



Speech by


**Verity Barton**

**MEMBER FOR BROADWATER**

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## **PENALTIES AND SENTENCES AND OTHER LEGISLATION AMENDMENT BILL**

 **Miss BARTON** (Broadwater—LNP) (4.39 pm): It gives me great pleasure to rise in the House in support of the Penalties and Sentences and Other Legislation Amendment Bill. This is a bill which delivers on some of our government's pre-election commitments. It is a bill which will increase the value of a penalty unit by merely \$10. It will also impose a court administration fee, which will be known as an offender levy, in the Supreme, District and Magistrates courts where an offender is found guilty. This bill also seeks to ensure the reclaiming of overpaid wages as a result of the costly Queensland Health payroll debacle and ensure that expired rules of some of Queensland's courts will continue to operate.

Firstly, please let me extend my gratitude to the secretariat of the Legal Affairs and Community Safety Committee for again doing a marvellous job in collating all of the submissions and preparing a report, again, in a truncated time frame. I would also like to extend my thanks to my fellow committee members and thank the chair, the honourable member for Condamine, in particular for his leadership. I would also like to extend my gratitude to those interested members of the community who made submissions to the committee on this bill.

At the outset I would like to say that I certainly appreciate the concerns that some of the members of my committee and also some of those who made submissions had with regard to the truncated time frame for making those submissions. Certainly I appreciate that it can be incredibly frustrating. However, the government has an obligation to govern for all of Queensland and our government is committed to doing this. The previous Labor government left Queensland with a debt that is rapidly spiralling towards \$100 billion and we made a commitment to Queenslanders that we would get Queensland back on track. We made a commitment that we would revitalise front-line services and we made a commitment to get Queensland's AAA credit rating back. We also made a commitment to stop the wasteful spending and the economic mismanagement which became the norm under the previous government and we made a commitment to return Queensland's budget to surplus. This is certainly not an easy task. Fixing the mess in which the previous Labor government left Queensland is no easy task but our government is committed to doing so. It was certainly a mess made all the worse by the very costly Queensland Health payroll debacle.

As I said, as a government we have an obligation to act in the best interests of all Queenslanders and key to that is getting this state back on track. In order to start fixing the Queensland economy we have to consolidate \$4 billion worth of revenue over the next three years, and that certainly is not an easy task. That is why our government has moved to increase penalty units by a mere \$10 to \$110. Where offences are provided for and where a penalty is prescribed, it is usually set as a certain number of penalty units, which are usually \$100 per unit. This \$10 increase is a very minor impost indeed. It is an impost that, unlike the previous government's cost-of-living burdens, will not impact everyone in my electorate of Broadwater nor will it affect all Queenslanders in our communities. Rather, it is an impost that will be borne by those who have erred in their ways. It is expected that this measure will see an increase in revenue of \$22.6 million in a full financial year.

In addition to the minor increase in the value of prescribed penalty units, this legislation will also see the introduction of an offender levy. Like the increase in the penalty unit, this is an impost not to be borne by members of my community in Broadwater or by the broader Queensland community; this is an administration fee on criminal justice matters where an offender who has appeared in either the Supreme, District or Magistrates courts is found guilty. This levy will be \$300 for matters in the Supreme and District courts and only \$100 for matters heard in the Magistrates Court. This fee will not be going on to form part of an offender's sentence but it will be imposed at the time of sentencing and will be paid per sentencing proceeding. It will not matter for how many offences a person is convicted nor whether a conviction is recorded; it is solely an administration fee payable at sentencing. I think it is also important to note that, should a person's conviction be overturned on appeal, the levy will be refunded and, of course, it will not be applied to juvenile offenders. The State Penalties Enforcement Registry, otherwise known as SPER, will be responsible for the collection of the levy.

I certainly have a great deal of respect for the Queensland Law Society. I appreciate their view and the submission that they made that it should not be for those who are offending to pay for the running of the criminal justice system; rather, the maintenance of the criminal justice system should be in the province of the government. This was a view that was endorsed by the Prisoners Legal Service and the Bar Association of Queensland. As I said, certainly I appreciate this view. However, with a debt that is currently at \$65 billion and that could potentially spiral to \$100 billion if we do not rectify the situation, it is appropriate at this time that the government look to alternate ways of funding the criminal justice system. This initiative is one that will ensure that offenders contribute to the cost of running the Queensland justice system.

This bill will also seek to ensure that the expired rules of the Land Court Act and the Childrens Court Act continue to operate. These are rules that expired in 2010 and 2000 respectively. The retrospective application of these rules is crucial to ensure the removal of any doubt and to validate courts' decisions and judgements. It will also streamline the processes under the Commissions of Inquiry Act so that the chair of a commission of inquiry can obtain evidence regardless of whether or not one has taken an oath or made an affirmation.

This bill also, I think crucially, seeks to make amendments to the Industrial Relations Act to ensure that Queensland Health is able to recoup some of the overpayments as a result of the very costly payroll debacle. It is estimated that the average overpayments per fortnight total \$1.7 million. A moratorium was placed on the recovery of these payments by the former government in July 2011 and was lifted in May 2012. The current industrial relations laws in Queensland mean that overpayments can only be recovered if a worker was overpaid because of absence from work or if the existing enterprise bargaining agreement allows for it. As a government, we have an obligation to do all that we can to ensure that Queensland's budget is brought back into surplus, and that means the recovery of overpayments as a result of Labor's costly payroll debacle. I certainly agree with the Queensland Law Society's submission that the recovery of these overpayments should not result in financial hardship for the employee involved. This was also raised by the Australian Workers Union, United Voice Queensland, the Together union, the Queensland Nurses Union and the Queensland Council of Unions. However, I do certainly have faith in our government and its ability to ensure that such recovery is handled well and that the considerations of all parties, particularly employees affected, are taken into consideration.

This legislation is incredibly honourable in its intentions. As I said, as a government we have an obligation to do all that we can to ensure that Queensland gets back on track and that we stop the economic mismanagement to which we became accustomed under the previous failed Labor government. Again, I wish to reiterate that I appreciate the frustration experienced by those making submissions. However, as I said, we have an obligation to govern for all of Queensland. Queenslanders certainly expect the recovery of overpayments made in the light of the Queensland Health payroll debacle. I also believe that the community understands the need to ensure that those who are convicted of crimes have an obligation to contribute to the ongoing funding of the criminal justice system. That is incredibly appropriate and they have a duty to do so. I commend this bill to the House.