

Suspended, Cancelled, or Refused Contractor Licence: What to Do

This article explains what you can do if your application for contractor licence is refused, or if your contractor licence is cancelled or suspended by the NSW Office of Fair Trading.

Grounds for refusal, suspension, cancellation

The Office of Fair Trading may refuse application, or suspend or cancel an existing contractor licence for any of the following grounds:

- Having too many complaints lodged against the company and its related entities or director;
- Not complying with an order from NCAT concerning a building claim within the time stipulated;
- Not having a nominated supervisor for the company licence; and
- Not complying with the insurance requirements of the Home Building Act 1989 (NSW) (HBA).

If no reason is stated in Fair Trading's decision

If the decision of Fair Trading refusing, suspending, or cancelling the licence is not specified, you may file a written request to Fair Trading - which is required to provide its reasons within 28 days from receipt of request.

What Fair Trading's decision should include

Apart from the reasons for refusal suspension, or cancellation, the decision should include:

- The facts, with reference to the evidence and materials on which those findings are based;
- Fair Trading's understanding of the law; and
- The reasoning processes that led Fair Trading to the decision made.

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First Option: Internal Review

Your first option in addressing the refusal, suspension, or cancellation is to request Fair Trading for an Internal Review.

You can request for an internal review of the decision from Fair Trading within 28 days from:

- the date they are received, or any refusal to give reasons is received (if you have requested reasons to be provided); or
- the date the decision is received (if you have not requested reason)

It is important for any request for an internal review to be lodged within time.

If you have run out of time to request for an internal review, you may:

- Contact Fair Trading and request an extension of time to lodge an application for internal review;
- If extension is refused, an application for External review may be lodged with the NCAT

What should you include in the application for internal review?

1) First, the internal review should be:

- In writing;
- Addressed to Fair Trading;
- Contain an address in Australia where a response from Fair Trading can be sent to; and
- Lodged at the office of Fair Trading.

2) It should then contain all relevant documents and information to support the application.

3) It should demonstrate why the license should not have been refused, cancelled or suspended.

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Fair Trading decision

After you have done the above, it will be up to Fair Trading to make a decision on your application for internal review.

Deadline for decision

Fair Trading will have 21 days from the receipt of the internal review application to complete the review and provide its determination.

Type of decision

Fair Trading may make a decision to:

- Affirm the original decision;
- Amend the original decision; or
- Set aside the original decision and replace it with a new decision.

Second Option: External Review with the NCAT

If you are unsatisfied with the decision made under the internal review, you can apply for an external review to NCAT.

An application for an external review can be made to NCAT if:

- You have made a late internal review application and Fair Trading responds by indicating that the application was made out of time and it will not be considering the application; or
- It is necessary for NCAT to deal with the application to protect your interests, and the application is made within a reasonable time of the original decision.

How We Can Help

Filing a review, whether internal or external, requires one to strictly comply with the timelines, and to submit all the required documentation and paperwork. This may be overwhelming to some. To ensure that everything is in order, or if you simply need more information about the process, you may reach out to us through this website. Your first consult is free.

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