in relation to Recommendation 25 can be found in the Sentencing Act 1995 (WA) and the Fines Enforcement Registry section of the Department of the Attorney General's website at: www.dotag.wa.gov.au.