



Speech by

Dale Shuttleworth

MEMBER FOR FERNY GROVE

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PENALTIES AND SENTENCES AND OTHER LEGISLATION AMENDMENT BILL

Mr SHUTTLEWORTH (Ferny Grove—LNP) (4.48 pm): I rise today to speak in support of the objectives of the Penalties and Sentences and Other Legislation Amendment Bill 2012. There are a number of objectives, each worthy of my support for the reasons that I will outline over the next few minutes. Primarily, this bill delivers on yet another of the Newman government's election commitments, that to introduce an offender levy. This nominal administrative fee ensures that a guilty offender contributes to the management of their case through the justice system. Additionally, this bill proposes to increase the penalty unit from \$100 to \$110. The offender levy is implemented with the purpose of ensuring that the offender, upon sentence, will contribute towards the cost of law enforcement and administration. In a system that is on occasion being reported as overwhelmed, the introduction of the levy may contribute towards allocation of additional resources to assist in this regard.

The additional funds—estimated to be \$22.5 million by the increase of the penalty unit and with the addition of \$12.6 million by the offender levy—are to be used to fund, at least in part, the election commitments of additional policing resources throughout our electorates and at the front line of policing throughout the state. Additionally, the revenues raised through the increase in penalty units applying to certain streams of income will, as legislated, be directed towards public safety education and awareness programs. It is important to note that the offender levy, which will be automatically applied at the time of sentencing, is separate from the penalty associated with or imposed upon the offender.

Another very important component of the bill is that which relates to the issue of overpayments within Queensland Health since the introduction of the payroll and rostering system in March 2010. I am sure that most Queenslanders, while appalled at the never-ending cost of the system's rectification, now estimated to be in excess of \$1.2 billion, would be completely astonished to hear that the system continues to overpay Queensland Health staff to the tune of \$1.7 million per fortnight. It is clear that the redirection of these overpayments would greatly assist the provision of additional health services through the state. Queenslanders, while typically a generous mob, would consider the age-old adage of a fair day's pay for a fair day's work to still hold true and would therefore remain quite steadfast in their resolve that their tax dollars should not be continually given away without a means of recovering these overpayments.

While the previous administration announced a moratorium on the recovery of overpayments on 10 July 2011, the moratorium has since been lifted—on 30 May this year—and this government will seek recovery of overpayments as and when they occur. An important component of the change is to ensure also that the pay cycle extends from three to 10 days after the end of a pay period. This will ensure a higher degree of accuracy in payment processing.

I think it is important to note that the moneys paid to Queensland Health employees are a result of overpayments as calculated in error by the flawed payroll and rostering system. These erroneous payments are not entitlements of the employee and therefore should, with all reasonable effort, be recovered by the state. It is therefore important to consider both time line and method of recovery to ensure that all parties are in agreement. It is considered reasonable, therefore, that the recovery must

commence within a year of overpayment and recovery must be completed within six years of overpayment. I note that the Attorney-General earlier this afternoon addressed a recommendation made to the committee. And I acknowledge favourably that he outlined our willingness to collaborate with parties involved, such as Queensland Health and associated unions. The collaboration and interfacing with alternative sources other than the government is certainly a welcome change, I am sure.

Deductions to recover overpayments are limited to ensure that the payment to the employee must not at any time reduce beyond three-quarters the amount otherwise payable. This is to ensure there is no financial hardship upon the recovery of those moneys. Queensland Health will be obliged to negotiate repayment strategies with affected employees and will only be able to recover moneys without consent as a last resort.

On 28 June 2012 the Governor in Council approved the commission of inquiry order No. 1 of 2012, to commence the child protection commission of inquiry to review Queensland's child protection system. This inquiry delivers upon yet another of the Newman government's pre-election commitments. More importantly, this inquiry will assist in strengthening Queensland families by protecting our children.

Another very important aspect of this proposed bill is to ensure that the fundamental principles of legislation cannot be overturned through regulation. Only parliament should be empowered to overturn the provisions of an act, and this should not be overridden by regulations of the Governor in Council. This provision of the bill will deliver upon recommendations of the former Scrutiny of Legislation Committee. While reviewing the Commissions of Inquiry (Forde Inquiry—Evidence) Regulation 1998 the committee commented that section 5(2A) was objectionable and should be removed.

I wish to congratulate the Attorney-General for his timely and thorough preparation of this bill, which will assist the Newman government in delivering upon a number of our election commitments, ensuring that the great state of Queensland does get back on track. I commend the bill to the House.