

Ms K Bourne
Office of the Secretary
Department of Justice
GPO Box 825
Hobart TAS 7001

By email: haveyoursay@justice.tas.gov.au

Dear Ms Bourne

Neighbourhood Disputes About Plants Amendment Bill 2026

COTA Tasmania welcomes the opportunity to provide brief comment on the consultation draft of the *Neighbourhood Disputes About Plants Amendment Bill 2026*.

COTA Tasmania is the peak body representing the interests of older Tasmanians. Our interest in this Bill is primarily in ensuring that the legislative framework is accessible, fair, and practical for older people, both as affected landholders and as land owners on which disputed plants may be growing.

Neighbourhood disputes about trees, hedges, and overhanging branches can have a significant impact on older people. Overhanging branches may affect safe access, block light, damage gutters or paths, increase maintenance burdens, or contribute to fall risks. At the same time, older landowners - particularly those on fixed or low incomes, living alone, experiencing frailty or disability, or living in regional areas - may face real difficulty arranging or paying for pruning or removal works.

COTA Tasmania therefore supports the intent of clarifying and limiting the amount recoverable from a landowner where a branch removal notice is not complied with. A cap on recoverable costs may assist in preventing disproportionate or unexpected financial imposts.

However, we suggest that the prescribed amount should be set transparently, reviewed periodically, and informed by realistic costs, including the higher costs that may apply in rural and regional areas.

We also support the proposed requirement that applications to TASCAT include details of earlier action taken under Part 3, or reasons why no such action was taken. In principle, encouraging early resolution is sensible and may help avoid unnecessary escalation of neighbourhood disputes.

Having said that, COTA Tasmania urges care to ensure that this requirement does not create an unintended barrier for vulnerable people.

There may be circumstances in which an older person has not taken earlier action because of intimidation, fear of conflict, illness, disability, cognitive impairment, lack of practical support, or uncertainty about their rights and obligations.

Any guidance accompanying the legislation should make clear that these kinds of circumstances may be relevant when explaining why earlier action was not taken.

COTA Tasmania also recommends that plain-English guidance be provided for the community, including examples of the steps people are expected to take before applying to TASCAT, what costs may be recoverable, and where people can seek assistance. This guidance should be available in both digital and non-digital formats, including through non-digital channels such as telephone and printed information, recognising that many older Tasmanians continue to experience barriers to online information and services.

COTA Tasmania further recommends that accessible printed information be made available through Service Tasmania outlets and local council offices. This would provide an important non-digital source of practical information for older people and others who may not readily access material online.

Providing clear, plain-English materials in these local settings would also help raise general awareness of the rights, responsibilities, and early-resolution options available under the Act – and potentially prevent disputes from escalating unnecessarily.

In summary, COTA Tasmania supports the broad intent of the Bill, subject to careful implementation that ensures the scheme remains accessible, proportionate, and fair for older Tasmanians.

Yours sincerely

A handwritten signature in black ink, reading "Brigid Wilkinson". The signature is written in a cursive, flowing style.

Brigid Wilkinson
Chief Executive Officer

6th July 2026