

TASMANIA

**MONETARY PENALTIES ENFORCEMENT
AMENDMENT BILL 2026**

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MONETARY PENALTIES ENFORCEMENT AMENDMENT BILL 2026

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
20 August 2026

*(Brought in by the Minister for Justice, Corrections and
Rehabilitation, the Honourable Guy Barnett)*

A BILL FOR

An Act to amend the *Monetary Penalties Enforcement Act 2005*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Monetary Penalties Enforcement Amendment Act 2026*.

2. Commencement

- (1) Except as provided by subsection (2), this Act commences on a day to be proclaimed.
- (2) This section, section 1 and Part 3 are taken to have commenced on 28 April 2008.

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**PART 2 – MONETARY PENALTIES ENFORCEMENT
ACT 2005 AMENDED**

3. Principal Act

In this Part, the *Monetary Penalties Enforcement Act 2005** is referred to as the Principal Act.

4. Section 54 amended (Administrative sanctions)

Section 54(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (f) “Act;” and substituting “Act.”;
- (b) by omitting paragraph (g).

5. Section 65 repealed

Section 65 of the Principal Act is repealed.

6. Section 84 amended (Issue of order for redirection of money owing)

Section 84 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) The Director must, as soon as practicable after issuing a redirection of money

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owing order, serve a copy of the order on the enforcement debtor.

7. Section 85 amended (Director may cancel or vary redirection of money owing orders)

Section 85 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “order was issued.” and substituting “order was issued; or”;
- (b) by inserting the following paragraph after paragraph (b) in subsection (2):
 - (c) the redirection of money owing order is causing the applicant unreasonable hardship.
- (c) by omitting from subsection (4) “he or she may cancel or vary the relevant redirection of money owing order” and substituting “the Director may cancel or vary the relevant redirection of money owing order, having regard to any matter that the Director considers relevant, including whether the order is causing the enforcement debtor unreasonable hardship”.

8. Section 86 amended (When Director may issue order for redirection of earnings)

Section 86 of the Principal Act is amended as follows:

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(a) by omitting subsection (1) and substituting the following subsections:

(1) Subject to subsection (2), the Director may issue an order for the redirection of an enforcement debtor's earnings to –

(a) the employer of the enforcement debtor; or

(b) a person who is liable to make payments to the enforcement debtor for the provision of services by the enforcement debtor.

(1A) In this section, a reference to an enforcement debtor's earnings includes amounts payable to the enforcement debtor for the personal services of the enforcement debtor, including under a contract for services, whether or not the enforcement debtor carries on business as a sole trader or otherwise.

(b) by omitting from subsection (2) “may only issue an order for redirection of the enforcement debtor's earnings if he or she is satisfied of the following:” and substituting “must not issue an order under subsection (1) unless the Director is satisfied of the following:”;

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- (c) by omitting paragraph (a) from subsection (2) and substituting the following paragraph:
 - (a) that the person to whom the order is issued is –
 - (i) the enforcement debtor’s employer; or
 - (ii) a person who is liable to make payments to the enforcement debtor for the provision of services by the enforcement debtor;
 - (d) by omitting from subsection (3) “employer” and substituting “person to whom the order was issued”.

9. Section 90A inserted

After section 90 of the Principal Act, the following section is inserted in Division 4:

90A. Director to be notified of significant change in employment

An enforcement debtor and the enforcement debtor’s employer must give written notice to the Director of any significant change in the employment of the enforcement debtor that is likely to affect an order for the redirection of the enforcement debtor’s earnings issued

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under section 86 within 14 days after the
significant change occurs.

Penalty: Fine not exceeding 15 penalty
units.

**10. Section 94 amended (Employers not to disclose
information, &c.)**

Section 94 of the Principal Act is amended as
follows:

- (a) by omitting from subsection (1)(b)
“enforcement debtor.” and substituting
“enforcement debtor; or”;
- (b) by inserting the following paragraph after
paragraph (b) in subsection (1):
 - (c) a person who is liable to make
payments to an enforcement
debtor for the provision of
services by the enforcement
debtor.
- (c) by inserting the following subsection
after subsection (1):
 - (1A) For the purposes of
subsection (1)(c), payments for
the provision of services include
amounts payable under a contract
for services, whether or not the
enforcement debtor carries on
business as a sole trader or
otherwise.

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11. Section 98A inserted

After section 98 of the Principal Act, the following section is inserted in Division 4:

98A. Money in account taken to be debt owed to enforcement debtor

For the purposes of this Act, any money in an account held by an enforcement debtor with an ADI is taken to be a debt owed to the enforcement debtor and may be redirected from the account even if any of the following conditions applicable to the account are not satisfied:

- (a) a demand or notice is required before money may be withdrawn;
- (b) a personal application must be made before money may be withdrawn;
- (c) a deposit book must be produced before money may be withdrawn;
- (d) a receipt for money deposited in the account must be produced before money may be withdrawn.

12. Sections 99A and 99B inserted

After section 99 of the Principal Act, the following sections are inserted in Division 4:

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99A. Director to have regard to enforcement debtor's financial circumstances

In deciding whether to issue a redirection of money owing order under section 84(2)(b) to redirect all or part of a debt owed to an enforcement debtor, the Director is to consider any evidence before the Director that is relevant to –

- (a) the enforcement debtor's ability to satisfy the enforcement debt; and
- (b) whether the enforcement debtor will have enough money available, after the redirection of money owing order is issued, to meet the necessary living expenses of the enforcement debtor, and the enforcement debtor's dependants, and any other known liabilities of the enforcement debtor; and
- (c) whether the amount to be redirected would impose unreasonable hardship on the enforcement debtor; and
- (d) whether the enforcement debtor has had a reasonable opportunity to apply for a variation of payment conditions under section 27.

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99B. Obligations of authorised deposit-taking institutions

- (1) This section applies to an ADI that has been served by the Director with a redirection of money owing order.
- (2) An ADI must deduct from the account, or accounts, held by the enforcement debtor, in respect of whom the redirection of money owing order has been issued, an amount equal to the lesser of the following amounts:
 - (a) the amount specified in the redirection of money owing order;
 - (b) 25% of the total available balance held in all accounts of the enforcement debtor with the ADI.

Penalty: Fine not exceeding 20 penalty units.

- (3) An ADI must pay the money deducted under subsection (2) to the Director within 2 days after being served with the redirection of money owing order.

Penalty: Fine not exceeding 20 penalty units.

- (4) Unless required under a redirection of money owing order to deduct an amount from a particular account held by the enforcement debtor with the ADI –

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- (a) the ADI may choose the account from which to deduct the amount; and
- (b) the ADI may deduct the amount by deducting lesser amounts from 2 or more accounts held by the enforcement debtor.

13. Section 101 amended (Offence of obstructing enforcement officer)

Section 101 of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “or the Director” after “an enforcement officer”;
- (b) by omitting from paragraph (a)(i) “his or her” and substituting “the enforcement officer’s or the Director’s”;
- (c) by inserting in paragraph (a)(ii) “or the Director” after “officer”;
- (d) by inserting in paragraph (b) “or the Director” after “officer”.

14. Part 9A inserted

After section 108 of the Principal Act, the following Part is inserted:

PART 9A – INTERSTATE FINE ENFORCEMENT
Division 1 – Interpretation

108A. Interpretation of Part

(1) In this Part –

another jurisdiction means a State or
a Territory other than Tasmania;

discharged, in relation to an interstate
fine or part of such a fine, means
discharged because of payment,
remission, pardon or otherwise;

interstate fine means a fine or other
monetary amount that is payable
by a person under an order in
force under the law of another
jurisdiction for one or more
offences, or alleged offences,
against the law of that
jurisdiction, and includes –

(a) any costs (including
expenses or
disbursements) payable
by the person under the
order; and

(b) such other amounts (if
any) as may be
prescribed;

***interstate fine enforcement authority
for an interstate fine*** means a

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court, government department or other agency (or an officer of a court, government department or other agency) that is responsible for the enforcement of the interstate fine in the originating jurisdiction;

interstate fine enforcement order
means an order under section 108C;

offender, in relation to an interstate fine or a Tasmanian monetary penalty, means the person on whom the interstate fine or monetary penalty was imposed;

order includes –

- (a) a verdict or judgment; and
- (b) a notice requiring the payment of a fine for an offence or alleged offence;

originating jurisdiction means the jurisdiction in which the order under which an interstate fine is payable was made;

participating jurisdiction means another jurisdiction –

- (a) in which Tasmanian enforcement orders may

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be enforced under the law
of that jurisdiction; or

- (b) that is prescribed to be a
participating jurisdiction
for the purposes of this
Part;

Tasmanian enforcement order means
an enforcement order in relation
to a Tasmanian monetary penalty;

Tasmanian monetary penalty means a
monetary penalty for which
Tasmania is the originating
jurisdiction.

- (2) If a provision of this Part confers a
function on the originating jurisdiction
for an interstate fine, that function may
be exercised by –

- (a) an interstate fine enforcement
authority for the interstate fine; or
- (b) any other body or person that the
Director is satisfied is authorised
to exercise the function on behalf
of the originating jurisdiction.

**108B. Relevant connection of offender with a
jurisdiction**

For the purposes of this Part, an offender
has a relevant connection with a
jurisdiction if the offender has any one or

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more of the following connections with the jurisdiction:

- (a) the offender is resident in the jurisdiction;
- (b) the offender holds a licence or permit to drive a motor vehicle issued in the jurisdiction;
- (c) the offender has debts owing to the offender in the jurisdiction in respect of which an order for the redirection of money owing could be issued;
- (d) the offender has a motor vehicle that is registered in the jurisdiction;
- (e) the offender has property that is located in the jurisdiction;
- (f) the offender has such other connection with the jurisdiction as may be prescribed.

Division 2 – Enforcement of interstate fines in Tasmania

108C. Power to make interstate fine enforcement orders

- (1) The Director may make an order (an *interstate fine enforcement order*) for the enforcement of an interstate fine in this jurisdiction.

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- (2) An interstate fine enforcement order may be made in relation to an interstate fine only if –
- (a) the originating jurisdiction for the interstate fine is a participating jurisdiction; and
 - (b) a request for the order has been duly made under this Part by the interstate fine enforcement authority for the interstate fine; and
 - (c) Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth does not apply to the fine.
- (3) A single interstate fine enforcement order may be made for the enforcement of 2 or more interstate fines payable by a person.
- (4) An interstate fine enforcement order may be made in the absence of, and without prior notice to, the person liable to pay the interstate fine.
- (5) The Director must not make an interstate fine enforcement order unless the originating jurisdiction for the interstate fine, or a person or body acting on its behalf, is required (whether because of statutory duty, agreement or otherwise) to notify the Director if the interstate fine is partially or fully paid in the originating jurisdiction.

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108D. Effect of interstate fine enforcement order

This Act, other than Part 8, applies to the enforcement of an interstate fine following the making of an interstate fine enforcement order in the same way as it applies to a fine following the making of a Tasmanian enforcement order.

108E. Request for interstate fine enforcement order

- (1) The originating jurisdiction for an interstate fine may request the Director to make an interstate fine enforcement order in relation to the fine if –
 - (a) the liability of the offender to pay the fine has not been fully discharged; and
 - (b) there is reason to believe that the offender has a relevant connection with this jurisdiction.
- (2) The request must –
 - (a) be made in writing; and
 - (b) include all information required by the Director to make an interstate fine enforcement order.
- (3) A request for the making of an interstate fine enforcement order is to be made by electronic means unless otherwise agreed with the Director.

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- (4) A single request may be made in relation to more than one interstate fine, in which case this section applies to each of the fines to which that request relates.
 - (5) A request may not be made under this section in relation to an interstate fine if –
 - (a) action to enforce the fine is being taken in another jurisdiction; or
 - (b) Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth applies to the fine.

108F. Form of interstate fine enforcement order

An interstate fine enforcement order must specify the following matters:

- (a) the offender's name, address and date of birth (if known);
- (b) a description of the offence, or alleged offence, in respect of which each interstate fine to which the order applies was imposed;
- (c) the originating jurisdiction and the name of the interstate fine enforcement authority that requested the making of the order;

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- (d) the date on which each interstate fine was imposed;
- (e) the amount required to be paid, being the amount of the interstate fine that remains to be paid, together with specified enforcement costs payable in this jurisdiction.

108G. Amendment or withdrawal of request for interstate fine enforcement order

- (1) The originating jurisdiction for an interstate fine may, at any time and by notice in writing to the Director, request the Director to amend or withdraw an interstate fine enforcement order for the interstate fine.
- (2) A request is to be made by electronic means unless otherwise agreed with the Director.
- (3) A request must include all information required by the Director to amend or withdraw the order.
- (4) A request may be made whether or not the interstate fine has been paid.
- (5) A notice given to the Director, by the originating jurisdiction in relation to an interstate fine, to the effect that the interstate fine has been partially or fully

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paid in the originating jurisdiction is taken –

- (a) to be a request for amendment of any interstate fine enforcement order that applies to the interstate fine (if the interstate fine has been partially paid); or
- (b) to be a request for the withdrawal of an interstate fine enforcement order that applies to the interstate fine or, if the order relates to more than one interstate fine, for the partial withdrawal of the order as it relates to that particular interstate fine (if the interstate fine has been fully paid).

108H. Amendment or withdrawal of interstate fine enforcement order

- (1) The Director may (and, if requested by the originating jurisdiction for the interstate fine, must) amend an interstate fine enforcement order –
 - (a) to reduce the amount that is payable under the order to recognise payments made in the originating jurisdiction to partially discharge the fine; or
 - (b) to otherwise correct an error.

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- (2) The Director may withdraw an interstate fine enforcement order if satisfied that –
 - (a) the liability of the offender to pay an interstate fine to which the order applies has been fully discharged (otherwise than by payment to the Director); or
 - (b) the person named in the order is not the same person as the person on whom a fine to which the order applies was imposed; or
 - (c) the order was otherwise made in error.
- (3) An interstate fine enforcement order may be completely withdrawn or partially withdrawn to the extent that it applies to a particular fine.
- (4) An interstate fine enforcement order must be withdrawn, or partially withdrawn, in accordance with any request for withdrawal made by the originating jurisdiction for the interstate fine.
- (5) The Director is to provide written confirmation to the originating jurisdiction that an interstate fine enforcement order has been withdrawn or amended in accordance with a request duly made by that jurisdiction.

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108I. Effect of amendment or withdrawal of interstate fine enforcement order

- (1) If an interstate fine enforcement order is amended –
 - (a) the order continues to have effect in its amended form; and
 - (b) any enforcement action already taken is to be reversed, unless the same enforcement action is authorised under the order (as amended), a Tasmanian enforcement order or another interstate fine enforcement order; and
 - (c) any amount that has already been paid under the order is taken to have been paid under the order (as amended); and
 - (d) any excess amount paid is repayable to the person by whom it was paid.
- (2) If an interstate fine enforcement order is withdrawn completely –
 - (a) the order then ceases to have effect; and
 - (b) any enforcement action already taken is to be reversed, unless the same enforcement action is authorised under a Tasmanian

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- enforcement order or another interstate fine enforcement order; and
 - (c) enforcement costs are not payable under the order; and
 - (d) any excess amount paid is repayable to the person by whom it was paid.
- (3) If an interstate fine enforcement order is partially withdrawn to the extent that it applies to a particular fine –
- (a) the order continues to have effect in respect of any remaining interstate fine to which it applies; and
 - (b) any excess amount paid is repayable to the person by whom it was paid.
- (4) The withdrawal of an interstate fine enforcement order does not prevent the making of a further order in respect of the interstate fine.
- (5) In this section, an excess amount paid is any amount paid in excess of the total of the following:
- (a) the enforcement costs (if any) payable under the interstate fine enforcement order;

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- (b) the amounts payable under any Tasmanian enforcement orders in force in relation to the offender;
- (c) if the interstate fine enforcement order is amended or partially withdrawn, the amount payable under the order as in force after its amendment or partial withdrawal.

108J. Director may cease enforcement of interstate fine enforcement order

- (1) The Director may, at any time, by notice given to the interstate fine enforcement authority for an interstate fine, cease the enforcement of an interstate fine enforcement order.
- (2) On receipt of the notice by the interstate fine enforcement authority for an interstate fine, responsibility for enforcement of the interstate fine enforcement order returns to that authority.

108K. Enforcement costs payable under interstate fine enforcement orders

- (1) The regulations may prescribe amounts as enforcement costs for interstate fine enforcement orders.

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- (2) Any amount prescribed under subsection (1) is payable in addition to any other enforcement costs payable under this Act.

108L. Application of amounts recovered

- (1) Any amount recovered as a consequence of the making of an interstate fine enforcement order is to be applied as follows:
 - (a) firstly, towards enforcement costs payable under the interstate fine enforcement order;
 - (b) secondly, towards the amount payable under any Tasmanian enforcement order in force in relation to the offender;
 - (c) thirdly, towards the amount payable under the interstate fine to which the interstate fine enforcement order applies.
- (2) The Director and an interstate fine enforcement authority for an interstate fine to which an interstate fine enforcement order applies may enter into arrangements for the payment to the authority or its nominee of any amounts that are payable under this section towards the interstate fine.

***Division 3 – Enforcement of Tasmanian enforcement
orders in participating jurisdictions***

**108M. Director may request enforcement of
Tasmanian enforcement order**

- (1) The Director is authorised –
 - (a) to make a request in accordance with the law of a participating jurisdiction for the enforcement in that jurisdiction of a Tasmanian enforcement order; and
 - (b) to request the amendment or withdrawal of enforcement action in that jurisdiction in accordance with the law of the participating jurisdiction; and
 - (c) to exercise the functions of a fine enforcement officer under Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth.
- (2) The Director may make a request for the enforcement of a Tasmanian enforcement order in a participating jurisdiction only if –
 - (a) the liability of the offender to pay the Tasmanian monetary penalty to which the Tasmanian

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- enforcement order applies has not been fully discharged; and
- (b) the Director is satisfied that enforcement action under this Act has not been successful or is likely to be unsuccessful; and
- (c) there is reason to believe that the offender has a relevant connection with the participating jurisdiction; and
- (d) no other enforcement action is being taken in relation to the order in any other participating jurisdiction.
- (3) Subsection (2) does not affect any additional requirements that apply to a request for registration of a monetary penalty as a fine under Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth.
- (4) The Director may enter into arrangements with a participating jurisdiction for the payment to the Director or the Director's nominee of any amounts that are recovered in that jurisdiction in the enforcement of a Tasmanian enforcement order.
- (5) Any amount recovered as a consequence of the enforcement in another jurisdiction of a Tasmanian enforcement order (other than for enforcement costs) is to be dealt

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with as if the amount had been paid on the imposition of the Tasmanian monetary penalty.

- (6) For the purposes of this section, a request, for registration of a Tasmanian monetary penalty in another jurisdiction as a fine under Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth, is taken to be a request for enforcement of a Tasmanian enforcement order.

108N. Notification of payments made in this jurisdiction

The Director must notify a participating jurisdiction of any payment made in this jurisdiction in relation to a Tasmanian monetary penalty –

- (a) after the Director requests enforcement action in relation to the monetary penalty in the participating jurisdiction; or
- (b) after the monetary penalty is registered in that jurisdiction as a fine under Part 7 of the *Service and Execution of Process Act 1992* of the Commonwealth.

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Division 4 – Relationship with Part 9

108O. Relationship with Part 9

The provisions of this Part are in addition to, and do not derogate from, the provisions of Part 9.

15. Section 109 amended (Amount may be deemed to be uncollectable)

Section 109 of the Principal Act is amended as follows:

(a) by omitting from subsection (2) “the prescribed amount” and substituting “\$50 000 or a higher amount as may be prescribed”;

(b) by inserting the following subsection after subsection (3):

(3A) The Director may deem a monetary penalty to be uncollectable if the Director is satisfied that –

(a) the enforcement debtor is deceased; or

(b) the enforcement debtor is a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth and –

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- (i) is in liquidation;
or
 - (ii) has been deregistered under the *Corporations Act 2001* of the Commonwealth.
- (c) by inserting the following subsection after subsection (4):
 - (4A) In respect of an interstate fine, the Director may deem as uncollectable only the costs incurred by the Director in enforcing the interstate fine.

16. Section 110 substituted

Section 110 of the Principal Act is repealed and the following section is substituted:

110. Director may approve and use information system

- (1) The Director may approve and use a system (an *information system*) for any one or more of the following purposes:
 - (a) enabling or facilitating electronic communication between the Director and an issuing authority;
 - (b) enabling or facilitating electronic communication between the

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Director and an enforcement debtor or other person;

- (c) enabling an enforcement debtor, or other person, to access, manage or update the enforcement debtor's or person's account information, including to make payments or enter into payment arrangements;
 - (d) generating decisions of the Director under section 27 of this Act automatically and facilitating the storing and processing of any such decisions.
- (2) Before an information system is used for a purpose referred to in subsection (1), the Director must determine, in writing, the criteria, parameters, requirements and safeguards applying to the use of the information system, including –
- (a) generating a decision automatically; and
 - (b) security and access controls; and
 - (c) record keeping, traceability and audit requirements; and
 - (d) notification requirements in relation to decisions or communications generated automatically by the information system; and

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- (e) ongoing testing and validation of the information system.
 - (3) A determination of the Director under subsection (2) must not be inconsistent with the provisions of this Act.
 - (4) For the purposes of subsection (1)(d), an information system may generate a decision automatically only in accordance with this Act and by applying the criteria, parameters, requirements and safeguards determined by the Director under subsection (2).
 - (5) A decision generated automatically by an information system in accordance with this section is taken to be a decision made by the Director.
 - (6) If a decision is generated automatically by an information system in accordance with this section, the person in respect of whom the decision is made must be provided with the following information in relation to the decision:
 - (a) that the decision was generated automatically by the information system;
 - (b) information explaining the basis on which the decision was generated automatically by the information system;

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- (c) that the person may apply in an approved manner to the Director for a review of the decision.
- (7) On the Director's own initiative or on an application made in an approved manner by a person referred to in subsection (6), the Director may review a decision generated automatically by an information system under this section and may confirm or substitute the decision if the Director considers that it is correct or preferable to do so.
- (8) If the Director makes a decision under subsection (7), the Director is to notify the person in respect of whom the decision was made, in an approved manner, of that decision.
- (9) A decision made by the Director under subsection (7) takes effect on the day specified by the Director or, if no day is specified, on the day on which the decision generated automatically by the information system took effect.
- (10) Without limiting subsection (1), an information system may be operated so as to enable access and functionality on a continuous basis, including outside ordinary business hours and on any day of the year.
- (11) The Director is to publish on a website maintained by the Department

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information explaining the operation of automated decision-making undertaken by an information system used in accordance with this section.

- (12) The regulations may prescribe additional decision-making criteria, parameters, requirements and safeguards that apply to the use of an information system under this section.

17. Section 114A inserted

After section 114 of the Principal Act, the following section is inserted in Division 2:

114A. Confidentiality

A person who is or has been engaged in the administration of this Act must not disclose personal or confidential information acquired in the course of, or as a result of, that administration to another person except in any of the following circumstances:

- (a) the disclosure is made in the performance of a function, or the exercise of a power, under, or for the purposes of, this Act;
- (b) the disclosure is authorised or required by this Act or any other Act;

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- (c) the disclosure is otherwise required or permitted by law;
- (d) the disclosure is made for the purposes of legal proceedings;
- (e) the disclosure is made for or in connection with the reporting or lawful investigation of a crime or unlawful act, whether actual or prospective;
- (f) the disclosure is authorised by the person to whom the information or document relates.

Penalty: Fine not exceeding 50 penalty units.

18. Section 115 amended (Information from Commissioner of Tasmania Police)

Section 115 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:

- (1) The Commissioner of Police may, on the Director's written request, disclose to the Director information in the possession of the Police Service about –
 - (a) a specified person, for the purpose of enabling the Director to take action against the person to enforce payment of an amount under this Act; or

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- (b) a person to whom a debt is, or may be, owed under this Act, for the purpose of identifying or locating that person.
 - (2) The Commissioner of Police may disclose the following information under subsection (1):
 - (a) information about the following matters, only if it is relevant to assessing the risk to the safety of enforcement officers in the performance of their duties under this Act and if the disclosure does not include information relating solely to a victim or complainant, except to the extent that it is relevant to such a safety risk:
 - (i) the person's criminal history indicating a risk of violence or aggression;
 - (ii) threats, violence or aggressive behaviour committed by the person, or involving the person in a way that poses a safety risk to enforcement officers, whether or not the person has been charged with, or convicted of, an offence in relation to the conduct;

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- (iii) any firearms licence issued to, or refused to, the person, or to any person residing at the same address;
- (iv) any assets of the person known to the Commissioner of Police;
- (b) the person's address;
- (c) the person's telephone number or other contact details, including any email address known to the Commissioner of Police.

19. Sections 116A and 116B inserted

After section 116 of the Principal Act, the following sections are inserted in Division 2:

116A. Director may require information or document

- (1) The Director, for the purposes of administering or enforcing this Act, may by written notice require a person to provide –
 - (a) information known to the person, relating to an enforcement debtor's contact details, employment details, assets, finances or banking arrangements, within a specified

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reasonable period and in a
specified reasonable manner; or

- (b) a document, relating to an enforcement debtor's contact details, employment details, assets, finances or banking arrangements, in the person's possession or control within a specified reasonable period and in a specified reasonable manner.

- (2) A person must comply with a requirement under this section unless the person has a reasonable excuse, including but not limited to a legal obligation not to disclose the information or document or if the person reasonably believes that complying with the requirement is likely to endanger a person's safety.

Penalty: Fine not exceeding 20 penalty
units.

- (3) Any information or document provided to the Director under this section must not be used otherwise than for the purposes of this Act.
- (4) In this section –

person means –

- (a) a natural person who the Director reasonably believes may have employed, contracted or

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otherwise engaged an
enforcement debtor; or

- (b) a body of persons, corporate or unincorporate, other than the Crown, that the Director reasonably believes may possess information or documents relating to the matters referred to in subsection (1).

116B. Service on, or provision to, a person of information or documents

- (1) In this section –

electronic communication includes the transmission of information or a document by electronic means in a form capable of being retrieved and accessed by the recipient, including any of the following:

- (a) an email attachment;
 - (b) a link that provides access to a document;
 - (c) an SMS or similar message with a document attached.
- (2) If this Act requires service on, or provision to, a person of any information or document, the information or document may be served or provided by electronic communication if the person

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has consented, in an approved manner, to such service or provision to an electronic address or telephone number provided by the person for that purpose.

- (3) Subsection (2) does not prevent the service or provision of any information or document under section 29AB of the *Acts Interpretation Act 1931*.
- (4) Any information or document sent by electronic communication to an electronic address or telephone number referred in subsection (2) is taken to have been served on, or provided to, the person if the information or document is transmitted in a form that is capable of being retrieved and accessed by the person.
- (5) Unless the contrary is proved, service or provision under subsection (4) is taken to have been effected at the time at which the electronic communication is transmitted by the sender.
- (6) If this Act requires or permits a notice, order, warrant or any document under this Act containing information or a request for information to be given by a person to another person, the notice, order, warrant or document may be transmitted by electronic communication.
- (7) If a notice or enforcement warrant is transmitted under subsection (6) to an

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enforcement officer for the purpose of serving the notice or enforcing the warrant, the enforcement officer must ensure that a copy of the notice or warrant is converted into written form before the notice is served or the warrant is enforced.

- (8) Subsection (6) is in addition to, and does not limit, subsections (2), (3), (4) and (5).

20. Section 117 amended (Deductions from awards made under *Victims of Crime Assistance Act 1976*)

Section 117 of the Principal Act is amended as follows:

- (a) by omitting “must” first occurring and substituting “may”;
- (b) by omitting “must” second occurring and substituting “, if so deducted, must”.

21. Section 121 substituted

Section 121 of the Principal Act is repealed and the following section is substituted:

121. Annual report

- (1) The Director, as soon as practicable after 30 June in each year, is to publish an annual report on the operation of the Monetary Penalties Enforcement Service during the period of 12 months ending on that day.

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- (2) The requirement under subsection (1) is taken to be satisfied if the annual report is included in the Department's annual report for that year.

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**PART 3 – MONETARY PENALTIES ENFORCEMENT
ACT 2005 FURTHER AMENDED**

22. Principal Act

In this Part, the *Monetary Penalties Enforcement Act 2005** is referred to as the Principal Act.

23. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by inserting after the definition of *administrative enforcement* the following definition:

ADI means an authorised deposit-taking institution;

24. Section 98 amended (Order to redirect debt owed to enforcement debtor)

Section 98(1) of the Principal Act is amended as follows:

- (a) by inserting “or an ADI” after “a person”;
- (b) by inserting “or ADI” after “if that other person”;
- (c) by inserting “or ADI” after “requiring that other person”.

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PART 4 – REPEAL OF ACT

25. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last of the uncommenced provisions of this Act commences.