

Summary of Disciplinary Action

Accredited certifier	Disciplinary action no.	Complaint No.	Property address	Details of disciplinary matter	Disciplinary action	Date of decision
Kenneth SMITH BPB No. 0789	413	61/13	5 Collier Road, Ulladulla	Issued a CC with an incorrect building classification and a deficient fire safety schedule. Also issued an OC when the building was not suitable for occupation or use in accordance with its classification under the BCA.	<p>The Board finds that the conduct of Mr Kenneth Smith constitutes unsatisfactory professional conduct as defined by section 19 of the Building Professionals Act 2005, and:</p> <ol style="list-style-type: none"> 1. Mr Smith is reprimanded; 2. Mr Smith is ordered to pay a fine of \$10,000 to the Board, which is to be paid to the Board within 28 days of receipt of the Statement of Decision on Complaint; 3. Until Mr Smith: <ul style="list-style-type: none"> • completes and passes the courses referred to in 4 and 5 below, and • undertakes and passes the exam referred to in 6 below, and • reports on his practice as referred to in 7 below, <p>the certificate of accreditation of Mr Smith is subject to the condition that he may only carry out certification work for buildings involving the following classes of buildings under the BCA:</p> <p>a) class 1 and class 10 buildings</p>	5 Nov 2015
		73/13	41 Owen Street, Huskisson	Issued a CC for a development when the proposed building work will reduce the fire protection of the existing building and when the proposed building will not comply with the relevant requirements of the BCA.		
		91/13	64 Old Ferry Road, Illawong	Issued a CDC for a development (swimming pool) that is not complying development under the Codes SEPP.		



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		39/14	102-104 Princes Highway, South Nowra	Issued a CC and an IOC for the building when it did not comply with the BCA. Also accepted an incorrect fire safety certificate, failed to ensure the development complied with the development consent, and failed to respond to council's complaint about the development.	b) class 2 to 9 buildings with a maximum floor area of 500m ² and a maximum rise in storeys of three storeys	
		35/15	21 Roosevelt Avenue, Sefton	Issued a CDC for development (proposed dwelling additions) which was not complying development under Codes SEPP, as it would result in two dwellings on the property.	<ol style="list-style-type: none">4. Mr Smith is ordered to complete the UTS Advanced Building Regulation short course within 6 months of receipt of the Statement of Decision on Complaint;5. Smith is ordered to complete an *approved educational course in disability access legislation and related standards within 6 months of the date of receipt of the Statement of Decision on Complaint (*Mr Smith is to submit details of the proposed course to the Manager of the Board for approval prior to undertaking the course);6. After completion of the UTS Advanced Building Regulation short course and the approved course in disability access legislation and related standards, Mr Smith is to undertake an exam prepared by the Board;7. Mr Smith is ordered to report to the Board's Manager on his practices and procedures for his certification work (including but not limited to applications, inspections and issuing of certificates).	