

August 30 2017

The Hon John Rau  
SA Attorney-General  
GPO Box 464  
Adelaide SA 5001

Dear Mr Rau

***Fines Enforcement and Debt Recovery Bill 2017***

Thank you for your letter of August 14 and the opportunity to make comment on the above Bill. The South Australian Financial Counsellors Association (SAFCA) is pleased to provide the following feedback in the four areas of change:

*Compensation and restitution payments*

SAFCA supports this change to prioritise the compensation and restitution to victims.

*Enforcement measures*

SAFCA has no comment to make regarding these changes

*More options for vulnerable groups*

SAFCA welcomes and supports these changes as outlined. We are pleased to see that people in financial hardship will have more options. We would like to see these financial hardship provisions apply to debtors with no capacity to pay and also to those on low incomes who will struggle to pay.

We welcome and support the changes that allow those with a cognitive impairment or intellectual disability to have their expiation notice withdrawn. The Association is also pleased to see that incentives to break cycles of behaviour are being considered.

*Civil Debt Recovery*

SAFCA supports the creation of a stand-alone piece of legislation to deal with all fines and civil debts owed to the Government as this proposal will help to remove confusion for debtors and defaulters and facilitate advice to clients by financial counsellors.

We are a little concerned about any determination by automated process, which is allowed under Clause 6 of the Bill. We would ask that if such automated determinations are made, they are reviewed first by a suitably qualified person before being issued.

***Suite 7, Wellington Centre, 2 Portrush Rd Payneham SA 5070***

***Tel 8337 0898 Mob 0427 823 656 Email [safca@safca.org.au](mailto:safca@safca.org.au) [www.safca.org.au](http://www.safca.org.au)***

*Summary*

SAFCA sees the Bill as a positive improvement to the current Act. We again thank you for the opportunity to comment.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Wendy Shirley', with a stylized flourish at the end.

Wendy Shirley

Executive Officer

Cc Helen Ward, Senior Legal Officer [helen.ward@sa.gov.au](mailto:helen.ward@sa.gov.au)