

Summary of Disciplinary Action

Registered Certifier	Registration Number	Disciplinary Ground and Summary	Disciplinary Action	Date of Decision
Joseph Hallal	BDC0159	<p>1. Engaged in unsatisfactory professional conduct under the Building Professionals Act 2005 (NSW).</p> <p>2. Contravened the certification legislation under section 45(b) of the Building and Development Certifiers Act 2018 (NSW) (BDC Act).</p> <p>3. 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>On 12 May 2017, issued a final occupation certificate for a residential apartment building in Auburn NSW without attaching the required evidence to demonstrate compliance with the requirements of the Building Code of Australia (BCA) concerning the use of combustible cladding products on external walls.</p>	<p>1. The Registered Certifier is reprimanded under section 48(1)(b) of the <i>Building and Development Certifiers Act 2018</i>.</p> <p>2. The Registered Certifier is required under section 48(1)(c) of the <i>Building and Development Certifiers Act 2018</i> to pay to the Respondent, as a penalty, \$25,000.00 within the period of time set out on the face of the notice to be issued by the Secretary pursuant to this order.</p> <p>3. The following conditions are imposed with immediate effect on the registration of the Applicant for a period of three years from the date of these orders under section 48(1)(d) of the <i>Building and Development Certifiers Act 2018</i>:</p> <p>1. The registered certifier is required to:</p> <p>a. for each development where the certifier is exercising a function as a registered certifier create and store an index, in electronic format, of all records relied upon in relation to exercising the registered certifiers functions as a registered certifier as it relates to that development (each version of a record should be separately identified by the date of the version of the record);</p>	

		<p>On or about 11 October 2021, contravened the Code of Conduct in the BDC Regulation by:</p> <ul style="list-style-type: none"> • issuing a construction certificate for a childcare centre in Bankstown NSW when the building works to which the construction certificate related had already commenced; and • causing or permitting false and misleading statements in a record which the Registered Certifier submitted to the NSW Planning Portal <p>Between 15 February and 19 March 2021, issued three (3) complying development certificates for three (3) proposed complying 'group homes' in NSW when the proposed homes were self-contained residential units and not complying 'group homes' under the EP&A Act.</p>	<ul style="list-style-type: none"> b. store each record in electronic format in an electronic records management storage system and title each record consistently with the title adopted in the index referred to in 1)a); c. ensure the electronic records management storage system referred to in 1)b) allows for records to be able to be provided on request to the Secretary within 5 business days; and d. provide records contained in the electronic records management storage system referred to in 1)b) on request to the Secretary within 5 business days. <p>2. The registered certifier is required to implement a documented compliance management system by 31 July 2024 to ensure that the registered certifier complies with all relevant legislative obligations in relation to the registered certifier's operations as they relate to carrying out functions as a registered certifier. The documented compliance management system is to meet the requirements of ISO 9001:2015 - Quality management systems.</p> <p>3. The registered certifier is required by 6 September 2024, and on an annual basis,</p>	
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			<p>thereafter, to engage a professional auditor to audit compliance with condition (1) above and the documented compliance management system referred to in (2) in relation to the following:</p> <ul style="list-style-type: none">a. whether the documented compliance management system will ensure the registered certifier's operations comply with the registered certifier's legislative obligations under Part 7 of the Building Development Certifiers Regulation 2000 and the registered certifiers Code of Conduct if implemented;b. whether the documented compliance management system is being implemented in practice by the registered certifier;c. whether there are best practice improvements that can be made to the registered certifier's documented compliance management system and a description of those improvements; and <p>4. Store and retain records of compliance with (1), (2), and (3) above and provide those records on request to the Secretary.</p>	
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