



T A S C A T

TASMANIAN CIVIL &
ADMINISTRATIVE TRIBUNAL

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL CASE UPDATES JUNE 2026

TASCAT Decisions June 2026 (22 decisions)

Date it was issued	Decision name	Catchwords	Explanation	Division
01 June 2026	BGI (Review of Supervision Order) [2026] TASCAT 67	Supervision order – Nature of mental impairment –Whether endanger another person – Adequate community resources for treatment and support – Compliance with conditions of Order.	The Tribunal conducted its annual review of a supervision order imposed following the applicant’s acquittal on the ground of insanity for a murder offence. Applying ss 34 , 35 and 37 of the <i>Criminal Justice (Mental Impairment) Act 1999</i> , the Tribunal considered the nature of the applicant’s schizoaffective disorder, the risk of harm to others, the availability of community treatment and support, and compliance with the order. The Tribunal found that the applicant’s mental state had remained stable for many years, that she was compliant with treatment and medication, that there had been no violent incidents since the index offence, and that any risk of harm to others was very minimal. The Tribunal was also satisfied that adequate community supports would remain available and that the applicant would continue to engage with treatment in the absence of a supervision order. Having regard to the principle that restrictions on personal autonomy should be kept to the minimum consistent with community safety, the Tribunal concluded that the supervision order was no longer warranted. The Tribunal therefore issued a certificate recommending that the supervision order be revoked and that the applicant be released unconditionally.	Protective Division – Mental Health Stream
01 June 2026	QEC (Review of supervision order) [2026] TASCAT 68	Supervision order – Nature of mental impairment – Endanger another person – Adequate community resources for treatment and support – Compliance with order - Recommendation to revoke supervision order.	The Tribunal reviewed a supervision order imposed after the applicant was found unfit to stand trial in relation to a grievous bodily harm offence. Applying the statutory criteria in ss 34 , 35 and 37 of the <i>Criminal Justice (Mental Impairment) Act 1999</i> , the Tribunal considered the applicant’s mild intellectual disability and history of trauma, the risk of danger to others, the adequacy of available community supports, and compliance with the	Protective Division – Mental Health Stream

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			order. The Tribunal found that the applicant had no major mental illness, had not reoffended since 2011, and presented a low risk of endangering others. It further found that community supports, including assistance from health and social services and family support, remained available notwithstanding her limited engagement with formal services. Although the applicant's compliance with the supervision order was only partial, the evidence indicated that the order now served little practical purpose and that revocation would represent the least restrictive outcome consistent with community safety. The Tribunal concluded that the supervision order was no longer warranted and therefore issued a certificate recommending its revocation and the applicant's unconditional release.	
01 June 2026	Heyward v Waratah-Wynyard Council (No 2) [2026] TASCAT 69	Planning and Environment – Planning appeal – Failure by planning authority to determine application – Statutory requirement to order planning authority to pay costs – Requirement mandatory, not discretionary – Evaluative judgment required to determine costs. Procedure – Civil proceedings in Tribunals – Costs – Indemnity principle – Legislation requiring costs be awarded – Appropriate costs order is party/party costs – Disentitling conduct rendered irrelevant by statute –	The Tribunal considered the appropriate costs order following a planning appeal arising from the Council's failure to determine a permit application within the statutory period prescribed by the <i>Land Use Planning and Approvals Act 1993</i> . The Tribunal examined s 59 of the Act and the distinction between a discretionary judgment and an evaluative judgment in determining costs. It found that s 59(5) imposed a mandatory requirement that the planning authority pay both the applicant's costs and the Tribunal's costs after a hearing, and did not confer a discretion to reduce or refuse costs on the basis of alleged disentitling conduct. The Tribunal rejected the Council's submissions that costs should be limited because the parties had reached agreement before the hearing or because the applicant had declined an extension of time. It held that the purpose of the provision was to provide the successful party with a partial indemnity and that any issue as to whether particular	General Division – Resource and Planning Stream

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		Desirability of certainty and consistency – Appropriate percentage is 90% of the Supreme Court scale.	costs were properly incurred was a matter for taxation. Having regard to the established practice in resource and planning matters, the Tribunal determined that costs should be assessed at 90% of the applicable Supreme Court scale. The Tribunal therefore ordered the Council to pay the applicant's party-and-party costs at 90% of scale and the Tribunal's costs, both to be determined by a registrar if not agreed.	
01 June 2026	LKS (Administration) [2026] TASCAT 70	Guardianship stream – Application for Administration Order – presumption of decision-making ability – consideration of evidence pertaining to decision-making ability for financial matters–presumption not displaced.	The Tribunal considered an application for the appointment of an administrator for an elderly woman on the basis that she was said to have impaired decision-making ability in relation to financial and legal matters. The Tribunal examined the requirements of the <i>Guardianship and Administration Act 1995</i> , including the presumption of decision-making ability and the statutory criteria for the making of an administration order. It considered the available medical, financial and lay evidence, including a health practitioner report that expressed no opinion as to the woman's decision-making ability because an assessment had not been completed, evidence of an earlier mental health capacity determination made in a different context, and evidence from family members and the Public Trustee. The Tribunal found that there was no formal assessment demonstrating impaired decision-making ability in respect of financial matters and that the available evidence did not displace the statutory presumption of capacity. It further found that the woman was able to explain how she managed her finances and that the evidence of her son was not sufficient to establish any inability to make financial decisions. The Tribunal concluded that it was not satisfied that the applicant had established impaired decision-making ability, and	Protective Division – Guardianship Stream

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			therefore the threshold requirement for an administration order had not been met. The Tribunal accordingly dismissed the application.	
02 June 2026	PGL (Review of Supervision Order) [2026] TASCAT 71	Supervision order – Nature of mental impairment – endanger another person – Adequate community resources for treatment and support – Supervision order no longer warranted – Defendant be released unconditionally	The Tribunal conducted a review of a supervision order imposed following the defendant’s acquittal by reason of insanity for an offence involving serious violence against his father. Applying ss 34 , 35 and 37 of the <i>Criminal Justice (Mental Impairment) Act 1999</i> , the Tribunal considered the defendant’s diagnosis of schizophrenia, the risk of harm to others, the availability of community treatment and support, compliance with the supervision order, and other relevant circumstances. The Tribunal found that the defendant’s illness had been in sustained remission, that he had demonstrated significant insight into his condition and the importance of medication compliance, and that he had engaged consistently and collaboratively with forensic mental health services. It accepted expert evidence that the defendant’s risk to the community was extremely low, that the supervision order had not needed to be invoked during the review period, and that comprehensive support services would remain available if the order were revoked. The Tribunal further noted the defendant’s understanding of relapse risks, his family support network and the availability of treatment under the Mental Health Act 2013 should his condition deteriorate. The Tribunal concluded that the supervision order was no longer warranted and therefore recommended that it be revoked and that the defendant be released unconditionally.	Protective Division – Mental Health Stream
02 June 2026	CNL (Application for Treatment Order) [2026] TASCAT 72	Mental Health – Independent assessment – What amounts to separate assessment by a medical practitioner.	The Tribunal considered an application for a treatment order under the Mental Health Act 2013 and, in particular, whether the statutory requirement that the patient be assessed by two approved medical practitioners	Protective Division – Mental Health Stream

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			“separately” had been satisfied. The Tribunal examined ss 37 and 39 of the Act and considered the Supreme Court’s interpretation of the requirement in S v Mental Health Tribunal, which held that assessments must be conducted independently so that the practitioners do not influence one another. The Tribunal found that one practitioner had participated in and documented the first assessment conducted by the other practitioner before undertaking the second assessment himself. It concluded that this involvement exposed each practitioner to the views and reasoning of the other, such that the assessments could not properly be regarded as independent or separate. The Tribunal held that the statutory safeguard requiring separate assessments had therefore not been met and that it could not be satisfied that the prerequisites for a treatment order had been established. The Tribunal accordingly dismissed the application and determined that no treatment order could be made.	
02 June 2026	Goudsouzain v Southern Midlands Council [2026] TASCAT 73	Planning and Environment – Planning appeal – Procedure – Third party joined to an appeal – Whether party joined is limited to appellant’s appeal against permit conditions and restrictions – Tasmanian Civil and Administrative Tribunal Act 2020, Sch 2, Pt 8, cl 7(6).	The Tribunal considered the extent to which a third party joined to a planning appeal may present arguments under cl 7(6) of Sch 2 Pt 8 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i>. In particular, it examined whether a joined party, Ms Beard, could continue to advance an issue concerning odour impacts from a neighbouring industrial use after the appellants had abandoned that ground of appeal. The Tribunal considered the text, context and purpose of cl 7(6), together with earlier authorities interpreting the equivalent provision in the repealed Resource Management and Planning Appeal Tribunal Act 1993.	General Division – Resource and Planning Stream

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			The Tribunal found that cl 7(6) limits a joined party to presenting arguments only in relation to permit conditions or restrictions that both appear in the permit and have been appealed against by the appellant. It rejected Ms Beard's contention that, as a party to the appeal, she was entitled to pursue issues beyond those remaining in dispute, holding that questions of procedural fairness could not override the statutory limits imposed by the legislation. The Tribunal accepted that the purpose of the provision was to prevent joined parties from expanding the scope of an appeal beyond the issues already raised by the appellant. Applying that interpretation, the Tribunal found that the abandoned odour ground did not relate to any permit condition or restriction and was no longer a ground pursued by the appellants. It concluded that cl 7(6) therefore prevented Ms Beard from presenting arguments on that issue, notwithstanding her status as a joined party. The Tribunal accordingly directed that Ms Beard may not present arguments in respect of ground 2 of the appeal and ordered that the matter be listed for further directions.	
02 June 2026	Native Point Pty Ltd v Northern Midlands Council [2026] TASCAT 74	Environment and Planning – Planning – Development assessment and control – Assessment and control of particular matters – Rural and agricultural – Particular cases – Assisted living within confines of farmland – State Policy on Protection of Agricultural Land 2009 –	The Tribunal considered an appeal against the grant of a permit for a proposed 34-unit assisted housing development at Missiondale, Evandale, located within and accessed through agricultural land owned and operated by the appellant. It examined the relevant provisions of the Tasmanian Planning Scheme – Northern Midlands, including cl 21.3.1 P4 and cl 7.6.1, and considered the role of the State Policy on the Protection of Agricultural Land 2009 in interpreting those provisions. The Tribunal assessed whether the proposal's access	General Division – Resource and Planning Stream

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		Conflict with agricultural use – Primacy of protection of agricultural land and avoidance of conflict Environment and Planning – Planning – Development assessment and control – Tasmanian Planning Scheme – Meaning of ‘prohibited’ in cl 7.6.1. Words and Phrases – Prohibited.	arrangements across agricultural land were capable of supporting agricultural use, whether they would confine or restrain existing or future agricultural activities, and whether the discretionary pathway in cl 7.6.1 should nonetheless be exercised. The Tribunal found that the access road formed part of the residential use and that the relevant site included both the development land and the access corridor across the appellant’s farm. It concluded that the site was capable of supporting agricultural use and being included with agricultural land, and that the increased use associated with the proposal would constrain farming activities, including stock movements, crop spraying, management of controlled crops and other agricultural operations. The Tribunal further found that the proposal created a real potential for land-use conflict inconsistent with the purpose of protecting agricultural land. Although there was no practical alternative access, the Tribunal held that the Agriculture Zone objectives and the potential for conflict weighed heavily against approval under cl 7.6.1. The Tribunal concluded that the proposal failed to satisfy the relevant planning scheme requirements and that the discretionary access provision did not justify approval. It therefore held that the permit should not have been granted, set aside the Council’s decision, and refused the permit application.	
03 June 2026	Calvary Health Care Tasmania v KNR [2026] TASCAT 75	Personal compensation – Claim for weekly compensation – Employer’s failure to refer claim under s 81A to dispute liability –	The Tribunal considered whether it had jurisdiction to determine an employer’s referral disputing liability for a worker’s psychological injury claim under s 81A of the <i>Workers Rehabilitation and Compensation Act 1988</i>. The central issue was whether the claim for compensation	General Division – Personal Compensation Stream

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		Dispute as to service of claim within 84 day time period – Jurisdiction issue.	was made on 16 December 2025, when the worker provided a certificate of capacity and claim form, or on 22 December 2025, when the worker supplied an amended certificate. The Tribunal examined ss 34, 80A, 81A and 81AB of the Act, together with the parties’ competing accounts of communications concerning the amended certificate. The Tribunal found that a valid claim for compensation was made on 16 December 2025 when the employer received both the certificate of capacity and the completed claim form. It was not satisfied that the worker had withdrawn the original certificate or represented that the claim was invalid. The Tribunal noted the absence of contemporaneous evidence supporting the employer’s assertion that the original certificate had been withdrawn and accepted that the later certificate merely corrected the worker’s certified capacity rather than constituting a new claim. It further held that, as a matter of law, a worker could not make a second claim in respect of the same injury once a claim had already been lodged. The Tribunal concluded that the 84-day period under s 81A commenced on 16 December 2025 and expired on 10 March 2026. Because the employer did not serve notice of dispute until 12 March 2026, it failed to comply with the statutory time limit. The Tribunal held that it therefore lacked jurisdiction to hear the dispute and dismissed the referral for want of jurisdiction.	
03 June 2026	EUT v State of Tasmania [2026] TASCAT 76	Procedure – Civil Proceedings in State Tribunals – Procedural aspects of evidence – Discovery – Workers	The Tribunal considered an application by an employer for orders requiring a worker to give further discovery of documents relating to his intention to continue working beyond the age of 60. The application arose in workers	General Division – Personal Compensation Stream

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		compensation – Relevance of worker’s intention to retire – Discovery of documents evidencing intention to retire or not retire – Application granted.	compensation proceedings concerning the calculation and review of weekly payments under the <i>Workers Rehabilitation and Compensation Act 1988</i>. The Tribunal examined reg 6 of the <i>Workers Rehabilitation and Compensation Regulations 2021</i> and the principles governing relevance in discovery. The Tribunal found that the worker’s intention to retire or continue working beyond his preservation age could be relevant to the assessment of weekly compensation under s 69 of the Act. It accepted that documents bearing on the worker’s retirement intentions could advance the employer’s case or lead to a train of inquiry relevant to the calculation of entitlements. The Tribunal rejected the worker’s arguments that the documents sought were irrelevant, insufficiently identified, oppressive or amounted to a fishing expedition. It concluded that the category of documents sought was sufficiently certain, namely records capable of shedding light on the worker’s intention to work beyond October 2024. The Tribunal held that the documents sought were relevant to issues in dispute and properly discoverable under the Regulations. It accordingly granted the application, ordered the worker to make discovery of documents relevant to his intention to continue working beyond October 2024, and directed the parties to file submissions concerning costs.	
03 June 2026	The Public Trustee v MON [2026] TASCAT 77	Workers compensation – Entitlement to compensation – Whether reasonably arguable case	The Tribunal considered a referral by The Public Trustee under s 81A of the <i>Workers Rehabilitation and Compensation Act 1988</i> seeking a determination that there was a reasonably arguable case to dispute liability for a worker’s claim for compensation arising from an	General Division – Personal Compensation Stream

			alleged psychological injury. The worker claimed to have developed anxiety and an acute stress disorder following an incident in December 2025 in which a client became abusive, aggressive and threatening at the workplace. The Tribunal examined the circumstances of the incident, the employer's response, the worker's concerns about the client continuing to attend the workplace, and the operation of s 25(1A) of the Act concerning reasonable employer action and reasonable administrative action. The worker contended that his injury arose from the threatening conduct of the client and the employer's failure to adequately address his safety concerns, including its refusal to ban the client from attending the workplace. The employer maintained that it had provided support, followed its policies regarding client management, consulted with the worker, and taken reasonable steps to manage the situation while balancing the needs of a vulnerable client. It argued that the worker's condition may instead have arisen from his dissatisfaction with the employer's decision not to ban the client and that the claim could be defeated under s 25(1A)(a) and/or (c). The Tribunal found that the employer had not established a reasonably arguable case that the worker's injury was unrelated to employment. However, it accepted that the evidence disclosed a plausible alternative cause of the worker's condition, namely his ongoing disagreement with the employer's decision to permit the client to continue attending the workplace. The Tribunal considered it reasonably arguable that the employer's actions constituted counselling and/or administrative	
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			action within the meaning of s 25(1A), and that those actions may ultimately be found to have been reasonable and undertaken in a reasonable manner. The Tribunal concluded that the employer had demonstrated a reasonably arguable case that it could rely on s 25(1A)(a) and/or s 25(1A)(c) to resist liability at a final hearing. It therefore ordered that weekly compensation payments and other benefits under Division 2 of Part VI of the Act were not payable pending any further proceedings on the worker's claim.	
05 June 2026	KHIT (Review of Guardianship Order) [2026] TASCAT 78	Guardianship stream – Review of guardianship order – Decision-making ability – Need for an order – NDIS funded services not engaged prior to hospital admission – Person severely malnourished, underweight and impaired mobility – Ongoing complex medical and healthcare and service's needs – Order promotes personal and social wellbeing – Order varied – applicant not eligible for appointment – Public Guardian appointed.	The Tribunal considered an application by KHIT's mother, DT, for review of an existing guardianship order under the Guardianship and Administration Act 1995. The review concerned a 20-year-old man with Autism Spectrum Disorder, Down syndrome, chronic kidney disease, type 1 diabetes and significant intellectual impairment. The Tribunal examined whether KHIT continued to have impaired decision-making ability, whether he remained in need of a guardian, whether a guardianship order would promote his personal and social wellbeing, and whether DT was suitable to be appointed guardian in place of the Public Guardian. The Tribunal reviewed extensive medical and allied health evidence concerning KHIT's cognitive impairment, health needs, living arrangements, NDIS supports and family contact. It accepted uncontested expert evidence that KHIT was unable to understand, retain, weigh or communicate information relevant to decisions about accommodation, healthcare, services and personal relationships, even with support. The Tribunal found that	Protective Division – Guardianship Stream

			he continued to have impaired decision-making ability in relation to all relevant personal matters. The Tribunal further found that KHIT remained in need of a guardian. It noted his complex and ongoing healthcare requirements, need for substitute decision-making about NDIS and support services, importance of stable accommodation, and the necessity for oversight of contact and visitation arrangements. The evidence demonstrated that since moving into supported independent living with extensive supports, KHIT's physical health, mobility, communication and overall wellbeing had improved significantly. The Tribunal was satisfied that a guardianship order continued to promote his personal and social wellbeing by ensuring access to appropriate care, services, accommodation and medical treatment. In considering DT's suitability for appointment, the Tribunal acknowledged her longstanding relationship with KHIT but found she lacked sufficient understanding of the statutory obligations of a guardian and was not suitable to exercise the role. It placed weight on evidence that KHIT had previously entered hospital severely malnourished, underweight and largely immobile while in her care, that necessary NDIS supports had not been effectively engaged, and that concerns remained regarding her ability to make independent decisions about accommodation, services and contact arrangements. The Tribunal concluded that DT was not eligible for appointment as guardian and that the Public Guardian	
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			should continue in that role. It varied the previous guardianship order and appointed the Public Guardian as guardian until 28 April 2029 with authority to make decisions concerning where and with whom KHIT lives, who may contact or visit him, the provision of care and NDIS services, and consent to healthcare, medical and dental treatment.	
16 June 2026	Medical Board of Australia v Groves [2026] TASCAT 79	Health Practitioner Regulation National Law – Psychiatrist - Practitioner holding senior government appointment – Allegation of failure to maintain professional boundaries – Development of personal relationship with patient – Allegation of boundary violation – Denial of doctor-patient relationship due to administrative nature of role – Weight of opinion evidence – Weight of expert evidence – Plausibility – Vulnerability of patient – Patient’s dependence in doctor-patient relationship – Disregard of professional obligations - allegation dismissed. Allegation of prescribing medications, including Schedule 8 medications, to a person with whom the	The Tribunal considered disciplinary proceedings brought by the Medical Board of Australia against former Tasmanian Chief Psychiatrist Dr Aaron Groves concerning allegations that he had breached professional boundaries by entering into a personal and intimate relationship with Ms AA and had improperly prescribed medications, including Schedule 8 drugs, for her while she was his partner. The Tribunal examined the nature of Dr Groves’ interactions with Ms AA, the existence and duration of any doctor-patient relationship, the Medical Board’s Code of Conduct and Sexual Boundaries Guidelines, and the circumstances surrounding Dr Groves’ prescribing conduct. The Tribunal found that a brief doctor-patient relationship arose when Dr Groves initially assessed Ms AA’s immediate safety and risk of self-harm and arranged psychiatric support for her. However, it concluded that this relationship ended once Ms AA became the patient of another psychiatrist through the Hospital in the Home program. Applying the factors set out in the Medical Board’s Sexual Boundaries Guidelines, the Tribunal was not satisfied that Dr Groves later exploited any prior professional relationship or breached professional boundaries by entering into a consensual intimate relationship with Ms AA approximately eight months later.	General Division – Occupational and Disciplinary Stream

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		practitioner was in a personal and intimate relationship - said to have been prescribed in emergency situation - Admission of inappropriate prescribing - Breach of Code of Conduct - Delay in self-reporting of 'unintended breach'- Report made by pharmacist to AHPRA - Careless and inadequate understanding of professional obligations - finding of professional misconduct - allegation upheld.	It rejected the Medical Board's allegation of a boundary violation and dismissed Allegation 1. In relation to Allegation 2, the Tribunal found that between May and July 2022 Dr Groves prescribed a number of medications, including Schedule 8 drugs, for Ms AA while they were in a personal and intimate relationship. It rejected the suggestion that the prescribing was justified by an emergency, accepted that alternative avenues for treatment were available, and concluded that Dr Groves demonstrated a careless and inadequate understanding of his professional obligations. The Tribunal was also critical of his delay in self-reporting the conduct to AHPRA and his decision to continue prescribing after receiving warnings from pharmacists about the appropriateness of doing so. The Tribunal held that the prescribing conduct, viewed cumulatively, amounted to professional misconduct because it involved multiple departures from the standards reasonably expected of a registered medical practitioner. It therefore upheld Allegation 2, found professional misconduct established, dismissed Allegation 1, and adjourned the matter for a further hearing on penalty and any costs applications.	
16 June 2026	KKS v Aqualine Plumbing and Gas Pty Ltd [2026] TASCAT 80	Workers compensation - Entitlement to compensation - Disputed claim - Costs - Costs thrown away.	The Tribunal considered competing applications for costs following the adjournment of a workers compensation hearing involving referrals under ss 42 and 71 of the <i>Workers Rehabilitation and Compensation Act 1988</i>. The adjournment had been sought by the employer after the worker commenced related Supreme Court proceedings challenging earlier Tribunal decisions arising from the same workers compensation dispute. The Tribunal	General Division - Personal Compensation Stream

			examined the circumstances leading to the adjournment, the principles governing costs thrown away, and whether either party should bear the costs resulting from the hearing being vacated. The employer argued that the adjournment was necessary to avoid inconsistent findings between the Tribunal and the Supreme Court and to promote judicial efficiency. It submitted that the worker's appeals had created the circumstances necessitating the adjournment and that the worker had unreasonably opposed the application despite being aware of the risk of overlapping proceedings. The worker contended that the employer, as the party seeking the adjournment, should bear the resulting costs and that the hearing should have proceeded notwithstanding the pending appeals. The Tribunal accepted that the adjournment was justified because the worker's Supreme Court proceedings directly challenged earlier Tribunal decisions that were relevant to the merits of the pending compensation referrals. It found that there was a significant possibility of inconsistent outcomes if both jurisdictions proceeded simultaneously and that the interests of justice, efficient case management and proper use of Tribunal resources supported postponement of the hearing. Although acknowledging that costs thrown away are often borne by the party seeking an adjournment, the Tribunal considered that this was not an ordinary case. It found that the need for the adjournment arose from the worker's own decision to initiate appellate proceedings	
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			and that the worker could have avoided further expense by consenting to the adjournment when first proposed. The Tribunal therefore ordered the worker to pay the employer's costs thrown away between 21 November and 2 December 2025, including costs associated with the adjournment hearings, and dismissed the worker's own application for costs.	
19 June 2026	DDC (Application for Authorisation of Detention) [2026] TASCAT 81	Authorisation for detention – Contravention of supervision order – Deterioration of mental health – Risk of serious harm.	The Tribunal considered an application under s 31 of the <i>Criminal Justice (Mental Impairment) Act 1999</i> to authorise the continued detention of DDC, a forensic patient subject to a supervision order following criminal convictions. The application followed DDC's apprehension and readmission to a secure mental health unit after concerns about methamphetamine use, non-compliance with treatment, deterioration in his mental health, and threats made towards treating clinicians and support workers. The Tribunal examined whether DDC had contravened his supervision order, whether his mental health had seriously deteriorated, and whether there was a risk he would harm himself or others. The evidence from treating psychiatrists established that DDC, who had an established diagnosis of paranoid schizophrenia, had been using methamphetamine, failed to appropriately engage with forensic mental health services, threatened his psychiatrist, case manager and support workers, and displayed increasingly aggressive and unstable behaviour. Medical witnesses considered that his substance use had precipitated a relapse of psychosis and significantly impaired his capacity for self-care and safe engagement in the community.	Protective Division – Mental Health Stream

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			The Tribunal found that DDC had contravened multiple conditions of his supervision order, including requirements relating to treatment engagement, behaviour towards practitioners, abstinence from substances and compliance with drug screening. It further accepted the medical evidence that there had been a significant deterioration in his mental health and that, without ongoing treatment, further deterioration was likely. The Tribunal preferred the evidence of the treating psychiatrists to DDC's denial that he posed any risk or had made threats. The Tribunal concluded that, because of the breaches of the supervision order and the deterioration in DDC's mental state, there was a real risk that he would harm other persons and potentially come to harm himself. It determined that treatment could not presently be provided in a less restrictive setting and authorised his detention in the secure mental health unit for a per	
22 June 2026	Favato v Property Agents Board (No. 2) [2026] TASCAT 82	Property Agents – Review of decision – Nature of appeal – Failure to act in a fair, honest and reasonable manner – Discretion to award costs.	The Tribunal considered an application by former real estate agent Suesanne Huizing for costs following the dismissal of Humberto Favato's appeal against a decision of the Property Agents Board. The appeal had sought review of the Board's dismissal of a misconduct complaint against Ms Huizing. The Tribunal examined the scope of its discretion to award costs under s 111 of the <i>Property Agents and Land Transactions Act 2016</i>, the nature and merits of the appeal, the parties' conduct, and whether it was appropriate for the complainant to pay the successful party's costs. The complainant argued that his appeal had been brought in good faith, was neither frivolous nor vexatious,	General Division – Occupational and Disciplinary Stream

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			and raised legitimate issues for statutory review. He also relied on access-to-justice considerations, his self-represented status, and the fact that the matter had been determined on the papers. Ms Huizing contended that the appeal lacked merit, imposed significant expense upon her, and justified a costs order in her favour. The Tribunal accepted that it had not previously found the appeal to be vexatious or motivated by an intention to damage Ms Huizing's reputation. Nevertheless, it considered that the appeal lacked evidentiary substance and that the complainant had filed extensive material which required careful consideration and response. The Tribunal found it was reasonable for Ms Huizing to engage legal representation in light of the volume and nature of the material advanced in support of the appeal. It also noted that even a finding of minor misconduct could have carried adverse professional consequences for Ms Huizing, making her participation as a contradictor entirely justified. The Tribunal concluded that it was appropriate to exercise its broad statutory discretion to award costs in favour of Ms Huizing. It ordered that the complainant pay her costs of the appeal on a party-and-party basis at 75 per cent of the Supreme Court scale, with provision for taxation of the costs if agreement could not be reached between the parties.	
22 June 2026	NGD (Review of Enduring Power of Attorney) [2026] TASCAT 83	Guardianship stream – Review of enduring power of attorney – Request for account and records from former attorney – Duties of attorney and former	The Tribunal considered an application to review the conduct of ODK, a former attorney appointed under an enduring power of attorney for NGD. The application arose from concerns that ODK had transferred funds from NGD's accounts into accounts in his own name and had	Protective Division – Guardianship Stream

		attorney to keep and retain accurate records – Order requiring records, receipts and invoices – Substantial bank records provided but no receipts or invoices – Former attorney accepted that receipts had not been kept – Larger transfers traced and restored – Declaration of contravention made – Limits of Tribunal power on review under s 33 and request under s 32AD.	failed to maintain adequate records of transactions undertaken while acting as attorney. The Tribunal examined the obligations imposed by s 32AD of the <i>Powers of Attorney Act 2000</i>, the records produced by ODK, the tracing of substantial financial transfers, and whether ODK had complied with his statutory duties to keep and retain accurate records. The Tribunal reviewed extensive banking records, statutory declarations and explanations provided by ODK. It found that although substantial transfers, including amounts of \$6,000 and \$10,000, had initially been placed into an account in ODK's name, those funds could be traced and had ultimately been restored to NGD. The Tribunal was not satisfied that NGD had suffered a significant financial loss in relation to those larger transactions and made no finding of dishonesty. It accepted that the major concern regarding the whereabouts of the funds had largely been resolved. However, the Tribunal found that ODK had failed to maintain proper contemporaneous records of his dealings as attorney. He acknowledged that he had not retained receipts or invoices and that many explanations for transactions had to be reconstructed from bank statements and memory after the event. The Tribunal held that bank statements alone did not constitute the accurate and complete records contemplated by s 32AD, particularly where funds were transferred into accounts in the attorney's own name or reimbursements were claimed for expenses incurred on behalf of the donor.	
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			The Tribunal concluded that ODK had failed both to keep accurate records while acting as attorney and to retain or provide those records after ceasing to hold the appointment. It therefore declared that he had contravened ss 32AD(1) and (2) of the Act. The Tribunal emphasised that its role was protective rather than compensatory and that any further disputes regarding particular transactions or recovery of funds would need to be pursued in other forums.	
29 June 2026	FG v The Trustee for Blue Mountain Dairies Trust & Anor [2026] TASCAT 84	Federal Jurisdiction – Residents of different states – Transfer to a court.	The Tribunal considered an anti-discrimination complaint referred for inquiry by the Anti-Discrimination Commissioner. The complainant alleged that, during his employment with the first respondent, he had been subjected to discriminatory treatment, sexual harassment and victimisation by the second respondent in connection with both employment and accommodation. Before considering the merits of those allegations, the Tribunal examined whether it possessed jurisdiction to determine the proceeding given the interstate residency of the parties. The evidence established that, at the time the complaint was referred to the Tribunal, the complainant was residing in Victoria while the second respondent resided in Tasmania. Applying principles derived from <i>Burns v Corbett</i> and related authorities, the Tribunal considered whether the matter constituted a federal diversity dispute enlivening federal jurisdiction. The Tribunal found that the proceeding raised a justiciable controversy between residents of different States and therefore fell within federal jurisdiction. Because the Tribunal is not a court capable of exercising	General Division – Anti-Discrimination Stream

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			federal judicial power in those circumstances, it lacked jurisdiction to hear and determine the anti-discrimination complaint. The Tribunal noted that the relevant time for determining residency was the date on which its jurisdiction was invoked by referral of the complaint, rather than when the complaint was originally lodged with the Commissioner. Having concluded that the matter could not be determined by the Tribunal, it exercised its powers under s 131 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> to transfer the proceeding to the Magistrates Court. It ordered that the Tribunal file and reasons be forwarded to the Hobart Registry of the Magistrates Court for further determination.	
29 June 2026	Hazell Bros Resources Pty Ltd v MKM [2026] TASCAT 86 (29 June 2026)	Reasonably arguable case – Medical evidence – Failure to give notice – Mistake or reasonable cause.	The Tribunal considered a referral under s 81A of the <i>Workers Rehabilitation and Compensation Act 1988</i> in which Hazell Bros Resources Pty Ltd disputed liability for a worker’s compensation claim concerning a shoulder injury. The worker alleged that repetitive lifting of 10-kilogram bags in October 2025 had caused, aggravated or exacerbated a shoulder condition, while the employer contended that the injury was unrelated to work and that the worker had failed to provide notice of injury as soon as practicable. The Tribunal examined the competing factual accounts, the medical evidence and the statutory notice requirements. The worker relied on a medical certificate recording a diagnosis of rotator cuff dysfunction and possible bursitis and describing a history of repetitive lifting at work. The employer, however, relied on statements indicating that the worker had previously attributed his shoulder	General Division – Personal Compensation Stream

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			symptoms to complications arising from medical treatment following a collapsed lung and had not reported a workplace injury until lodging his compensation claim in March 2026. The employer argued that there was a significant factual dispute concerning causation and that the worker had only advanced a work-related explanation after employment issues arose in February 2026. The Tribunal held that the medical certificate did not resolve the issue of causation and merely reflected the history provided by the worker. It accepted that there was a genuine and substantial factual dispute regarding the origin of the shoulder condition, including whether it resulted from non-work-related medical events or from workplace activities. It also accepted that the employer had raised an arguable case concerning the worker's failure to give notice of injury as soon as practicable and that it was reasonably arguable that the worker's delay might not be excused under s 37 of the Act. Applying the principles governing s 81A referrals, the Tribunal concluded that the employer had established a reasonably arguable case to dispute liability. It therefore ordered that weekly compensation payments and the cost of benefits under Part VI of the Act were not payable pending any further proceedings concerning the worker's claim.	
29 June 2026	[N] Family Trust Trading As Spit N Polish v TQN [2026] TASCAT 87	Workers Compensation – Entitlement to compensation – Whether a contract of service exists – Reasonably arguable case exists.	The Tribunal considered a workers compensation dispute under s 81A of the <i>Workers Rehabilitation and Compensation Act 1988</i> concerning whether TQN was a “worker” for the purposes of the legislation. TQN had made a compensation claim for a neck and shoulder	General Division – Personal Compensation Stream

			injury, but the insurer disputed liability on the basis that he was the owner and controller of the business and therefore not employed under a contract of service. The central issue was whether there was a reasonably arguable case that no worker-employer relationship existed. The employer relied on evidence that TQN was the owner of the business, exercised control over his own duties, and had not produced a formal employment contract. It argued that a trust is not a separate legal entity capable of employing a person and that TQN, as the controlling figure behind the business, could not effectively employ himself. In response, TQN produced extensive evidence showing that a company acted as trustee of the family trust and employed him as a working director. He provided company records, payslips, superannuation records, tax documentation, trust accounts and evidence that he received wages separately from trust distributions. He argued that a sole director can validly be both a director and employee of a company and that the overall relationship demonstrated the existence of a contract of service. The Tribunal did not finally determine whether TQN was a worker. Instead, applying the “reasonably arguable case” test applicable to s 81A referrals, it found that there remained genuine questions about the true nature of the relationship. Particular attention was given to anomalies in the payslips and leave records which arguably suggested the appearance of an employment	
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			relationship rather than a genuine master-servant arrangement. Because the totality of the relationship required examination at a final hearing, the Tribunal found that the employer had established a reasonably arguable case to dispute liability and ordered that compensation payments not be made pending further proceedings.	
30 June 2026	HU (Interim Treatment Order) [2026] TASCAT 88	Protective Division – Mental Health Stream – Application for treatment order – Application for an interim treatment order – Order made.	The Tribunal considered an urgent application for an interim treatment order under the <i>Mental Health Act 2013</i> concerning a 20-year-old woman diagnosed with first episode psychosis. The application was made by an approved medical practitioner and sought authority for compulsory treatment while a substantive application for a treatment order awaited determination. The Tribunal was required to decide whether the statutory criteria for an interim order were satisfied. The medical evidence described symptoms including disturbed sleep, mood instability, disordered thinking, delusional beliefs, auditory hallucinations, impulsive behaviour and poor insight into her condition. The treating psychiatrist considered there to be a significant risk of deterioration if treatment were not continued, and expressed concerns that the patient was refusing medication, repeatedly requesting discharge and was at risk of absconding from hospital. The Tribunal accepted that the patient had a mental illness within the meaning of the legislation and that, without treatment, there was a likely risk of serious harm to her health and safety. It also accepted the medical opinion that treatment involving antipsychotic medication, supportive inpatient care and ongoing monitoring was appropriate and effective, and that such	Protective Division – Mental Health Stream

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			treatment could not adequately be provided on a voluntary basis because the patient lacked capacity to understand and weigh information about her condition and treatment needs. The Tribunal further found that it could not immediately convene a full hearing before a three-member panel and that delaying treatment until such a hearing could be held would create an unacceptable risk of harm. Taking into account the objects of the Act and mental health service delivery principles, it exercised its discretion to make an interim treatment order for the maximum period of ten days. The order authorised detention if necessary, inpatient and community treatment, administration of psychiatric medication, medical testing and follow-up by community mental health services.	
30 June 2026	Pearce v Kenna [2026] TASCAT 89	Residential Tenancies – Application to keep a pet – Meaning of unreasonably refuse – Cat in rental property	The Tribunal considered an application under the Residential Tenancy Act 1997 concerning a landlord’s refusal to consent to a tenant keeping a cat named “Celeriac” at a rental property. The owner argued that consent was properly refused because of concerns about possible damage to the property, the recent renovations undertaken at considerable expense, the sentimental value of the house, and concerns about allergens. The Tribunal was required to determine whether those reasons amounted to reasonable grounds for refusing consent under the recently introduced pet provisions in the Act. The Tribunal emphasised that the legislation starts from the presumption that tenants are entitled to keep pets, subject only to reasonable grounds for refusal. It rejected the owner’s contention that a “genuine and foreseeable	General Division – Civil and Consumer Stream

			risk” of damage alone justified refusal. The Tribunal held that Parliament had intentionally created a right for renters to keep pets and anticipated that any damage beyond reasonable wear and tear would be addressed through existing tenant obligations, end-of-tenancy repairs, or bond claims. A hypothetical possibility of damage was therefore insufficient, as such concerns would exist in relation to virtually every pet. The tenant presented detailed evidence about measures that would be taken to minimise risk, including keeping the cat indoors, restricting access to carpeted areas, providing scratching posts, trimming claws, undertaking behavioural training, maintaining a litter tray in a non-carpeted area and accepting responsibility for any damage caused. The Tribunal found there was no evidence that Celeriac was likely to cause damage beyond reasonable wear and tear. The Tribunal also rejected arguments based on the property’s recent renovations, sentimental value and unspecified concerns about allergens. It concluded those matters did not outweigh the statutory right to keep a pet and that the refusal of consent was unreasonable. Accordingly, it ordered that the tenant be permitted to keep Celeriac at the property.	
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