



Speech by

Jarrod Bleijie

MEMBER FOR KAWANA

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STATE PENALTIES ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL

Mr BLEIJIE (Kawana—LNP) (8.51 pm): I rise to add my contribution to the State Penalties Enforcement and Other Legislation Amendment Bill 2009, which is before the House this evening. While I support this bill, I, along with other members of the opposition, have some real concerns and reservations in relation to the extension of powers of the judicial registrars.

The purpose of this bill is to strengthen the compliance and enforcement capabilities of the State Penalties Enforcement Registry, commonly referred to as SPER. In particular, the bill seeks to extend the existing powers of SPER to suspend the drivers' licences of debtors who have outstanding fines registered with SPER; seize and sell real and personal property; grant SPER new powers to clamp the wheels of vehicles of some 'high-value' debtors who fail to pay their fines; and retrospectively act to validate the referral, registration and enforcement of some orders made under the Industrial Relations Act 1999. The bill will amend at least 37 pieces of legislation.

SPER was established on 27 November 2000 under the State Penalties Enforcement Act 1999 by the Beattie government in an attempt to recover a substantial amount of unpaid state fines that were outstanding. While I agree with the general principle behind the establishment of SPER, nine years after the registry was established it has failed the stewardship of successive Labor governments to recoup money owed to the state of Queensland through the powers given to it under the act. This is justified by the introduction of this bill in the House which obviously highlights certain inadequacies in the recovery process. Simply put, the government did not get it correct the first time, so this is an attempt to ensure that the registry achieves its underlying objectives. I have no problem in supporting legislation that attempts to correct the errors of Labor's ways, but there comes a time when it just gets too much. Had we had an LNP government in Queensland, we would have got it right the first time.

In my opinion, the government should be actively pursuing the stance on crime by initiating watertight legislative reform that only enhances the current justice system.

Mr Kilburn interjected.

Mr BLEIJIE: Member for Chatsworth, do not talk to me about the majority in the last state election or we will talk about misrepresentations and deceit of the public, I can assure you of that.

Mr KILBURN: Mr Speaker, I rise to a point of order.

Mr BLEIJIE: Mr Speaker, I am happy to survey my constituents on the sale of the assets. Are the other members happy to do that?

Mr SPEAKER: Just resume your seat.

Mr KILBURN: Mr Speaker, I find those words offensive and I ask that he withdraw.

Mr SPEAKER: I ask the honourable member to withdraw.

Mr BLEIJIE: I withdraw, Mr Speaker.

Mrs Sullivan: The member for Chatsworth's got the last laugh.

Mr BLEIJIE: No. I have certainly got the last laugh on that. The government should also be seen to be tough on those who commit offences in the first instance and then subsequently do not pay the fines associated with those offences. While the bill enables SPER to be harsher on those who fail to pay their fines, the existing powers of SPER are not currently being exercised to their full potential. The government needs to have a strong stance against these offenders and enforce the necessary measures that would see these fines paid in the first instance. The government should ensure that SPER exercises the rights and powers that it already has to their full extent before merely appearing to be tough against crime and extending those powers under this bill that potentially could make the issue of recouping state fines harder than it is now.

Due to the cost of the state's debt ballooning out of control, we have seen in recent months this government initiate a revenue-raising program of increasing fines by up to 33.3 per cent. In some cases this might result in being a deterrent to the number of offences committed but, given the dire economic situation that this government finds itself in, coupled with the fire sale of Queensland assets, the logical argument is that this could be seen as simply another revenue-raising exercise rather than as a tougher deterrent to those who are failing to pay fines incurred after committing various acts against the law. Or, even more so, it shows a complete lack of commitment from the government to investigate further the deeper issues associated with the people who continually break these laws.

Currently, SPER has the power to suspend drivers' licences for unpaid amounts relating to motor vehicle offences only. The bill will extend the power to suspend drivers' licences for any unpaid amount regardless of whether they relate to a motor vehicle offence or not. Not only will the bill extend the powers of SPER to suspend drivers' licences for any unpaid amount, SPER will also be granted powers to wheel-clamp, seize and sell vehicles that are registered to 'high-value' debtors. The wheel-clamping process is like that of taking a mortgage over one's property without the owner's consent and then exercising a right of seizure and resale if the debtor defaults on their payments. But if the value of the vehicle is too low, SPER may issue a warrant for arrest and imprisonment.

I thank the Attorney's staff and other departmental staff for the detailed briefing that I attended with the shadow Attorney-General where it was confirmed to me that, in the case of a vehicle being wheel clamped and ultimately unsold, the balance between the debt amount and the sale price would of course be given to the one whose car was seized.

I also note that, as we move into the technological revolution, the legislation introduces the concept of SMS technology. As generation Y, I am fully cognisant of SMS technology. Offenders of this legislation can receive notifications from SPER by SMS before the suspension of their licence. I did quiz at the ministerial briefing whether this SMS or any attempt to SMS would result in being a legally constituted notice. I was advised that that was not the intention of the bill and that it would not be. As others in this House may appreciate, we often receive notices by SMS. I can admit to the House that I have received notices from phone companies that bills are overdue and so forth and, with the number of SMSs and emails we get, we often overlook them. I thank the Attorney's staff for confirming that that will not be the case and that the appropriate notices will still be issued.

While it is agreed that something needs to be done to rein in the payment of fines, this is a callous reaction by the Labor government to the lack of management of the budget bottom line. The consequence needs to be relative to the crime committed, and the suspension of a driver's licence or seizure of a vehicle does not seem appropriate to an outstanding fine for a non-vehicle related offence. The bill will also strengthen SPER's existing power to seize and sell real and personal property and will bring those powers into line with the powers and process for enforcing money orders made under the Uniform Civil Procedures Rules 1999.

The bill proposes to use Magistrates Court bailiffs to enforce seizure and sale warrants for real and personal property against debtors who owe at least \$1,000 in outstanding fines. In this year's Australian Productivity Commission report on government services, we saw that the government's Magistrates Court system has a backlog of a total of 70,749 matters—comprised of 36,151 criminal matters and 34,598 civil matters—making Queensland's Magistrates Court system the most inefficient in Australia. For this government to add more cases to this already congested system shows that the government has no consideration or understanding of how overworked and gridlocked the system already is.

The backlog of the Queensland Magistrates Court has increased from an already high case load in 2008 of 69,619 matters. This was with the assistance of the judicial registrar scheme that was set up as a two-year trial in an effort to ease the pressure on Queensland's busiest magistrates courts. The judicial registrars were appointed to hear minor court matters that had previously been heard by a magistrate

including matters such as minor debt claims and small claims, civil chamber applications, domestic violence adjournments, temporary orders and orders by consent.

Instead of looking at appropriate alternative options to recovery of the existing outstanding fines, we have a government going to the courts to impose fines on top of fines that are simply not being paid, and this is particularly the case with criminal matters. Once again, this is a government that appears to be doing something from the front but is not achieving anything at all. The situation should never have been allowed to get to this point. Successive Labor governments in this state have a history of closing the gate on matters well after the horse has bolted.

The fines that were owed to the state of Queensland should have been called in well before now. The government should have exercised the appropriate existing powers of recovery long before this point. Perhaps if the government started to take proper management of the funds that it is the custodian of, then we would not be in this situation and the recovery powers considered in this bill would not need to be extended. Once again, this is a complete reaction to pathetic mismanagement of Labor governments.

This is the second time we will extend the powers of the judicial registrars including expanding powers relating to bail applications. The magistrates already have a difficult task when it comes to granting bail, and to allow the judicial registrars the power to grant bail is a great misappropriation of power. Judicial registrars are not a cheap alternative to magistrates, and this government should not treat them as such. My concern is that we are starting to set a dangerous precedent if we continue to go down the path of granting more powers to judicial registrars to ease the workload of our magistrates. Surely the answer to easing the magistrates' workload and the backlog of cases is to appoint on a merit basis more effective magistrates into our existing court system that can help with the busy court systems that we have in the state. The government should look for an appropriate alternative to the backlog of the Queensland Magistrates Court system and not simply appoint a second level of officers within the Magistrates Court to try to relieve the overcrowded system. I do not support the extension of powers relating to these judicial registrars proposed by this bill.

The bill will also retrospectively amend the Industrial Relations Act 1999 and the State Penalties Enforcement Act 1999 to establish a referral to SPER for the recovery of unpaid wages—something that this government has already been doing although it is not currently permitted to under any legislation. Here we see the government once again covering up its mistakes and its unlawful practices.