TASMANIA

DATA CENTRE SAFEGUARDS BILL 2026

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[Bill 54]-VIII

DATA CENTRE SAFEGUARDS BILL 2026

(Brought in by Peter George, MP)

A BILL FOR

An Act to establish certain prerequisites for the use or development of land for data centres in Tasmania

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:

1. Short title

This Act may be cited as the *Data Centre Safeguards Act 2026*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Interpretation

(1) In this Act –

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology, and includes buildings or other infrastructure used for an ancillary purpose.

(2) Unless a contrary intention appears, a term used in this Act has the same meaning in this Act as it has in the *Land Use Planning and Approvals Act 1993*.

4. 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.

5. Prohibition on use or development of land for data centres

On and from the commencement of this Act, subject to section 6 –

(a) a planning authority, the Commission or the Appeal Tribunal must not grant a permit for the use or development of land for the purposes of a data centre; and

(b) any provisions of a planning scheme that require a planning authority to grant a permit, either unconditionally or subject to conditions or restrictions, do not apply in respect of the use or development of land for the purposes of a data centre; and

(c) a project for the use and development of land for the purposes of a data centre is not eligible to be declared to be a major project; and

(d) the Panel must not grant a major project permit in relation to the use and development of land for the purposes of a data centre; and

(e) any permit or major project permit for the use or development of land for the purposes of a data centre, granted on or after the commencement of this Act, is, subject to section 10, void.

6. End to moratorium

(1) Section 5 ceases to have effect when both of the following have been satisfied:

(a) an interim SPPs amendment made under section 30NB(3)(a) of the *Land Use Planning and Approvals Act 1993*, or an amendment of the SPPs made under section 30P of that Act, has come into effect that –

(i) regulates the use or development of land for the specific purposes of data centres; and

(ii) requires a discretionary permit for the use or development of land for the purposes of a data centre;

(b) a State Policy made or amended to address water and energy usage in relation to data centres has come into

operation in accordance with the *State Policies and Projects Act 1993*.

(2) For the purposes of subsection (1)(b) –

(a) water and energy usage in relation to data centres is taken to be a matter of State significance dealt with in the State Policy, as referred to in section 5 of the *State Policies and Projects Act 1993*; and

(b) the State Policy is taken to seek to further the objectives set out in Schedule 1 to that Act.

(3) For the purposes of section 30NB(4)(a) of the *Land Use Planning and Approvals Act 1993*, compliance with this Act is taken to be a prescribed circumstance or matter.

7. Order approving project of State significance to be approved by Parliament

(1) This section applies to an order made under section 18(2) of the *State Policies and Projects Act 1993* declaring a project for the use or development of land for the purposes of a data centre to be a project of State significance.

(2) The order referred to in subsection (1) must include the requirement that an order made under section 26 of the *State Policies and Projects Act 1993* in respect of the project is of no effect until such order has been approved, under that section, by resolution of each House of Parliament.

(3) For the purposes of subsection (2), a recommendation of the Minister made under section 26(5) of the *State Policies and Projects Act 1993* in respect of the project is taken to be a recommendation of the Minister made under section 26(7) of that Act.

8. No right of appeal against decision to refuse to grant permit

No person has a right of appeal against a decision to refuse to grant a permit that is made in compliance with section 5.

9. No civil enforcement proceedings

A person may not apply to the Appeal Tribunal for an order under section 64 of the *Land Use Planning and Approvals Act 1993* in respect of a person who contravenes or fails to comply with, or is likely to contravene or fail to comply with, a provision of Part 4 of that Act if such contravention or failure is a result of compliance with section 5.

10. Non-application of Act

(1) This Act does not apply in relation to –

(a) an application for a permit made, but not determined, before the commencement of this Act; or

(b) a major project in respect of which a Panel has been established before the commencement of this Act.

(2) An application referred to in subsection (1)(a) is to be determined, and a major project referred to in subsection (1)(b) is to be assessed, as if this Act had not commenced.

11. No extension of existing or pending permits and major project permits

(1) A planning authority must not grant, under section 42C or 53 of the *Land Use Planning and Approvals Act 1993*, an extension of the period during which the use or development of land for the purposes of a data centre, in respect of which a permit has been granted, must be substantially commenced.

(2) The Commission must not grant, under section 60ZZT of the *Land Use Planning and Approvals Act 1993*, an extension of the period during which the use or development of land for the purposes of a data centre, in respect of which a major project permit has been granted, must be substantially commenced.

(3) This section applies to a permit or a major project permit granted –

(a) before the commencement of this Act; or

(b) after the commencement of this Act, if exempted from the application of this Act under section 10.

12. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) The regulations may authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations.

(3) The regulations may –

(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 when 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.

13. Administration of Act

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

(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.

14. Expiry of Act

(1) This Act expires on –

(a) the prescribed expiry day; or

(b) if no day is so prescribed before 31 December 2037, that day.

(2) A day (the ***proposed expiry day***) may only be prescribed, under subsection (1)(a), as the expiry day if each House of Parliament has approved the proposed expiry day before it is so prescribed.