Plumbers, Gasfitters and Drainlayers Board

Fit and proper person policy

What this policy is about

Under the Plumbers, Gasfitters, and Drainlayers Act 2006 (**Act**), the Board must be satisfied that any person seeking to be registered, issued with a practising licence, or have their practising licence renewed is a fit and proper person. This policy sets out how the Board assesses whether a person is fit and proper for these purposes.

This policy should be read in conjunction with the Board's policies on:

- decision-making
- licensing
- registration

Registrar responsible for carrying out fit and proper assessments

The Board has delegated its powers to determine whether a person is fit and proper for registration and licensing purposes to the Registrar of Plumbers, Gasfitters, and Drainlayers.

Fitness to practice is an important part of protecting the public

Sanitary plumbing, gasfitting, and drainlaying work can put the health and safety of the public at risk if not done correctly. People who do this work are therefore regulated so that the health and safety of the public is protected.

A lot of sanitary plumbing, gasfitting and drainlaying work is carried out on people's properties and in their homes. It is important that plumbers, gasfitters, and drainlayers not only have the necessary technical skills and knowledge to do this work, but are also appropriate people to be allowed on to people's properties and into their homes. For this reason, the Act requires the Board to be satisfied that a person is a fit and proper person to be registered and licensed.[1]

What is required to establish fitness to practice

When a person applies to be registered, they must provide a current Convictions History Report from the Ministry of Justice as part of their registration application. Any person applying to be registered on the basis of an overseas qualification must provide recent police certificates from their country of citizenship and any other country they have lived in for 12 months or more.[2]

[1] See section 36(d) for registration, section 44(d) for issuing a licence, section 51(1)(d) for renewing a licence

[2] The Convictions History Report provided with the application for registration is used to determine whether the person is also a fit and proper person to be issued with a practicing licence for the first time

When a person applies to have their annual practicing licence renewed, they must answer five questions on the licence renewal application relating to their fitness to practice. The questions cover criminal and disciplinary action, and any health condition that may impact on their ability to work safely.

In addition to the information described above, the Board may collect any other information reasonably required to assess a person's fitness to practice.

Assessing whether a person is fit and proper

Having a criminal or disciplinary conviction or a particular health condition does not mean a person will not be fit to practice. Every case is assessed on its own facts and having regard to all the circumstances in the case. The Board complies with the rules of natural justice when carrying out fit and proper assessments.

The kinds of things the Board takes into consideration when assessing fitness to practice include:

- how serious any matter that is identified is
- what health and safety concerns it may raise (in relation to that person carrying out plumbing, gasfitting, or drainlaying)
- how old the matter is
- any consequences for the person themselves or any other person
- whether the matter was a one-off incident or repeated
- how relevant the matter is to their ability do sanitary plumbing, gasfitting or drainlaying work
- how relevant the matter is to any other aspect of their role as a plumber, gasfitter, or drainlayer (eg. entering peoples' homes)
- the person's attitude to the matter
- how a member of the public might feel about the matter
- anything else we consider relevant and necessary to assess the person's fitness to practice.

When the Board looks into any matter disclosed in relation to fitness to practice, it is discuss it with the person first and they are given an opportunity to explain the matter and give their views about it. The Board may also speak to any other relevant people such as the person's employer and/or supervisor.

The Board recognises that fitness to practice information is particularly sensitive and it ensures all such information is:

- collected lawfully
- used only for the purposes of assessing whether the person is fit and proper for registration and licensing purposes
- stored and handled in accordance with the Privacy Act 2020
- not retained for any longer than is necessary to assess the person's fitness to practice.

Deciding whether a person is fit and proper

When the Board considers a person is not fit and proper and it is considering declining their registration or licensing application, the Board tells the person it is considering declining their application and gives them an opportunity to provide any comments. The Board takes any comments it receives from the person into consideration before making a final decision on their application.

What a person can do if the Board decides they are not fit to practice

If the Registrar decides that a person is not a fit and proper person to be registered or licensed, they will tell the person in writing. The person can then write to the Board asking that the Registrar's decision is reviewed by the whole Board.

If the Board upholds the Registrar's decision and the person's registration or licensing application is declined, the person can appeal against the Board's decision in the District Court. They must bring any appeal within 20 working days of receiving the Board's decision.

A person whose registration or licence application is declined by the Registrar does not have to have the decision reviewed by the whole Board. The Registrar's decision can be appealed in the District Court without having to be reviewed by the Board.

Version management

Date	Details
January 2023	Approved by Chief Executive
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