

Fit and proper person policy

Version 3 approved by Board on 19 June 2018 to come into force from 20 June 2018

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Purpose

1. This policy sets out how the Plumbers, Gasfitters, and Drainlayers Board decides an applicant for registration or an annual licence has satisfied the Board they are a fit and proper person to be registered under section 36 of the Plumbers, Gasfitters and Drainlayers Act 2006, or licensed under sections 44 or 51 of that Act.

Legislation and relevant policies

2. The following legislation is relevant to this policy:
 - a. the Plumbers, Gasfitters, and Drainlayers Act 2006.
3. The following policies are relevant to this policy:
 - a. licensing
 - b. registration
 - c. decision-making.

Definitions

4. In this policy, unless the context otherwise requires:
 - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
 - b. **applicant** means a person applying to the Board to be registered, applying for a licence, or applying for a renewal of a licence
 - c. **Board** means the Plumbers, Gasfitters, and Drainlayers Board continued by section 133 of the Act
 - d. **assessment** means the assessment the Board carries out to determine whether it is satisfied someone is a fit and proper person to be registered under section 36 of the Act, or licensed under sections 44 or 51 of the Act.

Guiding principles

5. An applicant must satisfy the Board they are a fit and proper person to be entitled to:
 - a. be registered under section 36 of the Act
 - b. be issued with a practising licence under section 44 of the Act
 - c. be issued with a renewal of their practising licence under section 51 of the Act.
6. The Board assesses whether an applicant is fit and proper taking into account its purposes of:
 - a. protecting the health and safety of members of the public by ensuring the competency of people who do sanitary plumbing, gasfitting and drainlaying
 - b. regulating people who do sanitary plumbing, gasfitting and drainlaying.
7. Every application is assessed individually on its own merits.
8. The Board complies with the principles of natural justice when conducting fit and proper person assessments.

Fit and proper person assessments

9. All applicants for registration, licensing, or licence renewal must answer questions in their applications to enable the Board to assess whether they are a fit and proper person.

10. In making an assessment about an applicant, the Board may take account of any information it already holds about them that is relevant to the assessment.
11. At any time during an assessment, the Board may seek further information from the applicant including such things as conviction records from New Zealand or another country, details of any convictions or charges, and compliance information relating to sanitary plumbing, gasfitting, or drainlaying.
12. An application will only be processed when the Board has all of the information it needs to make the assessment.
13. Where the Board has a concern about an applicant, the kinds of things it will consider include:
 - a. how serious the matter is
 - b. what health and/or safety concerns it may raise
 - c. how long ago it occurred
 - d. any consequences for the applicant or any other person
 - e. whether it was a one-off incident or repeated
 - f. how relevant it is to the applicant's ability to do sanitary plumbing, gasfitting or drainlaying work
 - g. how relevant it is to other aspects of the applicant's role as a plumber, gasfitter or drainlayer (eg, handling money, entering peoples' homes)
 - h. the implications of the matter (for example, what does it show about the applicant)
 - i. the applicant's attitude to the matter
 - j. how a member of the public who engaged the applicant might view the matter
 - k. anything else the Board may consider relevant.
14. If the Board has concerns about whether the applicant is a fit and proper person it advises the applicant of those concerns and gives them an opportunity to comment before completing the assessment.
15. The Board may speak to any other relevant person in relation to its assessment of whether or not a person is fit and proper.
16. When speaking to any other person in relation to a fit and proper assessment, the Board always has regard to the applicant's privacy rights.
17. Where an applicant is assessed as not a fit and proper person to be registered, licensed or have their licence renewed, they are informed of this decision.
18. If a fit and proper assessment has been made by a person to whom the decision-making power has been delegated by the Board, the applicant can ask the Board to review the decision.
19. Where the Board assesses an applicant as not a fit and proper person to be registered, licensed or have their licence renewed, it informs the applicant of this decision and advises them of their right to appeal the decision to the District Court.

20. Overseas-trained people are assessed in the normal way when applying for registration or a licence.