

FACT SHEET

Monetary Penalties Enforcement Amendment Bill 2026

This Bill proposes amendments to the *Monetary Penalties Enforcement Act 2005* to improve the efficiency and effectiveness of the collection of court fines; infringement notices; and compensation for victims of crime in Tasmania.

The *Monetary Penalties Enforcement Act 2005* commenced operation in April 2008 and introduced a new way of collecting and enforcing the payment of fines, infringement notices, compensation and pecuniary penalty orders in Tasmania.

Collecting and enforcing these amounts means that there are consequences for offenders' unlawful behaviour, which serves as a personal and general deterrent against offending and re-offending. This helps to change behaviours and to achieve the Government's aim of a fair, just and safe Tasmania.

The Bill provides for a range of amendments to the Act to help ensure it works as intended. It seeks to clarify and provide a range of collection and enforcement options particularly to address the minority of people who fail or refuse to pay their outstanding monetary penalties.

Existing processes allow for a graduated approach to collection and enforcement with a series of reminders to encourage compliance and payment instead of immediately moving to more severe sanctions – such as suspension of a person's driver licence or vehicle registration, redirecting money owed to the person, or registering a charge against their property.

The Bill has been developed with consideration of practices in other States and Territories, to ensure that there are consequences for those offenders who fail or refuse to pay their monetary penalties whilst ensuring that the collection process remains effective and fair.

The Bill's amendments include clarification of enforcement powers to help address this issue, in addition to maintaining the current powers to redirect an employee's earnings from their employer to their debt. This includes clarifying processes of redirecting funds from bank accounts, and providing for reciprocal interstate arrangements for debtors who have left Tasmania.

The Bill ensures that redirection orders can be reviewed and varied. This recognises that some individuals may face financial challenges in repaying their debts and protects them from unreasonable hardship.

Overview of the Bill

Key changes in the Bill to improve the operation of the Act and the recovery of monetary penalties accrued in Tasmania include:

- Restoring the original intent of the Act to allow money to be redirected from bank accounts to pay debts owing to the Director. The relevant sections will commence on 28 April 2008 to avoid challenges to redirection orders that were previously made under the Act.

- Removing the administrative sanction that allows for the publication of enforcement debtors' names and personal details which has not been used since January 2023.
- Including obligations for banks and similar organisations in response to receipt of a redirection order requiring them to pay a debt of an enforcement debtor.
- Providing that the MPES must serve copies of redirection orders on enforcement debtors when served on another person.
- Providing that the financial protections currently available to an enforcement debtor for redirection of earnings apply to the issuing of all redirection orders.
- Providing a requirement that changes to the employment status of the employment debtor must be notified to the Director of the MPES where a redirection order has been served on the employer.
- Providing the Director of the MPES with a general power to acquire any information on a specific matter to support the operation of powers under the Act. This includes information from the Commissioner for Police so the Director can better assess the risk to the safety of enforcement officers in the performance of their duties.
- Providing for a power to collect monetary penalties from persons connected to another jurisdiction, and to collect fines for other participating jurisdictions, similar to arrangements currently available under the *Fines Act 1996* (NSW).
- Providing for the electronic service of documents.
- Providing that the deduction of an amount owed by an enforcement debtor from an award of compensation under the *Victim of Crime Assistance Act 1976* is discretionary. It is currently mandatory under the Monetary Penalties Enforcement Act, which is inconsistent with the Victim of Crime Assistance Act.
- Making other minor, technical and consequential amendments that were identified during the drafting process.

The Bill is intended to commence on proclamation to ensure that sections 1-2 and Part 3 of the Bill will commence on 28 April 2008 and that the rest of the Bill will commence once MPES has the necessary online systems in place to facilitate the operation of the amendments.