

# QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Leet v Queensland Building and Construction Commission* [2019] QCAT 163

PARTIES: **GLENN LEET**  
(applicant)  
v  
**QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION**  
(respondent)

APPLICATION NO/S: GAR452-18

MATTER TYPE: General administrative review matters

DELIVERED ON: 19 June 2019

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Member Cranwell

ORDERS: **The application to review a decision filed on 13 December 2018 is dismissed.**

CATCHWORDS: ADMINISTRATIVE LAW – ADMINISTRATIVE TRIBUNALS – QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL – where direction to rectify issued to company – where former director of company seeks review – whether applicant has standing

*Queensland Building and Construction Commission Act 1991 (Qld), s 72AA, s 73, s 87*

REPRESENTATION:

Applicant: Self-represented

Respondent: Self-represented

APPEARANCES:

This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009 (Qld)*.

## REASONS FOR DECISION

- [1] On 13 December 2018, Mr Leet filed an application to review a decision of the Queensland Building and Construction Commission ('QBCC') made on 29 August 2018. That decision was a direction to rectify issued to Integrity New Homes Pty Ltd.

- [2] The ASIC records provided to the Tribunal indicate that the name of Integrity New Homes Pty Ltd was changed to Laxmi Custom Homes Pty Ltd on 6 August 2018. Mr Leet was a director of the entity from 12 June 2003 until 12 March 2018, and from 4 May 2018 to 5 June 2018.
- [3] On 27 February 2019, I directed Mr Leet to file and serve submissions in relation to the issue of standing by 14 March 2019. He did not do so.
- [4] Section 87 of the *Queensland Building and Construction Commission Act 1991* (Qld) ('the QBCC Act') provides:
- A person affected by a reviewable decision of the commission may apply, as provided under the QCAT Act, to the tribunal for review of the decision.
- [5] The consequences of non-compliance with a direction to rectify are set out in s 72AA and s 73 of the QBCC Act.
- [6] Section 72AA(1) of the QBCC Act provides:
- A person must not, without reasonable excuse, delay rectifying building work that is defective or incomplete, or remedying consequential damage, as required by a direction given to the person under section 72(2).
- [7] Section 73 of the QBCC Act provides:
- A person must not fail to rectify building work that is defective or incomplete, or to remedy consequential damage, as required by a direction to rectify or remedy given to the person, subject to any extension of time granted under section 72B.
- [8] Having regard to these provisions, the QBCC have submitted that as the direction to rectify was not given to Mr Leet in his personal capacity, he is under no personal obligation to comply with the direction to rectify issued to Integrity New Homes Pty Ltd. I note that it is also the case that Integrity New Homes Pty Ltd was not an entity which existed in that name at the time the direction to rectify was issued, and Mr Leet was not a director of the entity at that time in any event.
- [9] In these circumstances, I am not satisfied that Mr Leet is a person affected by the direction to rectify issued to Integrity New Homes Pty Ltd. The application to review a decision is therefore dismissed.