

Canny Builders Pty Ltd

The matter was heard by Magistrate Hassard at Melbourne Magistrates' Court on 22 August 2014.

Canny Builders Pty Ltd pleaded guilty to one charge of representing an unapproved company to be an architect under s 6 of the Architects Act.

The Court determined that:

- the significant sentencing consideration was general deterrence to give effect to the consumer protection aspects of the Architects Act and to protect the integrity of the profession of architects; and
- there was limited need to consider specific deterrence, given the circumstances that the Accused:
 - had taken steps to remedy the charged breaches and has not reoffended;
 - the breach appeared to be inadvertent and not a wilful breach of the law; and
 - no complaints from consumers regarding services or products provided had been alleged.
- nonetheless, the circumstances of the case did not exclude culpability on the part of the company, as it could be argued that the company's directors lacked due diligence in failing to comply with the law.

The following sentence was imposed: A fine of \$1,500 without conviction and costs of \$11,364.