

TASMANIA

TASMANIAN HOMES AND HOUSING BILL 2026

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TASMANIAN HOMES AND HOUSING BILL 2026

(Brought in by the Minister for Business, Industry and Resources, the Honourable Felix Ashton Ellis)

A BILL FOR

An Act to establish the Crown as a housing agency for the State, to develop, acquire and manage land, premises and housing, to deliver and facilitate homelessness services, social and affordable housing, housing support services and community support services, to help with, promote and secure the development and sustainability of assistance for the housing and homelessness sector, to provide support and additional services to persons who require housing, and for related purposes

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 *Tasmanian Homes and Housing Act 2026*.

2. Commencement

This Act commences on 1 July 2027.

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3. Purposes and objectives of Act

(1) The purposes of this Act are as follows:

- (a) to assist in the reduction and, where possible, the prevention of the incidence of housing stress and homelessness within the State and to prevent such matters as far as is reasonably practicable;
- (b) to recognise that housing is a fundamental human right;
- (c) to improve housing outcomes for eligible persons, persons otherwise experiencing housing stress and persons on very low to moderate incomes;
- (d) to increase housing and support opportunities for persons in need of support to live in safe, secure, sustainable and appropriate housing;
- (e) to facilitate the provision of –
 - (i) homelessness and crisis housing support; and
 - (ii) support for the purposes of homelessness prevention; and
 - (iii) early intervention and outreach for persons who are homeless or who are at risk of homelessness; and

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- (iv) social housing, affordable housing, supported accommodation and other general housing options;
 - (f) to facilitate the acquisition and provision of homes, housing assistance, housing support services and community support services;
 - (g) to facilitate the use, dealing, sale, acquisition, development, management and supply of land as well as assets relating to the land;
 - (h) to provide for the management of, and dealing with, land and other assets, for the purposes of this Act.
- (2) The objectives of this Act are as follows:
- (a) to prioritise, as far as practicable, the needs of persons most in need, and persons with specific housing needs, when providing housing, services and assistance under this Act;
 - (b) to ensure the existence of viable, diverse and accessible –
 - (i) social, affordable and general housing options and housing communities; and
 - (ii) services for the provision of housing assistance; and

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- (iii) housing support services; and
- (iv) services related to homelessness;
- (c) to deliver social housing that –
 - (i) is affordable, safe, secure, sustainable, viable and appropriate to meet the needs of eligible persons; and
 - (ii) is well located and appropriately sized; and
 - (iii) as far as is reasonably practicable, incorporates energy efficiency and work, health and safety measures; and
 - (iv) encourages social integration through the creation and facilitation of different housing options in existing and new communities; and
 - (v) provides reasonable access to community services;
- (d) to support and sustain, as far as practicable, housing support services, services for the provision of housing assistance and services related to homelessness that are diverse and accessible;
- (e) to facilitate the ownership, leasehold or occupation of land through the

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development of flexible and innovative financial arrangements that facilitate that ownership, leasehold or occupation;

- (f) to promote an efficient and effective system of administration of housing services, housing support services and community support services;
- (g) to help with, promote and secure the development and sustainability of assistance for Tasmania's housing and homelessness sector.

4. Interpretation

- (1) In this Act, unless the contrary intention appears –

affordable housing includes housing for purchase, or rent, that is appropriate for the needs of persons on very low to moderate incomes;

eligible person means a person –

- (a) who is determined under section 5 to be an eligible person; or
- (b) who is a member of a class of persons –
 - (i) determined under that section; or

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- (ii) that is prescribed for the purposes of this definition;

folio means a folio in the Register;

housing assistance includes –

- (a) the provision of accommodation and housing in the short, medium or long term; and
- (b) the sale, lease or sublease of residential premises or land that is to be used as a place of residence; and
- (c) the provision of financial assistance to enable a person to –
 - (i) pay all or part of a bond or rent, or both, in relation to residential premises; or
 - (ii) purchase, construct, alter, enlarge, repair or improve residential premises; and
- (d) the provision of financial assistance to assist a person to meet reasonable costs related to –
 - (i) moving to or from accommodation or housing; or
 - (ii) homelessness; or

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- (iii) obtaining essential goods and services; or
- (iv) other prescribed matters;

housing Crown land means land –

- (a) vested, owned, purchased, acquired or taken by the Crown for the purposes of this Act; or
- (b) where the owner of the land is recorded as the Crown in its capacity as a housing agency, in accordance with section 13(3);

housing provider has the meaning it has in section 6;

land includes –

- (a) any land or part of land; and
- (b) any estate or interest in land or part of land; and
- (c) any building or other structure, including any residential premises, situated on the land or part of land, if any;

Recorder has the same meaning as in the *Land Titles Act 1980*;

Register has the same meaning as in the *Land Titles Act 1980*;

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residential premises has the same meaning as in the *Residential Tenancy Act 1997*;

Secretary means the Secretary of the Department;

social housing means housing, including but not limited to affordable housing, that is provided by the Crown, and charitable and not-for-profit organisations, to assist persons who are unable to afford or access housing in the private market.

- (2) For the purposes of this Act, the Crown is acting in its capacity as a housing agency for the State when the Crown –
- (a) performs a function or exercises a power –
 - (i) under this Act; or
 - (ii) that is prescribed for the purposes of this subsection; or
 - (b) performs a function, or exercises a power, that is specified in any other Act as a housing function of the Crown.

5. Meaning of *eligible person*

- (1) A person is an eligible person for the purposes of this Act if the person is, or will be, in need of housing assistance –

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- (a) to obtain accommodation or housing that will meet the reasonable housing requirements of the person; or
 - (b) due to the health needs, or mobility needs, of the person; or
 - (c) due to the person being homeless or being at risk of homelessness; or
 - (d) to ensure the safety of the person; or
 - (e) due to any –
 - (i) prescribed circumstances occurring in respect of the person; or
 - (ii) prescribed characteristics of the person; or
 - (f) due to the person living with, or intending to live with, a person who is or will be in need of housing assistance for a purpose specified in paragraph (a), (b), (d) or (e).
- (2) Despite subsection (1), the regulations made under this Act may specify that a person, or a member of a specified class of persons, is not an eligible person for the purposes of this Act.
- (3) If there is a dispute as to whether a person is an eligible person for the purposes of this Act, the Secretary –
- (a) may determine that dispute; and

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- (b) as soon as practicable after determining the dispute, is to notify the person, in writing, of the determination.
- (4) For the purposes of determining a dispute under subsection (3), the Secretary may –
 - (a) require a person, by written notice to the person, to provide such information or evidence to the Secretary as is specified in the written notice; and
 - (b) if the person fails to comply with the written notice without reasonable excuse, use that failure as evidence that the person is not an eligible person.

6. Meaning of *housing provider*

- (1) For the purposes of this Act, a person is a housing provider if –
 - (a) the person, including but not limited to a body corporate, a trust or an entity of the Crown –
 - (i) sells or leases land for the purposes of providing housing for eligible persons; or
 - (ii) constructs, renovates or improves land so that the land may be used as housing for eligible persons; or
 - (iii) manages land that is used to provide housing for eligible persons; or

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- (b) the person is a member of a class of persons prescribed as a housing provider for the purposes of this Act.
 - (2) Nothing in this section prevents a housing provider from also taking an action in relation to, or dealing with, land –
 - (a) for a purpose other than the purposes of this Act; or
 - (b) for, or in respect of, persons other than eligible persons.

7. Act binds Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

8. Non-application of Acts

Unless otherwise specified –

- (a) the *Crown Lands Act 1976* does not apply to housing Crown land; and
- (b) housing Crown land is not Crown land, under that Act, solely on the basis that the land is vested in, or is owned by, the Crown; and
- (c) a reference in any Act to Crown land does not include a reference to housing Crown land.

**PART 2 – MANAGEMENT OF HOUSING AND
HOUSING CROWN LAND**

9. Functions of Crown when acting as housing agency

- (1) The Crown, when acting in its capacity as a housing agency for the State, has the following functions and powers:
 - (a) to own, develop, manage and maintain social housing and other housing assets on behalf of the Crown;
 - (b) to provide services and support, in respect of housing, to eligible persons, persons with specific housing needs, tenants, housing providers and the community generally;
 - (c) to manage and administer leases, licences and other occupancy arrangements in relation to –
 - (i) social housing and other housing provided for the purposes of this Act; and
 - (ii) housing Crown land that is used for purposes including, but not limited to, accommodation and housing;
 - (d) to manage and administer, including by leasing or subleasing, residential premises and other assets for the purpose

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of providing housing to eligible persons on a short, medium or long-term basis;

- (e) in relation to land and other assets, the power to –
 - (i) acquire and deal with the land or asset; and
 - (ii) sell or dispose of the land or asset; and
 - (iii) grant, vary, terminate, surrender, transfer, assign or otherwise enter into a lease, sublease, licence, easement, covenant or other arrangements in relation to the land or asset;
- (f) to provide for, or make arrangements in respect of, temporary or transportable structures and the use of such structures for, or in connection with, housing Crown land;
- (g) to facilitate the planning for, and the development of, land for –
 - (i) social housing, affordable housing and housing generally; and
 - (ii) other purposes that support, whether financially or otherwise, the purposes of this Act;

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- (h) to establish, develop, deliver and facilitate –
 - (i) housing assistance programs and housing and homelessness services, including the provision of housing assets required to support those programs and services; and
 - (ii) affordable housing options and programs; and
 - (iii) options and services relating to housing generally;
- (i) to create and implement short, medium and long-term strategies in relation to housing options, housing assistance and housing services;
- (j) to facilitate the provision of housing for State Service officers and State Service employees, if necessary or desirable to support the needs of a community;
- (k) to manage intergovernmental, sector and industry relations in relation to housing and homelessness including, but not limited to, partnering with public, private and community sector entities for that purpose;
- (l) to enter into partnerships, trusts and joint ventures for the purposes of this Act;

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- (m) to consult and work with, and provide information to, any or all of the following:
 - (i) housing providers and community support providers;
 - (ii) representatives of the housing and homelessness sector;
 - (iii) representatives of the building and construction industry;
 - (iv) other key stakeholders and interested persons;
 - (n) to develop and implement policy, and to undertake research, in relation to housing, housing support and homelessness prevention and support;
 - (o) to own, develop, manage, deal with, sell and maintain land that –
 - (i) may be used for more than one purpose including, but not limited to, housing; or
 - (ii) may be commercial premises that are being used to fund, or otherwise facilitate, the purposes of this Act; or
 - (iii) is used by the Crown for the purposes of this Act;

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- (p) to own, develop, manage and maintain commercial and other non-housing assets including, but not limited to, land;
 - (q) any other function, or power, that –
 - (i) is prescribed for the purposes of this section; or
 - (ii) in relation to housing Crown land, is not inconsistent with the purposes of this Act.
- (2) A person performing a function, or exercising a power, under this Act is to –
 - (a) take into account the purposes and objectives of this Act; and
 - (b) if it is reasonable, relevant and appropriate in the circumstances to do so, prioritise the housing needs of eligible persons; and
 - (c) consider any hardship that is likely to occur as a result of the performance of the function or the exercise of the power.
- (3) The performance of a function, or the exercise of a power, under this Act is not inconsistent with the purposes of the Act solely on the basis that the function is performed, or the power is exercised, in respect of land that –
 - (a) may be commercial in nature; or
 - (b) may be used for more than one purpose.

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- (4) For the avoidance of doubt, nothing in this Act prevents the sale or transfer of land, for the purposes of this Act, to –
 - (a) an entity, within the meaning of the *Financial Management Act 2016*; or
 - (b) a Commonwealth authority, within the meaning of the *Corporations (Tasmania) Act 1990*.

10. Secretary may acquire land for purposes of Act

- (1) The Secretary may agree with the owner of land for the acquisition or purchase of the land, by the Crown, for the purposes of this Act, on any terms and conditions that the Secretary thinks appropriate.
- (2) The *Land Acquisition Act 1993* does not apply to the acquisition or purchase of land in accordance with subsection (1).

11. Crown land may become housing Crown land

- (1) The Minister administering the *Crown Lands Act 1976* may, by order, set aside Crown land under that Act as housing Crown land for the purposes of this Act.
- (2) An order under subsection (1) may be on such terms as conditions as may be agreed between the Minister and the Minister administering the *Crown Lands Act 1976*.

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- (3) On the commencement of an order under subsection (1) in respect of an area of land, the area of land –
 - (a) ceases to be Crown land for the purposes of the *Crown Lands Act 1976*; and
 - (b) is housing Crown land for the purposes of this Act.

12. Housing Crown land becomes Crown land in certain circumstances

- (1) The Minister, with the agreement of the Minister administering the *Crown Lands Act 1976*, may declare, by notice published in the *Gazette*, that –
 - (a) an area of housing Crown land is to cease to be housing Crown land; and
 - (b) on ceasing to be housing Crown land –
 - (i) this Act ceases to apply to the area of land; and
 - (ii) the area of land becomes Crown land within the meaning of the *Crown Lands Act 1976*.
- (2) The Minister may not make a declaration, and publish a notice relating to that declaration, under subsection (1) unless a draft of the notice has been first approved by each House of Parliament.

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- (3) For the purposes of subsection (2), a draft of a notice under subsection (1) is taken to be approved by a House of Parliament if a copy of the notice has been laid on the table of the House and –
- (a) it is approved by the House; or
 - (b) at the expiration of 5 sitting-days after it was laid on the table of the House, no notice has been given of a motion to disallow it or, if such notice has been given, the notice has been withdrawn or the motion has been negatived; or
 - (c) if any notice of a motion to disallow it is given during that period of 5 sitting-days, the notice is, after the expiration of that period, withdrawn or the motion is negatived.
- (4) A notice under subsection (1) –
- (a) is to identify clearly the area of land to which the notice applies; and
 - (b) is to be signed by the Minister and the Minister administering the *Crown Lands Act 1976*; and
 - (c) takes effect on the day on which it is published in the *Gazette* or such later day as is specified in the notice.

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Part 2 – Management of Housing and Housing Crown Land

13. Effect of acquisition of land for purposes of Act

- (1) For the avoidance of doubt, if land is acquired, purchased or taken by the Crown for the purposes of this Act, the land is taken to be housing Crown land.
- (2) As soon as practicable after being notified that land is housing Crown land, the Recorder is to record on the folio for that land that the owner of the land is the Crown in its capacity as a housing agency.
- (3) For the purposes of this Act, the Crown is recorded as the owner of land, or as a person with an interest in the land, in its capacity as a housing agency if, in the folio for that land, the owner of the land is recorded –
 - (a) as the Crown under the *Tasmanian Homes and Housing Act 2026*; or
 - (b) in the prescribed manner or by the prescribed title.

14. Effect of Part

- (1) For the avoidance of doubt, unless otherwise specified in this Act –
 - (a) this Part is in addition to, and does not derogate from, any functions or powers of the Crown in respect of land; and
 - (b) nothing in this Part is taken to limit the ability of the Crown when dealing with land.

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- (2) Nothing in this Part requires the Secretary –
 - (a) to enter into, or vary, a contract, agreement, deed or arrangement with any person; or
 - (b) to make an advance or grant to, or to enter into an arrangement with, any person for the purposes of this Act.
- (3) A refusal of the Secretary to enter into a contract, agreement, deed or arrangement, or to make an advance or grant, is final and is not subject to external review.

PART 3 – MISCELLANEOUS

15. Disputes as to whether land is housing Crown land

If there is a dispute as to whether an area of land is housing Crown land, the fact that, on the folio for that land the owner of the land is recorded as the Crown in its capacity as a housing agency, in accordance with section 13(3), may be judicially noted as evidence that the land is housing Crown land.

16. Certain money recoverable as debt due to Crown

- (1) For the avoidance of doubt, an amount of money that is payable to the Crown by a person is recoverable from the person as a debt due and owing to the Crown.
- (2) For the avoidance of doubt, if a person fails to comply with this Act or an agreement entered into in respect of housing Crown land and the Crown incurs costs or expenses as a result of that failure, those costs and expenses are recoverable from the person as a debt due and owing to the Crown.
- (3) The recovery of an amount of money, or costs or expenses, under this section is in addition to, and does not limit, any other remedy otherwise available to the Crown at law.

17. Protection from liability

- (1) A person does not incur any personal liability in respect of any act, matter, or thing, done or omitted to be done, in good faith –
- (a) in the performance or exercise, or purported performance or exercise, of a function or power under this Act; or
 - (b) in the administration or execution, or purported administration or execution, of a provision of this Act.
- (2) A civil liability that would, but for subsection (1), lie against a person lies against the Crown.

18. Misuse of information

A person must not use improperly, whether in Tasmania or elsewhere, information acquired by the person, while performing a function or exercising a power, to gain, whether directly or indirectly, a personal advantage or an advantage for another person.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 5 years, or both.

19. Treasurer may determine that certain taxes not payable

- (1) In this section –

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State tax means any tax, duty, levy, charge or application, registration or other fee imposed by or under an Act or other law of Tasmania.

- (2) The Treasurer, by notice in the *Gazette*, may determine that one or more State taxes specified in the notice are not payable in respect of –
- (a) a document, or a class of documents, prepared or executed –
 - (i) under this Act; or
 - (ii) for the purposes of this Act; or
 - (iii) as a consequence of this Act; or
 - (b) a transaction, or a class of transactions, that occurred –
 - (i) under this Act; or
 - (ii) for the purposes of this Act; or
 - (iii) as a consequence of this Act.

20. Delegation

The Secretary may, by written instrument, delegate any of the Secretary's functions or powers under this Act, other than this power of delegation.

21. Housing Crown land register

- (1) The Secretary is to keep and maintain a register of housing Crown land.
- (2) The Secretary may disclose information, from the register kept under subsection (1), to a person if the Secretary believes that the person has a reasonable cause for requesting the information.

22. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may –
 - (a) prescribe the requirements, including reporting and valuation requirements, for the lease, purchase or sale of land for the purposes of this Act; and
 - (b) prescribe the accounts, registers and books to be kept and the manner of keeping them; and
 - (c) prescribes fees and charges that may be payable in respect of a function or power under this Act.
- (3) Without limiting the generality of subsection (1), the regulations may also provide that provisions of the *Personal Property Securities Act 2009* of the Commonwealth do not apply in respect of

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certain transactions, or certain methods of security, specified in the regulations.

- (4) The regulations may –
 - (a) provide that a contravention of any of the regulations is an offence; and
 - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units.
- (5) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (6) The regulations may authorise any matter to be from time to time approved, determined, applied or regulated by the Minister, the Secretary or any other person specified in the regulations.
- (7) The regulations may adopt, either wholly or in part and with or without modification, and either specifically or by reference, any standards, rules, codes or specifications, whether the standards, rules, codes or specifications are published or issued before or after the commencement of this Act.
- (8) The regulations may amend or rescind regulations or other subordinate legislation, made under the *Homes Tasmania Act 2022*, as in force before the commencement of this Act.
- (9) The regulations may –

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- (a) provide for savings or transitional matters necessary or expedient for bringing this Act into operation; and
 - (b) provide for any of those savings or transitional matters to take effect on a day on which a provision of this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.
 - (10) Without limiting the generality of subsection (9), regulations of a savings or transitional nature may –
 - (a) provide for the preservation, continuation, variation or revocation of –
 - (i) decisions or actions taken under the *Homes Tasmania Act 2022*; and
 - (ii) notices, instruments or other documents given or issued under the *Homes Tasmania Act 2022*; and
 - (b) deal with any other incidental, transitional or ancillary matter in respect of the *Homes Tasmania Act 2022*.

23. Savings and transitional provisions

The savings and transitional provisions specified in Schedule 1 have effect.

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Part 3 – Miscellaneous

24. Review of Act

(1) In this section –

independent review means a review carried out by persons who –

- (a) in the Minister’s opinion, are appropriately qualified for that task; and
 - (b) include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.
- (2) The Minister is to cause an independent review of the operation of this Act to be carried out as soon as practicable after the fourth anniversary of the commencement of this Act.
- (3) The persons who carry out the independent review are to give the Minister a written report on its outcome.
- (4) The Minister is to cause a copy of the report to be tabled in each House of Parliament within 10 sitting-days of the House after the report has been given to the Minister under subsection (3).

25. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

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- (a) the administration of this Act is assigned to the Minister for Housing and Planning; and
 - (b) the department responsible to that Minister in relation to the administration of this Act is Building Tasmania.

26. Consequential amendments

The legislation specified in Schedule 2 is amended as specified in that Schedule.

27. Legislation repealed

The legislation specified in Schedule 3 is repealed.

**SCHEDULE 1 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Section 23

1. Interpretation

In this Schedule –

commencement day means the day on which
this Act commences;

Director of Housing means the Director of
Housing within the meaning of Schedule
2 of the former Act;

former Act means the *Homes Tasmania Act*
2022, as in force immediately before the
commencement day;

Homes Tasmania means Homes Tasmania as
established by the former Act;

Homes Tasmania Board means the Homes
Tasmania Board as constituted, under the
former Act, immediately before the
commencement day;

Homes Tasmania CEO means the Homes
Tasmania CEO within the meaning of the
former Act.

2. Transfer of assets, rights and liabilities

(1) On the commencement day –

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- (a) all assets of Homes Tasmania are the assets of the Crown without the need for any further conveyance, transfer, assignment or assurance; and
 - (b) the rights and liabilities of Homes Tasmania are, by virtue of this section, the rights and liabilities of the Crown; and
 - (c) all legal and other proceedings that relate to the assets, rights and liabilities of Homes Tasmania and could have been commenced, before the commencement day, by or against Homes Tasmania may be commenced by or against the Crown; and
 - (d) a judgement or order of a court or tribunal obtained by or against Homes Tasmania before the commencement day, may be enforced by or against the Crown; and
 - (e) any document, relating to legal or other proceedings relating to the assets, rights or liabilities that has been served on or by Homes Tasmania is taken, where appropriate, to have been served on or by the Crown.
- (2) Any land that becomes an asset of the Crown by virtue of subclause (1) is taken to be housing Crown land for the purposes of this Act.

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- (3) No compensation is payable to any person in connection with an action under subclause (1) solely on the basis that the action has occurred.
- (4) None of the following amounts is payable in respect of any document prepared to give effect to an action under subclause (1):
 - (a) a fee or amount including, but not limited to, an application or registration fee;
 - (b) a tax, including a duty and a levy;
 - (c) a charge.
- (5) A person is not entitled to –
 - (a) terminate or modify the operation or effect of a contract or lease; or
 - (b) claim that there has been a breach of or default under a contract; or
 - (c) claim a remedy –solely on the basis of an action under subclause (1) including the transfer of a contract, or rights or liabilities under the contract, under that subclause.

3. Transfer of Homes Tasmania employees

- (1) On the commencement day, a person who was appointed or employed under the *State Service Act 2000* for the purposes of the former Act and holds that appointment or employment immediately before the commencement day is to

be taken to have been appointed or employed, on the same terms and conditions, for the purposes of this Act.

- (2) On the commencement day and subject to subclause (4) –
 - (a) the Homes Tasmania Board is dissolved; and
 - (b) the appointment of Homes Tasmania CEO is terminated.
- (3) The termination of a person's appointment as the Homes Tasmania CEO under this clause does not entitle the person to compensation, or another form of consideration or payment, solely due to the termination of appointment under this clause.
- (4) The dissolution of the Homes Tasmania Board, and the termination of the Homes Tasmania CEO, under subclause (2) does not apply to the extent required for the Homes Tasmania Board to prepare an annual report as required under clause 4.

4. Annual report

- (1) Within 3 months after the commencement day, the Homes Tasmania Board is to provide the Minister with an annual report, prepared in accordance with section 26 of the former Act, for the financial year immediately preceding the commencement day.

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- (2) The Secretary may take such actions under Division 2 of Part 5 of the former Act, as if the Secretary were the Homes Tasmania Board, for the purposes of preparing the annual report as required under this subclause.
- (3) In accordance with section 27 of the former Act, the Minister is to lay a copy of the annual report, provided to the Minister under subclause (1), before each House of Parliament within one month after the Minister has received the report.

5. Legal matters

- (1) For the avoidance of doubt, legal proceedings may be continued by or against the Crown on and after the commencement day if the proceedings –
 - (a) are instituted by or against –
 - (i) Homes Tasmania; or
 - (ii) the Crown in respect of Homes Tasmania; and
 - (b) are pending, or on foot, immediately before the commencement day.
- (2) For the avoidance of doubt, legal proceedings may be instituted by or against the Crown, on and after the commencement day, if the proceedings –
 - (a) relate to a right or liability that had accrued, and was in existence,

immediately before the commencement day; and

(b) if this Act had not commenced, could have been instituted by or against –

(i) Homes Tasmania; or

(ii) the Crown in respect of Homes Tasmania.

(3) For the avoidance of doubt, a judgement or order of a court obtained by or against Homes Tasmania or the Crown in respect of Homes Tasmania may, on and after the commencement day, be enforced by or against the Crown.

6. References relating to former Act

(1) A reference to Homes Tasmania, in any contract, instrument, security, guarantee, indemnity, loan, mortgage, lease, notice, or other document, that was, before the commencement day, entered into, issued, given or created, under or for the purposes of the former Act and that is in effect immediately before the commencement day, is to be taken to be a reference to the Crown.

(2) A reference to the Homes Tasmania Board, in any contract, instrument, security, guarantee, indemnity, loan, mortgage, lease, notice, or other document, that was, before the commencement day, entered into, issued, given or created, under or for the purposes of the former Act and that is in effect immediately before the commencement

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day, is to be taken to be a reference to the Crown.

- (3) A reference to the Homes Tasmania Chief Executive Officer, in any contract, instrument, security, guarantee, indemnity, loan, mortgage, lease, notice, or other document, that was, before the commencement day, entered into, issued, given or created, under or for the purposes of the former Act and that is in effect immediately before the commencement day, is to be taken to be a reference to the Secretary.

7. References to former Act in certain documents

- (1) A reference in any register, other than the Register, or any document issued under or for the purposes of that Act, to Homes Tasmania is to be taken to be a reference to the Crown.
- (2) An approval, determination, delegation, or other decision, that –
- (a) is made or given, by or on behalf of Homes Tasmania, under or for the purposes of a provision of the former Act; and
 - (b) is in effect immediately before the commencement day –

is to be taken to be an approval, determination, delegation, or other decision, respectively, made or given under the provision, if any, of this Act that most closely approximates the provision of the former Act.

- (3) A reference, in an order made under section 12 of the *Crown Lands Act 1976*, to Homes Tasmania or the Director of Housing is to be taken to be a reference to the Crown in its capacity as a housing agency, in accordance with section 13(3).
- (4) A reference to Homes Tasmania in any application, dealing, instrument or document lodged with the Recorder, but not registered, before the commencement day is, on and after the commencement day, taken to be a reference to the Crown in its capacity as a housing agency, in accordance with section 13(3).

8. Recorder to alter references in Register and Registry

- (1) As soon as reasonably practicable after the commencement day, the Recorder must amend any reference in a folio to the following persons or entities so that the reference is instead a reference to the Crown in its capacity as a housing agency, in accordance with section 13(3):
 - (a) Homes Tasmania;
 - (b) the Homes Tasmania Board;
 - (c) Homes Tasmania Board;
 - (d) the Director of Housing;
 - (e) Director of Housing;

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- (f) the Director of Housing and Construction;
- (g) Director of Housing and Construction;
- (h) the Director-General of Housing and Construction;
- (i) Director-General of Housing and Construction;
- (j) the Director General of Housing and Construction;
- (k) Director General of Housing and Construction;
- (l) the Director-General of Housing;
- (m) Director-General of Housing;
- (n) Housing Tasmania;
- (o) Homes Tasmania and [name of third party];
- (p) the Director of Housing and [name of third party];
- (q) Director of Housing and [name of third party];
- (r) the Director-General of Housing and [name of third party];
- (s) Director-General of Housing and [name of third party].

- (2) After the commencement day, the Secretary may direct the Recorder, in writing, to amend a reference in a folio if –
 - (a) the amendment relates to a reference in the folio to –
 - (i) Homes Tasmania or any former housing authority for the State; or
 - (ii) housing Crown land; or
 - (b) the Secretary is satisfied that the amendment is incidental, transitional or ancillary in respect of the repeal of the former Act or the *Homes Act 1935*.
- (3) The Recorder must comply with a direction of the Secretary under subclause (2) as soon as practicable after the Recorder receives the written direction.

9. Saving of notices in *Gazette*

- (1) A notice that was, under a provision of the former Act, published in the *Gazette* and that was in effect immediately before the commencement day is to be taken to be a notice so published for the purposes of the provision of this Act that most closely approximates the provision of the former Act.
- (2) Nothing in subclause (1) is to be taken to prevent the amendment or revocation, under a provision of this Act, of a notice to which that subclause relates.

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10. Records, other documents and Register or list

- (1) A record, statement or other document required to be kept by Homes Tasmania under the former Act is to be taken to be, on and after the commencement day –
 - (a) a record, statement or document of the Department; and
 - (b) a record, statement or document required to be kept under the equivalent provision of this Act by or in respect of the Department.
- (2) A reference, in a notification lodged with the Recorder under section 69 of the former Act and registered in accordance with that section, to land being subject to section 70 of the former Act, is to be taken, after the commencement day, to be a reference to a caveat on the title on the same terms and conditions as the notification.

11. Transfer of Crown land under former Act

If, before the commencement day, the Treasurer and the Minister administering the *Crown Lands Act 1976* approved a transfer of Crown land under section 36 of the former Act –

- (a) on the commencement day, section 36 of the former Act continues to apply in respect of the transfer of that Crown land; and

- (b) on the publication of a notice in the *Gazette*, in accordance with that section, in respect of transfer of that Crown land, the Crown land is taken to be housing Crown land for the purposes of this Act.

12. Effect of Act on shared equity schemes

If, before the commencement day, Homes Tasmania was a participant in a shared equity scheme established under the former Act, on and after the commencement day –

- (a) all of the rights or liabilities of Homes Tasmania, under that shared equity scheme as in force immediately before the commencement day, vest in the Crown; and
- (b) all references to Homes Tasmania in an instrument, or document, relating to the shared equity scheme are taken to be a reference to the Crown, as the context requires.

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SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 26

Building Act 2016

1. Section 4(1) is amended by inserting “or housing Crown land within the meaning of the *Tasmanian Homes and Housing Act 2026*” after “Crown land” in paragraph (f) of the definition of *owner*.

Community Housing Providers National Law (Tasmania)
Act 2013

1. Section 4(2) is amended by omitting the definitions of *Homes Tasmania* and *Housing Agency* and substituting the following definition:

Tasmanian Housing Agency means the responsible Department in relation to the *Tasmanian Homes and Housing Act 2026*.

2. Section 8 is amended as follows:
 - (a) by omitting from paragraph (a) “Homes Tasmania” and substituting “the Tasmanian Housing Agency”;
 - (b) by omitting from paragraph (b) “Homes Tasmania” and substituting “the Tasmanian Housing Agency”;

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(c) by omitting from paragraph (c) “Homes Tasmania” and substituting “the Tasmanian Housing Agency”.

3. Section 9 is amended by omitting “*Homes Act 1935*” and substituting “*Tasmanian Homes and Housing Act 2026*”.
4. Section 12 is amended by omitting “a Housing Agency referred to in section 8(a)” and substituting “the Tasmanian Housing Agency”.

Crown Lands Act 1976

1. Section 2A is amended as follows:
 - (a) by omitting from paragraph (b) “.” and substituting “; or”;
 - (b) by inserting the following paragraph after paragraph (b):
 - (c) housing Crown land within the meaning of the *Tasmanian Homes and Housing Act 2026*.

Fire Damage Relief Act 1967

1. Section 9(2) is amended by omitting “*Homes Tasmania Act 2022*” and substituting “*Tasmanian Homes and Housing Act 2026*”.
2. Section 10 is amended as follows:

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- (a) by omitting from subsection (1) “Homes Tasmania shall” and substituting “the responsible Department in relation to the *Tasmanian Homes and Housing Act 2026* is to”;
 - (b) by omitting from subsection (1) “the *Homes Tasmania Act 2022*” and substituting “that Act”;
 - (c) by omitting from subsection (2) “Homes Tasmania may for the purposes of this section use the powers conferred on Homes Tasmania under Part 6 of the *Homes Tasmania Act 2022*” and substituting “The Secretary of the responsible Department in relation to the *Tasmanian Homes and Housing Act 2026* may, for the purposes of this section, use the functions and powers under that Act”;
 - (d) by omitting from subsection (2)(b) “within the meaning of the *Homes Tasmania Act 2022*”.
3. Section 11(2) is amended by omitting “*Homes Tasmania Act 2022*” and substituting “*Tasmanian Homes and Housing Act 2026*”.

Greater Hobart Act 2019

1. Section 3 is amended by omitting the definition of *Homes Tasmania*.

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2. Section 7(2)(d) is amended by omitting “Homes Tasmania” and substituting “the Secretary of the department responsible for the *Tasmanian Homes and Housing Act 2026*”.

Help to Buy (Commonwealth Powers) Act 2026

1. Section 9(1)(d) is amended by omitting subparagraph (ii) and substituting the following subparagraph:
 - (ii) is operated by, or on behalf of, the State including, but not limited to, under the *Tasmanian Homes and Housing Act 2026*;

Homes (Sale of Mortgages) Act 1993

1. Section 8(2) is amended by omitting “*Homes Tasmania Act 2022* or the former *Homes Act 1935*” and substituting “*Tasmanian Homes and Housing Act 2026*, or the former *Homes Tasmania Act 2022* or *Homes Act 1935*”.

Housing Land Supply Act 2018

1. Section 3 is amended as follows:
 - (a) by omitting paragraph (b) from the definition of *government land* and substituting the following paragraph:
 - (b) housing Crown land; or

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- (b) by omitting the definitions of *Homes Tasmania* and *Homes Tasmania Act land* and substituting the following definition:

housing Crown land has the same meaning as in the *Tasmanian Homes and Housing Act 2026*;

2. Section 5 is amended as follows:

- (a) by omitting from subsection (1)(b) “Homes Tasmania Act land” and substituting “housing Crown land”;
- (b) by omitting from subsection (2)(a) “*Homes Tasmania Act 2022*” and substituting “*Tasmanian Homes and Housing Act 2026*”;
- (c) by omitting from subsection (4) “Homes Tasmania Act land” and substituting “housing Crown land”;
- (d) by omitting from subsection (4) “Homes Tasmania” second occurring and substituting “the Minister administering the *Tasmanian Homes and Housing Act 2026*”.

3. Part 3 is repealed and the following Part is substituted:

**PART 3 – APPLICATION OF HOUSING SUPPLY
LAND FOR PURPOSES OF *TASMANIAN HOMES AND
HOUSING ACT 2026***

16. Housing supply land is housing Crown land

On the day on which an area of land that is Crown land becomes housing supply land, the area of land is housing Crown land for the purposes of the *Tasmanian Homes and Housing Act 2026*.

17. Housing supply land is developed or used for housing

The responsible Department in relation to the *Tasmanian Homes and Housing Act 2026* is to take all reasonable steps to ensure that housing supply land is applied for the purposes of that Act.

Land Acquisition Act 1993

1. Section 75(2) is amended by inserting “the *Tasmanian Homes and Housing Act 2026*,” after “of”.

Land Use Planning and Approvals Act 1993

1. Section 3(1) is amended by inserting after paragraph (e) in the definition of *owner* the following paragraph:

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- (ea) in the case of housing Crown land, within the meaning of the *Tasmanian Homes and Housing Act 2026*, the Crown in right of the State of Tasmania; or

2. Section 52 is amended as follows:

- (a) by inserting the following subparagraph after subparagraph (i) in subsection (1)(b):

- (ia) housing Crown land, within the meaning of the *Tasmanian Homes and Housing Act 2026*; or

- (b) by inserting the following subsection after subsection (1E):

- (1EA) If land in respect of which an application for a permit is required is housing Crown land, within the meaning of the *Tasmanian Homes and Housing Act 2026*, the application must –

- (a) be signed by the Minister of the Crown administering that Act; and
 - (b) be accompanied by the written permission of that Minister.

- (c) by omitting from subsection (1F) “subsection (1B)” and substituting “subsection (1B) or (1EA)”.

3. Section 60P(2) is amended by inserting after paragraph (a) the following paragraph:

- (ab) if all or part of the land on which the project is to be situated is housing Crown land, within the meaning of the *Tasmanian Homes and Housing Act 2026* – with the consent of the Minister to whom the administration of that Act is assigned; or

4. Section 60TG(7) is amended by inserting after paragraph (a) the following paragraph:

- (ab) if all or part of the additional area of land is housing Crown land, within the meaning of the *Tasmanian Homes and Housing Act 2026* – with the consent of the Minister to whom the administration of that Act is assigned; or

5. Section 60ZJ(1) is amended by inserting after paragraph (f) the following paragraph:

- (fa) if all or part of the land to which the major project relates is housing Crown land, within the meaning of the *Tasmanian Homes and Housing Act 2026* – the Minister to whom the administration of that Act is assigned; or

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6. Section 60ZP is amended by inserting after paragraph (i) the following paragraph:

- (ia) if the land on which the major project is or was to be situated is housing Crown land, within the meaning of the *Tasmanian Homes and Housing Act 2026* – the Minister to whom the administration of that Act is assigned; and

Limitation Act 1974

1. Section 10(4) is amended by inserting after paragraph (a) the following paragraph:

- (ab) is housing Crown land within the meaning of the *Tasmanian Homes and Housing Act 2026*; or

Local Government (Building and Miscellaneous Provisions) Act 1993

1. Section 80 is amended as follows:

- (a) by omitting the definition of *movable dwelling unit* from subsection (1);
- (b) by omitting from subsection (5) “a movable dwelling unit” and substituting “movable residential premises, that are not affixed to the block,”;
- (c) by omitting from subsection (5) “the unit” and substituting “the premises”;

- (d) by omitting from subsection (5) “it is” and substituting “the premises are”.

Residential Tenancy Act 1997

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of *dwelling-house* and substituting the following definition:

dwelling-house includes –

- (a) a house and its appurtenances, necessary outbuildings, fences, and any facilities that enable electricity, telecommunications, gas, water-supply, drainage, or sewerage, services to be provided to the house; and
- (b) any unit, or apartment, that is used for the provision of residential accommodation, whether on a temporary basis or otherwise and any facilities that enable electricity, telecommunications, gas, water-supply, drainage, or sewerage, services to be provided to the unit or apartment; and

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- (c) any land on which such a house, unit or apartment is situated and any common property, within the meaning of the *Strata Titles Act 1998*, in relation to such a unit or apartment;
- (b) by omitting “*Homes Tasmania Act 2022*” from the definition of *eligible person* and substituting “*Tasmanian Homes and Housing Act 2026*”;
- (c) by omitting the definitions of *Homes Tasmania* and *housing support provider* and substituting the following definition:

housing support provider means a person who is providing housing support services within the meaning of the *Tasmanian Homes and Housing Act 2026*;
- (d) by omitting “by the *Homes Tasmania* under section 50 of the *Homes Tasmania Act 2022*” from the definition of *rent assistance* and substituting “in accordance with the *Tasmanian Homes and Housing Act 2026*”;
- (e) by omitting paragraph (a) from the definition of *social housing* and substituting the following paragraph:
 - (a) residential premises owned by the Crown, in whole or in part, under

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the *Tasmanian Homes and Housing Act 2026*; or

(f) by omitting paragraph (a) from the definition of *social housing provider* and substituting the following paragraph:

(a) the responsible Department in relation to the *Tasmanian Homes and Housing Act 2026* unless there is, in relation to those premises, a person referred to in paragraph (b), (c) or (d); or

2. Section 6(1)(da) is amended by omitting “Homes Tasmania” and substituting “the Crown in accordance with the *Tasmanian Homes and Housing Act 2026*”.

3. Section 10(1A)(b) is amended by omitting “Homes Tasmania, of residential premises under the *Homes Tasmania Act 2022*” and substituting “the Crown, of residential premises in accordance with the *Tasmanian Homes and Housing Act 2026*”.

4. Section 42(1)(dd) is amended as follows:

(a) by omitting “Homes Tasmania” first occurring and substituting “the Crown in accordance with the *Tasmanian Homes and Housing Act 2026*”;

(b) by omitting “from Homes Tasmania” second occurring;

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- (c) by omitting “by Homes Tasmania” and substituting “in accordance with that Act”.

5. Section 49(1AA)(b) is amended by omitting “Homes Tasmania” and substituting “the Crown, acting in its capacity as a housing agency under the *Tasmanian Homes and Housing Act 2026*”.

State Service Act 2000

1. Schedule 1 is amended by omitting
- | | |
|----------------|-------------------------|
| Homes Tasmania | Chief executive officer |
|----------------|-------------------------|
- from Part 2.

Tasmanian Public Finance Corporation Act 1985

1. Schedule 1 is amended by omitting item 11.

Valuation of Land Act 2001

1. Section 11(9) is amended by omitting “Part 14 of the *Homes Tasmania Act 2022*” and substituting “the *Tasmanian Homes and Housing Act 2026* or the former *Homes Tasmania Act 2022*”.

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SCHEDULE 3 – LEGISLATION REPEALED

Section 27

Homes Amendment Act 2005 (No. 4 of 2005)

Homes Amendment Act 2016 (No. 6 of 2016)

Homes Tasmania (Consequential Amendments) Act 2022 (No.
26 of 2022)

Homes Tasmania Act 2022 (No. 25 of 2022)