

State Penalties Enforcement Registry

Community Legal Centres Queensland Webinar

October 5th 2017



Agenda

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SPER Current State

2

Building the New SPER

3

Work and Development Orders

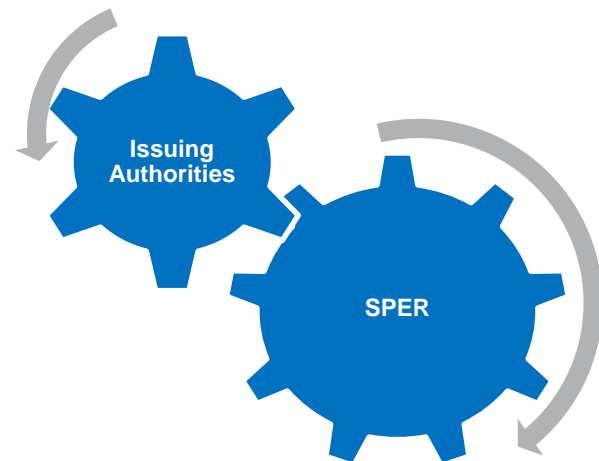
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Working Together

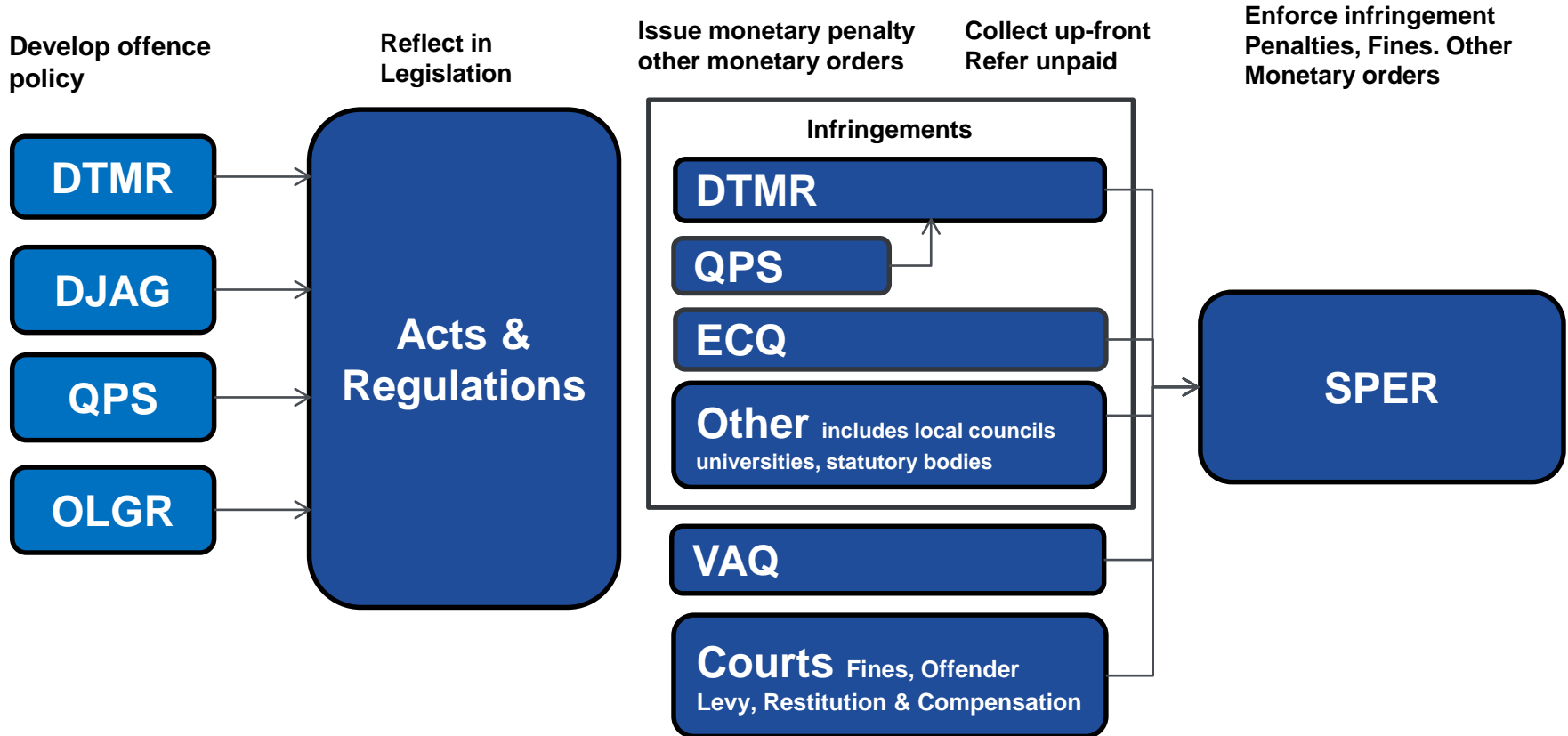
SPER's Role

The State Penalties Enforcement Registry (SPER) is responsible for the collection and enforcement of unpaid infringement notice fines, court-ordered penalties, offender debt recovery orders and offender levies

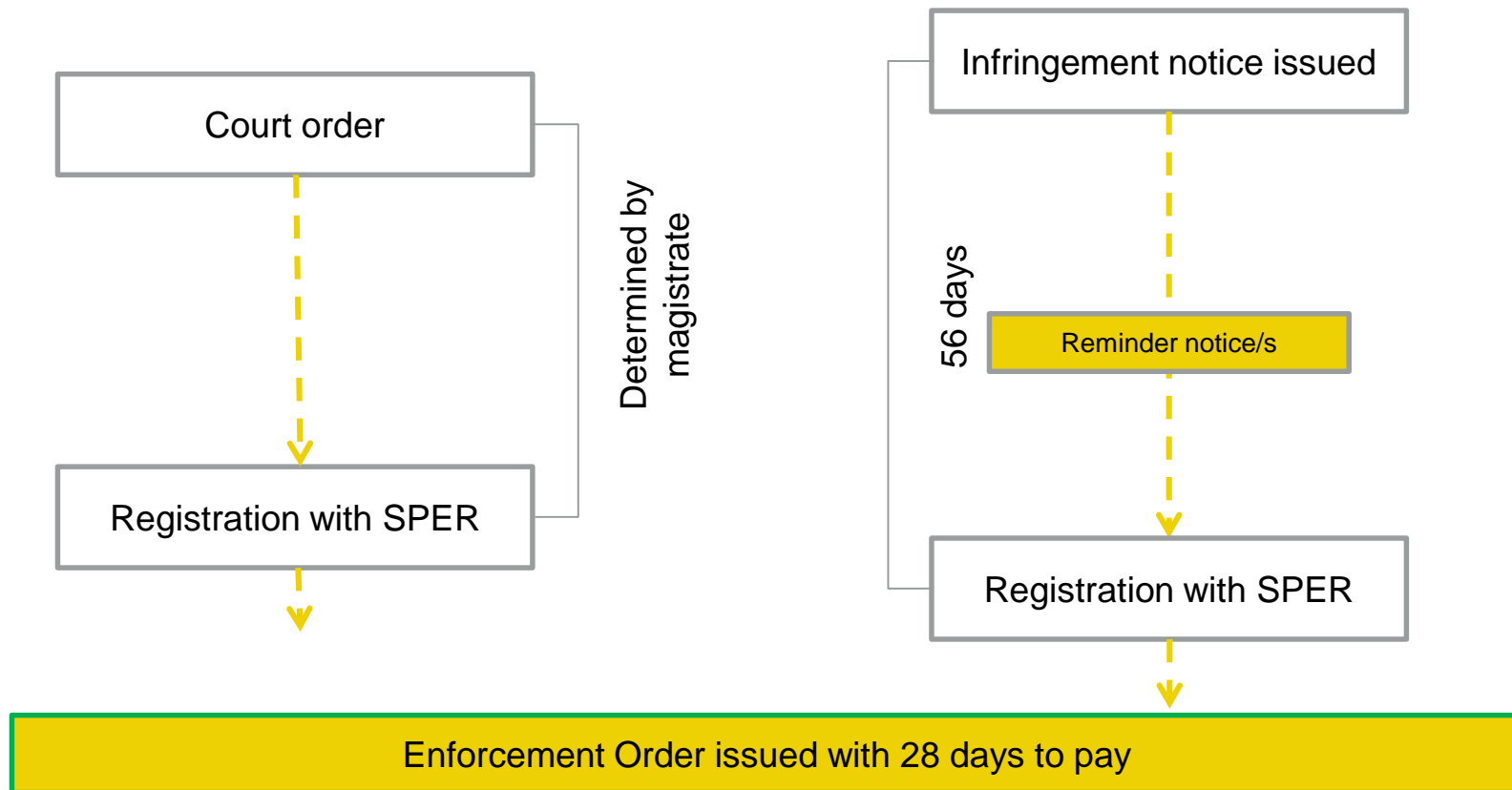
- SPER collects and enforces unpaid fines and penalties.
- SPER is responsible for maintaining the equity and integrity of penalty debt.
- SPER is leading end to end penalty debt management.



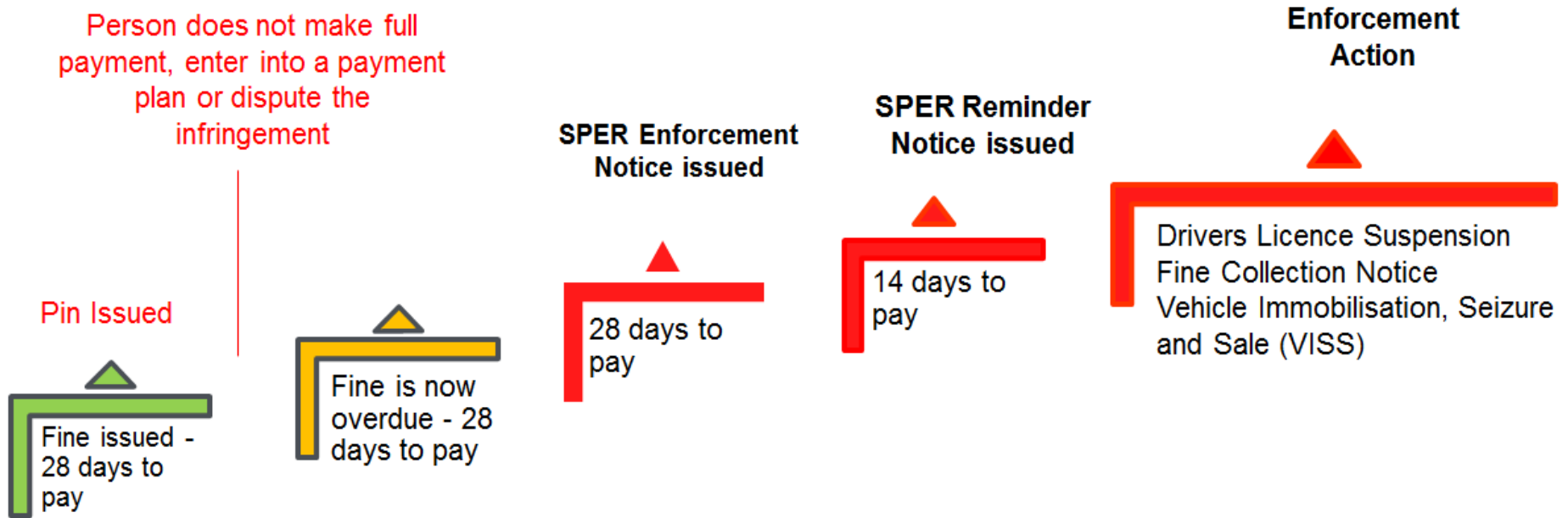
End-to-End Penalty Debt Management



Penalty process



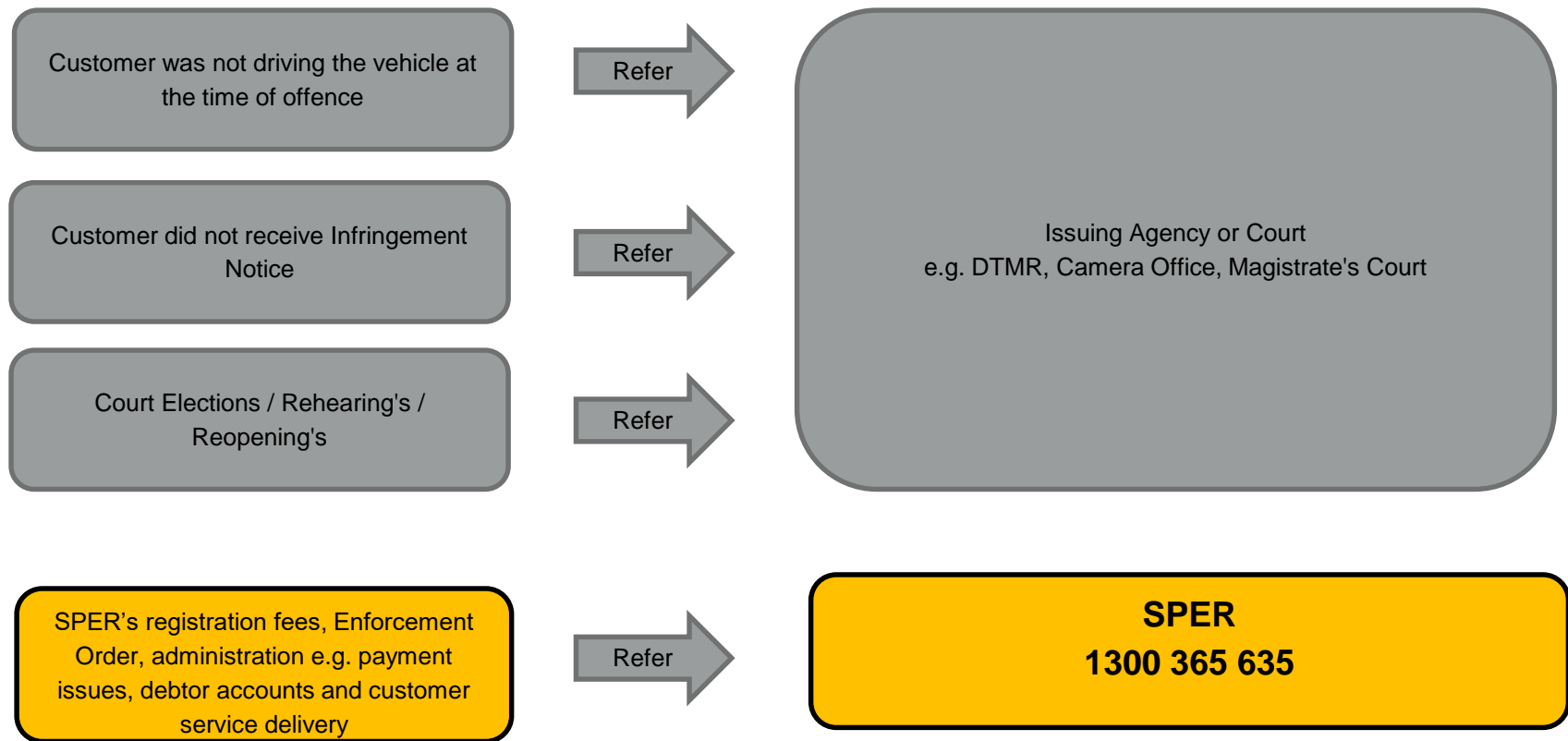
Infringement to Enforcement Process



Enforcement Activities



Where to refer disputes?



Customer options to resolve fines

Pay in full



Monetary
Payment

Part pay
(Pre-SPER)



Voluntary
Instalment
Plan

Part pay
(SPER)



SPER
Instalment
Plan

Community
service

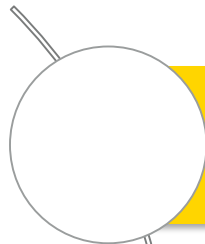


Fine Option
Order

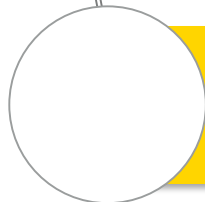
Helping people experiencing hardship: Current options

SPER provides options for customers in the following situations:

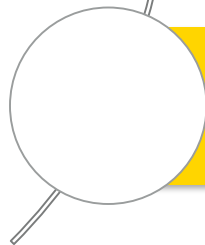
- Are experiencing economic hardship
- Are homeless
- Live in a remote Aboriginal or Torres Strait Islander community
- Have a disability or impaired decision making capacity
- Other circumstances such as undergoing drug rehabilitation or are in or have been released from custody



Extended deferral of enforcement actions



Fine options orders (community service)



Reduced instalment plans

Applying for a Fine Option Order

Eligibility Criteria

- Must be a Queensland resident and;
- Experiencing financial hardship

What cannot be converted?

- Court ordered Restitution, Compensation and the Offender Levy
- Offender Debt Recovery Orders

How to apply

- <\$8,000 complete a Fine Option Order Application
- >\$8,000 complete a Financial Disclosure Application (FDA)

Fine Option Order Process

Application Assessment

- Assessed by SPER
- Applicants must show financial hardship

Non-eligibility Criteria

- Financial hardship has not been demonstrated
- Medically unable to complete service or refused previously due to Probation and Parole supervisory concerns

The next step

- Advised by a 'Referral Notice' that states they must report to Probation and Parole within 14 days
- Undergo interview with Probation and Parole staff

- ❑ Authority to Act form – customers can nominate an organisation or an individual
- ❑ Assist with the process - advise customers on SPER's processes and options
- ❑ If an application is refused - encourage customers to contact SPER immediately to make alternative arrangements for payment of debt
- ❑ Explain the consequences of not acting - to avoid extra fees and enforcement action



Customer behaviours
e.g. more
tolling,
speeding and
driving fines

Increase
volume
of referrals

Effectiveness
of actions to
achieve
finalisation

Increase in new
fines incurred by
people with
existing unpaid
debts –
continuing to
incur fines

Identification
of and support
for hardship
customers

Time lapse
between issue
and
enforcement

Default on
payment
arrangements

Building the new SPER

We are focusing on key areas to improve our effectiveness:

- Providing a more holistic approach to managing penalty debt across the whole-of-government
- Providing a better service through:
 - Improving customer self-service options to make debt resolution easier
 - Ensuring fees are applied in a fairer and simplified way
 - Using targeted and measured enforcement actions for those who can pay but refuse to
- Embedding a customer-centric culture within SPER
- Developing a range of payment options based on customer needs and effective treatment of individuals experiencing hardship



Changes to the State Penalties Enforcement Act 1999 were passed by the Queensland Parliament on 10 May 2017, enabling key changes to the way SPER operates.

The key changes include –

- Improvements to SPER's fee structure
- Replacing Voluntary Instalment Plan's *with* an early referral process
- Allowing for the agency most suited to resolve the dispute to do so
- Enable ongoing information sharing between agencies
- Implementation of Work and Development Orders (WDO)



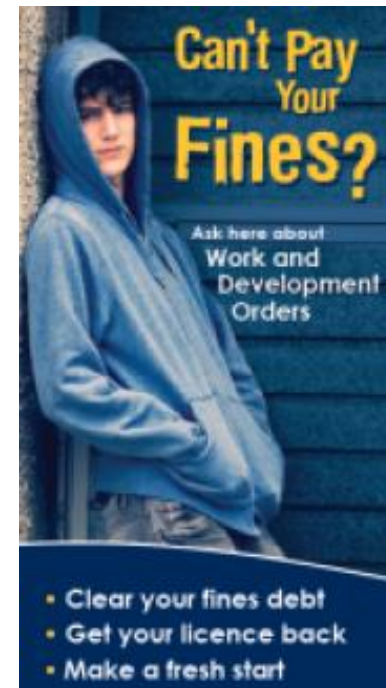
How will these changes impact your customers?

Fees will be applied over time, meaning that the sooner that compliance is arranged, less fees will be applied.

Customers will be able manage there debts through a self service portal, and SPER will be able to communicate with customers electronically.

The SPER Hardship Partners Program will allow for organisations to work alongside an individual who is experiencing hardship to assist with managing there debts at SPER. This program will also include the introduction of a Work and Development Order scheme in Queensland.

- ❑ SPER's **WDO Program** will be a key **initiative** launched as part of its renewed approach to responding to hardship customers
- ❑ Under the WDO Program, **customers experiencing hardship** would be **sponsored by SPER Hardship Partners** - approved health practitioners, community organisations or state government departments - to **undertake activities** to resolve their debt
- ❑ **SPER Hardship Partners** would register with SPER to participate and would not be paid
- ❑ **SPER would support** Hardship Partners



Legal Aid – NSW

Temporary hardship

SPER's new Hardship Policy will acknowledge the hardship continuum - ranging from temporary hardship to long-term, systemic hardship.

Temporary hardship

Sudden or unexpected changes causing short-term financial hardship, including job loss, illness, domestic and family violence.

*A hardship customer or a **SPER Hardship Partner** could apply for a: **Deferral** of payment for a defined period (3 months)*



Long term hardship

Circumstances causing ongoing financial hardship i.e. mental illness, substance use disorder, homelessness, domestic and family violence, cognitive or intellectual disability and general financial hardship

*A **SPER Hardship Partners** could apply on behalf of a hardship customer for a:*

- **Work and Development Order** requiring the person to undertake unpaid work, treatment, courses or counselling to resolve their debt
- **An extended payment plan** with reduced instalments





Hardship eligibility criteria

- Financial hardship (e.g. *Centrelink recipients*)
- Mental illness
- Cognitive or Intellectual disability
- Homelessness
- Substance use disorder
- Domestic and Family violence

Activities

- Unpaid work
- Treatment programs for substance use disorders, medical or mental health
- Financial or other counselling
- Educational, vocational or life skills courses
- Mentoring (for under 25s)
- Culturally appropriate programs for Aboriginal or Torres Strait Islanders in remote areas

Legislation passed by Parliament on 10th May 2017 to commence on proclamation

Stage 1 (late 2017)

- The WDO program will be implemented by Queensland Corrective Services (QCS)
- Existing SPER Fine Option Orders (FOOs) will be converted to WDOs
- New unpaid work based WDO's will be created and managed by QCS

Stage 2 (2018)

- State-wide launch of the hardship partner program including WDO's
- Actively promote the program across the State (Information forums will be held in central and regional centres)
- Recruit and register organisations as approved SPER Hardship Partners



Working together - How you can help

- Explain the penalty process
- Provide information on finalisation options
- Direct hardship customers to SPER
- Explain consequences of inaction and next steps
- Refer disputes to issuing authority unless SPER



General enquiries
and payments



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Special
consideration



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Education partner
help and support



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Thank you