

DRAFT SECOND READING SPEECH

HON. MICHAEL FERGUSON MP

Costs of Criminal Convictions Bill 2015

Madam Speaker, I move that the Bill now be read a second time.

The Costs of Criminal Convictions Bill 2015 is a Bill to recover some of the general costs of law enforcement and administration from persons sentenced for offences in Tasmania.

Specifically, this Bill provides that an offender is liable to pay criminal conviction costs of \$50 when sentenced by the Magistrates Court and criminal conviction costs of \$150 when sentenced by the Supreme Court.

The criminal conviction costs represents an administrative fee that an offender (other than a child) sentenced by a Tasmanian court must pay.

Criminal conviction costs will be imposed at the time of sentencing.

If a person is sentenced for more than one offence in the same sentencing proceeding, they will only have to pay the criminal conviction costs once.

The court does not have a choice whether to impose the criminal conviction costs. The criminal conviction costs are separate from a sentence, and apply whether a conviction is recorded or not. If a sentence includes a fine, this is separate to the criminal conviction costs. The criminal conviction costs cannot be waived or converted to a fine or imprisonment.

The potential liability to pay criminal conviction costs is not to be taken into consideration when a sentence is determined by the court.

The criminal conviction costs must be paid within 28 days after all proceedings have been completed in respect of the offence unless a court orders that the criminal conviction costs are to apply from the date of conviction for the offence or, where an offender is sentenced to a term of imprisonment that is not wholly suspended, the date on which the offender is released.

The criminal conviction costs does not apply to resentences. Therefore, if a person is resentenced for the same offence on appeal or otherwise, they will not have to pay the criminal conviction costs again.

If offenders fail to pay the criminal conviction costs, the matter is referred to the Monetary Penalties Enforcement Service. 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.

Under the *Monetary Penalties Enforcement Act 2005*, the failure to pay may result in 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.

This Bill delivers on the Government's commitment to levy criminals in court..

The Government believes that those sentenced by the courts for their wrongdoing should make a contribution to the justice system.

The criminal conviction costs will be paid into the Consolidated Fund and may be directed to the general costs of law enforcement and the administration of justice.

Madam Speaker, I commend the Bill to the House.