

24 April 2017

Our ref: Criminal Law Committee / BDS

Research Director
Finance and Administration Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: <mailto:fac@parliamnet.qld.gov.au>

Dear Research Director

Question of notice following Public Hearing on the State Penalties Enforcement Amendment Bill 2017

Thank you for providing the Queensland Law Society (**QLS**) with the opportunity to attend the Public Hearing on the State Penalties Enforcement Amendment Bill 2017 (the Bill) on 13 April 2017.

At the public hearing on the Bill, the Society were asked to provide the Finance and Administration Committee (the committee) with a proposed guideline to assist the Office of State Revenue (**OSR**) in assessing individuals for work and development orders under the *State Penalties Enforcement Act 1999*.

As noted in our original submission to the committee, the Society applauds the government for the proposed introduction of Work and Development Orders. We hope that the scheme achieves its objective of providing improved non-monetary debt finalisation options for people in hardship. As such, we consider that the participation in the scheme be as inclusive as possible.

It is in the intent of the legislation and in the interest of the community to have a well-resourced, fair and collaborative Work and Development Order (**WDO**) scheme in Queensland. In order for the scheme to operate effectively, a relevant support framework should guide the OSR.

In this regard, QLS broadly supports the adoption of the New South Wales WDO guidelines. The Society commends the guidelines for being comprehensive, focussed on procedural fairness, and with well-drafted definitions that are broad and flexible enough to allow the OSR to take in to account exceptional circumstances in interests of fairness.

Given time restraints the Society has not examined the guidelines in depth, however, we would like to provide comments on the following issues.

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Definition of '*acute financial hardship*'

QLS recommends the deletion of the word '*acute*' from the financial hardship eligibility category. The Society is concerned that individuals who are entitled to Centrelink benefits, for example, may not identify that they would be experiencing from '*acute*' financial hardship. As a result, including '*acute*' in the definition may make the scheme less accessible.

Adequate funding

The Society is concerned that the introduction of the WDO guidelines will not be as effective unless they are appropriately funded and resourced. The relevant government agency will require adequate resources to administer the scheme in accordance with the WDO guidelines. We note that the documentation that will need to be considered in support of an application is considerable. In addition, the extensive reporting requirements outlined in the guidelines will place a significant burden on relevant community organisations. As these organisations are essential to supporting people in the WDO scheme process, QLS encourages the Government to support these organisations in adhering to their reporting requirements on an ongoing basis through the allocation of appropriate funding and resources.

Ability to review and appeal

The NSW guideline does not specify whether an individual has the option to seek the review of a WDO application if it is rejected, nor the ability to appeal. QLS strongly supports the inclusion a clear framework for review in circumstances where an application is unsuccessful, in the interests of promoting fairness and consistency in decision-making processes.

Yours faithfully

Christine Smyth
President