

CLAUSE NOTES

Housing Land Supply (Miscellaneous Amendments) Bill 2026

PART 1 - Preliminary

Clause 1 Short Title

Cites the short title of the amending Act – the *Housing Land Supply (Miscellaneous Amendments) Act 2026*

Clause 2 Commencement

Provides for the provisions of the amending Act to commence upon receiving Royal Assent.

Clause 3 Repeal of Act

Provides for the repeal of the amending Act.

PART 2 – Community Housing Providers National Law (Tasmania) Act 2013 Amended

Clause 4 Principle Act

Identifies the Principal Act for this part of the amending Act as the *Community Housing Providers National Law (Tasmania) Act 2013*.

Clause 5 Section 9 amended (Relevant Minister)

Updates this section with a reference to the *Homes Tasmania Act 2022*, which replaced the *Homes Act 1935*.

Part 3 – Housing Land Supply Act 2018 Amended

Clause 6 Principle Act

Identifies the Principal Act for this part of the amending Act as the *Housing Land Supply Act 2018*.

Clause 7 Section 4 amended (Housing land supply orders)

Replaces the existing subsection (5) with 3 new subsections.

The new subsections –

- (5) Treat the making of housing land supply order as if it were a regulation for the purposes of section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931*,

- (5A) Clarify that giving notification of the making of a housing land supply order in the Gazette as required by subsection (4) is taken to be publication of the order for the purposes of section 47(3)(a) of the *Acts Interpretation Act 1931*, and
- (5B) Specify that a housing land supply order is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

This has the effect of requiring a housing land supply order to be tabled in Parliament within 10 sitting days after the order is made for a 15 sitting day disallowance period.

Clause 8 Section 6 amended (inclusion of intended zones in housing land supply orders)

Omits subparagraph (i) from section 6(2)(ab) of the *Housing Land Supply Act 2018*, as the Flinders Planning Scheme 2000 is no longer in effect.

Clause 9 Section 7 amended (modifications of planning requirements that may be specified in housing land supply order)

Inserts a new subsection after subsection (2) relating to the contents of a housing land supply order.

The new subsection enables a housing land supply order to include planning provisions, as they would appear in the modified planning scheme. These are in the form of a Site-specific qualification of a Specific Area Plan.

Clause 10 Section 8 amended (Amendment of housing land supply orders)

Replaces the existing subsection (6) with 3 new subsections.

The new subsections –

- (6) Treat the making of an amending order as if it were a regulation for the purposes of section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931*,
- (7) Clarify that giving notification of the making of an amending order in the Gazette as required by subsection (5) is taken to be publications of the order for the purposes of section 47(3)(a) of the *Acts Interpretation Act 1931*, and
- (8) Specify that an amending order is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

This has the effect of requiring an amending order to be tabled in Parliament within 10 sitting days after the amending order is made for a 15 sitting day disallowance period.

Clause 11 Part 2, Division 2: Heading amended

Alters the heading to only refer to “Consultation in respect of proposed orders” to align with the changes made to the sections in this Part.

Clause 12 Section 9 repealed

Omits section 9 from the Principal Act due to requirements for Parliamentary scrutiny being moved to sections 4 and 8 of the Principal Act.

Clause 13 Section 10 amended (Consultation to occur before housing land supply orders put before Parliament)

Amends section 10 of the Principal Act as a consequence of the changes made to the process for Parliamentary scrutiny.

Clarifies subsection (1) so that the Minister cannot make a housing land supply order before the consultation required under section 12 of the Principal Act has been completed. The amendments correspond with the changes made to the process for Parliamentary scrutiny.

Substitutes subsection (2) with a new subsection which specifies that the Minister cannot make a housing land supply order that is substantially different from the proposed housing land supply order that was made available for public consultation under section 12 of the Principal Act. Effectively requiring an order that has been substantially altered to be re-advertised under section 12 of the Principal Act.

Clause 14 Section 13A substituted and new section 13B inserted

13A Notice to be given of decision not to proceed with proposed order

Amends section 13A of the Principal Act as a consequence of the changes made to the process for Parliamentary scrutiny.

Specifies the actions the Minister must take in cases where a decision is made to not make a housing land supply order or a housing land supply amending order, including:

- a. Publication of the decision in the *Gazette* and giving reasons why the order was not made,
- b. Tabling a copy of the *Gazette* notice, reasons and order in each house of Parliament,
- c. Giving a copy of the *Gazette* notice, reasons and order to each person who made a submission during the consultation, and
- d. Ensuring a copy of the *Gazette* notice, reasons, order and each submission made during the consultation is made available on

a website of the Department for a period of at least 6 months after the decision was made.

13B Notice to be given if certain orders are made

Specifies the actions the Minister must take if they determine to make a housing land supply order, or a amending order, including a notice published on a website of the Department (for at least 6 months after the order was made) that:

- a. Gives reasons as to why the order has been made,
- b. Specifies the grounds as to why the Minister is satisfied that section 5(2) or section 6(1) or section 6(2) of the Principal Act has not been contravened
- c. Includes a copy of each submission during the consultation and the Ministers response to that submission, and
- d. An explanation of the alterations to the order and the reasons for doing so, if they were made to the order.

Clause 15 Section 14 amended (revocation of housing land supply order)

Substitutes subsection (5) with a new subsection specifying that an order revoking a housing land supply order is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

Clause 16 Section 15 substituted

15 Notice to be given that land has ceased to be housing supply land

Specifies the actions the Minister must take when an order is made to revoke a housing land supply order is, including placing a notice on the Departments website (for at least 6 months after the order was made) advising of the revocation that:

- a. Specifies the area of land which is no longer housing supply land,
- b. Includes the date when the land ceased to be housing supply land,
- c. Provides the reasons why the Minister revoked the housing land supply order,
- d. Provides the grounds under section 14(2) of the Principal Act on which the Minister determined to revoke the housing land supply order,
- e. Includes a copy of the order made under section 14(1) of the Principal Act to revoke the housing land supply order, and
- f. Includes any other information the Minister thinks fit.

- Clause 17 Section 18A inserted**
18A Effect of Part
Specifies that an alteration or amendment to a planning scheme takes effect on the day that the relevant housing land supply order takes effect.
- Clause 18 Section 19 amended (Alteration of zoning of housing supply land)**
Substitutes a new subsection (1) which enables the Minister to give the necessary directions to the Tasmanian Planning Commission to update the zone map of the relevant planning scheme that applies to the land which is subject to the made housing land supply order.
- Clause 19 Section 20 amended (Alteration of planning provisions in relation to housing supply land)**
Substitutes a new subsection (1) which enables the Minister to give the necessary directions to the Tasmanian Planning Commission to update the relevant planning scheme that applies to the land which is subject to the made housing land supply order.
- Clause 20 Section 21 amended (Directions to amend provisions in relation to housing supply land)**
Clarifies the intended meaning of subsection (1), by only allowing the Minister to give a direction to the Tasmanian Planning Commission if the land was originally rezoned or had altered planning provisions under the original housing land supply order.
- Clause 21 Section 23 amended (Taking effect of, and notice of, amendment of planning scheme)**
Substitutes a new subsection 2(a) and (b) that requires
- a. Advising when an amendment has been made and when it comes into effect,
 - b. Giving notice to interested persons identified under section 11 of the Principal Act and those persons who made a submission, and
 - c. Placing a notice in the newspapers that circulates Tasmania advising of the making of the amendment and when it took effect
- Omits subsection (3), due to the effect of the new section 18A.
- Clause 22 Section 25A inserted**
25A Amendments to applicable planning scheme void in certain circumstances

Specifies the implications if a housing land supply order is disallowed by Parliament under section 47 of the *Acts Interpretation Act 1931*, which is to void any amendments that have been made to the relevant planning scheme.

Requires that when a housing land supply order is disallowed by Parliament, the Minister is to notify the Tasmanian Planning Commission, interested persons identified under section 11 of the Principal Act and those persons who made submissions in relation to the proposed order.

Requires the Tasmanian Planning Commission to undo any amendments to the relevant planning scheme, upon receiving a notice from the Minister if a housing land supply order has been disallowed by Parliament.

Clarifies that any action taken as a result of a made housing land supply order remains valid despite the disallowance of the relevant housing land supply order.

Clause 23

Section 30 inserted

30 Transitional provision on commencement of *Housing Land Supply (Miscellaneous Amendments) Act 2026*

Establishes a transitional provision that enables any proposed housing land supply order, that has already been subject to public consultation under section 12 of the Principal Act but not yet made by the time amending Act comes into effect, is to be processed under the terms of the Principal Act as they were before this amending act commences (takes effect).