



## Disadvantaged people hardest hit by fines

Disadvantaged people are disproportionately affected by fines problems, according to new research from the Law and Justice Foundation of NSW, [Fines: are disadvantaged people at a disadvantage? Justice Issues paper 27](#). Fines are used to address low-level law breaking by more than 230 agencies in NSW. When fines are ignored, they automatically escalate into increased penalties and additional enforcement proceedings which raises policy questions in respect to the impact on disadvantaged people, many of whom face financial hardship.

Using national data from the Legal Australia-Wide Survey, the authors examined whether fines problems are more prevalent among disadvantaged groups than others.<sup>1</sup> They found that most disadvantaged groups have elevated experience of fines problems, with around one-third of people characterising their problems as 'substantial' problems that had a moderate or severe impact on their everyday life. These groups include Indigenous people, single parents, people living in disadvantaged housing, people on government benefits, people with a disability and unemployed people.

The results also reveal an 'additive effect', meaning that people with *multiple* types of disadvantage have even greater vulnerability to fines problems. The negative impacts for the most disadvantaged people are also more severe, with fines problems often leading to illness, financial and other consequences.

The most disadvantaged people were found to be less likely to have the money to pay their fines, or to have the legal capability<sup>2</sup> to challenge their fines if they think they are unfair. Co-author, Dr Hugh McDonald, said, "Many disadvantaged people simply become caught in a vicious cycle, where inaction leads to escalating penalties and further financial strain. Realistic options are needed to enable disadvantaged groups to resolve their fines problems."

The authors note that community legal centres can play an important role in helping people on low incomes to resolve their fines problems. The NSW Work and Development Order scheme, is a step in the right direction, supporting people to act to deal with their fines. Disadvantaged people also require assistance to appropriately deal with fines issued in error. Improving access to justice is dependent on understanding the legal needs of disadvantaged groups and providing client-centred services.

The paper can be downloaded from <http://www.lawfoundation.net.au/publications/#JusticeIssues>

### About the Law and Justice Foundation of New South Wales

The Law and Justice Foundation of New South Wales is an independent, statutory, not-for-profit organisation established in 1967 to advance the fairness and equity of the justice system, and to improve access to justice for socially and economically disadvantaged people. Through our research, the Foundation identifies legal need, and what strategies work to address that legal need, to support the planning and delivery of the most effective legal assistance services.

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<sup>1</sup> [Legal Australia-Wide Survey: legal need in Australia](#), Law and Justice Foundation of NSW, 2012. The LAW Survey remains the largest and most comprehensive survey of legal needs conducted in Australia to date.

<sup>2</sup> See [Legal capability and inaction for legal problems: knowledge, stress and cost](#), Updating justice, no. 41, June 2014.

### Law and Justice Foundation of NSW

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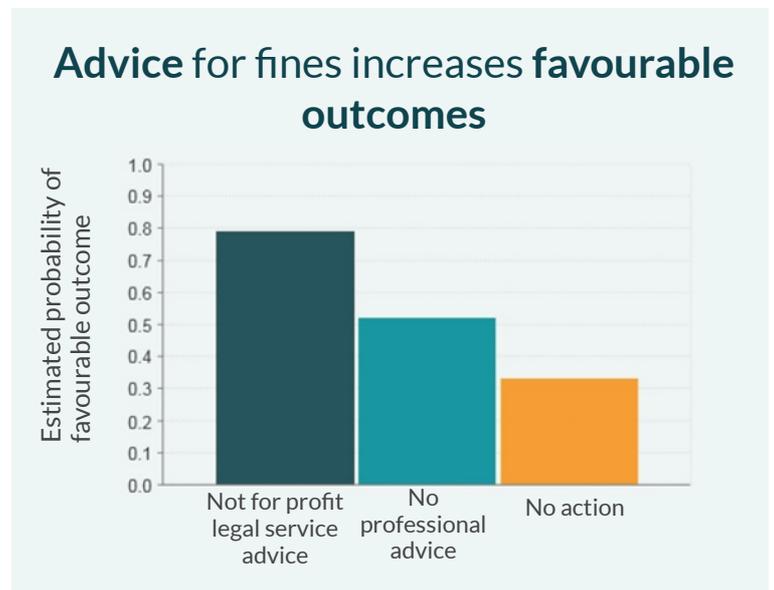
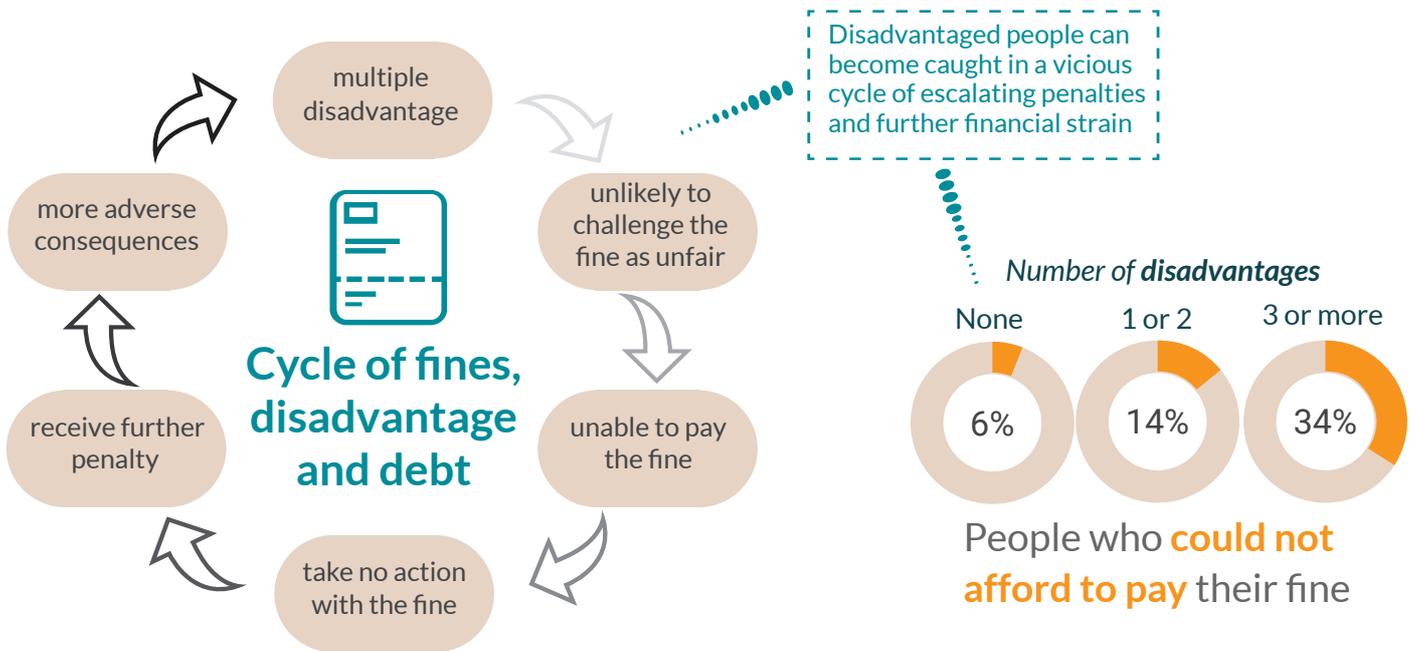
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# Fines: disadvantaged people are at a disadvantage

Fines are used extensively in all Australian jurisdictions to address low-level law breaking. If ignored, fines automatically escalate into increased penalties and additional enforcement proceedings. The **Legal Australia-Wide (LAW) Survey** tells us about the impact fines have on Australians, especially those who are vulnerable or **disadvantaged**.



**More disadvantaged people are:**

Almost **SIX times** more likely to experience **adverse consequences** from fines problems

More than **THREE times** more likely to experience **ill health** from fines problems

For the full paper 'Fines: are disadvantaged people are at a disadvantage?' please see our website

<http://www.lawfoundation.net.au/publications/#JusticeIssues>

