

QCCL MEDIA RELEASE

JAILING FINE DEFAULTERS WRONG

Media reports that fine defaulters are again being jailed in a 12 month secret trial by the State Government has dismayed civil libertarians.

Queensland Council for Civil Liberties Vice President Terry O’Gorman said the State Government’s about-face on this issue was puzzling and wrong.

“In 2001 when the policy of jailing fine defaulters was scrapped, then Attorney-General Rod Welford was absolutely right when he said that locking up fine defaulters didn’t recoup money owed to the State” Mr O’Gorman said.

“Mr Welford’s comments are even more relevant now than they were in 2001 when he said then that locking up fine defaulters ‘was crowding our jails with minor offenders and costing thousands of dollars a week in prison costs’”.

“It cost nearly \$2,000 a week to keep a prisoner in jail. At a time when a super jail facility is planned for Gatton to house Queensland’s rapidly rising jail population it is an economic no-brainer to add to the burgeoning Corrective Services already huge budget costs by jailing fine defaulters”.

“While there may be a hard core of consistent fine defaulters, the 70% current clearance/collection rate of new fines shows the problem is not as bad as is suggested” Mr O’Gorman said.

The QCCL Vice President said Attorney-General Kerry Shine’s call for his Department to brief him on options to improve the collection of fines should concentrate more on civil debt recovery methods and an expanded Community Service regime rather than jail remedies.

“An extended Community Service regime should be considered to deal with hard core fine defaulters, especially those who WON’T rather than can’t pay their fines” Mr O’Gorman said.

“There is no place in Queensland jails for any fine defaulters especially now that Queensland’s jail population is quickly accelerating and overcrowding remains a problem”.

Mr O’Gorman said the comment by a nationally respected Sentencing expert in a 2006-2007 Nationwide Sentencing Review was spot on:

“Clearly, failing to recover unpaid fines has undesirable consequences. However, using imprisonment as a sanction for fine default is both costly and unjust. It is clearly unfair and disproportionate to imprison an offender for inability to pay the fine for an offence that, in the first instance, did not justify imprisonment” (1)

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Queensland Council for Civil Liberties

1. See Professor Kate Warner, Professor of Law, University of Tasmania in "Sentencing Review 2006-2007", Criminal Law Journal December 2007 @ page 364.