



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2021-2022 Answers to Supplementary Questions

Portfolio Committee No. 1 – Premier and Finance

FINANCE, EMPLOYEE RELATIONS

Hearing: 4 March 2022

Questions from the Hon Mark Buttigieg MLC *(on behalf of the Opposition)*

Garnishee orders

1. How many residents have a garnishee order on pause as at 7 March 2022?
Answer: 99,135 (as at 18 March 2022)
2. What is the total value of garnishee orders on pause as at 7 March 2022?
Answer: \$199.54 million (as at 18 March 2022)
3. What is the lowest debt amount subject to a garnishee order on pause as at 7 March 2022?
Answer: \$20.00 (as at 18 March 2022)
4. What is the highest debt amount subject to a garnishee order on pause as at 7 March 2022?
Answer: \$183,723.00 (as at 18 March 2022)

5. For each year between 2015 and 2022, what were the pre-programmed rules used in the Fines Enforcement System and Debt Profile Report to issue garnishee orders?

Answer:

For each year between 2015 and 2022 the pre-programmed rules used in the Fines Enforcement System (FES) and Debt Profile Report (DPR) to issue a Garnishee Order (GO) were based on the following general rules which ensured compliance to legislation:

- a. customer has not been identified for a higher priority action
- b. customer does not have an existing Payment Plan or Work & Development Order
- c. customer has at least one Overdue Fine
- d. customer's total overdue balance is \$20 or greater
- e. customer has never contacted us or not contacted in the last 7 days
- f. customer has at least one Overdue Fine issued in the previous 7 years
- g. customer has not made any payment to Revenue NSW in the previous 14 days
- h. customer has not had a Transport for NSW sanction applied in the previous 14 days
- i. customer is aged between 18 and 70 years (inclusive)
- j. customer has not had a letter advising them of a likely referral to an external debt collector (debt partner) issued in the previous 20 days
- k. If the customer has been previously referred to an external debt collection agency, that referral must have been returned under an acceptable reason code ie. not deceased
- l. customer has not already had previous GO issued to all major banks that have previously been unsuccessful within a specific timeframe (CBA and ANZ in the last three months and NAB and WBC in the last six months).

The rules were reviewed in 2020 and no significant updates were made.

Business Connect Program

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Questions on Business Connect should be directed to the Minister for Small Business.

Incorrect offence on penalty notices

30. If an offence is incorrectly recorded on a penalty notice, is that fine void?
- (a) For example: if a penalty notice from a fixed speed camera records the speed limit as 40km/h and the speed travelled as 53km/h but records the offence as "Motor vehicle exceed speed limit – 10km/h and under – Camera recorded – individual" – would that penalty notice be void?
 - (b) Can a penalty notice be re-issued with the correct offence?
 - (c) If the fine had been paid, would a person be entitled to a refund?
 - (d) If demerit points were deducted for the offence, would those be re-instated?

Answer:

The Commissioner of Fines Administration may amend a minor error on a penalty notice as authorised by the Fines Act 1996. If there is a substantial error in the penalty notice it may be withdrawn and re-

issued.

- (a) No . In the example provided, the penalty has been issued for the offence of exceeding the speed limit. The value of the penalty imposed for this offence does not invalidate the penalty notice.
- (b) Yes, a penalty notice can be reissued with a corrected offence.
- (c) If any penalty notice is cautioned or withdrawn after the fine has been paid, the customer is entitled to a refund , subject to other unpaid fines.
- (d) If a penalty notice is withdrawn and demerit points were incurred for the offence, Revenue NSW would notify Transport for NSW and the demerit points would be reinstated.

31. The Revenue NSW website says that if Revenue NSW believes a fine “does not properly disclose the offence”, the fine can be cancelled. Would an incorrect offence on a penalty notice fall under the definition of a fine not properly disclosing the offence?

Answer:

The decision on whether an offence had been properly disclosed would be made on a case-by-case basis for a fine and Revenue NSW may consult with the issuing authority when making this determination.

As authorised by the Fines Act 1996, if during a review of a penalty notice, it is discovered that the penalty notice was issued contrary to law, Revenue NSW must withdraw the penalty notice, However, as stated in (30) above the issuing authority can decide to issue a new penalty with the correct offence details.