

Policy

PLUMBERS LICENSING BOARD

Fit and proper person assessment criteria for the issue, renewal and re-issue of plumbing licences and permits

Purpose

The purpose of this policy is to guide members of the Plumbers Licensing Board (the Board), and departmental officers delegated by the Board, in making appropriate, consistent and legally valid decisions when considering the fitness and propriety of applicants for plumbing licences and permits under the *Plumbers Licensing and Plumbing Standards Regulations 2000* (the Regulations).

Scope

This policy applies to the issue, renewal and re-issue of plumbing licences and permits under the Regulations.

This policy does not limit or inhibit the Board's discretion in taking a decision outside these principles and in accordance with the Regulations, based on the individual circumstances of the applicant.

Definitions

Act	Means the <i>Plumbers Licensing Act 1995</i> .
Department	Has the meaning given in section 3 of the Act. It is currently the Department of Local Government, Industry Regulation and Safety.
Departmental officers	Means the public servants of the Department to whom the Board has delegated the performance of any of its functions, as permitted by section 59D of the Act.
National police check (NPC)	Means a check of the applicant's offender history as required by the Board.
State Administrative Tribunal (SAT)	Means the independent body that reviews a wide range of government decisions and determines disputes.

Background

Regulations 17(1), 20(1) and 20A(4) of the Regulations require the Board to be satisfied that an applicant is a fit and proper person to hold the licence or permit sought. Fitness and propriety have three components: knowledge, ability and honesty. This policy provides guidance on determining if a person meets the criterion of honesty.

Assessing fitness and propriety

A fit and proper person assessment for issuing, renewing or re-issuing plumbing licences and permits is based on the information provided in the applicant's national police check (NPC), the applicant's response to the fitness and propriety questions in the application, the applicant's compliance and complaints history, and any adverse findings made by the Board against the applicant.

The NPC must be no more than three months old at the time of application, unless otherwise approved by the Board.

Matters that may constitute a serious offence are shown in Table 1. Applicants deemed to have committed a serious offence are referred to the Board to determine whether they are a fit and proper person.

Table 1 Definition of a serious offence

Nature of offence	Potentially disqualifying offences	
	New or re-issue applications	Renewal applications
Pattern	A pattern of offences over a long period.	A pattern of offences over a long period.
Significant	An offence with a prison sentence, suspended prison sentence or order in the 10 years prior to the date of the NPC.	An offence with a prison sentence, suspended prison sentence or order in the three years prior to the date of the NPC.
Against persons	An offence with a fine exceeding \$3,000 in the five years prior to the date of the NPC.	An offence with a fine exceeding \$3,000 in the three years prior to the date of the NPC.
Dishonesty Drug Property	An offence with a fine exceeding \$3,000 in the 10 years prior to the date of the NPC.	An offence with a fine exceeding \$3,000 in the three years prior to the date of the NPC.

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 the licensed activity, departmental officers may seek additional information including statements of material facts, sentencing remarks relating to the applicant's convictions, contacting another jurisdiction, or any other information considered relevant to the assessment.

The applicant has 14 days to respond to any request for additional information. If the applicant does not respond within 14 days, the application will be referred to the Board for decision.

Factors considered in making a decision

The determination of "fit and proper" can be made based on the conduct of the applicant including whether improper conduct has occurred, or is likely to occur, and whether the community will lack confidence that improper conduct will not occur.

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 (for example, entering people's homes, interacting with the public, working on commercial sites, etc);
- 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; and/or
- has a history of other improper behaviour relevant to the licensed activity.

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/or
- 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 licensed plumbing contractor's licence; and/or
- information that does not directly relate to the application such as their gender, religious affiliation, political views or known associates.

Preliminary view to refuse

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

Right of review

If a licence or permit has been refused, the applicant must be informed in writing with the reasons for refusal. A person who is aggrieved by the decision may apply to the State Administrative Tribunal (SAT) for a review of the decision within 28 days after the person receives notice of the decision.

Cancellation or suspension of licence or permit

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

Policy principles and implementation

The Board's assessment of an applicant's fitness and propriety as required under regulations 17(1), 20(1) and 20A(4) of the Regulations will be conducted as set out in this policy document.

Departmental officers delegated by the Board will process applications in a manner that conforms to this policy and will inform applicants of this policy.

Governance

Plumbers Licensing Board Approval			
Meeting date:	23 February 2026	Item number:	4.1
Chairperson signature:	<i>Rebecca Johnston</i>		
Keywords:	Fit and proper; assessment; licence; permit; factors; serious offence		
Next review:	February 2028		