Clause Notes

Data Centre Safeguards Bill 2026

Clause 1 **Short title**

The Short Title states that the Act is to be cited as the *Data Centre Safeguards Act 2026*.

Clause 2 **Commencement**

Provides for the Act to commence on the day on which it receives Royal Assent.

Clause 3 **Interpretation**

Defines what a data centre is. The definition captures only buildings or places that have a principal purpose of collecting, distributing, processing and storing electronic data using information technology.

Ties the definitions of terms to the definitions in the *Land Use Planning and Approvals Act 1993* for consistency.

Clause 4 **Act binds Crown**

Requires the Crown to comply in the same way as everybody else in the community.

Clause 5 **Prohibition on use or development of land for data centres**

Requires that, from commencement of the Act, no data centre (as defined by the Act) development application can be approved through the Tasmanian Planning Scheme by any planning authorities.

Prevents data centre developments from being declared a major project.

Provides that if a planning authority does provide approval for a data centre (as defined by the Act) development, it is rendered void by the Act.

Clause 6 **End to moratorium**

Provides that the restriction on approving data centre (as defined by the Act) developments ends as soon as several safeguarding measures have been put in place.

These measures are:

- An interim State Planning Provisions (SPP) amendment is made and has come into effect under the *Land Use Planning and Approvals Act 1993* which creates specific regulations for data centres (as defined by the Act) and requires data centres to be included as a discretionary use class.
- A State Policy is made and has come into operation under the *State Policies and Projects Act 1993* to address water and energy usage.

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

Provides that where a data centre (as defined by the Act) development is brought into the project of state significance process under the *State Policies ad Projects Act 1993* to, an order allowing for the development has no effect until it has been approved by resolution of each House of Parliament.

Clause 8 **No right to appeal against decision to refuse to grant permit**

As a result of section 5, provides that a person cannot use the ordinary appeal provisions in the Tasmanian Planning Scheme to appeal a decision not to approve a data centre (as defined by the Act) development.

Clause 9 **No civil enforcement proceedings**

Prohibits someone from commencing proceedings against a person or body for contravening Tasmanian Planning Scheme requirements if that contravention is the result of a person or body complying with section 5 of this Act.

Clause 10 **Non-application of Act**

Makes clear that this Act does not apply to date centre development applications or major project processes that were underway prior to this Act commencing.

Clause 11 **No extension of existing or pending permits and major project permits**

Discourages proponents from prematurely lodging applications prior to the commencement of the Act to get around the prohibition.

Any approved data centre developments will lapse and become subject to the prohibition in clause 5 if they are not

substantially progressed within a 2-year period after the date on which the permit was granted. A planning authority will not be able to grant an extension to this timeframe.

Any data centre major project permits will lapse and become subject to the prohibition in clause 5 if they are not substantially progressed within a 5-year period from the date the major project permit was granted. The Commission will not be able to extend this timeframe.

Clause 12 **Regulations**

Allows the Governor to make regulations relating to the Act.

Clause 13 **Administration of Act**

Provides for the administration of the Act until an order issued under the *Administrative Arrangement Act 1990* deals with this Act's administration.

Clause 14 **Expiry of Act**

Provides that the Act expires on either a prescribed day, as approved by each House of Parliament, or a period of approximately ten years, ending 31 December 2037.