

BUILDING CONTRACTS & REGULATION QUEENSLAND

SUPPLEMENT SIX – MAY 2017

CHAPTER ELEVEN – Paragraph [11.7]

[11.7.1] On 10 November 2014 the *Queensland Building and Construction Commission Act* was amended by the *Professional Engineers and Other Legislation Amendment Act 2014* to provide that an excluded individual for a relevant event, be it a bankruptcy or company event, does not become permanently excluded by reason of a subsequent event, where that subsequent event arose from “in substance the one set of circumstances”.¹ This section has been applied to an application for classification as a permitted individual that arose from an exclusion which occurred prior to the just mentioned amendment. The application itself was heard by the Queensland Civil and Administrative Tribunal prior to the amendment but, after hearing, but before decision, the amendment came into force. While the Tribunal, both at first instance, and in its appellate division, was of the view that the, by then in force, amendment had no application, that view was overturned in the Queensland Court of Appeal.²

¹ Section 56 AC (5) & (6) *Queensland Building and Construction Commission Act* 1991. For example where a director of a failed company, he or herself becomes bankrupt due to guarantees provided to secure the company's debts.

² *D'Arro v Queensland Building and Construction Commission* [2017] QCA 90.