



30 September 2026

TENANTS' UNION OF TASMANIA
The Specialist Legal Service for Tenants



Building Tasmania
Level 6, Parliament Square
Hobart TAS 7000

via email: housingpolicy@building.tas.gov.au

To Building Tasmania,
Re: *Tasmanian Homes and Housing Bill 2026*

The Tenants' Union of Tasmania welcomes the opportunity to provide comment on the *Tasmanian Homes and Housing Bill 2026* ('the Bill').¹ We support the return of Homes Tasmania's housing functions back to government but have concerns about its implementation as Shelter Tasmania has outlined in its response to the Bill. As well as endorsing the Shelter Tasmania submission, we also raise a number of other issues that we are hopeful will be adopted.

The Tenants' Union of Tasmania is a not-for-profit community legal centre providing information, advice and representation to more than 57,000 residential tenants living throughout Tasmania. We also offer community legal education and training and advocate for the improvement of residential tenants' rights.

Purposes and objectives of Bill

We support the purposes and objectives in the Bill including the recognition that housing is a human right which appears to mirror a like provision in the *Homes Tasmania Act 2022* (Tas). However, it is not enough to recognise a human right, it also needs to be protected, enforced and respected in practice. Unfortunately, the creation of Homes Tasmania and its recognition of housing as a fundamental human right did not result in any review or amendment of its policies and procedures or the advocating of law reform to ensure consistency with human rights principles.²

The Tasmanian experience can be contrasted with the Australian Capital Territory which passed an amendment Bill in 2025 recognising the right to housing.³ The amendment Bill is not however scheduled to commence operation until 1 January 2027 "to allow

¹ The Tenants' Union of Tasmania would like to acknowledge those persons and organisations who gave freely of their time in assisting with our submission.

² In October 2025, the Tenants' Union of Tasmania submitted a Right to Information request asking Homes Tasmania to confirm the steps it had taken to ensure that its policies and procedures were in compliance with 'housing as a human right' following the passing of the *Homes Act 2022* (Tas) (RTI 2025-024). On 6 November 2025, an RTI Officer with Homes Tasmania responded "information relevant to ... 'housing as a human right', was not identified through our enquiries".

³ The Human Rights (Housing) Amendment Bill 2025 (ACT) passed the Legislative Assembly on 17 September 2025.

additional time to prepare for implementation of the new right”.⁴ Given that the Tasmanian Homes and Housing Bill 2026 is broader than the Bill that became the *Homes Tasmania Act 2022* (Tas), in the event that the Bill is passed, we strongly recommend that Building Tasmania undertake a review of its policies and procedures to ensure compliance with the right to housing.

We also strongly believe that social housing should not just be “safe, secure and appropriate”⁵ but also located in mixed-tenure communities which include both home owners and renters in the private rental market. A specific objective supporting mixed-tenure is found in NSW which relevantly provides:⁶

5. Objects of Act

(1) The objects of this Act are as follows –

...

(i) to encourage social mix and the integration of different housing forms in existing and new communities

Similarly, we strongly believe that the Act should proactively support social housing that is well-located, habitable and in close proximity to essential services including public transport. A specific objective that could be considered is found in South Australia:⁷

[South Australian Housing Trust] should—

(a) provide affordable, secure and appropriate housing that meets the needs of its clients; and

(b) ensure that rental housing provided by SAHT is well located, of adequate size and condition, and meets reasonable standards of health, safety and security; and

(c) ensure that housing built by or for SAHT after the commencement of this Act incorporates modern standards of energy efficiency; and

(d) aim to provide housing that provides reasonable access to community services.

Finally, we strongly believe that the Bill should expressly recognise our First Nations people with Queensland’s Act providing a model that could be adopted:⁸

Guiding principles

This Act is to be administered in a way that has sufficient regard to the following principles—

(g) housing services should be provided in a way that has appropriate regard to—

...

(iii) Aboriginal tradition and Island custom;

Note—

⁴ ACT Government, *Government Amendments to the Human Rights (Housing) Amendment Bill 2025 – Supplementary Explanatory Statement* (Web Page, September 2025) https://www.legislation.act.gov.au/View/es/db_72356/20250917-88142/html/db_72356.html

⁵ Clause 3(1)(c) of the Bill.

⁶ Section 5(1)(i) of the *Housing Act 2001* (NSW).

⁷ Section 5(3) of the *South Australian Housing Trust Act 1995* (SA).

⁸ Section 6 of the *Housing Act 2003* (Qld).

Aboriginal tradition means the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people, and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships—see the *Acts Interpretation Act 1954*, schedule 1.

Island custom, known in the Torres Strait as Ailan Kastom, means the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular community or group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships—see the *Acts Interpretation Act 1954*, schedule 1.

(h) the needs, views and interests of consumers of housing services, indigenous community members and representatives, non-government entities, industry bodies and local governments should be taken into account in developing government housing policy.

Appeal Rights

The Bill defines an ‘eligible person’ as including persons who require housing due to their health or mobility needs or to ensure their safety or due to the person living with them, or intending to live with them being in need of housing assistance.⁹

Pursuant to clause 5(3) of the Bill, eligibility for social housing will be determined by the Secretary of Building Tasmania. However, there is no express right of review. We strongly believe that prospective tenants deemed ineligible should have a right of review to an independent decision-making body. A model that we recommend for introduction is the South Australian model which provides applicants with an eligibility right of review to the South Australian Civil and Administrative Tribunal (SACAT).¹⁰ Whilst we acknowledge that the rights of social housing tenants does not form part of this Bill, we also strongly recommend that the right of review is broadened to include the wide range of decisions that social housing landlords make during a tenancy. In South Australia for example, a ‘reviewable decision’ is defined broadly, whilst also granting access to both an internal and external review.¹¹

(1) In this Part—

reviewable decision means a decision of [the South Australian Housing Trust (SAHT)]

—

(a) on an application to SAHT—

(i) for housing assistance; or

(ii) for priority housing; or

(iii) for rent assistance, or other forms of concessions with respect to rent, or in relation to a bond; or

(iv) with respect to a matter arising under a tenancy agreement where SAHT is landlord; or

(b) with respect to any other matter that may—

(i) involve an assessment or decision by SAHT with respect to a person's housing needs or position; or

⁹ Clause 5(1) of Bill.

¹⁰ Part 3A of the *South Australian Housing Trust Act 1995* (SA).

¹¹ Section 32A(1) of the *South Australian Housing Trust Act 1995* (SA).

(ii) affect a tenant of SAHT; or
(c) with respect to any other matter brought within the ambit of this definition by the regulations,
but does not include a decision where a complaint against the decision would fall within the ambit of this subsection;

32C—Internal reviews

(1) The Chief Executive must establish a review system within the Department so that a person who is directly affected by a reviewable decision may, at first instance, apply for an internal departmental review of the decision.

(2) The system established under subsection (1) must include a process under which a person who has applied for a review of a reviewable decision will, at the conclusion of that process, be furnished with a written statement setting out—

(a) the outcome of the review; and

(b) unless the application has been decided in favour of the applicant—the reasons for the decision made on the review.

32D—Reviews

(1) Subject to this section, a person who is dissatisfied with the outcome of a review under section 32C may apply to the Tribunal for review of the decision that applies at the conclusion of the review.

(2) The application must be made within—

(a) the prescribed period after the day on which a written statement setting out the outcome of the relevant review is furnished under section 32C; or

(b) such longer period as the Tribunal may allow.

(6) The Tribunal must ensure that the applicant and SAHT are provided with a written statement setting out the Tribunal's decision and the reasons for the decision.

(7) The operation of a decision that is the subject of an application under this section will be stayed pending the outcome of the proceedings unless—

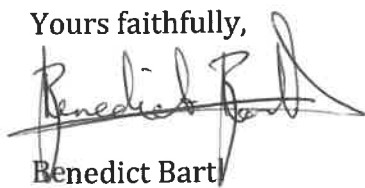
(a) the Tribunal, on its own initiative or on application by SAHT, determines that the decision may take effect or apply despite the application (and related proceedings) under this section; or

(b) the decision is within the ambit of a regulation that prescribes a class or classes of decisions that will take effect or apply despite an application (and related proceedings) under this section.

(8) A decision on a matter that has been the subject of a review under section 32C which constitutes an administrative act within the meaning of the *Ombudsman Act 1972* may be investigated by the Ombudsman under that Act despite the fact that this section provides a right of review (and section 13(3) of the Act will not apply in such a case).

If we can be of any further assistance, please do not hesitate to contact us.

Yours faithfully,



Benedict Bart

Principal Solicitor

Tenants' Union of Tasmania