

## SECOND READING SPEECH – HON. M.T. (RENE) HIDDING MP

### *Penalty Units and Other Penalties Amendment Bill 2015*

Madam Speaker, the objective of the *Penalty Units and Other Penalties Amendment Bill 2015* is to increase fines by an immediate 10%, and send a strong message to the community and those that offend that criminal behaviour will not be tolerated in Tasmania.

As Members will know, most legislation and subordinate legislation provides that where a violation of the law has occurred a person may be issued with a fine. The value of a fine is generally expressed with a reference to penalty units, for example, a person found guilty of a particular offence may be fined up to ten penalty units.

The *Penalty Units and Other Penalties Act 1987* provides the dollar value of a penalty unit. Each year the value of a penalty unit is indexed in accordance with a set formula provided in the Act to ensure that the value of a penalty unit rises in accordance with inflation.

Currently, a penalty unit equates to \$140 so therefore a fine not exceeding 2 penalty units therefore would mean in real terms a fine not exceeding \$280.

Instead of rising with inflation next financial year, this Bill provides that a penalty unit for the next financial year will be \$154, a 10% increase on the previous value.

At present, the Act provides that where the value of a penalty unit is not a multiple of \$10, the value is to be rounded **down** to the nearest multiple of \$10. This Bill provides that where the value of a penalty unit is not a whole dollar amount, the amount is to be rounded **up** to the nearest whole dollar. This means that the value of a penalty unit will almost undoubtedly increase every year into the future.

From the 2016/2017 financial year fines will, once again, increase in line with inflation, calculated in accordance with clause 5 of this Bill.

The changes introduced by this Bill will impact on anyone who receives a fine payable to the Crown or other governmental authority as punishment for an offence, including any financial penalty imposed by a court.

This Bill will send a clear message that crime does not pay, and it is hoped that the prospect of an increased penalty will serve as a deterrent to illegal behaviour.

Once a penalty has been imposed, the matter is referred to the Monetary Penalties Enforcement Service and failure to pay can lead to enforcement action including suspension of a driver's licence and/or vehicle registration, seizure and sale of property and the redirection of money such as wages and savings.

The enforcement of all monetary penalties referred is undertaken on a state-wide, cross-jurisdictional basis. In particular, the Monetary Penalties Enforcement Service is responsible for the collection and enforcement of:

- Defined monetary penalties imposed by the Magistrates and Supreme Courts;
- Infringement notices issued by Government Agencies; and
- Infringement notices referred to the Director by Local Government Councils.

The Monetary Penalties Enforcement Service aims to assist with the administration of justice in the behavioural correction of offenders and reducing recidivism rates by ensuring that those ordered to pay monetary penalties do in fact meet their obligations.

The Monetary Penalties Enforcement Service ensures that people cannot just ignore fines, or hope that fines will eventually go away or be forgotten.

This Bill is the latest in a series of initiatives introduced by the Government to get tough on crime and ensure that the consequences of breaking the law are stronger and more effective.

As well as sending a message to criminals, any increase in penalty revenue will generate more funds available for the Government to spend on the provision of essential services and infrastructure in the Tasmanian community.

Given that not all fines are imposed with a reference to a penalty unit, the Government will be reviewing all other fines over time with a view to making appropriate increases. I can indicate that traffic and fisheries infringements and offence penalties will be examined as the next set of reforms.

Madam Speaker, I commend the Bill to the House.