



THE LAW SOCIETY
OF NEW SOUTH WALES

COPY

Our Ref: RBGMM1297630

Direct Line: 9926 0216

9 October 2009

The Hon. Eric Roozendaal MLC
Treasurer
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Treasurer,

Re: Notification of action taken by the SDRO

The Law Society's Criminal Law Committee (Committee) has asked that I write to you in relation to the State Debt Recovery Office's (SDRO) notification requirements under the *Fines Act 1996*.

The SDRO has the power to suspend or cancel driver licences and cancel vehicle registrations for fine default.

Sections 66(4) and 67(3) of the *Fines Act 1996* provide that the SDRO may notify the fine defaulter of the enforcement action to suspend or cancel a driver licence, or to cancel the vehicle registration. However, the sections provide that a failure to notify the fine defaulter does not affect that action.

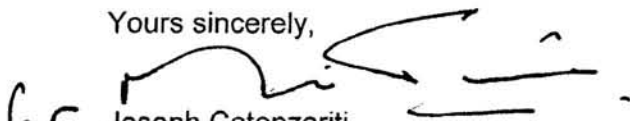
It is a serious matter for a person to lose their licence or to have their registration cancelled, and it is important that the driver is aware of the action taken. If a driver is unaware of the action taken they unknowingly risk committing an offence of driving while suspended or cancelled, driving unregistered, and driving uninsured. Committee Members are particularly concerned for their clients who are charged with driving whilst licence suspended as a result of fine default when the client was unaware of the licence suspension.

The Committee suggests a legislative amendment to the *Fines Act 1996* to place a positive requirement on the SDRO to inform the person of the action taken by way of registered mail.

Such a requirement would not have significant cost implications for the SDRO, and would greatly increase the likelihood that the driver is aware of the action taken.

I am happy to discuss this matter with you further.

Yours sincerely,



Joseph Catanzariti
President

THE LAW SOCIETY OF NEW SOUTH WALES
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OF NEW SOUTH WALES

COPY

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9 October 2009

The Hon David Campbell
Minister for Transport
Level 35 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW

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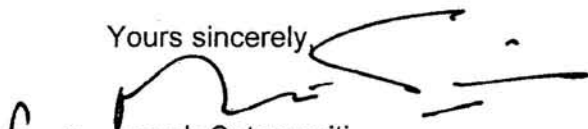
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