

# **BUILDING CONTRACTS & REGULATION QUEENSLAND**

## **SUPPLEMENT THREE – JANUARY 2017**

### **CHAPTER ELEVEN – Paragraph [11.9]**

[6.12.1] With the repeal of the ‘permitted’ individual provisions it would now seem that, for relevant insolvency events from 1 July 2015, the only effective scope for argument is restricted to whether a person, classified as excluded on account of having been an “influential person” of a “construction company” is now limited, to whether the person concerned was such a person of influence.<sup>1</sup>

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<sup>1</sup> To some extent see sections 56AF(2)(b) & (3)(a) 56AH *Queensland Building and Construction Commission Act* 1991. Note that the procedure for licence cancellation under section 49 of the Act does not apply in respect of these provisions. To some extent the possible harshness of this may be alleviated by the use of the defined term “construction company” as a touchstone for the application of the excluded individual provisions: See generally *Carmichael v Queensland Building & Construction Commission* [2016] QCAT 24; *Rumbelow v Queensland Building and Construction Commission* [2016] QCAT 378.