

Submission:

Renewable Energy Community Benefit Scheme

1. Overview

COTA Tasmania supports the objective of an effective and credible monetary penalties enforcement system and recognises the importance of timely payment, procedural integrity, and public confidence in the administration of penalties.

We also acknowledge that the Bill contains some welcome changes, including removal of publication of debtor details as an enforcement mechanism and greater discretion in relation to deductions from victims of crime compensation where hardship is relevant.

At the same time, COTA Tasmania considers that several aspects of the Bill require stronger safeguards to ensure enforcement action remains fair, proportionate, and accessible in practice.

In particular, the Bill raises concerns for older Tasmanians who may be on low or fixed incomes, digitally excluded, living with cognitive impairment, managing ill health, or reliant on a driver licence or vehicle registration for essential daily living.

COTA Tasmania therefore supports the Bill's intent in principle, but submits that it should be strengthened to better protect against avoidable hardship and unfair outcomes.

2. About COTA Tasmania

COTA Tasmania (Council on the Ageing Tasmania) is Tasmania's peak body representing older Tasmanians. For more than 60 years, we have been a trusted voice for older people, promoting positive attitudes to ageing, advancing social inclusion, and championing the rights, interests, and value of people as they age.

We provide independent, evidence-based policy and advocacy informed by the lived experience of older people and engagement with stakeholders across government, community services, and industry. Our focus is on improving outcomes for older Tasmanians and supporting ageing as a time of opportunity, contribution, and security.

We collaborate with other peak bodies, national COTA colleagues, and sector partners to challenge ageism and support practical reforms that enable people to age with dignity, independence, and connection in the communities they choose.

3. Why this matters

Tasmania has the oldest population of any Australian state, and a high proportion of older people live on low or fixed incomes, often with limited financial buffer when unexpected costs arise.

Many also live in regional and rural areas where access to transport, services, and digital support can be limited. In that context, changes to the monetary penalties enforcement system can have disproportionate impacts on older Tasmanians, even where those changes are intended to improve administrative efficiency.

For older people, the consequences of enforcement action can extend well beyond the penalty itself. Sudden redirection of funds from a bank account may affect a person's ability to pay for essentials such as rent, food, electricity, medication, and transport. Licence or registration sanctions may seriously affect access to medical care, shopping, volunteering, caring responsibilities, and social connection, particularly where there are few public transport alternatives.

Digital service of notices may also create unfairness for people who have limited digital literacy, unreliable internet access, outdated devices, or difficulty recognising and responding to official electronic communications.

An effective enforcement system must therefore do more than recover unpaid monetary penalties. It must also ensure that processes are fair, accessible, and proportionate, and that they do not unintentionally deepen hardship or disadvantage for people who are already vulnerable.

This Bill matters because it raises important questions about financial hardship, procedural fairness, digital inclusion, transport dependence, and equitable access to justice for older Tasmanians.

4. Summary of recommendations

COTA Tasmania supports the objective of an effective and fair monetary penalties enforcement system, but recommends that the *Monetary Penalties Enforcement Amendment Bill 2026* be strengthened to ensure older Tasmanians are not unfairly disadvantaged.

COTA Tasmania recommends that:

1. Essential living funds be protected before any bank-account redirection order is made, including through a protected minimum amount or other clear safeguards for money needed for housing, food, utilities, medication, and care.
2. Hardship and vulnerability be explicitly taken into account before major enforcement action is taken, including a person's age, income source, health needs, caring responsibilities, disability, literacy, and cognitive capacity.
3. Electronic service not rely on deemed consent alone, and that significant enforcement notices require either express opt-in to electronic service or parallel service by post.
4. All enforcement communications be accessible and in plain English, with clear information about review rights, payment options, hardship pathways, and how to seek assistance by telephone or other non-digital means.
5. Information-gathering powers be exercised proportionately and transparently, with clear limits on what may be required and simple explanations of why information is being sought and what happens next.
6. Licence and registration sanctions only be used after careful hardship assessment, particularly where loss of transport would affect access to health care, essential services, caring responsibilities, or social connection.

7. Interstate enforcement arrangements include strong fairness safeguards, including accessible notice, review rights, and protection against undue hardship from additional enforcement costs.
8. Implementation of the Bill be supported by a human-centred administrative approach, including plain-English materials, telephone-based assistance, clear hardship processes, and staff capability to identify and respond to vulnerability.

5. Detailed comments

5.1 Protecting essential living funds

COTA Tasmania is concerned about the Bill's restoration and clarification of the power to redirect money from an enforcement debtor's bank account, including the retrospective validation of past bank-account redirection orders.

While the fact sheet notes that financial safeguards are to apply and that redirection orders may be reviewed, varied, or revoked, the practical risk for older Tasmanians remains significant where people are living on the Age Pension, modest superannuation, or other low incomes.

For many older people, even a relatively small loss of available funds can have immediate consequences for essential living costs. Rent, rates, utilities, food, medication, transport, and care expenses are often tightly balanced from fortnight to fortnight. In those circumstances, redirection of money from a bank account may create hardship that is difficult to reverse quickly, particularly for a person who is unwell, isolated, digitally excluded, or unable to navigate review processes with confidence.

The Bill improves the enforcement framework, but stronger statutory protection is needed to ensure that money reasonably required for basic living expenses is not swept up in enforcement action.

5.2 Hardship and vulnerability should be explicitly considered

COTA Tasmania strongly supports a graduated enforcement system and notes the fact sheet's statement that current arrangements already allow income and expenses to be considered when a payment plan is needed, and that where a person's only source of income is welfare benefits, small fortnightly payments are usually approved and enforcement action ceases. That is an important safeguard and should continue.

However, the Bill goes further in modernising enforcement tools.

COTA Tasmania considers that the legislation should also more clearly require decision-makers to take account of hardship and vulnerability before major enforcement action is taken.

From our perspective, this should include not only income and expenses, but also age, health, disability, caring responsibilities, cognitive impairment, literacy, social isolation, and the person's practical ability to respond to official communications.

A system may be lawful and administratively efficient, but still produce unfair outcomes if it assumes all debtors have equal capacity to understand notices, negotiate arrangements, and protect their interests.

5.3 Electronic service should not rely on deemed consent alone

The proposed electronic service provisions are most concerning.

The Bill provides that if a person has supplied an email address, facsimile number, or telephone number capable of receiving text-based electronic communications, they are taken to have consented to service by electronic communication. It also provides that service is taken to have occurred when the communication is transmitted unless the contrary is proved.

This creates a real risk of unfairness for older Tasmanians, who often use digital technology unevenly, intermittently, or with assistance. Some have an email address but do not check it regularly. Others may share devices, change phone numbers, struggle with passwords, or have limited confidence in distinguishing official communications from spam or scams.

The fact that a person once provided a contact detail should not automatically mean they have knowingly agreed to receive important enforcement notices only by electronic means. Where the consequences may include redirection of funds, licence-related sanctions, or interstate enforcement, stronger notice requirements are warranted.

5.4 Communications should be accessible, clear, and non-digital options preserved

COTA Tasmania acknowledges that electronic service may improve administrative efficiency, and that the Bill seeks to modernise aspects of the enforcement process. However, efficiency should not come at the expense of accessibility or procedural fairness. The more significant the enforcement consequence, the more important it is that communication be genuinely received, understood, and able to be acted upon.

For enforcement action to be fair in practice, notice must not only be sent; it must be reasonably likely to be received, understood, and able to be acted on.

The fact sheet presents electronic service as an administrative improvement - but, for many older people, the real issue is whether service is meaningful in practice. COTA Tasmania therefore considers that enforcement communications should be in plain English, clearly explain what is happening and why, and set out available review rights, payment options, and hardship pathways in a straightforward and prominent way.

Just as importantly, the system should continue to support telephone-based and other non-digital contact options so that people are not pushed into default or escalation simply because they are unable to engage effectively online.

5.5 Information-gathering powers should be proportionate and transparent

The Bill inserts a new power allowing the Director, by written notice, to require any person to provide information or documents for the purposes of administering or enforcing the Act, with a penalty applying for non-compliance unless the person has a reasonable excuse. It also expands the information that may be disclosed by the Commissioner of Police, including contact details, address information, known assets, and certain safety-related information relevant to enforcement officers.

COTA Tasmania acknowledges that enforcement agencies require access to relevant information to perform their functions effectively and safely. However, these powers are broad and should be accompanied by clear expectations of proportionality, necessity, and transparency.

Older people may be less likely to understand what information is being sought, what their obligations are, what constitutes a reasonable excuse, or where they can go for help.

This is especially so where legal, financial, or administrative language is used. Therefore, any compulsory information request should be clearly framed, no broader than necessary, and easy for an ordinary person to understand and respond to.

5.6 Transport-related sanctions should only be used after careful hardship assessment

The fact sheet confirms that the current enforcement model includes a graduated process with reminders before moving to more severe sanctions such as suspension of a person's driver licence or vehicle registration, redirecting money owed to the person, and registering a charge against property. COTA Tasmania acknowledges that these measures are intended to encourage compliance where other efforts have failed. Even so, licence and registration sanctions can have especially severe consequences for older Tasmanians.

In many parts of Tasmania, access to a private vehicle is not a convenience but a necessity. It can determine whether a person can attend health appointments, collect prescriptions, buy groceries, maintain social and community connection, continue volunteering, or provide care to a partner or family member. Where public transport is limited or unavailable, loss of access to lawful transport can deepen isolation and increase risks to health and wellbeing.

For this reason, COTA Tasmania considers that transport-related sanctions should only be used after careful assessment of hardship and essential reliance, with payment arrangements preferred wherever possible for people facing vulnerability or financial stress.

5.7 Interstate enforcement should include strong fairness safeguards

COTA Tasmania notes the Bill's creation of a reciprocal interstate enforcement scheme, designed to improve recovery where a person has a relevant connection with another jurisdiction and other enforcement action has not been, or is unlikely to be, successful. The fact sheet also notes that the scheme would allow for recovery of a broader range of monetary penalties and establish a framework for repayment, including enforcement costs.

COTA Tasmania understands the rationale for these arrangements, particularly where substantial debts remain unresolved after a person has moved interstate or overseas. However, older people may move jurisdictions for entirely ordinary reasons associated with ageing, including downsizing, entering care, moving closer to family, or responding to health and support needs.

However, interstate enforcement can be difficult to understand and may be especially challenging for a person with limited literacy, confidence, or support.

Therefore, while COTA Tasmania is not opposed to reciprocal enforcement in principle the process must include accessible notice, clear review rights, and careful attention to hardship, especially where additional enforcement costs may compound existing disadvantage.

5.8 Implementation should be human-centred, accessible, and fair

COTA Tasmania recognises that the Bill contains some positive reforms.

In particular, we support the removal of publication of debtor details as an enforcement mechanism, and the shift from mandatory to discretionary deductions from victims of crime compensation, with hardship expressly able to be considered. These are sensible and more proportionate changes.

At the same time, the overall effect of the Bill is to modernise and expand enforcement tools. For that reason, implementation will matter as much as legislative wording.

COTA Tasmania strongly encourages a human-centred administrative approach that includes plain-English materials, accessible telephone support, clear hardship processes, and staff capability to identify and respond appropriately to vulnerability.

An effective enforcement system should not only recover debt - but it should also do so in a way that is transparent, proportionate, and responsive to the lived realities of people who may already be managing financial stress, poor health, functional limitation, or digital exclusion.

The skills and training afforded to enforcement staff will therefore be critical.

6. Conclusion

COTA Tasmania supports the objective of an effective and credible monetary penalties enforcement system, and acknowledges the need for penalties imposed by courts and statutory authorities to be enforceable. We also recognise that the Bill contains some positive and sensible reforms, including removal of publication of debtor details and greater discretion to avoid automatic deductions from victims of crime compensation where hardship is relevant.

However, COTA Tasmania considers that the Bill should be strengthened to ensure that enforcement remains proportionate, accessible, and fair in practice. In particular, stronger safeguards are needed to protect essential living funds, prevent unfair reliance on deemed electronic service, ensure hardship and vulnerability are properly taken into account, and avoid enforcement measures that may disproportionately affect older people's health, independence, and access to essential services.

An effective enforcement system should not only recover unpaid monetary penalties efficiently. It should also operate in a way that is fair, transparent, and responsive to the circumstances of people who may already be experiencing financial stress, digital exclusion, poor health, or reduced capacity to navigate formal processes. COTA Tasmania therefore supports the Bill's intent in principle, but urges the Government to refine the legislation and its implementation to better protect older Tasmanians from avoidable hardship and unfair outcomes.