

## Summary of Disciplinary Action

Registered Certifier	Registration Number	Disciplinary Ground and Summary	Disciplinary Action	Date of Decision
Anthony Bernard Hans	BDC0164	<p>1. Engaged in conduct in connection with the carrying out of certification work that has fallen short of the standard of competence, diligence, and integrity that a member of the public is entitled to expect of a reasonably competent registered certifier under section 45(a) of the BDC Act</p> <p>2. Failed to comply with a statutory duty under section 45(d) of the Building and Development Certifiers Act 2018 (<b>BDC Act</b>).</p> <p>Between 4 April and 9 May 2022, the Registered Certifier carried out certification work with respect to 2 swimming pools at private residences in NSW. While carrying out this work, the Registered Certifier failed to comply with his statutory duties under section 22E(3)(e) of the SP Act, clause 18(2) of the SP Regulation and clauses 2, 3, and 8 of the Code of Conduct.</p> <p>The Registered Certifier carried out certification work with respect to one of the pools that fell short of the required standard of competence, diligence and integrity as did not obtain all relevant facts and documents and consequently issued a certificate of compliance for a pool which did not comply with the requirements of Part 2 of the SP Act, namely that it was not surrounded by a child-resistant barrier.</p>	<p>1. Pursuant to section 48(1)(b) of the BDC Act reprimand the Registered Certifier with immediate effect; and</p> <p>2. Make a determination pursuant to section 48(1)(c) of the BDC Act requiring the Registered Certifier to pay the Secretary, as a penalty, an amount of \$3,000 within the time specified on the face of the penalty notice;</p> <p>3. Pursuant to section 48(1)(d) of the BDC Act, impose the following conditions on the registration of the Registered Certifier for a period of three (3) years from the date of imposition of this condition and with immediate effect:</p> <p>(1) The Registered Certifier is required within one (1) year of the date of this condition, to complete the current University of Technology Sydney Swimming Pool Assessments, Compliance and Safety Awareness Course;</p> <p>(2) The Registered Certifier must not issue a certificate of compliance for any swimming pool or spa unless he documents and retains evidence:</p> <p>(a) that the swimming pool or spa complies with the current standards and provisions under the Swimming Pools Act 1992,</p>	18/01/2024

			<p>Swimming Pool Regulation 2018, and Australian Standards; or</p> <p>(b) of how and why an exemption applies, where a certificate of compliance is proposed to be issued based on earlier standards and/or provisions where applicable under the Swimming Pools Act 1992, Swimming Pool Regulation 2018, and Australian Standards.</p> <p>(3) The Registered Certifier must store and retain records of compliance with (1) and (2) above and provide those records on request to the Secretary.</p>	
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