

Policy

PLUMBERS LICENSING BOARD

Fit and proper person assessment criteria for the 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

National police check (NPC)	Means a check of the applicant's offender history, provided in a format deemed acceptable by the Department.
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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.

Criteria for Assessing Fitness and Propriety

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

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 applications	Renewal or reissue 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 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 will seek additional information such as statements of material facts, sentencing remarks, 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 will be referred to the Board for decision.

Board Decisions

Determination 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.

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 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
- 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; 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 Board 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 or Permit

The Board has the power to initiate proceedings with the State Administrative Tribunal (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 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.

Policy Principles and Implementation

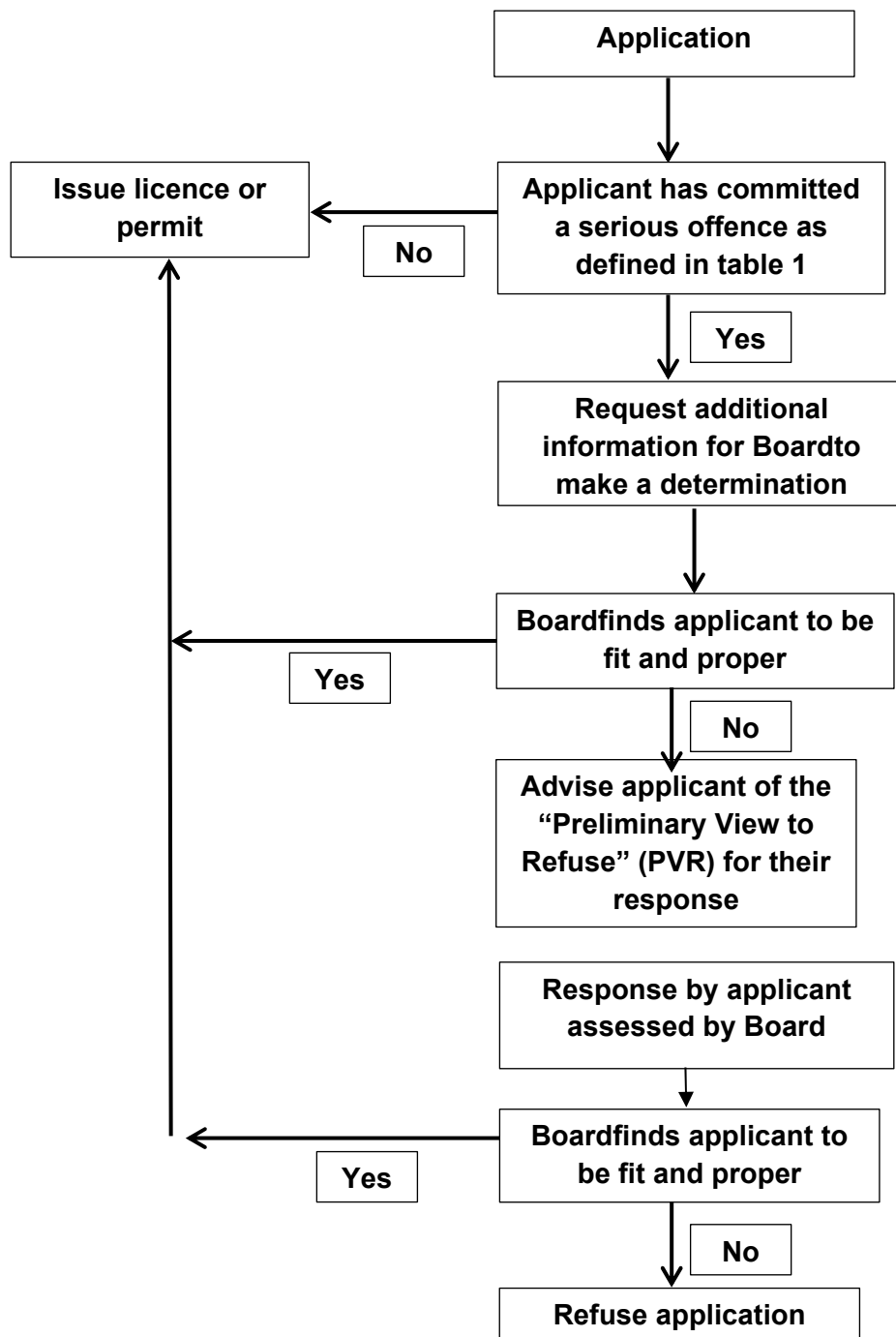
The Board's assessment of an applicant's fitness and propriety as required under regulations 17(1), 20(1) and 20A(4) of the Regulations will be conducted as set out in this policy document.

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:	22 September 2025	Item number:	4.1
Chairperson signature:	<i>Rebecca Johnston</i>		
Keywords:	licence, assessment, fit and proper		
Next review:	September 2027		

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"/>

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"/>