



Plumbers Licensing Board Policy

Public Naming

OBJECTIVE

The Policy sets out the guiding principles for the Plumbers Licensing Board (Board) to consider prior to the public naming of a person after an enforcement action.

SCOPE

The policy applies to plumbing work in Western Australia as defined by the *Plumbers Licensing Act 1995* (Act) and the Plumbers Licensing and Plumbing Standards Regulations 2000 (Regulations).

CONTEXT

Regulation 108 gives the Board the power to publish information concerning the performance of its functions under the Act. The Board may publicly name a person who has been convicted by a Court for an offence under the Regulations or where the Board or the State Administrative Tribunal (SAT) is satisfied a disciplinary matter exists or has occurred.

POLICY PRINCIPLES

Public naming is a public statement (such as a media release) that identifies a person or entity about their conduct in relation to plumbing work with the intention of protecting the public from personal, physical or financial harm or any adverse impact.

Public naming can be effective in influencing people to comply with specific legislative obligations, remedying unfair practices, deterring people from adopting similar practices to the person named, deterring unlicensed persons from undertaking plumbing work and warning the public about a particular person with respect to their plumbing work.

The Board may publicly name a person under the following circumstances:

- When the State Administrative Tribunal (SAT) has disqualified, reprimanded or issued an Order to a person;
- When a Court has convicted a person under the Regulations; or
- When the Board has found a person to have committed a disciplinary breach.

A person will not be named where they have been issued an infringement, fine, warning or educational letter from the Department or Board; or if a Court has given the person a Spent Conviction Order.

The Board should exercise discretion when deciding to publicly name a person for a disciplinary breach and have regard to the following principles:

- Publicly naming a person can have serious consequences for his or her livelihood and may incur more damage to the person than a monetary fine or suspension imposed by a Court or the SAT.
- Where it is in the public interest to publicly name a person and where there may be a risk to consumers and the public that could result in physical injury, extensive financial loss or significant inconvenience if the person is not publicly named.
- A decision to name a person will be made on full and accurate information.
- The statement published will accurately reflect and not embellish that information.

Public interest

The public interest factors that may be considered when making a decision to publicly name a person include:

- The level of risk to the health or safety of the public.
- The degree of potential financial loss to the public.
- The number of complaints and/or enquiries from the public.
- The level of media interest in the matter.
- The availability of sufficient evidence to prove the allegations.
- The extent of cooperation by the person.
- The status of any other matters before the Board; the SAT or a Court.
- Previous actions against the person.
- The potential consequences of naming or not naming.

Legal review

A review by Legal Services will be sought by the Board prior to the public naming of a person.

Request to remove a name from the Department's website

Public statements that include the names of persons in respect of a disciplinary breach or conviction at the State Administrative Tribunal or a Court are automatically removed from the Department's website after six years.

The Board may consider applications made in writing to remove the media statement from persons or persons who have been publicly named. The grounds for removing public statement include the overturning of a decision, a change of business ownership, on humanitarian grounds or where it is demonstrated that it is in the public interest to do so.

POLICY IMPLEMENTATION

This policy public naming of persons will commence on 22 August 2022. The Department will present a briefing note and media statement to the Board for approval, when a situation meets the conditions as described in this policy. Media statements and liaison will be administered by the Department.

GOVERNANCE

Resolved by the PLB	Meeting Date 22 August 2022	Item Number 4.1
Chair	Signature 	Date 22/8/2022
Keywords	Public naming; media	
Next review	22 August 2025	