



T A S C A T

TASMANIAN CIVIL &
ADMINISTRATIVE TRIBUNAL

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL CASE UPDATES JULY 2026

TASCAT Decisions July 2026 (13 decisions)

Date it was issued	Decision name	Catchwords	Explanation	Division
2 July 2026	ACN 078 006 514 Pty Ltd v Glenorchy City Council [2026] TASCAT 90	Resource and planning – Planning appeal – Social housing development – Whether significant social or community benefit – Whether design and layout of parking area would provide convenient, safe and efficient parking and safe and convenient pedestrian access	The Tribunal heard combined planning appeals against Glenorchy City Council’s refusal of a permit for a 12-dwelling social housing development at 168A Abbotsfield Road, Claremont. The proposal relied on performance criteria under the Tasmanian Planning Scheme – Glenorchy relating to residential density, parking design and pedestrian access. The principal issues were whether the development would provide a significant social or community benefit sufficient to justify increased residential density, and whether the parking and pedestrian access arrangements would provide convenient, safe and efficient use of the site. Applying the relevant provisions of the Scheme, the Tribunal found that the proposal would deliver a significant social and community benefit by providing long-term social housing in an area experiencing acute housing demand and substantial unmet need for affordable accommodation. The Tribunal was satisfied that the benefit should be assessed in its broader social context and was not diminished by the fact that the development would meet only part of the overall demand for social housing. It concluded that the proposal satisfied the residential density performance criterion. The Tribunal further found that, following amendments to the parking layout, the proposal complied with the applicable Australian Standard for parking facilities. In the alternative, it was satisfied that the design would provide convenient, safe and efficient parking having regard to the characteristics of the site, low traffic	General Division – Resource and Planning Stream

TASCAT Decisions July 2026 (13 decisions)

			volumes, visibility, manoeuvring space and expected residential use. It also accepted evidence that the shared parking court would provide safe and convenient pedestrian access notwithstanding the absence of a separated pedestrian footpath, given the low-speed, low-intensity nature of vehicle movements within the development. The Tribunal concluded that none of the Council's grounds of refusal had been established. It amended the development application to incorporate revised parking plans, set aside the Council's refusal decision and directed that a permit be granted subject to conditions. Those conditions included a requirement that, for 10 years following issue of an occupancy permit, the dwellings be used for rental housing consistent with the purposes of the Homes Tasmania Act 2022 and managed by an approved housing provider for persons eligible under the Tasmanian Government Housing Register. The Tribunal also amended a waste collection condition and ordered the Council to issue the permit.	
3 July 2026	ODT (Application for Renewal of Treatment Order) [2026] TASCAT 91	Mental Health Stream – Treatment criteria – Mental illness, impaired decision-making capacity and need for treatment order – Patient disputes treatment criteria met – Patient disputes impaired decision-making capacity and need for a treatment order – Tribunal preferred expert evidence of treating team – Tribunal	The Tribunal heard an application by an approved medical practitioner to renew a treatment order under the Mental Health Act 2013 in respect of ODT, a 29-year-old man diagnosed with schizoaffective disorder. ODT opposed the renewal, contending that he did not require involuntary treatment, could obtain any necessary medication through his general practitioner, and had improved as a result of a stable home environment rather than treatment. The principal issues were whether ODT continued to satisfy the treatment criteria under s 40 of the Act, including whether he had a mental illness, lacked decision-making capacity, and required treatment that	Protective Division – Mental Health Stream

TASCAT Decisions July 2026 (13 decisions)

		satisfied treatment criteria met – Treatment order renewed and varied.	could not be adequately provided except under a treatment order. Applying the relevant provisions of the Act, the Tribunal preferred the evidence of the treating psychiatrist and case manager to that of ODT and his partner. It accepted that ODT had a mental illness, namely schizoaffective disorder, and found that without treatment he was likely to experience a deterioration in mental health, exposing him to risks to his health and safety and, given a history of irritability and aggression when unwell, risks to others. The Tribunal was satisfied that there was a recent history of relapse associated with medication non-compliance and that the statutory criterion of likely serious harm was established. The Tribunal further found that the prescribed treatment, consisting primarily of antipsychotic medication and ongoing monitoring by community mental health services, was appropriate and effective. Although ODT and his partner attributed his recent stability to improved living circumstances and abstinence from substance use, the Tribunal accepted the treating psychiatrist's evidence that the substantial improvement in his mental state was attributable to treatment delivered under the order. It acknowledged concerns about medication side effects, including weight gain, sedation and sexual dysfunction, but noted that the treating team was taking steps to investigate and manage those issues. The Tribunal was also satisfied that treatment could not be adequately provided except under a treatment order and that ODT lacked decision-making capacity. It	
--	--	---	--	--

TASCAT Decisions July 2026 (13 decisions)

			accepted expert evidence that ODT continued to lack insight into his illness, did not recognise or accept the symptoms of his condition, and was unable to adequately understand, retain or weigh information relevant to treatment decisions. The Tribunal concluded that all statutory treatment criteria were met and that renewal of the order was justified. Accordingly, the Tribunal renewed the treatment order for a further six months and varied its terms. It removed authorisations for mood stabilising and benzodiazepine medication, leaving authority for antipsychotic and anticholinergic medication together with associated clinical monitoring and community mental health appointments. The renewed order took effect from 11 June 2026 and was to remain in force until 10 December 2026.	
6 July 2026	Tassal Operations Pty Ltd v USL [2026] TASCAT 85	Re-hearing of referral – Absence of party – Reasonable opportunity to be heard – Just and reasonable to re-hear.	The Tribunal heard an application by USL (the worker) under s 57(2) of the Workers Rehabilitation and Compensation Act 1988 seeking a rehearing of an s 81A referral previously determined on 29 April 2026. The referral concerned a dispute about the worker's entitlement to compensation following the employer's reliance on a medical certificate as a claim for compensation under s 69(13) of the Act. The worker contended that neither he nor his solicitors had been properly notified of the hearing, resulting in their non-attendance, and argued that procedural fairness required a rehearing. The employer opposed the application, submitting both that the Tribunal lacked jurisdiction because the application was not commenced on the prescribed form and that, in any event, the statutory requirements for a rehearing had not been met.	General Division – Personal Compensation Stream

			Applying the Workers Rehabilitation and Compensation Act 1988, the Tasmanian Civil and Administrative Tribunal Act 2020, and r 15 of the Tasmanian Civil and Administrative Tribunal Rules 2021, the Tribunal rejected the employer’s jurisdictional objection. It found that the worker’s email of 6 May 2026, although not in a prescribed form, clearly identified the statutory basis for the application and the grounds relied upon. Exercising its discretion under r 15(2), the Tribunal accepted the email as a valid application and was satisfied it had been lodged within the seven-day period required by s 57(2)(b) of the Act. The Tribunal then considered whether there was a satisfactory explanation for the worker’s failure to attend the original hearing and whether it was just and reasonable to order a rehearing. The worker relied on evidence from his solicitor that no hearing notice had been received by the firm despite a request being made to the Tribunal, and that the worker had limited English proficiency and depended significantly upon legal representation. The worker further submitted that a rehearing could produce a different outcome because he intended to challenge the employer’s evidence concerning the alleged gap in certification, the operation of s 69(13), and the relevance of recent authority concerning the Tribunal’s jurisdiction. The Tribunal was not persuaded by those submissions. It accepted that the worker’s solicitors were aware that an s 81A referral had been filed and found that a draft consent order emailed by the employer’s solicitors on 16	
--	--	--	--	--

TASCAT Decisions July 2026 (13 decisions)

			April 2026 clearly identified 29 April 2026 as the proposed hearing date. The Tribunal concluded that the worker's solicitors had sufficient opportunity to confirm the hearing arrangements but failed to make further enquiries before the hearing proceeded. Accordingly, it was not satisfied that a satisfactory explanation had been provided for the non-attendance. The Tribunal further held that, even if the explanation had been adequate, the worker had failed to establish that a rehearing was just and reasonable. It found that the worker's assertion that he wished to challenge the employer's evidence was insufficient without identifying any substantive basis for those challenges. The worker had access to the evidentiary materials relied upon by the employer, the transcript of the earlier hearing, and the submissions concerning jurisdiction, yet had not advanced any detailed evidence or legal argument demonstrating that a different result might reasonably follow if the matter were reheard. The Tribunal considered that a mere desire to test the employer's evidence did not satisfy the statutory threshold. Accordingly, the Tribunal declined to exercise its discretion under s 57(2) of the Workers Rehabilitation and Compensation Act 1988 to order a rehearing. The worker's application was dismissed, the orders made on the employer's s 81A referral on 29 April 2026 remained in force, and directions were made permitting either party to apply for costs by written submissions.	
9 July 2026	Johns Lyng Insurance Building Solutions (Tasmania) Pty Ltd as	Civil and consumer claims – Residential building dispute – Dispute concerning work done	The Tribunal heard an application by Johns Lyng Insurance Building Solutions (Tasmania) Pty Ltd (the applicant) under the Residential Building Work Contracts	General Division – Civil and Consumer Stream

	Trustee for the Johns Lyng Insurance Building Solutions (Tasmania) Unit Trust v SJE Constructions Pty Ltd [2026] TASCAT 92	as between building contractor and subcontractor – whether the Tribunal has jurisdiction	and Dispute Resolution Act 2016 seeking orders in respect of allegedly defective and non-compliant residential building work performed by SJE Constructions Pty Ltd (the respondent) under a subcontract. The applicant contended that the respondent’s bathroom renovation work was defective, necessitating remediation by alternative contractors, and sought to recover the resulting costs. The respondent opposed the application, arguing that the Tribunal lacked jurisdiction because the dispute was between a building contractor and a subcontractor rather than between a building contractor and an owner, as required by the Act. Applying the provisions of the Residential Building Work Contracts and Dispute Resolution Act 2016, the Tribunal considered both the Director of Building Control’s decision to reject the applicant’s notice of dispute and the Tribunal’s own jurisdiction under Pt 10 of the Act. It noted that the Tribunal’s jurisdiction is entirely statutory and must be exercised within the limits prescribed by the legislation. The central issue was whether a dispute arising under a subcontract between a principal contractor and a subcontractor fell within the categories of disputes that the Act permits the Tribunal to determine. The Tribunal found that the statutory scheme consistently confined relevant disputes to those between a building contractor and an owner. It observed that s 47 permits the lodging of a notice of dispute only in relation to disputes between those parties and that the definitions of “owner”, “building contractor”, “subcontractor” and “residential building work contract” expressly distinguish subcontractors from the parties whose disputes are	
--	---	---	---	--

			intended to be dealt with under the Act. The Tribunal concluded that a subcontractor is neither an owner nor a building contractor for the purposes of the relevant dispute resolution provisions. The applicant argued that the Tribunal's jurisdiction under s 59 turned on the character of the work as residential building work, rather than the identity of the parties to the dispute, and relied on provisions recognising subcontracted work within the residential building framework. The Tribunal rejected those submissions, holding that Pt 10 does not confer a broad jurisdiction over all residential building disputes. Instead, it provides a mechanism for resolving disputes between owners and building contractors, including disputes concerning the quality, completion and statutory compliance of residential building work. The provisions relied upon by the applicant merely established that a building contractor remains responsible to an owner for subcontracted work and did not create a right to pursue subcontractors through the Tribunal's residential building jurisdiction. The Tribunal further held that the Director had correctly rejected the notice of dispute. Because the dispute was not one contemplated by the Act, it was incapable of succeeding within the statutory scheme and therefore fell outside the jurisdiction conferred on both the Director and the Tribunal. The Tribunal found that, whether viewed as a review of the Director's decision or as a substantive application seeking determination of the dispute itself, the proceeding could not be maintained.	
--	--	--	--	--

TASCAT Decisions July 2026 (13 decisions)

			Accordingly, the Tribunal concluded that it lacked jurisdiction to determine the dispute between the applicant building contractor and the respondent subcontractor. The application was dismissed, with liberty for either party to apply for costs by written submissions within 21 days, failing which each party would bear its own costs.	
15 July 2026	Saunders v Commissioner of Police [2026] TASCAT 93	Occupational and disciplinary – Review of determination of Police Review Board – Jurisdiction of the Board on termination of appointment of a non-commissioned police officer – Whether appointment of constable subject to a probation period was terminated so as to establish jurisdiction	The Tribunal heard an application by Daniel Saunders (the applicant) for review of a decision of the Police Review Board that it lacked jurisdiction to hear his challenge to the cessation of his appointment as a police constable. The applicant had been appointed as a constable subject to a 12-month probation period and, shortly before the expiry of that period, the Commissioner of Police determined not to confirm his appointment and notified him that his employment would cease upon service of the notice. The applicant contended that the cessation of his appointment amounted to a termination within the meaning of the Police Service Act 2003 and was therefore a reviewable decision. The Commissioner argued that a refusal to confirm an appointment under s 33 of the Act was distinct from a termination and did not attract a right of review before the Board. Applying the Police Service Act 2003 and the review provisions of the Tasmanian Civil and Administrative Tribunal Act 2020, the Tribunal conducted a hearing de novo to determine whether the Board had jurisdiction. The central issue was whether the Commissioner's actions constituted a termination of the applicant's appointment as a police officer for the purposes of s 60(1)(b) of the Act, thereby enlivening the Board's review jurisdiction.	General Division – Occupational and Disciplinary Stream

			The Tribunal examined the statutory scheme governing probationary appointments, termination, and review rights. It rejected the Board's characterisation of probationary constables as a separate class of police officer and found that an officer serving a probation period remains a non-commissioned police officer subject to the rights and obligations attaching to that rank. It further observed that while s 33 permits the Commissioner to confirm or refuse to confirm an appointment at the conclusion of a probation period, the provision does not create a standalone category of officer beyond the ordinary ranks established by the Act. The Tribunal found that the applicant's appointment had not simply expired at the end of the probation period. Rather, the Commissioner had taken the additional step of issuing a notice stating that the applicant's employment would cease upon service of the notice, which occurred before the probation period expired. The Tribunal held that this action brought the appointment to an end immediately and therefore amounted to a termination of the appointment. It considered that the Commissioner's conduct was consistent with the statutory framework governing terminations, including the formation of a view about the applicant's suitability, the provision of an opportunity to make submissions, and the service of a notice bringing the appointment to an end. The Tribunal rejected the Commissioner's submission that a refusal to confirm an appointment could not constitute a reviewable termination. It held that, on the	
--	--	--	---	--

TASCAT Decisions July 2026 (13 decisions)

			facts of this case, the applicant's appointment was terminated when the notice was served and that the resulting decision fell within the scope of s 60(1)(b). Accordingly, the Police Review Board had jurisdiction to hear and determine the applicant's review application. The Tribunal noted that, having reached that conclusion, it was unnecessary to finally determine the broader question of whether every refusal to confirm an appointment under s 33 would itself amount to a reviewable termination. The Tribunal further concluded that the appropriate course was not to determine the substantive merits itself, but to restore the matter to the statutory review process. As the Board had dismissed the application solely on jurisdictional grounds and had not considered the merits of the applicant's challenge, the matter should be remitted to the Board for reconsideration according to law. Accordingly, the Tribunal set aside the decision of the Police Review Board, remitted the application for review back to the Board for determination on its merits, and directed that any application for costs be filed within 21 days, failing which each party would bear their own costs.	
22 July 2026	KD (Application for Guardianship) [2026] TASCAT 94	Application for guardianship order – impaired decision-making ability – need – order promotes personal and social wellbeing	The Tribunal considered an application by the Tasmanian Health Service for the appointment of a guardian for a 72-year-old woman, KD, on the basis that she was said to have impaired decision-making ability in relation to accommodation and care decisions. The Tribunal examined the requirements of the Guardianship and Administration Act 1995 (Tas), including whether KD had impaired decision-making ability in respect of relevant	Protective Division – Guardianship Stream

			personal matters, whether she was in need of a guardian, and whether a guardianship order would promote her personal and social wellbeing. The Tribunal considered medical and lay evidence, including a Health Practitioner Report and oral evidence from treating medical practitioners. The evidence established that KD had vascular dementia following a subarachnoid haemorrhage, with significantly impaired executive functioning and insight despite relatively intact memory. The treating doctors gave evidence that KD could articulate risks associated with returning home but was unable to use and weigh information concerning her care needs, accommodation requirements and personal safety. No contrary medical evidence was provided. The Tribunal also considered whether KD was in need of a guardian. It heard evidence that KD had experienced repeated falls, required assistance with personal care and continence management, and, in the opinion of the treating team, required 24-hour support. While KD wished to return home and her representative submitted that less restrictive alternatives should be explored, the Tribunal accepted evidence that various support options had already been trialled and that her care needs could not safely be met at home with the supports currently available. The Tribunal found that KD had impaired decision-making ability in relation to decisions about where and with whom she should live and the provision of care services. It further found that there was a present need for substitute decision-making regarding accommodation and care arrangements upon her discharge from hospital and that no less restrictive alternative was available. The Tribunal was satisfied that a guardianship order would	
--	--	--	--	--

TASCAT Decisions July 2026 (13 decisions)

			promote KD's personal and social wellbeing by ensuring that appropriate accommodation and care services were arranged to meet her needs and reduce the risk of further harm. The Tribunal accordingly appointed the Public Guardian (Tas) as guardian for a period of six months, with authority to make decisions concerning where and with whom KD lives and the provision of care services to her.	
22 July 2026	END (Application for Administration) [2026] TASCAT 95	Application for administration order – impaired decision-making ability – need – order promotes personal and social wellbeing – eligibility for appointment.	The Tribunal considered an application by the Tasmanian Health Service for the appointment of an administrator for a 78-year-old man, END, on the basis that he was said to have impaired decision-making ability in relation to financial matters following a stroke, vascular dementia and cognitive impairment. The Tribunal examined the requirements of the Guardianship and Administration Act 1995 (Tas), including the statutory criteria for the making of an administration order, namely whether END had impaired decision-making ability in relation to financial matters, whether he was in need of an administrator, and whether an order would promote his personal and social wellbeing. The Tribunal considered the available medical and lay evidence, including a Health Practitioner Report completed by a treating doctor, evidence from treating medical practitioners, and evidence from family members and END's representative. The medical evidence was that END had suffered a left middle cerebral artery stroke resulting in expressive and receptive dysphasia, had subsequently been diagnosed with vascular dementia, and was unable to understand, retain, and use or weigh information relevant to financial decisions. The evidence also established that he was unable to manage bank accounts, pay accounts	Protective Division – Guardianship Stream

			independently, understand complex financial matters, or adequately manage debt. No party disputed the medical evidence, and END accepted the opinions expressed by his treating doctors. The Tribunal found that END had impaired decision-making ability in relation to financial matters. It accepted the medical evidence that his cognitive impairment was permanent and likely to deteriorate further. The Tribunal also found that END was in need of an administrator. It considered evidence that he owned property and vehicles, received a disability support pension, had approximately \$20,000 in credit card debt, and required significant care arrangements following his discharge from hospital. The Tribunal found that complex financial and legal decisions were required in relation to his future care, management of debt, dealings with financial institutions, and potential disposal of assets. It also found that END was vulnerable to financial abuse and that there was no less restrictive means of managing his affairs because lawful authority was required to make financial decisions and enter into legal arrangements on his behalf. The Tribunal further concluded that an administration order would promote END's personal and social wellbeing by ensuring appropriate management of his finances, protection from financial exploitation, payment of expenses, management of government benefits, and implementation of arrangements necessary to support his care needs. The Tribunal then considered competing applications by END's daughter and stepdaughter to be appointed administrator. Although both sought appointment, the Tribunal found that neither was suitable for the role. It	
--	--	--	---	--

TASCAT Decisions July 2026 (13 decisions)

			found that the daughter's appointment would be problematic given a long history of estrangement and difficulties in consulting with other significant people in END's life. It found that the stepdaughter did not demonstrate an adequate understanding of the statutory duties and obligations of an administrator and had not satisfied the Tribunal that she possessed the skills necessary to perform the role. The Tribunal concluded that the statutory criteria for an administration order had been established and appointed the Public Trustee (Tas) as administrator for a period of three years, with a requirement to lodge a financial summary relating to END's estate within eight weeks.	
29 July 2026	TF v ZZI [2026] TASCAT 96	Review of dismissal – Victimisation – Costs.	The Tribunal considered an application by TF to review a decision of the Anti-Discrimination Commissioner dismissing his complaint against ZZI. The complaint alleged victimisation contrary to s 18 of the Anti-Discrimination Act 1998 (Tas) in connection with accommodation, on the basis that the respondent had directed him to vacate a tenancy after becoming aware that he intended to make an anti-discrimination complaint against another tenant. The Tribunal examined the Commissioner's dismissal decision and the relevant provisions of the Anti-Discrimination Act 1998 (Tas), including the Tribunal's review function under ss 71 and 72 and the elements required to establish victimisation under s 18. The Tribunal considered the material before the Commissioner, extensive additional material provided by the complainant during the review proceedings, and submissions from both parties. It reviewed the legal principles governing victimisation, including the	General Division - Anti-Discrimination Stream

			requirement to establish a causal connection between protected conduct and the alleged detriment, and that the protected conduct must be a real, genuine or true reason for the respondent's actions. The Tribunal also considered whether there was evidence capable of supporting the complainant's belief that he was subjected to a detriment because he intended to lodge an anti-discrimination complaint. The Tribunal found that there was insufficient evidence to establish a causal connection between the complainant's intention to make an anti-discrimination complaint and the respondent's decision requiring him to vacate the premises. It accepted evidence that all tenants had been asked to leave the property, that the respondent believed the complainant's lease was expiring, and that the respondent no longer wished to operate the premises as a share house and instead intended to convert it to short-term accommodation. The Tribunal further found that references by the respondent to not wanting "another Mr A case" and the temporary retention of another tenant in the property did not support the complainant's allegation that he had been victimised. The Tribunal also rejected allegations by the complainant that the respondent had breached s 105 of the Anti-Discrimination Act by making false or misleading statements, finding that those allegations lacked substance and did not affect the correctness of the Commissioner's decision. The Tribunal concluded that the Commissioner had correctly determined that the complaint did not relate to discrimination or prohibited conduct and that the complainant had failed to establish evidence of victimisation. It therefore upheld the dismissal of the	
--	--	--	--	--

TASCAT Decisions July 2026 (13 decisions)

			complaint, ordered that the complaint lapse pursuant to s 71(2) of the Anti-Discrimination Act 1998 (Tas), and further ordered that the complainant pay the respondent's costs of the review, to be assessed at 80% of the applicable Supreme Court scale if not agreed.	
30 July 2026	Fletcher v Tasmanian Planning Commission [2026] TASCAT 101	Environment and planning – Planning appeal – Application to file and serve expert evidence	The Tribunal considered an application by Carol-Ann Fletcher for leave to file and rely upon further expert evidence in a planning appeal concerning a permit granted by the Tasmanian Planning Commission to Tasmanian Networks Pty Ltd for part of a major electricity transmission infrastructure project in northern Tasmania. The proposed evidence was to be provided by Dr Noel Meyers and concerned threatened species assessment methodology, ecological impacts and survey protocols. The Tribunal examined the scope of the appeal, the appellant's grounds of appeal, and the principles governing amendment of pleadings, the admission of late evidence, procedural fairness and case management. The Tribunal considered the procedural history of the appeal, including earlier directions requiring the filing and exchange of evidence, the appellant's failure to file expert evidence within the prescribed timetable, and the fact that the hearing had already been listed on the basis of the evidence then intended to be called. It also considered the appellant's explanation for the delay, including her self-represented status, financial circumstances, and her evidence that she had approached the proposed expert only after the relevant deadlines had passed and had received a substantive response shortly before making the application. The Tribunal found that the proposed expert evidence was not directed to the issues raised by the pleaded grounds of appeal. It held that the appeal ground concerning	General Division - Resource and Planning Stream

			alleged piecemeal assessment of an integrated development raised legal issues regarding whether the proposal had been improperly fragmented for planning assessment purposes, rather than merits issues concerning ecological impacts. The Tribunal considered that the proposed evidence effectively sought to introduce new issues about ecological assessment and cumulative environmental impacts that were not identified in the existing grounds of appeal, thereby amounting in substance to an attempt to expand or amend the appeal. The Tribunal further found that the application had been made very late in the proceedings without any compelling explanation for the delay. It noted that the appellant had waited until after the expiry of the evidence timetable and after the hearing had been listed before approaching the proposed expert. The Tribunal accepted that permitting the evidence would be prejudicial to the respondents because it would provide them with only a few days to consider the report, obtain any responsive expert evidence and prepare for cross-examination. It also accepted evidence that any delay to the hearing could result in significant commercial and financial consequences for the project. The Tribunal concluded that the proposed evidence was not sufficiently connected to the existing grounds of appeal, that the delay in seeking to rely upon it had not been adequately explained, and that allowing the application would cause prejudice and raise significant case management concerns. The Tribunal therefore refused the appellant's application for leave to file and serve the expert evidence.	
--	--	--	--	--

TASCAT Decisions July 2026 (13 decisions)

30 July 2026	QKD (Application for Administration Order) [2026] TASCAT 102	Guardianship Stream – impaired decision making – need for an administration order – promotion of personal and social wellbeing – who to appoint as administrator – conflict – duration of order.	The Tribunal considered an application for an administration order in respect of a 94-year-old woman, QKD, on the basis that she was said to have impaired decision-making ability in relation to her financial affairs. The Tribunal examined the requirements of the Guardianship and Administration Act 1995 (Tas), including whether QKD had impaired decision-making ability in respect of financial matters, whether she was in need of an administrator, whether an administration order would promote her personal and social wellbeing, and who should be appointed as administrator. The Tribunal considered the available medical, financial and lay evidence, including a Health Practitioner Report from Dr Elizabeth Monks, bank and credit card statements, aged care financial records, Centrelink documentation, and evidence from QKD’s daughter (TBD), her daughter’s partner (QKX), her son (RD) and the Public Trustee (Tas). The medical evidence was that QKD suffered from advanced dementia and was unable to understand, retain, use or weigh information relevant to decisions concerning her finances and assets. That evidence was not disputed by any party. The Tribunal found that QKD had impaired decision-making ability in relation to financial matters. It further found that she was in need of an administrator. The evidence established that QKD owned a home, held savings and trust account funds associated with her residential aged care facility, had a credit card debt of approximately \$10,000, and was required to meet ongoing aged care and property-related expenses. The Tribunal found that an administrator was required to manage her finances, oversee the property, and make decisions regarding its future use or potential sale. It was	Protective Division – Guardianship Stream
--------------	--	--	--	---

			satisfied that her needs could not be met by less restrictive means and that family members were supportive of an administration order being made. The Tribunal also found that an administration order would promote QKD's personal and social wellbeing by ensuring proper management of her financial affairs and assets. The principal issue became who should be appointed as administrator. Although QKD's daughter sought appointment, the Tribunal found that she did not demonstrate a sufficient understanding of the obligations and duties of an administrator and largely deferred to her partner in relation to financial matters. The Tribunal closely examined the arrangements surrounding QKD's home, which was occupied rent-free by the daughter and her partner. It found that their intention was to continue occupying the property indefinitely and that this created a conflict between their personal interests and QKD's interests, particularly in circumstances where sale of the property might improve QKD's financial position and reduce her aged care costs. The Tribunal was not satisfied that the conflict was adequately addressed by the statutory considerations favouring family appointments. The Tribunal concluded that the statutory criteria for an administration order had been established, but that the daughter was not a suitable person to be appointed administrator due to the conflict of interest arising from her occupation of QKD's home. It determined that QKD's interests and wellbeing would be better protected by the appointment of an independent administrator. The Tribunal accordingly appointed the Public Trustee (Tas) as administrator for a period of three years and directed it to	
--	--	--	--	--

TASCAT Decisions July 2026 (13 decisions)

			lodge a financial summary relating to QKD's estate within eight weeks.	
31 July 2026	Hegarty v Property Agents Board (No 2) [2026] TASCAT 103	Professions and Trades – Auctioneers and Agents – Disciplinary Proceedings – Appeal against summary dismissal by the Property Agents Board – Whether Property Agents Board erred in summarily dismissing landlord's complaints against rental agents – Landlord's expectations of agents unreasonable and not founded in law – Agents owed duties to tenants as well as to landlord.	The Tribunal considered three appeals by Luke Hegarty against decisions of the Property Agents Board summarily dismissing complaints he had made against three property agents employed by his managing agency. The complaints arose from the management of a residential tenancy, particularly the handling of delays in replacing a faulty heat pump, the agency's communications with tenants, and the subsequent termination of the agency's management agreement with Mr Hegarty. The Tribunal examined the disciplinary regime established by the Property Agents and Land Transactions Act 2016 (Tas), including the definitions of unsatisfactory professional conduct and professional misconduct, the operation of the Property Agents Code of Conduct, and the Board's power to summarily dismiss complaints that are misconceived, frivolous or lacking in substance. The Tribunal considered the complaints, the Board's reasons for dismissal, the parties' submissions, and the relevant statutory obligations owed by both landlords and property agents. It examined the duties imposed on landlords under the Residential Tenancy Act 1997 (Tas), including obligations to maintain essential services and attend to urgent repairs, as well as the professional obligations owed by property agents to act in their client's interests while also acting fairly, honestly and reasonably towards tenants. The Tribunal also considered the agency agreement between Mr Hegarty and the managing agency and the surrounding correspondence between the parties.	General Division – Occupational and Disciplinary Stream

			The Tribunal found that the agents had acted within the scope of their professional responsibilities and that Mr Hegarty's expectations of the agents were unreasonable and not supported by law. It found that the agents were entitled, and indeed required, to recognise and respond to the tenants' legitimate rights under the residential tenancy legislation rather than simply acting as a mouthpiece for the landlord. The Tribunal rejected contentions that the agents were obliged to advocate against urgent repairs, ignore tenant complaints, pursue third parties on behalf of the landlord, or continue acting for him after the professional relationship had broken down. It also found no evidence that the agency director had failed to supervise staff appropriately or that the agents' conduct amounted to unsatisfactory professional conduct or professional misconduct. The Tribunal further considered allegations that the Board had failed to follow its own procedures, denied procedural fairness, misapplied the disciplinary provisions of the legislation, failed to give sufficient weight to Mr Hegarty's evidence, and demonstrated bias in favour of the agents. It found that the Board's investigation was sufficiently comprehensive, that any departure from published procedures did not cause practical unfairness, and that there was no evidence of actual or apprehended bias. The Tribunal also rejected the proposition that an alleged breach of the Code of Conduct, by itself, established disciplinary misconduct. The Tribunal concluded that none of the grounds of appeal had been established and that the Board had correctly determined that the complaints were misconceived and lacking in substance. It accordingly affirmed each decision under review and directed that	
--	--	--	---	--

TASCAT Decisions July 2026 (13 decisions)

			any applications for costs be dealt with by written submissions and determined on the papers.	
31 July 2026	HFE v (Delegate of the Registrar) Registration of Working with Vulnerable People [2026] TASCAT 104	Procedural Fairness – Disclosure – Intelligence – Registration to Work with Vulnerable People	The Tribunal considered an interlocutory application arising in a review of a decision under the Registration to Work with Vulnerable People Act 2013 (Tas), in which HFE sought review of a negative notice affecting her registration to work with vulnerable people. The Tribunal was required to determine whether various documents provided by the Delegate of the Registrar should be withheld from disclosure to HFE on the basis that they were protected by the non-disclosure provisions of the legislation. The Tribunal examined the interaction between the disclosure restrictions in s 53(7) of the Registration to Work with Vulnerable People Act 2013 (Tas), the Tribunal's procedural powers under the Tasmanian Civil and Administrative Tribunal Act 2020 (Tas), and the principles of procedural fairness and natural justice. The Tribunal considered the disputed documents, which included correspondence between the Registrar and Tasmania Police, police prosecution documents, offence reports, and material said to constitute intelligence information. It also considered the Registrar's submissions that disclosure should be restricted because the material contained criminal intelligence, disclosed investigative methods, revealed confidential information, or otherwise fell within one or more of the statutory non-disclosure grounds in s 53(7) of the Act. HFE did not provide submissions in response to the application. The Tribunal reviewed the legislative framework and relevant authorities concerning procedural fairness, including the principle that a person is ordinarily entitled	Protective Division – Community, Children and Families Stream

			to know and respond to material adverse to their interests unless Parliament has clearly expressed an intention to limit that entitlement. It considered the purpose of the working with vulnerable people scheme, the statutory requirement that the safety, welfare and protection of vulnerable persons be the paramount consideration, and the express provisions permitting the Tribunal to receive some evidence in the absence of an applicant. The Tribunal found that documents comprising routine correspondence between the Registrar and Tasmania Police, police complaint details, prosecution materials, and offence reports did not constitute “intelligence” within the meaning of s 53(7)(e), nor did they disclose confidential informants, sensitive investigative methods, or other information warranting complete non-disclosure. It considered that much of the material related to charges and convictions already known to HFE and that procedural fairness favoured disclosure so that she could understand and, if necessary, challenge information relied upon in the registration decision. The Tribunal therefore ordered disclosure of those documents, subject in some instances to redactions to protect personal information. However, the Tribunal found that one document had been gathered, collated or created for intelligence purposes and fell within the protection afforded by s 53(7)(e) of the Act. It concluded that this document should not be disclosed to HFE and noted that the legislation expressly prohibited disclosure of such information, including in the Tribunal’s reasons for decision. The Tribunal concluded that the public interest in procedural fairness and open justice required disclosure of most of the disputed material, subject to appropriate	
--	--	--	--	--

TASCAT Decisions July 2026 (13 decisions)

			redactions, but that the statutory protection for intelligence information prevented disclosure of one document. It accordingly ordered that three categories of documents be disclosed to HFE, either in full or with redactions, and that the intelligence document remain confidential.	
31 July 2026	The State of Tasmania (Port Arthur Historic Site Management Authority) v EQ [2026] TASCAT 108	Workers compensation – Entitlement to compensation – Reasons for dispute under s 81A(1)(b) insufficient – Whether extension of time to provide further explanation of reasons for dispute	The Tribunal considered a referral by the The State of Tasmania (Port Arthur Historic Site Management Authority) disputing liability for a worker's claim for compensation arising from an alleged work-related psychological injury. The worker claimed to have suffered work-related distress resulting from ongoing conflict with a colleague, which he alleged contributed to the breakdown of his personal relationship. The Tribunal examined the requirements of s 81A of the Workers Rehabilitation and Compensation Act 1988 (Tas), including the obligation on an employer to provide a worker with notice of the dispute, inform the worker of the reasons for disputing liability, and refer the dispute to the Tribunal within the statutory 84-day period. The Tribunal considered the worker's claim form, medical certificates, an independent medical report, witness statements, the employer's notice disputing liability, and subsequent correspondence seeking to provide further explanation of the dispute. The independent psychiatrist diagnosed the worker with an adjustment disorder with mixed anxiety and depressed mood and expressed the opinion that workplace factors were the major and most significant contributing factor to the condition, although the breakdown of the worker's relationship was also considered a significant contributor.	General Division – Personal Compensation Stream

			The Tribunal examined whether the reasons initially provided by the employer for disputing liability complied with s 81A(1)(b) of the Act. The employer had informed the worker that he had not suffered a compensable injury under various statutory pathways to liability. However, the Tribunal found that those stated reasons were inconsistent with the medical evidence relied upon by the employer, which supported the existence of a disease injury to which employment was the major or most significant contributing factor. It concluded that the original notice failed to explain in understandable terms why liability was being disputed and therefore did not properly inform the worker of the reasons for the dispute. The Tribunal also considered the employer's alternative application for an extension of time to rely upon a later email that provided a more detailed explanation of the basis for disputing liability. It examined the Tribunal's power to extend time and the principles applicable to the exercise of that discretion. The employer argued that the need for further explanation became apparent only after a recent Tribunal decision addressing the adequacy of reasons under s 81A. The Tribunal was not persuaded by that explanation and emphasised that provisions such as s 81A confer significant benefits on employers and therefore require strict compliance with the statutory requirements. The Tribunal found that the employer had failed to comply with the obligation under s 81A(1)(b) to properly inform the worker of the reasons for disputing liability within the required statutory period. It declined to exercise its discretion to extend time and concluded that, because the employer had not complied with all requirements of s 81A, the Tribunal lacked jurisdiction to hear the referral.	
--	--	--	--	--

			The Tribunal accordingly dismissed the referral for want of jurisdiction.	