

Building Professionals Act 2005

Fit and proper person declaration – managers of bodies corporate

Under section 7(1A) of the *Building Professionals Act 2005*, an application for a certificate of corporate accreditation can be refused on certain grounds, including where the Board is not satisfied a director or a person concerned in the management of the body corporate is a fit and proper person.

Each person who is concerned in the management of a body corporate that seeks accreditation, and who is not an accredited certifier, must **complete this form** to assist the Board to assess the application for accreditation. Please sign and date each page of the form.

The completed form (one for each manager) must be attached to the body corporate's application for accreditation.

1. MANAGER'S DETAILS

Title		Given names	
Surname			
Date of birth			

2. MANAGER'S SUITABILITY

Please answer each of the questions below. If you answer yes to any of the questions, please provide details on a separate sheet and **attach** it to this form. You may indicate not applicable where you have not previously been an accredited certifier.

NB: If the only relevant offence is an excluded offence, you do not need to tick yes.*

- Have you ever contravened a law (whether or not in New South Wales and whether or not the contravention is an offence) that relates to the functions or obligations of a person as an accredited certifier or the holder of an equivalent authorisation** or involves fraud or dishonesty?
 Yes No
- Have you failed to comply with a statutory or other duty or a contractual obligation, imposed by or in accordance with a law (whether or not a New South Wales law) that relates to the functions or obligations of a person as an accredited certifier or the holder of an equivalent authorisation**?
 Yes No
- Are you an undischarged bankrupt?
 Yes No
- Have you ever represented yourself as being an accredited certifier when you were not an accredited certifier?
 Yes No
- Have you had a disciplinary finding made against you under the *Building Professionals Act 2005* or the *Environmental Planning and Assessment Act 1979* that resulted in the suspension or cancellation of your certificate of accreditation?
 Yes No
- Are you a mentally incapacitated*** person?
 Yes No

Manager's signature _____

Date: / /

7. Have you been found guilty of a criminal offence (other than an excluded offence*), whether or not in New South Wales and whether or not a conviction has been recorded? If yes, please provide details.
 Yes No
8. Are you aware of any criminal proceedings pending against you (other than for an excluded offence)?
 Yes No
9. Have you been found by a court or tribunal to have breached the *Environmental Planning and Assessment Act 1979* or the Regulations made under that Act?
 Yes No
10. Are there any proceedings pending before a court or tribunal in which it is alleged that you have breached the *Environmental Planning and Assessment Act 1979* or the Regulations made under that Act?
 Yes No
11. Have you ever held accreditation as an accredited certifier in New South Wales or hold or have held an equivalent authorisation?
 Yes No If no, you do not need to answer questions 12 to 16, inclusive.
12. Have any claims been made against any insurance policy required to be held by you as an accredited certifier under the *Environmental Planning and Assessment Act 1979* or the *Building Professionals Act 2005*?
 Yes No
13. Have you been involved in any civil litigation that involved your functions as an accredited certifier in the past 12 months?
 Yes No
14. Have you been subject to any disciplinary action, proceedings or determination in the past 12 months, including any investigations or actions that might lead to a disciplinary action, proceeding or determination?
 Yes No
15. Have you had an equivalent authorisation** suspended or cancelled (other than at your request) under the law of another jurisdiction?
 Yes No
16. Do you hold an equivalent authorisation that is subject to conditions imposed as a result of any criminal, civil or disciplinary proceedings under the law of another jurisdiction?
 Yes No

* **Excluded offence means** any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999* other than the following:

- (i) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently on a road or road related area if the accredited certifier concerned is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
- (ii) an offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner dangerous to the public,
- (iii) an offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to comply with a requirement to produce a driver licence, or to state name and home address, or stating a false name and home address).

** **Equivalent authorisation means** a certificate, accrediting registration or other authorisation or qualification issued or conferred under the laws of another jurisdiction that enables the holder to undertake similar functions to the holder of a certificate of accreditation under the *Building Professionals Act 2005*.

*** **Mentally incapacitated person means** a person who is a temporary patient, a continued treatment patient or a forensic patient within the meaning of the *Mental Health Act 1900*, or a protected person within the meaning of the *Protected Estates Act 1983*.

3. MANAGER'S SIGNATURE

Signature: _____
 Date signed: / /

Manager's signature _____

Date: / /