

Question on Notice

No. 1101

Asked on 25 October 2022

MS F SIMPSON ASKED TREASURER AND MINISTER FOR TRADE AND INVESTMENT (HON C DICK)—

QUESTION:

With reference to my letters to the Treasurer dated 15 December 2021 and 11 July 2022, that have not been answered concerning a constituent's long wait for court-ordered compensation from an offender through the SPER system—

Will the Treasurer advise (a) what the Treasurer will do to help victims of crime who receive court-ordered compensation which has been sent through to SPER, (b) what is the total amount of SPER debt owing for court-ordered restitutions older than five years, (c) what actions SPER takes to recover court-ordered restitutions debt and to communicate with victims who are awaiting payment and (d) how much SPER debt is owing for court-ordered restitutions older than five years that has been paid in the previous financial year?

ANSWER:

Under the *State Penalties Enforcement Act 1999* (the SPE Act), the State Penalties Enforcement Registry (SPER) is responsible for the collection and enforcement of monetary court orders registered as debts and payment of collected amounts to victims of crime. Court ordered amounts include compensation and restitution amounts as well as damages and costs.

Courts may make an order for restitution or compensation to be payable to an individual or company who is a victim of a crime. Restitution restores the financial loss suffered by a victim as a result of the offending. Compensation provides relief for loss or injury caused by the offending.

The Palaszczuk Government recognises that SPER plays a critical role in upholding the integrity of the justice system by ensuring that court ordered amounts are collected and paid to victims of crime. SPER will continue to take all reasonable steps within its powers to recover these amounts as quickly as possible.

SPER prioritises the collection of court ordered compensation and restitution payable to a third-party creditor, including a victim of crime, over any other debts payable by the debtor.

The enforcement actions that SPER uses to recover court ordered amounts include driver licence suspension, garnishment of bank accounts or wages, registration of interest over property, seizure and sale of property and vehicle immobilisation.

Due to strict confidentiality provisions in the SPE Act and the *Information Privacy Act 2009*, there are limits on the information that can be provided to victims of crime about the status of any outstanding court ordered amount owed to them.

The information that can be given includes:

- if SPER has contacted the offender (but no specific information about the contact);
- if enforcement action has been taken against the offender to recover the funds (but not the type of enforcement action);
- if Queensland Corrective Services has advised SPER the offender has been incarcerated;
- if the offender is deceased or the offending company is deregistered;
- details about the court order (such as the order number, offence description, ordered amount); and
- the amount payable to the third-party creditor collected to date.

In response to the Honourable Member's constituent question and letters, I can advise that the QRO is in contact with the individuals concerned to provide the maximum amount of information permissible under law. I am unable to share this information with the Honourable Member. These confidentiality provisions operated in the same way during the Newman Liberal National Party Government, in which the Honourable Member served, and no attempt at modification was made by the Honourable Member in that time.

I am advised that a dedicated SPER team is locating and contacting recipients of court ordered amounts to confirm their current details, including bank account details, so collected amounts can be promptly paid directly into their bank accounts. Where bank account details are not available, SPER has improved its processes to make earlier partial payments by cheque.

I am advised that, as at the end of October 2022, of the total amount of SPER debt owing of \$1.3 billion, court-ordered restitutions older than five years represent less than 2.5 per cent (approximately \$30 million).

In response to part (d) of the question, where a SPER debt has been paid, it is no longer outstanding and accordingly there is nil response.