



Legislative Assembly

Crimes Legislation Amendment (Penalty Notice Offences) Bill

27/06/2002

Hansard Extract

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.58 p.m.]: I move:

That this bill be now read a second time.

The police support this bill. It will allow them more flexibility when they are enforcing minor incidents of crime. The bill proposes a 12-month trial over 12 local area commands to ensure that any operational issues can be identified and solved before any decision is made as to whether this innovative proposal should be implemented Statewide. The advantages of issuing penalty notices are considerable. It is not mandatory for police to issue the notice under the scheme proposed in the bill. Police may exercise their discretion to arrest or, indeed, to issue a penalty notice on a case-by-case basis. If, for example, an offender is known to police as having previously offended or having committed more serious crimes, that would be covered by the proposed trial in this bill and police do not have to issue the fine.

A person can still be arrested and tried before a court. However, it is an advantage for first-time offenders if they can expiate their offences by paying fines rather than going to court. That also means that they will think twice before reoffending. The scheme offers a powerful incentive for one-off offenders not to reoffend by hitting people where it hurts: in their hip pocket. The scheme applies to less serious offences and the idea is that, through this mechanism, offenders will be encouraged not to reoffend. It is easier and quicker to issue a notice than to mount a prosecution in court so the likelihood that police will enforce the penalty increases. Under the scheme, police will be able to issue a notice and move on to other front-line policing duties.

The proposed trial of the scheme is advantageous for the State administratively and structurally. The prosecution and the court system are saved the cost of having to deal with more minor offences. The more effective manner of penalising people proposed in this scheme will also assist with court time and trial backlogs. Nevertheless, the offender will retain the right to be heard by a court. That mechanism will allow people to contest the facts of a case when they argue that they did not commit the offence for which the penalty notice was issued. Even when issued with a penalty notice, it is obviously necessary for people to have the capacity to contest in court the facts that are alleged by that notice. The trial will be evaluated by the New South Wales Ombudsman after 12 months to ensure that the proposed scheme has met its aims. The bill was amended in the other place to rectify a minor drafting error. The Government did not intend that a \$300 fine should apply to the theft of property worth more than \$500. The original figure of \$500 was included in error. I commend the amended bill to the House.