



Plumbers Licensing Board Policy

Fit and Proper Person Assessment Criteria for the issue of plumber licences

OBJECTIVE

The policy is a tool for the Plumbers Licensing Board (PLB) to determine the fitness and propriety of applicants for plumber licences and permits under the Plumbers Licensing and Plumbing Standards Regulations 2000 (the regulations).

SCOPE

The policy applies to new, renewal and reissue of plumber licences and permits submitted to the PLB.

CONTEXT

Regulations 17(1) and 20(1) require the PLB to be satisfied that an applicant is a fit and proper person. Fitness and propriety has three components: knowledge, ability and honesty. This policy provides guidance on determining if a person meets the criterion of honesty.

POLICY PRINCIPLES

The decision making framework on fitness and propriety is based on the general principles in the Department of Mines, Industry Regulation and Safety *Standardised fit and proper person assessment policy (December 2018)*. The policy does not limit the PLB from making a decision outside the principles based on the individual circumstances of an applicant.

CRITERIA FOR ASSESSING FITNESS AND PROPRIETY

A fit and proper person assessment for renewals of licences and permits is based on the information provided in the applicant’s National Criminal History Check (NCHC), an applicant’s response to the fitness and propriety questions, compliance and complaints history and any adverse findings by the department.

The NCHC must be no more than three months old at the time of application unless otherwise approved by the PLB.

Those matters that may constitute a serious offence are shown in Table 1. Applicants who are deemed to have committed a serious offence are referred to the PLB to determine whether an applicant is a fit and proper person.

Table 1 Definition of a serious offence

Nature of offence	Potentially disqualifying offences	
	New applications	Renewal applications
Pattern	A pattern of offences over a long period.	A pattern of offences over a long period.
Serious	An offence with a prison sentence, suspended prison sentence or order in the ten years prior to the date of the NCHC.	An offence with a prison sentence, suspended prison sentence or order in the three years prior to the date of the NCHC.

Nature of offence	Potentially disqualifying offences	
	New applications	Renewal applications
Persons	An offence with a fine exceeding \$3,000 in the five years prior to the date of the NCHC.	An offence with a fine exceeding \$3,000 in the three years prior to the date of the NCHC.
Dishonesty Drug Property	An offence with a fine exceeding \$3,000 in the ten years prior to the date of the NCHC.	An offence with a fine exceeding \$3,000 in the three years prior to the date of the NCHC.

Where an applicant is deemed to have committed a serious offence, or where the behaviour shows a pattern of offending or a history of non-compliance or other improper behaviour relevant to plumbing work, departmental officers will seek additional information such as statements of material facts, contacting another jurisdiction or further information from the applicant.

An applicant has 14 days to provide a response. If the applicant does not respond within 14 days, the application can be referred to the PLB for decision.

PLB DECISIONS

The concept of “fit and proper” can be made based on the conduct of an individual and whether improper conduct has occurred or is likely to occur, and whether the community will lack confidence that improper conduct won’t occur (see Appendix 1).

Factors that should be considered in determining whether an applicant is a fit and proper person include whether the applicant:

- is an honest person;
- has a pattern of offending behaviour;
- has committed an offence in the course of their licensed activity;
- has committed an offence that reflects on the applicant’s ability to carry out work in an appropriate manner (e.g. entering people’s homes; interacting with the public; working on commercial sites);
- has committed an offence against a person;
- has recently committed an offence;
- has committed a serious offence as compared to a minor offence, having regard to the penalty imposed, the maximum available penalty and the facts of the offending behaviour;
- has a history of non-compliance, including where there are serious open complaints under investigation; or
- has a history of other improper behaviour relevant to plumbing work.

Mitigating factors can be taken into account when making a fit and proper assessment.

These factors include:

- demonstrated remorse and insight into their improper behaviour;
- committing the offence a long time ago or as a minor;
- eliminating the factors that gave rise to the offences;

- having family support;
- engaging in paid or voluntary work;
- having demonstrated a reasonable period of good behaviour in the community; and
- having supporting character references.

A decision maker will not consider irrelevant factors such as:

- personal hardship caused by refusing or revoking a person's licence;
- personal characteristics such as rudeness during the application process;
- financial issues such as bankruptcy if the person is not applying for a contractor's licence; or
- information that does not directly relate to the application such as their gender, religious affiliation, political views or known associates.

APPLICATION ASSESSMENT

If the PLB forms a preliminary view to refuse an application, the applicant will be notified in writing and given 14 days to respond.

CANCELLATION OR SUSPENSION OF LICENCE DURING LICENCE OR PERMIT PERIOD

The PLB has the power to initiate proceedings with SAT to rescind a licence or permit if a person is no longer deemed to be a fit and proper person.

RIGHT OF REVIEW


If a new or renewed licence or permit has been refused, the applicant must be informed in writing with the reasons for refusal. An applicant who is aggrieved by the decision may apply to the SAT for a review of the decision.

OTHER RELEVANT POLICIES AND DOCUMENTS

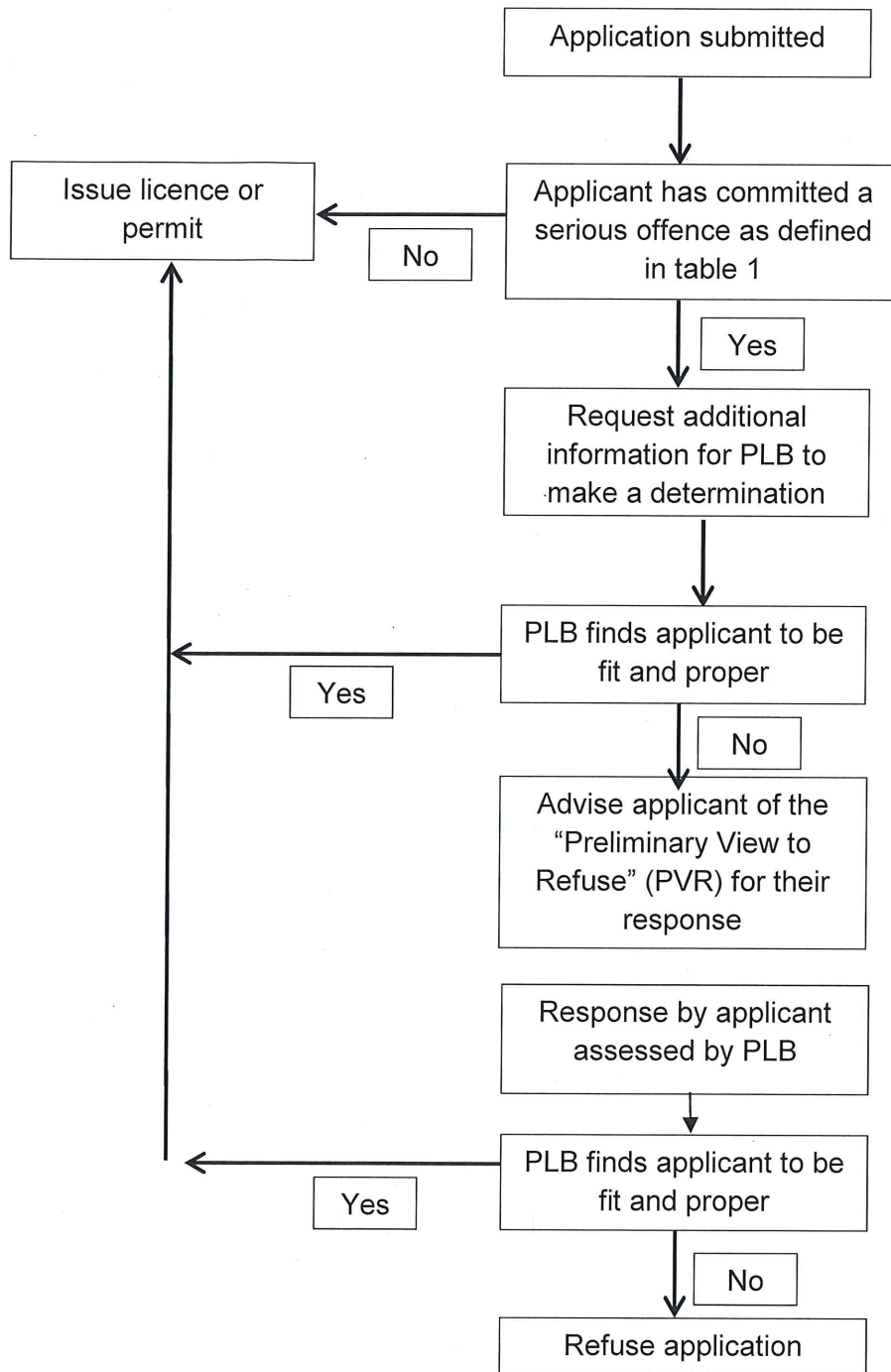
Instrument of Delegation (Regulation 26B PLPS Regulations 2000).

Standardised fit and proper person policy (December 2018).

GOVERNANCE

Resolved by the PLB	Meeting Date 23 March 2020	Item Number:
Chairperson	Signature 	Date: 23 March 2020
Keywords	licence, assessment, fit and proper	
Next review	March 2022	

DECISION MAKING FOR FIT AND PROPER PERSON ASSESSMENT



Fit and proper person assessment

	YES	NO
Do you have a reasonable belief that the applicant:		
Is NOT an honest person?	<input type="checkbox"/>	<input type="checkbox"/>
Has a pattern of offending behaviour?	<input type="checkbox"/>	<input type="checkbox"/>
Committed an offence in the course of their licensed activity?	<input type="checkbox"/>	<input type="checkbox"/>
Has committed an offence that reflects on the applicant's ability to carry out work in an appropriate manner?	<input type="checkbox"/>	<input type="checkbox"/>
Committed an offence against a person?	<input type="checkbox"/>	<input type="checkbox"/>
Recently committed an offence?	<input type="checkbox"/>	<input type="checkbox"/>
Committed a serious offence as opposed to a minor offence?	<input type="checkbox"/>	<input type="checkbox"/>
Has a history of non-compliance?	<input type="checkbox"/>	<input type="checkbox"/>
Has a history of other improper behaviour?	<input type="checkbox"/>	<input type="checkbox"/>
Mitigating factors		
Demonstrated remorse and insight into their improper behaviour?	<input type="checkbox"/>	<input type="checkbox"/>
Committed the offence a long time ago or as a minor?	<input type="checkbox"/>	<input type="checkbox"/>
Has eliminated the factors that gave rise to the offences?	<input type="checkbox"/>	<input type="checkbox"/>
Has family support?	<input type="checkbox"/>	<input type="checkbox"/>
Is engaged in paid or voluntary work?	<input type="checkbox"/>	<input type="checkbox"/>
Has demonstrated a reasonable period of good behaviour in the community?	<input type="checkbox"/>	<input type="checkbox"/>
Has supporting character references?	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation		
Has improper conduct occurred?	<input type="checkbox"/>	<input type="checkbox"/>
Is improper conduct likely to occur?	<input type="checkbox"/>	<input type="checkbox"/>
Will the community lack confidence that improper conduct won't occur?	<input type="checkbox"/>	<input type="checkbox"/>