CLAUSE NOTES

Tasmanian Homes and Housing Bill 2026

Clause 1 Short title

The short title will be the *Tasmanian Homes and Housing Act 2026*

Clause 2 Commencement

Provides for the Bill to commence on 1 July 2027, implementing the transfer of the housing functions to Building Tasmania.

Clause 3 Purposes and objectives of Act

Provides the Bill's purposes and objectives.

They recognise housing is a fundamental human right and reinforce a desire to prevent housing stress and homelessness and improve housing outcomes for people in need of support, including through social and affordable housing, and homelessness services.

They are based on the provisions in the *Homes Tasmania Act 2022* but have been updated to maintain their currency.

Clause 4 Interpretation

This clause defines terms and expressions used in the Bill.

Definitions no longer required, or introduced to facilitate Homes Tasmania's governance, have been removed and new definitions relevant to the Bill's operation have been added including affordable housing, housing Crown land, Secretary and social housing.

Clause 5 Meaning of eligible person

Clause 5(1) defines an eligible person.

The Bill maintains a focus on eligible persons and takes an approach to eligibility criteria consistent with the *Homes Tasmania Act 2022*.

A person is an eligible person if they are, or will be, in need of housing assistance for the reasons specified in clause 5(1).

Subclause (1)(e) allows for regulations for eligible persons to be prescribed and makes it possible to recognise emerging housing

needs, for instance if people are displaced by a natural disaster.

Clause 5(2) allows regulations to specify persons that are not eligible persons. This provision removes ambiguity about recipients of housing assistance, ensuring it targets those most in need.

Clause 5(3) introduces a new review mechanism that enables the Secretary to determine a dispute about an eligible person's status and requires them to notify the person of this decision in writing.

Clause 5(4) allows the Secretary, by written notice, to require an assisted person to provide evidence they are an eligible person. If an assisted person fails to comply with a notice issued under clause 5(4) without reasonable excuse, the Secretary may use that failure as evidence that they are not an eligible person.

Clause 6 Meaning of housing provider

This clause provides a definition for housing provider.

A housing provider is a person or entity that constructs, renovates, sells, leases, or manages housing for use by eligible persons. Housing providers currently recognised under the *Homes Tasmania Act 2022* continue to be recognised as housing providers under the Bill.

Regulations may define subcategories of housing provider should they be required.

Clause 7 Act binds Crown

This clause provides that the Act binds the Crown.

Clause 8 Non-application of Acts

The Bill creates a new form of land tenure for Crown land – housing Crown land and provides the provisions needed to manage this form of land. This means the *Crown Lands Act 1976* does not apply.

PART 2 – MANAGEMENT OF HOUSING AND HOUSING CROWN LAND

Clause 9 Functions of Crown when acting as housing agency

This clause establishes the functions of the Crown when acting as Tasmania's housing agency.

The responsibilities listed in subclause (1) are based on the functions

contained in the *Homes Tasmania Act 2022*, updated to reflect the full range of housing functions of the housing agency.

In Subclause (1)(j), the term employee is inclusive of individuals, such as key workers, who deliver services on behalf of the Crown.

Subclause (2) obliges a person performing a function or power under this Bill to do so considering the Bill's purposes and objectives.

Subclause (3) allows for commercial and mixed-use developments if they are not inconsistent with the purposes of the Bill.

Clause 10 Secretary may acquire land for the purposes of Act

This clause allows the purchase of land if the owner agrees. The *Land Acquisition Act 1993* does not apply to these purchases.

Clause 11 Crown land may become housing Crown land

This clause allows Crown land to become housing Crown land.

Clause 12 Housing Crown land becomes Crown land in certain circumstances

This clause provides that housing Crown land may become Crown land but only with the approval of both Houses of Parliament.

Clause 13 Effect of acquisition of land for the purposes of this Act

This clause provides that land acquired will be housing Crown land and must be recorded on the relevant folio of the Register.

Clause 14 Effect of Part

This clause provides that Part 2 does not limit the Crown's ability to deal with real property or carry out functions under any other Act.

It also authorises the Secretary to refuse to enter or vary agreements, including those related to grants and advances.

PART 3 - MISCELLANEOUS

Clause 15 Disputes as to whether land is housing Crown land

This clause gives certainty as to the status of housing Crown land.

Clause 16 Certain money recoverable as debt due to Crown

This clause provides that the Crown can recover unpaid debts.

Clause 17 Protection from liability

This clause provides protection from personal liability.

Clause 18 Misuse of information

This clause prohibits a person from improperly using information.

Clause 19 Treasurer may determine that certain taxes not payable

This clause allows the Treasurer, by notice in the Gazette, to exempt documents or transactions under this Bill from State taxes.

This aims to focus expenditure on housing's delivery.

Clause 20 Delegation

This clause allows the Secretary to delegate any functions or powers under the Bill except the power of delegation.

Clause 21 Housing Crown land register

This clause requires the Secretary to maintain a register to ensure that housing Crown land can be readily identified. This need may be able to be met via the Land Information System Tasmania (LIST).

Clause 22 Regulations

This clause is consistent with other legislation and authorises the Governor to make regulations for the purposes of this Bill.

Clause 23 Savings and transitional provisions

This clause ensures the provisions in Schedule 1 have effect.

Clause 24 Review of Act

This clause requires the Minister to commission an independent review of the Bill's operation within four years of commencement.

The reviewer must give the Minister a written report on the outcome of the review, and table a copy in each House of Parliament.

Clause 25 Administration of Act

The Bill vests responsibility for the legislation in the Minister for Housing and Planning and Building Tasmania.

Clause 26 Consequential Amendments

This clause amends other relevant legislation listed in Schedule 2.

Clause 27 Legislation repealed

This clause repeals the legislation listed in Schedule 3.

Schedule 1 Savings and Transitional Provisions

Schedule 1 contains the savings and transitional provisions needed to facilitate the transfer of housing functions, employees, assets, rights, and liabilities to Building Tasmania or the Crown.

These provisions ensure that all references to former housing authority entities and positions are updated.

Clause 4 provides for a final annual report for Homes Tasmania to be prepared and tabled in both Houses of Parliament.

The Schedule introduces grandfather clauses where required and provides for the Recorder to update entries in the Register.

Schedule 2 Consequential Amendments

Schedule 2 contains amendments to the following legislation:

- *Crown Lands Act 1976*

This Act will not apply, given a new form of land tenure, housing Crown land, is being created by virtue of this Bill and to be managed in accordance with the provisions of this Bill.

- *Land Use Planning and Approvals Act 1993*

This Act is being amended to recognise the creation of housing Crown land and requires the Minister (or their delegate, as appropriate) to apply for permits required for housing Crown land.

- *Limitation Act 1974*

The Act is being amended to exempt housing Crown land from adverse possession claims.

Schedule 2 updates references in legislation as specified including:

- *Building Act 2016*
- *Community Housing Providers National Law (Tasmania) Act 2013*
- *Fire Damage Relief Act 1967*
- *Greater Hobart Act 2019*
- *Help to Buy (Commonwealth Powers) Act 2026*
- *Homes (Sale of Mortgages) Act 1993*
- *Housing Land Supply Act 2018*
- *Land Acquisition Act 1993*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Residential Tenancy Act 1997*
- *State Service Act 2000*
- *Tasmanian Public Finance Corporation Act 1985*
- *Valuation of Land Act 2001*

Schedule 3 Legislation Repealed

Schedule 3 contains the legislation to be repealed because of this Bill.