



Speech By  
**Charis Mullen**

**MEMBER FOR JORDAN**

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Record of Proceedings, 24 May 2022

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

 **Mrs MULLEN** (Jordan—ALP) (3.16 pm): I rise to make a contribution to the State Penalties Enforcement (Modernisation) Amendment Bill 2022. This bill delivers on the Queensland government's initiative to modernise the state's fines administration system and to improve the administration of SPER and the Queensland Revenue Office. I commend the Treasurer and Minister for Trade and Investment for bringing forward this legislation and for his genuine commitment to ensuring that our fines administration system is working in an optimal and proactive manner for the benefit of all Queenslanders—unlike those opposite who, when in government, threw their hands up and said, 'This is really hard. Let's just send it to private debt collectors.' As the Treasurer has previously indicated, Queensland taxpayers expect that if someone owes them money it should be paid back. We want people to pay what they owe and to pay it back as soon as possible after they incur the fine.

Currently there are a number of administering authorities such as the Department of Transport and Main Roads, the Queensland Police Service, local councils, universities and courts. For example, currently the State Penalties Enforcement Regulation provides that infringement notices for camera detected offences such as speeding, not stopping at a red light or uninsured driving and tolling offences—collectively known as the relevant offences—may only be served by persons who are authorised officers, being either a person appointed by the chief executive of the Department of Transport and Main Roads or a police officer. The bill is aimed at giving legislative effect to some changes that were made to the fine serving administration system on 1 February 2022 that saw Queensland Treasury—of which QRO, SPER and the registrar of SPER are a part—take on the responsibility for serving infringement notices and acting as the administering authority. From 30 November 2022, this will also include acting as the administering authority for distracted driver, mobile phone and seatbelt offences. Sadly, as we know, we are seeing record fines for those offences and it is important that our fines administration system can respond accordingly.

Bringing fines management staff from DTMR and QPS into the SPER team is obviously important from an efficiency perspective. Having a single administering authority also assists in simplifying the fine process for debtors. As I have certainly seen in my own electorate, feedback shows that debtors can sometimes be confused by the number of authorities involved in the fine process: the authority that issues the fine, such as DTMR or council, and then the separate authority for collecting an unpaid fine, which is SPER. Under the proposed changes, the Queensland Revenue Office, including SPER, will become the single agency for issuing and administering infringement notices and collecting the fines for those offences. Of course, DTMR and QPS will retain responsibility for the prosecution of the relevant offences. This change is expected to bring forward repayments of more than \$20 million in its first year.

As outlined in the committee report, Treasury has pointed out that the longer action is delayed in the recovery of a debt the less likely it is that the debt will be recovered. In fact, a QRO analysis of SPER showed that, on average, 61 per cent of penalty debts are finalised within the first two months following issue, with finalisation rates decreasing sharply after that period. From the SPER data that I have seen that is certainly the case.

The bill includes an amendment to the SPE Act that will enable a timeframe for the earlier registration of default certificates for those defaulted infringement notices with SPER to be prescribed by regulation. Currently under the State Penalties Enforcement Act, a person has 28 days to respond to an infringement notice. An administering authority may register a default certificate with SPER. SPER then becomes responsible for the collection and enforcement of the unpaid amount only once this default certificate is registered.

As the explanatory notes point out, the actual time administering authorities take to register these default certificates with SPER varies, but typically it can be between two to six months from the date of the infringement notice. Delays in registering these default certificates with SPER result in real difficulty and cost in recovering those debts. The department advised the committee—

... the benefit of moving the referral across to SPER as soon as possible is that the older a debt is the harder it becomes to collect, the more cost it takes to collect and the less likely it is you are going to recover it. The goal of the amendments to propose a framework to shorten that period is to enable SPER to act quicker and to have a higher rate of recovery and a quicker rate of recovery of those debts owing to the state of Queensland.

Whilst the Local Government Association of Queensland and Moreton Bay Regional Council raised concerns in relation to a shortened prescribed registration time frame, it is important to note that a decision has not yet been made on this by the government and that further consultation on the regulation would be undertaken by the administering authorities. Ultimately, registering default certificates with SPER at an earlier stage will enable SPER to commence collection activities sooner, which increases the likelihood of successful recovery of debts owed to Queenslanders.

Late last year, along with my fellow Ipswich MPs—the members for Ipswich and Bundamba—I visited the Queensland government's new debt management centre established in the Ipswich CBD. The new debt management centre has seen around 130 new frontline jobs created. It was great to meet with SPER staff to find out more about the work they undertake. In particular, the SPER enforcement officers discussed with us their most recent regional activities whereby officers were travelling to a region and spending around four to five days dealing with a range of debt collection measures.

An important provision in the bill will amend the State Penalties Enforcement Act to expressly authorise the use of body worn cameras by SPER enforcement officers exercising their functions under the act. The use of body worn cameras by SPER enforcement officers when they undertake field enforcement activities will provide a number of benefits such as: reducing conflict between enforcement officers and debtors—SPER officers advise that sometimes there is a lot of conflict when they are trying to seize a vehicle or trying to speak to someone who owes a significant amount of money; providing a record of actions undertaken by enforcement officers; and enhancing accountability for enforcement officers. As members would recognise, not all debtors are happy to see enforcement officers. It is important also to ensure that these frontline officers, who are just doing their job, are adequately protected.

Another simple but important improvement to our fines system relates to court orders. Court orders requiring an offender to pay a monetary penalty to a prosecuting agency or compensation or restitution to a victim of crime, which is a third-party creditor, can be registered with SPER as a debt. SPER then becomes responsible for collection of the unpaid amount and payment of that amount to the prosecuting agency or third-party creditor. However, at this time the remittance advices only contain details of the court order and the offence but do not identify the debtor. This means prosecuting agencies and third-party creditors must contact Magistrates Court registries to identify who the debtor is, therefore increasing the workload of registries, which we know are already really busy.

The bill amends the SPE Act to enable the registrar to disclose personal information contained in a court order registered with SPER for enforcement for the purposes of remitting an amount collected under the court order. Again, this change will see an improved and more efficient fines administration system.

Finally, in relation to reforms of the funding model of the Residential Tenancies Authority, it is very concerning that the opposition continues to prosecute this idea that somehow the government is fudging or cooking the books. It has been made very clear today by the Treasurer that the RTA is already part of the general government sector and that the assets and liabilities held by the RTA are already reported as part of the general government sector balance sheet. This reporting framework will remain unchanged.

I am really surprised that the shadow Treasurer would be making these claims and would be advising his colleagues in this regard. This is really disappointing. I encourage members who potentially have made misleading comments in the House to withdraw those comments or face complaints to the Speaker.

The changes proposed to the Residential Tenancies and Rooming Accommodation Act will mean the RTA no longer needs to rely on volatile investment markets to fund its operation. Member for Ninderry—

**Honourable members** interjected.

**Mr DEPUTY SPEAKER** (Mr Lister): Order! The Treasurer will cease his interjections. The member for Everton will cease his interjections.

**Mrs MULLEN:** There is volatility, both negative and positive. In 2019-20, the RTA experienced negative investment returns and recorded a deficit for that year, moving slightly into a negative net equity position. The following year saw the investment markets rebound very sharply, which allowed the RTA to fund itself. This is clearly an unsustainable arrangement. The changes proposed will provide a more stable, consistent and reliable funding approach for the RTA's operations through an annual grant from the Consolidated Fund.

I thank the Economics and Governance Committee for its consideration of this bill. I thank the Queensland Revenue Office and Treasury officials for their work and detailed consideration of these changes, which will see a measurable improvement to our fines administration system and to the operations of SPER and the RTA. I commend the bill to the House.