

# Policy

## ELECTRICAL LICENSING BOARD

### Fit and proper person assessment criteria for the issue of licences and permits

#### Objective

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The objective of this policy is to guide members of the Electrical Licensing Board (the Board), and departmental officers delegated by the Board, in making appropriate, consistent and legally valid decisions when issuing an electrician's licence or permit.

#### Scope

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This policy applies to all applications made for the issue of:

- Electrician's licences;
- Electrician's training licences;
- Restricted electrical licences; and
- Permits.

This policy also applies to applications for the restoration of an electrician's licence or a restricted electrical licence in circumstances where the Board considers it necessary to reassess a person's fitness and propriety to be licensed.

#### Background

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Regulation 24(1) of the Electrical Licensing Regulations requires the Board to be satisfied that an applicant is a fit and proper person to hold a licence endorsed to the effect sought in the application. Regulation 23(1 b) requires that an initial application for an electrical worker's licence or permit include or be supported by any information, certificate, or documentation that the Board may require to be satisfied that the applicant is a fit and proper person.

Where a person fails to apply to renew their electrician's licence or restricted electrical licence within 30 days of its expiry, they may apply to have their licence restored to the register under regulation 56(3). Regulation 56(4) provides that the Board, at its discretion, may require such an applicant to demonstrate that they satisfy the requirements prescribed for the initial grant of an electrician's licence or restricted electrical licence, including that they are a fit and proper person to be licensed.

Fitness and propriety requirements are commonly used in occupational licensing legislation and generally comprise three components: knowledge, ability and honesty.

## Policy Principles and Implementation

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The decision-making framework on fitness and propriety includes the general principles in the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) Standardised fit and proper person assessment policy (December 2018).

The policy does not limit or inhibit the Board's discretion in taking a decision outside these principles, based on the individual circumstances of an applicant.

### Criteria for Assessing Fitness and Propriety

A fit and proper person assessment for the issuing of licences and permits is initially based on the information provided in the applicant's Australian police check.

The Australian police check must be from the list of [DEMIRS approved providers](#) and 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
Pattern	A pattern of offences over an extended period.
Significant	An offence with a prison sentence, suspended prison sentence or order in the 10 years prior to the date of the Australian police check.
Persons	An offence with a fine exceeding \$3,000 in the five years prior to the date of the Australian police check.
Dishonesty Drug Property	An offence with a fine exceeding \$3,000 in the 10 years prior to the date of the Australian police check.

Where an applicant is deemed to have committed a serious offence, or where the behaviour shows a pattern of offending or other improper behaviour relevant to the licensed activity, Departmental Officers will seek additional information such as statements of material facts, sentencing remarks or further information from the applicant.

An applicant who has committed a serious offence who has already been determined by the Board to be a fit and proper person, is not required to be referred to the Board upon receipt of a subsequent application, provided that no further serious offences are disclosed on their current Australian police check.

An applicant has 28 days to provide a response. If the applicant does not respond within 28 days, the application can 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, is likely to occur and/or whether the community would 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 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 other improper behaviour relevant to the licensed activity;
- Is addicted to alcohol or any drug, or suffers from any mental or physical disorder, to a degree that may at any time affect the applicant's ability to carry out electrical work in a safe and satisfactory manner; or
- Is for any other reason unable to carry out electrical work in a safe and satisfactory manner.

The Board can take mitigating factors 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;
- A person's character generally since the commission of the offences, including a lack of offending since, and the applicant's age, family support, paid or voluntary work and character references; and
- The worker is working under supervision.

The Board will not consider irrelevant factors such as:

- Personal hardship caused by refusing a person's licence;
- Personal characteristics such as rudeness during the application process; 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 28 days to respond.

## **Cancellation or Suspension of Licence or Permit**

There is proper cause for disciplinary action against a person who is the holder of a licence or permit if the person is deemed to not be a fit and proper person. In such circumstances, the Director of Energy Safety has the power to initiate disciplinary proceedings with State Administrative Tribunal to rescind a licence or permit.

## Right of Review

If a licence or permit has been refused, the applicant must be informed in writing with the reason for refusal. An applicant who is aggrieved by the decision may apply to the Supreme Court of Western Australia for a review of the decision.

This policy commences operation on 4 December 2024.


## Related Documents

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- Interim 'Fit and Proper' Guideline for Electrical Workers, 19 March 2020
- Electrical Licensing Board Fit and proper person assessment criteria for the issue of licences and permits – 17 December 2020

## Governance

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Electrical Licensing Board Approval	
Meeting date: 22 August 2024	Item number: 3.5.1
Chairperson signature: 	
Next review:	December 2027

## Fit and Proper Person Assessment Process

