



Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

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STATE PENALTIES ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL

Ms GRACE (Brisbane Central—ALP) (9.12 pm): I rise to make a contribution to the State Penalties Enforcement and Other Legislation Amendment Bill 2009. As we know, the bill is divided into four chapters and I am primarily going to deal with chapter 2. We have heard tonight exactly what the State Penalties Enforcement Registry does in that it engages debtors in compliance and enforcement of fines. SPER, as it is known, has the unenviable task of recovering unpaid court ordered fines, court ordered restitution or compensation which is paid to victims of crime and infringement notice penalties issued by the state government agencies and authorities.

This bill makes a number of amendments that give SPER the ability to address unpaid fines in a number of other ways. Primarily, we know that at the moment those who do not pay their fines are given more than enough opportunity to pay them. There are flexible methods to engage people: they can pay off their fines in a manageable way; there are instalment plans; there are direct debits; there are ways to organise money to be taken from wages and Centrelink payments. There are more than enough—ample—opportunities for those who have fine payments owing to pay them and options for how those fines can be paid for those who are genuinely unable to meet the payment or are in hardship.

Unlike the other side of the House, I think SPER needs to be congratulated. These officers have a very hard job and they should be congratulated on the success rate that has been achieved in the recovery of these debts. When we bear in mind that often these are fines not paid by the due date, a debt recovery rate of over 75 per cent is very high. Many debt collectors would be proud of such a record.

However, there are quite a few dollars still outstanding and we know that there are a number of recalcitrant people who do owe money and do not enter into one of the many different ways that they can repay it. If we as a society accept that fines are a valuable punishment option for courts and government agencies, then we must punish the wrongdoer by way of fines for those who do the wrong thing. I believe that we cannot continue to allow those people who do not pay their fines to get away with it. This legislation gives SPER additional tools to be able to ensure that these people meet their fine repayments.

We know that currently SPER can make a number of orders, for example, to suspend a driver's licence for an unpaid fine only in relation to an unpaid driving fine. This tool is a very effective way of ensuring that fines are paid. This bill extends this power to include non-driving related fines and it brings Queensland into line with all other jurisdictions except the ACT. Basically, we are doing what every other state in Australia bar the ACT has been doing, yet those on the other side of the House are carping about us extending it to those individuals. Quite clearly, this is a system that has worked successfully elsewhere. We are putting it in place in Queensland, and what do we hear? 'Why has the government stalled? Why has it not done it previously?' We are doing it now. I think it is a very important step. It is one that I support. If we can use whatever tools we can to ensure that these fines are paid, we should be moving on it. If we did not, we would hear the carping from the other side of the House that we did not take the necessary steps.

Another initiative being introduced in this bill is the ability for SPER to immobilise, seize or sell vehicles owned by these recalcitrant high-value debtors. This is what we call wheel clamping. It is a method that has been introduced in a number of other jurisdictions including New Zealand, Victoria and South Australia. We know that this power will only be used for high-value debtors—for those debtors who owe more than the prescribed amount to SPER, and it is envisaged that the amount will initially be \$5,000.

I want to make a couple of points about this. We had some concerns about the way that this may be used—at least I did personally. However, I am more than comfortable with how this bill is now formulated. I congratulate the Attorney-General on what has been put in this bill to ensure that it is used as an option of last resort.

Wheel clamping will be a successful tool that will bring in those additional fine repayments that this state requires. As we have heard, there will be a process put in place to initially allow SPER to register an interest over the vehicle on the Register of Encumbered Vehicles because this will prevent a debtor avoiding the system by selling the car before it can be seized. We know that it will initially be trialled in the Brisbane metropolitan region in both the metropolitan north and metropolitan south police regions commencing from 1 January 2010. It is a trial that will be put in place. Once it has registered the interest, SPER will serve the debtor with a notice of intent and there is a very extensive process. There will be safeguards to ensure, for example, that if a vehicle is clamped it is not done in an unsafe way. It can be done at any time. There is a number of safeguards in there so that the vehicle is not clamped in such a way that would either compromise the safety of the public or the occupants of that vehicle. I believe this is a step in the right direction. I support it. I think that it makes eminent sense that we trial this as per the legislation and that we go forward with this move.

Unfortunately, the profile of these debtors who owe these millions of dollars is that 60 per cent of them are aged 34 years or under. So perhaps this is a way of ensuring that they do pay up and realise that if they break the law they have to meet the fines that are set by the courts and other jurisdictions. They also have to realise that they cannot get away with thumbing their noses at their fines by not paying them, and we have to teach them a lesson for life. The two additional tools that SPER will be given under this legislation will hopefully go a long way to ensuring the payment of those fines.

I want to refer to a couple of other changes in the legislation. I welcome changes to the Superannuation (State Public Sector) Act to ensure that the QSuper board of trustees now comes under the Commonwealth APRA regulations. Obviously this is now necessary because QSuper is being offered to a broader public than it has previously been. I was previously on the board of QSuper and it is an absolutely professional and fantastic superannuation fund. This move does nothing more than legitimise or legalise what QSuper has been operating under ever since it was formed. It has always abided by APRA laws and ASIC laws, and this amendment clearly puts in place the way that QSuper has operated over many years. I also support the fact that QSuper will now be able to elect a standing deputy chairperson. I always found it a bit strange when I was on the board that that was not available under the legislation, and this amendment enables it to do that and that makes eminent good sense.

I take this opportunity to commend the Attorney-General and the Department of Justice and Attorney-General for the bold initiatives and changes contained in this bill which will strengthen the capacity of our courts and government agencies to punish wrongdoers in a way that has even greater enforcement potential. I commend the bill to the House.