




Speech By
Steve Minnikin

MEMBER FOR CHATSWORTH

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STATE PENALTIES ENFORCEMENT AMENDMENT BILL

 **Mr MINNIKIN** (Chatsworth—LNP) (9.38 pm): I take great pride in rising to contribute to the debate on the State Penalties Enforcement Amendment Bill 2017. From the outset, may I take the opportunity to congratulate the committee secretariat for their support and also the chair, the deputy chair and my fellow colleagues on that committee. By way of background, in early March this year, the Treasurer introduced the State Penalties Enforcement Amendment Bill 2017 into parliament. This bill was referred to the Finance and Administration Committee, which I am proud to be a member of, and the committee was due to report on about 28 April this year.

The State Penalties Enforcement Registry was established, as has been said by a previous speaker, in 2000 to collect unpaid penalty debts. The SPER system collects the debts on behalf of a range of agencies, including state government agencies, courts, councils, universities et cetera. As the member for Mermaid Beach said, and I think the Treasurer also said this in his contribution, staggeringly there is currently around \$1.18 billion worth of SPER debt. This level of debt has obviously gone up considerably in recent years due to the newly constructed tollways, tunnels et cetera.

This bill was introduced as a way—and the intent was noble—of trying to address some of the debt management challenges facing the state, most notably the low recovery rates for some offence types. There have also been other major changes to SPER's operating environment since it was established all those years ago including increased fine volumes and technological advances.

Broadly, at its core, the bill had the following six objectives: to provide improved non-monetary debt finalisation options for people in hardship—and I will come back to that—secondly, facilitate case management of debtors rather than the management of their individual debts; establish fairer, simpler and more consistent fee arrangements; create efficiencies in the management of disputes; enhance information sharing, importantly, between SPER and other prescribed agencies for penalty debt management purposes and improve SPER's information collection and disclosure provisions; and, finally, to assist SPER's enforcement functions.

As pretty much all speakers contributing to this debate have said, Queenslanders rightly expect that when someone does the wrong thing, whether it is simply failing to pay a parking ticket, getting a fine for speeding or being fined in the courts et cetera, that person does the right thing: they actually front up and pay their due; they pay the amount that is owed. That is only fair and that is just. Of course we cannot speak in the public arena in absolutism. There will always be on the fringes a certain, albeit small, percentage of people who for whatever reason simply will not do the right thing. In fact, moreover, it is their intended purpose to absolutely not do the right thing. Sadly, this cohort of people have in some cases the ability to pay—in fact, I put it to honourable members that in most cases they have the ability to pay—but refuse. Fundamentally, the state has responsibility to ensure the integrity of its fine collection system. It is an important part of overall governance. Worryingly, as I alluded to earlier, we continue to see SPER debt rise to record levels. As I have already said, the figure at the moment is around \$1.18 billion.

Let's make one thing very, very clear. Contrary to the unfounded claims by the Treasurer in his introductory speech, the LNP never made a decision to automatically refer all tolls to SPER. What the LNP did was to take actions to ensure the integrity of the existing system. Sadly, the Treasurer and the Labor government jettisoned many of the SPER reforms set up by the LNP. Our position, as has been outlined by the shadow Treasurer, who will be moving amendments in relation to work development orders, is that we will not oppose the bill. However, the work development order is something that I would like to make further comment on. This is largely achieved at clause 24, which inserts new section 3B into the State Penalties Enforcement Act 1999.

Essentially, this part of the bill will increase the number of options available to people to work off their existing SPER debts through non-monetary means. Currently, fine option orders are only available to people who are in financial hardship and are suitable to undertake unpaid community work. What is being proposed—and it is noble in part—in the Labor bill is that it will go much further than this. The non-monetary options available to people in hardship will extend from community service out to things such as financial counselling or undertaking educational, vocational, life skills, drug and alcohol treatment or mentoring programs. In fact, other members have used examples of people whom they have come across in their past. I can distinctly recall one such individual, and this comes back to the fundamental principle that some people use the SPER system as a complete joke. There was one individual, who obviously cannot be named—and I will not name—from whom many years ago I borrowed a CD. I opened up the glove box and there was literally a cascade of unpaid Brisbane City Council parking fines and, most importantly, toll fines from the Gateway. It was absolutely staggering. I said to the guy, 'Do you have any intention at all of paying these?,' and he steadfastly looked at me and said, 'Why would I? Why would I?'

The key thing here is that under the option of the WDOs being proposed by the Labor Party a person such as the guy I have just mentioned could potentially make an application for a work and development order and instead of having to pay the fine, or even do community service if they cannot pay, this person can take counselling of some kind as a way of working off their debt. As the shadow Treasurer said earlier in his contribution, what is not made clear in this bill is just who is going to meet the cost of this person's counselling service. The explanatory notes to the bill state the following—

Any costs associated with these legislative amendments will be met from within existing funding allocations and agency resources.

This is the fundamental departure where I do not agree with what the government is proposing. There is no way in the world that a lot of these people will have these agency costs—extra costs—paid for from the generosity of their own heart. It simply will not occur. It simply does not fly that these service providers will be expected to offer all these additional services to people without seeing any increase in funding at all to be able to assist them in providing these services.

As noted from the LNP members' comments in the committee report, the opposition is worried the establishment of a work and development order scheme could also lead to a situation whereby people living in metropolitan areas do have access to services to undertake the WDOs but people living in regional centres will miss out. Those particular services may simply not be offered to them outside metropolitan areas.

In relation to just how much of a problem SPER is, I did some research within the confines of my own Chatsworth electorate. I went to the State Penalties Enforcement Registry. It concerned me that as at 31 March in the beautiful electorate of Chatsworth for the postcodes 4152, 4153, 4154, 4155 and 4173 there is just under \$9.8 million outstanding—quite staggering. There is nearly \$10 million owing just in my own electorate.

In conclusion, the LNP will always support measures to crack down on people who can pay their debts but refuse to do so. I acknowledge, as previous speakers have said, that there will always be a percentage of people who simply will not have the means. However, we are referring to those people who do have the means but have absolutely no intent in paying it off. The very nature of SPER is such that many people in the community have had different experiences dealing with the agency, and all members of the committee noted that point. Having an efficient and effective fine collection agency is an important part of overall governance and it is contingent on all members in this place to ensure we are taking steps to ensure this agency has the powers to do what it simply needs to do and, importantly, the resources to properly undertake its very functions. Simply put, when people do the wrong thing and can pay, they should have to pay. It is not a case of 'if I pay my SPER bill'; it should be 'when I pay my SPER bill'. Sadly, that is what many people do not understand.

As I have said, I applaud the government for where it was trying to land in this particular public policy space, but I stand by the statement of reservation that the LNP members of the committee have made. We urge the Treasurer to take on board the comments that the non-government members are contributing to in this debate because we can foresee major problems and unintended consequences with the WDO situation.