

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

CITATION: *Muller v Queensland Building and Construction Commission* [2019] QCAT 222

PARTIES: **DEBBIE LORRAINE MULLER**
(applicant)
v
QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION
(first respondent)
BUNDABERG REGIONAL COUNCIL
(second respondent)

APPLICATION NO/S: GAR090-19

MATTER TYPE: General administrative review matters

DELIVERED ON: 1 August 2019

HEARING DATE: On the papers

HEARD AT: Brisbane

DECISION OF: Member Cranwell

ORDERS: **The application filed on 8 February 2019 is dismissed.**

CATCHWORDS: PROCEDURE – CIVIL PROCEEDINGS IN STATE AND TERRITORY COURTS – TIME, EXTENSION AND ABRIDGMENT – where the applicant filed an application to review a decision out of time – where no application for an extension of time filed

Acts Interpretation Act 1954 (Qld), s 39A
Queensland Civil and Administrative Tribunal Act 2009 (Qld), s 33

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 8 February 2019, Ms Muller lodged an application for domestic building disputes with the Tribunal. The named respondents were the Queensland Building and Construction Commission ('QBCC') and Bundaberg Regional Council.
- [2] On 7 March 2019, Senior Member Brown transferred the proceeding to the General Administrative Review list.
- [3] Ms Muller has not clearly articulated the decision she is seeking to review. The most recent decision of the QBCC attached to the application filed in the Tribunal is dated 13 May 2016. That decision was that Mackay & Sons (QLD) Pty Ltd had attended to the items listed in a direction to rectify issued on 17 March 2016.
- [4] The effect of s 39A of the *Acts Interpretation Act 1954* (Qld) is that the decision letter is taken to have been received 'at the time at which the letter would be delivered in the ordinary course of post, unless the contrary is proved'. In the case of a regular letter, that is three to four business days, which in this case was by 19 May 2016.
- [5] Section 33 of the *Queensland Civil and Administrative Act 2009* (Qld) provides that an application for the review of a reviewable decision must be made within 28 days of, relevantly, the day the applicant is notified of the decision. The application for review was therefore required to be made by 16 June 2016.
- [6] On 20 March 2019, I directed Ms Muller to file an application to extend time.
- [7] On 4 April 2019, Ms Muller filed a bundle of material. The material filed did not include an application to extend time.
- [8] As the application was filed out of time, and no application to extend time was filed, I will dismiss the application.