



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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STATE PENALTIES ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL

Mrs STUCKEY (Currumbin—LNP) (9.02 pm): I rise to join the debate on the State Penalties Enforcement and Other Legislation Amendment Bill 2009 brought into the House on 16 September this year by the Attorney-General and honourable member for Greenslopes. As we have already heard from the shadow minister, the honourable member for Southern Downs, we on this side of the House have indicated that we will be supporting the general intent of this bill. The bill amends 38 different acts which, amongst others, includes the State Penalties Enforcement Act 1999 to strengthen compliance and enforcement capabilities of the State Penalties Enforcement Registry, also known as SPER.

The focus of my debate will be to address the changes to this act which will allow SPER to suspend people's drivers' licences for any unpaid fine and to wheel clamp and seize vehicles as well as sell real and personal property. While I am in no way condoning nonpayment of fines by people who deliberately break the law, I am not convinced the measures contained in this bill will provide a cure, nor are the reasons behind these amendments driven by a best interest to reduce crime approach.

I note that in the Attorney-General's second reading speech he informs us this bill brings Queensland into line with all other Australian jurisdictions except the Australian Capital Territory. Clearly this shows the level of inefficiency across almost wall to wall Labor state governments to collect fines without resorting to draconian measures under the guise of being tough on crime. Due to the laissez-faire attitude to debt collection by this Bligh government, which has embarked upon a money-grabbing, knee-jerk reaction in a desperate attempt to try to recover them, SPER will now be chasing some extra 380,000 fines totalling some \$106 million. This Labor government already has the legislation and resources in place to prevent these people becoming perpetual debtors but has sat on its hands, done nothing and allowed fine to mount on fine.

In a shameful attempt to recoup unpaid dues, the government is now bringing in legislation that will punish some offenders more harshly than others when other measures such as purposeful community service may well be more effective in some cases. Undeniably, tougher measures are warranted for those who ignore fines and act above the law. However, expanding the suspension of licences from just motor vehicle fines to any unpaid fine undoubtedly will significantly increase the number of people going through the courts for driving whilst disqualified.

Lengthy processing times means that some people will not realise they have an already suspended licence. Our courts regularly see young people being given a further mandatory six months suspension because they did not know their licence had been suspended in the first place. A change of address and mail not being received are examples given as to why people do not receive their notices of suspension. This then results in a court ordered suspension, and if they appear again it will result in a two-year disqualification and then jail.

Inadvertently, people find themselves caught in a revolving door of the courts because of the initial SPER suspension, and they then receive further fines and extended loss of licence. There are many

reasons why people do not pay their fines, and not all are fine bludgers, as so bluntly put by the Attorney-General. Residents regularly visit my office seeking help for legitimate oversights, and my staff on several occasions have made ministerial representations on their behalf.

In today's tough economic climate, many citizens are genuinely struggling or are poorly educated and find themselves trapped in a never-ending cycle with SPER. I would have thought members opposite would be a little more understanding. Suspending someone's licence can make a bad situation much worse by hindering their ability to find employment which in turn hinders their ability to pay a fine.

The new initiative that permits the use of SMS messages as reminders and warning messages to debtors is a positive move and in line with society's trend to communicate through modern technologies. I do hope there are procedures in place to measure the effect of this specifically.

The Attorney acknowledges that wheel clamping is a tough new measure to be trialled in the Brisbane metropolitan area for 12 months commencing 1 January 2010. Now that is a new year's surprise that no-one will welcome. He predicts that it will significantly increase debt recovery rates, but time will tell. The process of having a car wheel clamped is a five-step protracted exercise, and according to the explanatory notes targets debtors who have accumulated large amounts of unpaid monetary penalties and have firmly refused to try to work out ways to pay their debt. It has been said this initiative could be considered to have insufficient regard to the rights and liberties of individuals. However, justification for this is listed on page 12 of the explanatory notes. But back to the five-step process.

Firstly, there is the undertaking of a hardship assessment; then SPER registers an interest over the vehicle; serving the debtor a notice to pay; serving the debtor with a mobilisation warrant; then the vehicle gets clamped for five days; and then, if the vehicle is of sufficient value, it gets sold. If, however, the vehicle seized is valued at less than \$5,000 it is released, and an arrest and imprisonment warrant is issued. It is important to note here that there is no right of review in respect of the registrar's decision to issue an intent notice or an immobilisation warrant which could also be viewed as a breach of regard to the rights and liberties of individuals.

As these processes of wheel clamping, seizing and sale of the vehicle are going to require services, I am wondering who will pay for this. Is this cost added onto the person's fines, or is it paid for by the taxpayer? Is it broken down by process, value of car or some other measure? Perhaps the Attorney would be kind enough to respond in his summing-up. Another grey area surrounds people who do not hold a licence or own a car. How is the government going to ensure that their fines are paid? I agree with the sentiment of RACQ's external relations manager, who believes that this new system is inequitable, and also with Terry O'Gorman, who states it is a harsh and disproportionate punishment.

The Attorney-General has stated that SPER would, in the first instance, go after corporate debtors. I am puzzled as to the reasons that corporate debtors are allowed to have their fines accumulate with SPER in the first place. Corporations should be immediately taken to court and assets sold to recover debts. If they are trading while insolvent, the directors should be prosecuted. There is no reasonable excuse for long-term corporate debtors.

The government's keen focus should be on how to prevent people from getting themselves into such situations. While fines are a deterrent for most people, it is not for those who continually rot the system and some of the younger generation who feel they have nothing to lose. The increased level of violence and underage drinking in our society must urgently be addressed. Tougher, more meaningful consequences for youth who blatantly break the law need to be implemented. Parents of young offenders should also be held accountable in some manner.

Underage drinking, youth roaming the streets and an increased level of violence is becoming more common than not in our communities. Every weekend we hear reports of youth congregating in the street, drinking, throwing bottles at cars, destroying mailboxes, pulling out trees and signs. Police are often called but more often than not the offenders have already moved on to another location. What is going to stop them from repeating this behaviour next weekend or the weekend after that? Police in my electorate are sick and tired of handing out SETONS liquor fines to underage youth only to be told not to pursue the matter in the Magistrates Court. This means many youth offend repeatedly as they get away with it. Apart from getting away with breaking the law, they are putting their lives at risk through binge drinking and losing control of their faculties.

It is common knowledge that our road statistics are tragic, climbing each week to a total of almost 400 at present. Statistics of drink drivers who reoffend are inexcusable. Of some 29,913 drink drivers caught in Queensland last year, 35 per cent have been booked previously. Fatal crashes that were alcohol related also rose significantly. The Coolangatta Magistrates Court is filled regularly, with some 95 per cent of cases being drink drivers.

As we are talking about the collection of fine payments through SPER, it is fitting to address preventative methods. More focus should also be on teaching young drivers to drive safely as driving a motor car is the most dangerous and complex task the average person will ever undertake. Young

Australian drivers aged 17 to 25 years have double the risk of all age groups of being involved in a fatal road accident. Drivers are generally taught how to pass a test rather than how to drive. How many more lives will be lost needlessly before people learn that speed does not improve performance? Driving is more than just knowing the road rules and not enough novice drivers get to learn this vital life-saving information.

There is unprecedented interest in the community to address the issue of driver training. Very much more could be done and the government has been dragging its heels here. The LNP strongly supports the notion that being proactive with regard to prevention across all areas is better than being reactive to the consequences. The Bligh government and, prior to this, the Beattie government have a long history of being reactive. This legislation has been described as yet another example of Labor trying to find ways to fill its coffers, emptied through reckless spending and poor management, which is why Premier Bligh has chosen to sell off assets that belong to the people of Queensland.

No doubt these amendments will initially see an increase in the number of people going through the revolving door of our court system because if someone has an unpaid fine relating to a dog or a failure to vote they could now find themselves without a licence. As news of these new laws filters through to Queenslanders, it is to be hoped that fewer people will incur fines and fewer again will default on them. Like other members of the LNP, I shall await the reviews with interest.