



Speech by

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**MEMBER FOR SURFERS PARADISE**

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### **PENALTIES AND SENTENCES AND OTHER ACTS AMENDMENT BILL**

**Mr LANGBROEK** (Surfers Paradise—LNP) (2.56 pm): It is my pleasure to rise to contribute to the debate on the Penalties and Sentences and Other Acts Amendment Bill 2008. I note the contribution of my colleague the honourable member for Toowoomba South, the shadow Attorney-General, and reiterate the LNP's opposition to the bill. It is interesting to have heard the comments by the honourable member for Springwood who was basically advocating that these fines should go up, that if a person breaks the law—

**Ms Stone** interjected.

**Mr LANGBROEK:** I take the interjection that it reflects today's society and today's community expectations. I just say that the poor people and the people who are struggling on incomes in the current global financial crisis in her electorate should be letterboxed a copy of her speech, because it is clear that this government is just about revenue raising. I note the comments—

**Ms Struthers** interjected.

**Mr LANGBROEK:** If those opposite really want to have deterrents—and I take the interjection from the honourable member for Algester as well—they could do other things rather than just increase the fines. They can do other things such as that which is done about people who invade the pitches at the Gabba. Instead of giving the courts a chance to give a fine that can vary, they could ban them from actually going to the Gabba and that might have a deterrent effect on pitch invaders. That is something that we have talked about on this side before and that the government has ignored. I have seen the various fines that are handed out by the courts. When there is a discretion given, very rarely is the maximum penalty given. There are other ways to do things, and I note that the shadow Attorney-General has pointed those out in his contribution. Increasing the number of penalty units rather than just increasing the penalty unit amount would have had the same effect that the honourable members for Algester and Springwood have been speaking about.

I also note the comments about the 10 years of plenty that we have had in Queensland and that it is a disgrace that this government has basically got a budget that is now going to go into deficit, as I think the Premier acknowledged yesterday on radio. Whereas the federal Howard government repaid \$96 billion of debt that it inherited, our state government over the same period has had small surpluses and now it is plunging the state into \$65 billion of debt—by far the most of any other state in Australia—by 2012. As I say, it is a reflection on this Premier, who has been a Treasurer as well. The issue central to this debate is clause 3 of the bill which seeks to override the existing provisions in the Penalties and Sentences Act 1992 pertaining to penalty units and replaces it with a new section increasing the dollar value of the penalty unit. Section 5 of the bill states that the value of the penalty unit is \$100. This represents a 33 per cent increase from the current value of \$75 per penalty unit. As the Premier stated in her ministerial statement, this provision will affect people who break the law with regard to road rules, boating safety and public nuisance, amongst other things. Again as the shadow minister said in his contribution, these increased penalty unit rates cover some 34,000 offences.

As well, local government has been given the discretion to increase its fines in line with increases in government fines. I also note with great concern, as I know other members have, that the State Penalties

Enforcement Registry has \$462 million in uncollected fines. I think it is clear that, although the government is talking about raising \$70 million from this measure that is being brought in, \$462 million is something that this government should have done, and should be doing, something about. It should make sure that young drivers who are caught for hooning on the Gold Coast do not say, 'Just add it to my SPER fine total.' That is the attitude that these young, unregistered, unlicensed drivers often have. They do not particularly care if they get fined.

As I understand it, about \$150 million of the SPER fines is being collected on a timely basis. People are being allowed to pay off their fines. But there is \$300 million outstanding. Obviously no effort is being made to collect these fines. As I say, I have heard that these young, unregistered, unlicensed drivers go to court, they get penalised by the court and then they walk out and ask their parents if they could still help them with getting their provisional licence. They are just not learning. Just fining someone, especially if you do not make an effort to get the fine, is not going to be a deterrent at all.

I note that in the Summary Offences Act—and we debated amendments to that act yesterday—the maximum penalty for a public nuisance offence under section 6 of that act attracts a penalty of 10 penalty units. Under the current regime, the maximum penalty would cost \$750. Under this bill, that penalty is increased to \$1,000.

This bill stands to have a huge effect on the state's bottom line. The extra cash collected through fines will increase state revenue by \$70 million. The Premier justified the fine increase by suggesting that the cost of a penalty unit had not increased in almost a decade and, as such, the increase would bring Queensland into line with other states as well as account for inflation. The members opposite have also justified the fine spike by suggesting that the extra revenue raised will go towards road safety initiatives to tackle Queensland's road toll.

As the shadow minister stated, the wisdom of this argument must be questioned in light of the evidence. Whilst one death on our roads is one too many, the road fatality rate for 2007-08 was actually less than the 2006-07 rate of 8.86 deaths per 100,000 head of population. The current rate of 7.85 is the second lowest road fatality rate recorded for a financial year since records began in 1952. That suggests that the road safety messages are sinking in, albeit at a slower rate than what we might have hoped. To suggest that we can reduce the road toll by increasing fines is absurd. Whilst I do not doubt that stiffer penalties will certainly act as some sort of deterrent, the fine system already in place has clearly not stopped some drivers from flouting the law. To that end, this bill seems nothing more than a revenue-raising exercise by the Bligh Labor government in order to service the state's upcoming \$65 billion debt.

I note that the Premier said the extra money raised will go towards road safety initiatives, such as putting more traffic police on our roads and providing more speed detection and radar devices to catch speeding drivers. None of those outlays have been quantified, though. It just seems like the Premier feels that she can come in here and say that, provide no detail about it, and we are just expected to swallow it and the people of Queensland are also expected to swallow it. Whilst I agree that these are all important public health and safety measures, I am uncomfortable with hitting up motorists for more money, especially in these tough economic times.

I agree with the Premier when she says that this is a discretionary cost. Drivers have a choice. If people do not want to pay the fine, they should not break the law. However, we are all motorists. We have all found ourselves driving over the speed limit at some point when we are running late for a meeting. Some of us, like a number of members of the Premier's cabinet, for example, have been caught by the police speeding. Even the most law-abiding citizens sometimes get caught out and, when they do, they pay for their error of judgement.

Someone caught failing to stop at a stop sign will now have to pay a fine of \$300. Whilst I agree that speeding through a stop sign is life-threatening behaviour, more often motorists are slapped with this fine when they slow down and roll over the line at very low speed and proceed through when there is no traffic. Technically, they have broken the law because the car was not brought to a complete stop. I am not defending those people who choose not to obey the road rules. However, I am concerned about people being slapped with a \$300 fine for an offence when they were not acting in a dangerous manner or putting lives at risk.

For many people, \$300 is the equivalent to half their weekly wage. For some people, \$300 is a rent payment, or the family's grocery bill, or a contribution to a deposit on a house. As such, I find it somewhat incredible that the Premier would say that \$75 is not as valuable these days as it was in the past. If that is the case, I ask why the Premier does not give our teachers a \$75 a week pay rise or our nurses, who work incredibly long hours to keep our health system afloat—a \$75 a week pay rise. I find it rather arrogant that someone on the Premier's pay packet would comment on the value of money, especially when these days so many Queenslanders are struggling with the cost of living. There is no doubt that \$75 is a smaller proportion of the Premier's pay packet than it was nine years ago. Seventy-five dollars may not buy as much as it did 10 years ago, but you cannot underestimate its worth to a young family who are trying to

survive on one wage, or to a university student like my daughter, who was caught by a speed camera that was placed on the down side of a hill near the University of Queensland.

Right across Queensland—and indeed this country—people are doing their best in tough times. The global economic crisis has had far-reaching consequences for all Australians. Whether that be through interest rates rising, grocery prices going up, or a slowing jobs market due to employers reining in employee expenditure, no doubt most Queenslanders have felt the economic crunch. It is a sad fact that many young Queenslanders will never own their own homes. Many of those people have spent tens of thousands of dollars on educating themselves at university. They are heavily in debt before they even start their working lives. Today the great Australian dream is unattainable for a lot of people. Those Queenslanders who were hoping to retire in the near future and invest their superannuation in property will no doubt have realised by now that they may not have much to invest with. To hit these people with increased fines for driving five kilometres over the speed limit is harsh at best and unconscionable at worst.

I appreciate that motorists can choose whether this bill will apply to them. Drivers can choose whether to push the speed limit, or to try their luck at getting through the orange light, or to wear a seatbelt. I am also well aware that we as parliamentarians have a duty to ensure that we constantly spread road safety messages. I, too, would be pleased if this bill did not raise one dollar more than what the state already recoups in speeding fines. However, I think we need to be realistic. It would be a rare person indeed who could say they have never broken the law by pushing the accelerator a little too hard or making a quick phone call on the way home from a long day at work to let their loved ones know they are on their way. I do not believe that Queenslanders should have to foot the bill for the Bligh government's reckless spending. As such, I will not support this bill.