



Speech By  
**Hon. Cameron Dick**


**MEMBER FOR WOODRIDGE**

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Record of Proceedings, 17 March 2022

## **STATE PENALTIES ENFORCEMENT (MODERNISATION) AMENDMENT BILL**

### **Message from Governor**

 **Hon. CR DICK** (Woodridge—ALP) (Treasurer and Minister for Trade and Investment) (11.44 am): I present a message from Her Excellency the Governor.

**Mr SPEAKER:** The message from Her Excellency recommends the State Penalties Enforcement (Modernisation) Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

#### MESSAGE

STATE PENALTIES ENFORCEMENT (MODERNISATION) AMENDMENT BILL 2022

*Constitution of Queensland 2001, section 68*

I, DR JEANNETTE ROSITA YOUNG PSM, Governor, recommend to the Legislative Assembly a Bill intitled—


A Bill for an Act to amend the Land Tax Act 2010, the Residential Tenancies and Rooming Accommodation Act 2008, the State Penalties Enforcement Act 1999, the State Penalties Enforcement Amendment Act 2017, the State Penalties Enforcement Regulation 2014, the Taxation Administration Act 2001, the Traffic Regulation 1962 and the Transport Operations (Road Use Management) Act 1995 for particular purposes

#### GOVERNOR

Date: 17 March 2022

*Tabled paper:* Message, dated 17 March 2022, from Her Excellency the Governor recommending the State Penalties Enforcement (Modernisation) Amendment Bill 2022 [310](#).

### **Introduction**

 **Hon. CR DICK** (Woodridge—ALP) (Treasurer and Minister for Trade and Investment) (11.45 am): I present a bill for an act to amend the Land Tax Act 2010, the Residential Tenancies and Rooming Accommodation Act 2008, the State Penalties Enforcement Act 1999, the State Penalties Enforcement Amendment Act 2017, the State Penalties Enforcement Regulation 2014, the Taxation Administration Act 2001, the Traffic Regulation 1962 and the Transport Operations (Road Use Management) Act 1995 for particular purposes. I table the bill, the explanatory notes and a statement of capability with human rights. I nominate the Economics and Governance Committee to consider the bill.

*Tabled paper:* State Penalties Enforcement (Modernisation) Amendment Bill 2022 [311](#).

*Tabled paper:* State Penalties Enforcement (Modernisation) Amendment Bill 2022, explanatory notes [312](#).

*Tabled paper:* State Penalties Enforcement (Modernisation) Amendment Bill 2022, statement of compatibility with human rights [313](#).

I am pleased to introduce the State Penalties Enforcement (Modernisation) Amendment Bill 2022. The main purpose of the bill is to give legislative effect to the integration of specified fine administration functions into the Queensland Revenue Office from the Department of Transport and

Main Roads and the Queensland Police Service. Integration of fine administration functions into the Queensland Revenue Office is part of the Queensland government's initiative to modernise the state's fine administration system, announced in the 2021-22 state budget.

From 1 February 2022, fine administration functions relating to camera-detected offences, such as not stopping at a red light, speeding and tolling offences, were integrated into the Queensland Revenue Office administratively. Fine administration functions relating to mobile phone and seatbelt camera-detected offences will be integrated into the Queensland Revenue Office from 30 November 2022.

The bill will amend the State Penalties Enforcement Act 1999, the State Penalties Enforcement Amendment Act 2017, the State Penalties Enforcement Regulation 2014, the Transport Operations (Road Use Management) Act 1995 and the Traffic Regulation 1962 to give legislative effect to the integration of functions. These amendments will generally commence on 1 July 2022, to ensure an orderly transition from the current arrangements. Amendments relating to mobile phone and seatbelt camera-detected offences will commence on 30 November 2022, reflecting the deferred integration of functions relating to these offences.

The amendments will result in the Queensland Revenue Office, which includes the State Penalties Enforcement Registry, becoming the single agency for issuing and administering infringement notices for the relevant offences, as well as collection of amounts under those infringement notices. DTMR and QPS will retain responsibility for the prosecution of the relevant offences.

The bill will also make a number of amendments to modernise the operation of the State Penalties Enforcement Act and ensure the continued effective administration of SPER and the Queensland Revenue Office. The bill will insert a head of power into the State Penalties Enforcement Act to enable a timeframe for the registration of default certificates for defaulted infringement notices with SPER, to be prescribed by regulation.

The bill also provides for the possibility of registration after the prescribed timeframe, subject to payment of a prescribed late registration fee. Currently, an administering authority may register a default certificate at any time up to and including the last day on which a proceeding for the offence may be started. This is typically one year but may be longer. Lengthy delays in registering default certificates with SPER result in increased difficulty and cost in recovering debts. A registration timeframe and any late registration fee will be prescribed at a later date, subject to the passage of the bill and consultation with administering authorities.

The bill amends the State Penalties Enforcement Act to provide that the registrar of SPER is the person who is the Commissioner of State Revenue under the Taxation Administration Act 2001. This amendment reflects current practice. It also addresses an issue in that there are no express provisions in the State Penalties Enforcement Act relating to how a person is appointed as the registrar.

The bill amends the State Penalties Enforcement Act to expressly authorise the use of body-worn cameras by SPER enforcement officers while exercising functions under the act. The amendment is consistent with similar provisions in other legislation governing the use of body-worn cameras by enforcement agencies.

The bill amends the State Penalties Enforcement Act to expressly authorise the registrar to disclose personal information of a SPER debtor to an entity. Disclosure of information will be limited to where information is contained in a court order that has been registered with SPER for enforcement. The disclosure must also be for the purposes of remitting an amount collected under the court order to the entity. This amendment addresses the issue of SPER remittance advices not identifying the debtor against whom the court order was made. The entity to which the amount is remitted must contact the relevant Magistrates Court registry to obtain the identity of the debtor, creating increased workload for Magistrates Court registries. Identifying the debtor in remittance advices will enable entities to more easily reconcile remittances.

The bill amends the State Penalties Enforcement Regulation to prescribe the types of enforcement costs that can be recovered from SPER debtors. Associated amendments will be made to the State Penalties Enforcement Act to clarify that enforcement costs are costs reasonably incurred by SPER in taking a step for the purpose of enforcing payment of a fine, penalty or other amount under the act. Amendments will also clarify that enforcement costs are ordinarily recoverable from debtors by payment from the sale proceeds of seized property. The types of enforcement costs to be prescribed relate to seizure and sale action, for example, costs relating to vehicle towage, storage costs and costs relating to sale.

The bill amends the State Penalties Enforcement Act to modernise and clarify the process for appointing enforcement officers, similar to the process for appointing investigators under the Taxation Administration Act. The bill will also amend the Land Tax Act 2010 to provide beneficial land tax

treatment for trustees of special disability trusts. Special disability trusts are established under Commonwealth law to provide for the care and accommodation needs of profoundly disabled beneficiaries. Special disability trusts attract a number of benefits under Commonwealth and state revenue law to further their primary purpose.

The bill amends the Land Tax Act to ensure that trustees of special disability trusts are subject to the higher tax-free threshold and lower land tax rates that apply to individuals. I wish to acknowledge and thank the Deputy Speaker and member for Greenslopes, Mr Joe Kelly, for bringing the need for this legislative reform to my attention.

The bill also amends the Residential Tenancies and Rooming Accommodation Act 2008 to provide for a transparent and stable funding model for the Residential Tenancies Authority, otherwise known as the RTA. The RTA currently relies on investment returns on tenants' rental bonds to meet its operating expenses. Under the proposed funding model, instead of relying on investment returns the RTA will receive annual grant funding to fund its operations. This will ensure funding stability and allow the RTA to continue to deliver essential services and support to the rental sector.

The bill also includes a statutory guarantee on the payment of rental bond moneys to ensure the security of rental bonds held. The amendments will not impact the RTA's operations, powers or functions and no jobs will be lost due to the reforms. The bill will not impact renters or landlords. There will be no change to the way renters and landlords interact with the RTA, with all services including those relating to the payment, redemption and holding of rental bonds remaining unchanged. It is the intention of the government that the new funding model will commence on 1 July 2022.

Finally, the bill amends the State Penalties Enforcement Act and the Taxation Administration Act to modernise the confidentiality provisions. The bill amends these acts in line with other laws to permit personal confidential information to be disclosed to an officer of the department or relevant responsible minister if the disclosure is permitted under a law.

This bill delivers on the Queensland government's initiative to modernise the State's fine administration system and improve the administration of SPER and the Queensland Revenue Office. The bill also provides beneficial land tax treatment to special disability trusts, ensuring that more funds can go towards providing care for beneficiaries with severe disabilities.

Finally, the bill delivers on reforms to the Residential Tenancies Authority's funding model, ensuring transparent and stable funding for the RTA. The statutory guarantee on the payment of rental bond moneys also provides greater protection to Queensland tenants. I commend the bill to the House.

### **First Reading**

**Hon. CR DICK** (Woodridge—ALP) (Treasurer and Minister for Trade and Investment) (11.55 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to Economics and Governance Committee**

**Madam DEPUTY SPEAKER** (Ms Lui): In accordance with standing order 131, the bill is now referred to the Economics and Governance Committee.