**Fine defaulters in Western Australia**

**Background**

In Western Australia, when an individual is unable or refuses to pay a fine issued by either the police or the courts, there are several penalties that can be put in place. This includes suspension of driver’s licences, additional enforcement costs, immobilisation of an individual’s vehicle, seizure of owned goods, and community service/work and development orders. If the person fails to pay a fine either via a payment place or through completing a community service order (CSOs) they may be sent to prison. This is supposed to be considered to be a ‘last resort’ option.[[1]](#footnote-1)

Data from the Department of Corrective Services shows the number of fine default only receptions into custodial facilities has increased by 11 per cent in the last five years[[2]](#footnote-2). Given the expanding prisoner population this does not appear to be disproportionate, however information tabled in the Legislative Assembly on 16 September 2014[[3]](#footnote-3) shows a dramatic increase in fine defaults from 2008 to 2013. An assessment of both sets of data indicates there was sharp increase in fine defaults in 2008 and 2009 and these high numbers have remained.

Key legislative and policy changes occurred in 2008 and 2009, namely:

* A legislative change that came into effect in March 2008 that enabled fine defaulters to pay off outstanding fines concurrently; and
* A policy change that came into effect in early 2009 that resulted in far stricter breach conditions for people on community supervision orders (CSO’s).

Fines can be ‘paid’ at an approximate rate of $250 per day which may be particularly appealing to people from low income households. However, it costs approximately $334 per day to hold an adult in a prison facility, and this figure is simply an average cost per day.[[4]](#footnote-4) There are undoubtedly costs involved in processing a person entering prison, therefore the cost associated with holding 10 people for one day is likely to be higher than holding one person for 10 days. Fine defaulters are held for short periods.

The total number of days people spent in prison to pay fines has more than doubled from 2,751 days in 2008 to 7,193 days in 2013. The rising costs of holding a person in custody combined with the increasing number of days people spend in prison for fine defaults suggests that this system is not cost-effective.

**Purpose of the review**

This review will examine the trends in the number of fine defaulters over the last decade, with particular emphasis on who is being held, where they are being held and how recent changes to policy and legislation have affected the custodial estate.

**Terms of Reference**

1. Are particular correctional facilities impacted disproportionately by fine defaulters?
2. Is the use of custodial sentences to pay fines cost effective to the state?
3. Is there evidence that people are using prison as a "soft option" for avoiding paying fines?

**Methodology**

* Review Departmental data concerning fine defaulters, focusing on
	+ Which facility fine defaulters serve their sentence
	+ The amount of the fine
	+ Demographic groups
* Potentially interview relevant staff on how fine defaulters are processed into a custodial facility, and the costs associated with processing a new person in a custodial facility.
* Review any Departmental reports on fine defaulters and the impact they have on the custodial system.
* Compare the system of fines and management of defaults to other States.
1. Department of the Attorney General website: http://www.courts.dotag.wa.gov.au/C/consequences\_of\_not\_paying.aspx [↑](#footnote-ref-1)
2. From 2009/2010 financial year to 2013/2014 [↑](#footnote-ref-2)
3. Legislative Assembly Tabled Papers, *Details of Incarceration Figures, for Fine Defaulters for the Years 2008 to 2013*, Tabled attachment to Question on Notice No. 2746 - Paper no. 2027 (16 September 2014). [↑](#footnote-ref-3)
4. Department of Corrective Services, *Annual report 2013-2014* (September 2014) [↑](#footnote-ref-4)