



Media Release

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Penalty notices

The NSW Law Reform Commission (LRC) has made 72 recommendations to improve the operation of the state's penalty notice system and to help ensure that it doesn't further marginalise vulnerable people.

The Attorney General has tabled the LRC's report on penalty notices, with the government considering the recommendations.

NSW has over 7,000 penalty notice offences, created by 110 different statutes. In 2009/10, 2.83 million penalty notices were issued in NSW, with a total value of more than \$491 million.

The Lead Commissioner for the report, Professor Hilary Astor said people were far more likely to have contact with the justice system through a penalty notice than via a court, with the number and seriousness of penalty notices steadily increasing.

"The Commission has found that penalty notice offences, and the penalties that apply, have developed in ways that are not always consistent and fair," Professor Astor said.

"Steps need to be taken to improve the system, and the Commission makes proposals for guidelines to govern the kinds of offences that may be dealt with by a penalty notice and the penalties that apply."

The Commission recommends establishing a small Penalty Notice Oversight Agency within the Department of Attorney General and Justice.

"The unit would help to ensure the penalty notice system is fair, consistent and effectively regulated," said Professor Astor.

The Commission's report identifies problems with penalty notices for some vulnerable groups, including young people, homeless people and people with a cognitive or mental health impairment.

"While penalty notices are generally an effective and appropriate response to minor offending behaviour, they can compound social and economic marginalisation for vulnerable people, who are significantly more likely to receive a notice and significantly less likely to be able to pay," Professor Astor said.

The Commission recommends cautioning people in appropriate cases, instead of issuing a penalty notice, and improving mechanisms for reviewing notices that might have been wrongly issued.

The Commission also recommends improvements to help people who are struggling to pay penalty notice debts, including the expansion of the successful Work and Development Orders.

The Penalty Notice report and a summary are available online at www.lawlink.nsw.gov.au/lrc.

The NSW Law Reform Commission has been proposing changes to the State's laws since 1966 as the first permanent law reform agency established in Australia. The Chairperson is The Hon James Wood AO QC.

Media Contact: Paul McKnight — (02) 8061 9277