

FACT SHEET

Occupational Licensing Amendment Bill 2026

The Occupational Licensing Amendment Bill 2026 (the Bill) proposes a number of amendments to the *Occupational Licensing Act 2005* (the Act) and related legislation to fulfil the Government's commitment to introduce strong new legislation to prevent corporate 'phoenixing' of building companies.

Key aspects of the proposed amendments are:

- The Bill creates the concept of an "excluded person".
- For a natural person this is:
 - a. a bankrupt person, or
 - b. a person who was the director, secretary or an influential person in relation to a "construction company" when an "insolvency event" occurred, or within two years prior to this event.
- For an excluded person that is a body corporate this is:
 - a. a company that has experienced an insolvency event within the last 3 years, or
 - b. a company where a director, secretary or influential person for that company is an excluded person or permanently excluded person.
- There is provision in the Bill for a company not to be an excluded person where it did not know or could not reasonably have known the exclusion status of the person, or if, upon becoming aware, removes the person from the relevant position within 28 days of becoming aware.
- An excluded person is then prevented from holding a 'prescribed building services licence' for three years after the insolvency event, or from being a director, secretary or influential person for a construction company for the same period.
- If a bankruptcy or insolvency event occurs despite an individual having taken all reasonable steps to avoid the circumstances leading to that event, they may seek to be declared a 'permitted individual' and avoid licence exclusion.
- A person may be declared permanently excluded from holding a prescribed building services licence if they have twice within 5 years had their licence cancelled for being an excluded person. Two or more cancellations arising from the same set of circumstances may be treated as a single cancellation. The Administrator also has the discretion to revoke a declaration that a person is permanently excluded.
- Relevant details of persons who have been excluded and permanently excluded persons may be published in an online register.
- The Administrator must give written notice, and the opportunity to make a submission before deciding that a person is an excluded or permanently excluded person, whether to cancel a prescribed building services licence, and other matters. The Administrator's decisions are also subject to internal review and appeal to the Tasmanian Civil and Administrative Tribunal.

- Under transitional provisions, bankruptcy and insolvency events will only be relevant to new offences and refusal and cancellation of licences if they occurred after commencement.
- In addition, the Bill amends the Act to enable the Administrator to consider a disciplinary matter without having to refer the matter to a disciplinary panel. However, the Administrator may still refer to any expert they see fit as part of an investigation. This amendment will give the Administrator more flexibility to deal with disciplinary matters efficiently and effectively.
- The Bill provides for a statutory review of the amendments after they have been in place for five years.

The amendments will commence on proclamation.