



February 2022

## HOW TO IMPROVE YOUR CHANCES AT BEING GRANTED A CONTRACTOR LICENCE

### INTRODUCTION

Preparing an application for a contractor's licence can be a daunting and difficult process. This article seeks to provide some helpful tips that can help increase your chances of being granted a contractor's licence.

### FAIR TRADING DECISIONS TO REFUSE

Often times, we are asked by clients to review NSW Fair Trading (**Fair Trading**) decisions refusing applications for a contractor's licences. Quite commonly, many of those decisions arise from the applicant's failure to adequately demonstrate that they have:

- a minimum of two years relevant industry experience's;
- in a wide range of building construction work; and
- where the majority of that experience was obtained within 10 years of the date on which the application is made.

### WHAT ARE THE REQUIREMENTS?

In New South Wales, the requirements are set out in the *Home Building Act NSW 1989* (**the Act**).

In accordance with the requirements of the Act, for an applicant to be granted a builder's licence, the applicant must demonstrate that he or she:

1. has met the qualification and examination requirements; and
2. has a minimum of 2 years relevant industry experience in a wide range of building in construction work.

### QUALIFICATION REQUIREMENT

The NSW Fair Trading website provides a full detailed list of the qualification requirements. It requires that applicants complete a number of courses to meet the qualification requirements. You can find these details by clicking this link: [NSW Government Licensing and Qualifications: General Building Work](http://NSW Government Licensing and Qualifications: General Building Work)

## EXPERIENCE REQUIREMENT

In making a determination to either grant or refuse an application, the NSW Fair trading will consider whether or not an applicant has demonstrated that the minimum 2-year relevant industry experience was obtained:

1. within 10 years of the date on which the application is made;
2. either as an:
  - a. employee under the supervision of licenced builder;
  - b. a sub-contractor who is appointed the supervisor (of a company or partnership class) Contractor Licence contracted by a licenced builder;
  - c. a sub-contractor who holds an Endorsed (individual class) Contractor Licence contracted by a licenced builder;
3. through paid work.

## HOW CAN YOU INCREASE YOUR CHANCE OF BEING GRANTED A LICENCE?

Often times we find applications being refused because applicants fail to provide enough documentation to show the experience, they seek to rely on which adequately demonstrate that the experience is "*relevant industry experience*".

In order for an applicants' experience to be recognised as relevant, the applicant will need to show that he or she has experience in a wide range of residential building work.

The applicant should demonstrate experience across all stages of construction in order to satisfy that he or she has the capacity to do, coordinate and supervise general building work in the construction of a residential dwelling.

To increase your chances of being granted a licence, applicants must ensure they provide all the supporting documents and referee statements to corroborate the experience they claim to have.

## HELPFUL TIPS

Here are some way's you can improve your application and increase your chances of being granted a builder's licence:

### *Qualification requirements*

- ⇒ Complete the applicant's checklist for individual applicant form, which can be accessed on the NSW Fair Trading website and provide all the proof of identification documents required;
- ⇒ Attach evidence of approved qualification documents including statement of attainment along with transcripts of academic record for the qualification(s).

### *Experience requirements*

- ⇒ Ensure Referees' statements from licenced supervisors covering the minimum required period of 2 years of practical experience are attached to the application
- ⇒ Ensure the 2 years of practical experience claimed is within 10 years of the date on this the application is made
- ⇒ Provide evidence to show that the referees meet the following requirements:
  - held a current endorsed contractor licence or a qualified supervisor certificate during the dates claimed on the Referee's Statement Form and accompanying "Applicant's On-Site Building Experience" forms;

⇒ Provide other relevant documentation, such as:

- Pay slips to show you were renumerated;
- Payment of purchase orders or invoices, if you were engaged as a contractor;
- Subcontract agreements or letters of engagement from licenced builder;
- Log books recording time spent at different site address if you worked at more than one site;
- Photographs of different sites with dates.

If you need assistance with challenging a Fair-Trading decision refusing an application for individuals builders' licence or submitting an application for individual builders' licence, contact us at [excellence@kreisson.com.au](mailto:excellence@kreisson.com.au)

---

*This communication is sent by Kreisson Legal Pty Limited (ACN 113 986 824). This communication has been prepared for the general information of clients and professional associates of Kreisson Legal. You should not rely on the contents. It is not legal advice and should not be regarded as a substitute for legal advice. The contents may contain copyright.*