STATE PENALTIES ENFORCEMENT BILL

Hon. M. J. FOLEY (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (11.03 p.m.), in rely: I thank honourable members for their contributions to the debate and for their support of the legislation. It makes absolutely no humanitarian sense and no economic sense for any society to lock up people for the non-payment of fines. At the end of day, there must be sanctions for non-compliance with orders imposed by the court or imposed as a consequence of non-payment of statutory fines. However, there has to be a better system than the current system. This legislation seeks to put a better system into place.

I will deal with the contributions made in the debate by the member for Warwick and the member for Caboolture. I thank each of them for their support of the legislation.

The honourable member for Warwick referred to the New South Wales statistics, which state that only one person was imprisoned for fine defaulting. Unfortunately, what is not altogether clear from the New South Wales data is how many people were jailed for breach of fine option orders. The point is that people who do not pay their fines are placed on fine option orders and are imprisoned for the breach of those fine option orders. Therefore, the argument is a little circular. That system is a significant improvement on what we have currently. However, it is one of the reasons why we are seeking to ensure in this regime that only those who genuinely cannot afford to pay will receive a fine option order. Where it is reasonably possible to enforce the fine as a fine, that will be done.

With respect to the robust defence of the previous Government by the honourable member for Warwick, I simply say this: there was no money in the Budget for FINDER. They introduced legislation for FINDER, but they did not provide any money in the Budget for it. Accordingly, if one puts to one side the shortcomings in that legislation—and it is not necessary to go through those at this stage—it fell to a Labor Government to actually find the wherewithal to do that. We are talking about a very big, sophisticated and complex system that takes a lot of computer hardware and software to operate. It as a big system. It involves a massive amount of effort, energy and coordination to get it into place. It is unfortunate that the previous Government, for all of the brave defence offered by the member for Warwick, simply did not take any action other than the relatively easy action of putting some words before the Parliament. It did not make the necessary budgetary and infrastructure provisions for the program. However, I will not dwell on the past. I will deal with the policy on which the future can be made better.

The honourable member referred to the issue of garnishee orders. The approach taken in this Bill follows the child support garnishee scheme and guarantees a minimum income. It would be useful to recover large fines. It is obviously not convenient to employers or economical for SPER, the State Penalties Enforcement Registry, to attach small regular amounts.

There will be decentralisation of the enforcement officer network, although at this stage I am not able to inform the honourable member exactly where those will be located. With regard to the honourable member's concern about safety, enforcement officers can request police assistance under the Police Powers and Responsibilities Act.

With respect to the honourable member's concern about driver's licences, frankly, we thought that it was simply unfair to apply that universally. Secondly, it can be very counterproductive. As the

honourable member said, if one takes away people's driver's licences as a first step, in some cases their access to work is taken away.

Mr Reeves: It affects their families.

Mr FOLEY: Indeed, it does affect their families.

Mr Braddy interjected.

Mr FOLEY: We want to ensure that it is a step that is only taken with great care. As the Honourable Minister for Employment, Training and Industrial Relations said, one then creates a whole new set of problems because people are driving unlicensed and are thus committing further offences and getting into more trouble.

Mr Sullivan: And that has insurance implications as well if accidents occur.

Mr FOLEY: Indeed. I thank the honourable member for that observation. As to the timing, I am informed that it is likely to become operational mid-year, although it could be sometime between July and October. There are considerable steps to be taken to get the infrastructure and so on into place. The implementation unit within my department has been working hard on that.

I turn to some of the issues that were raised by the member for Caboolture. The member for Caboolture quite rightly pointed out that certain property must be exempt from being seized. That is a very important point. We should not take away the necessaries of life. Indeed, the Bill makes specific provision for that in clause 165(5)(c), which sets out a regulation-making power for the property that may not be seized under an enforcement warrant. That can be further particularised in the regulations. The scheme of the Bill is well and truly based on that proposition. Indeed, it would be quite inhumane were it to be otherwise.

Again, I thank honourable members for their contributions. This is a most important piece of law reform. As we speak tonight, some 200 fellow Queenslanders are locked up for the non-payment of fines. Let us hope that, whatever else we achieve in the course of this year, by the end of next year we can make a dint in that number. Hopefully, such people can be treated with greater humanity and greater dignity. Indeed, perhaps the poor old taxpayer can be relieved of the burden of keeping them in custody, which is done at enormous expense to the public purse. There must be a better, a more humane and a more economical way of dealing with this problem. The Bill seeks to put in place a framework for doing that. I commend the Bill to the House.

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