

Decision-making policy

This policy was first approved by the Board on 27 March 2012 and came into force on 1 April 2012. It was reviewed and approved by the Board on 25 March 2014.

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GENERAL PROVISIONS

1 Purpose

- 1.1 The Plumbers, Gasfitters and Drainlayers Act 2006 empowers the Plumbers, Gasfitters and Drainlayers Board to make decisions that affect people's lives. It is vital that the Board is scrupulous about the legal basis for all decisions it reaches, and has robust policies and procedures to support it in this work.
- 1.2 The purpose of this policy is to ensure that all Board decisions are made in accordance with the law, and are fair, reasonable and transparent.

2 Scope

- 2.1 This policy applies to all statutory Board decision-making processes including:
 - a registration decisions requiring the exercise of a statutory decision-making power
 - b licensing decisions requiring the exercise of a statutory decision-making power
 - c discipline and offence decisions requiring the exercise of a statutory decision-making power.

3 Legislation and relevant policies

- 3.1 The following legislation is relevant to this policy:
 - a the Plumbers, Gasfitters, and Drainlayers Act 2006
 - b the Plumbers, Gasfitters and Drainlayers Regulations 2010
 - c the Plumbers, Gasfitters and Drainlayers Board (Plumbing Registration and Licensing) Notice 2010
 - d the Plumbers, Gasfitters and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2010
 - e the Plumbers, Gasfitters and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2010
 - f the Gas Act 1992
 - g the Gas (Safety and Measurement) Regulations 2010
 - h the Official Information Act 1982
 - i the Privacy Act 1993
 - j any other legislation that may require the Board to exercise a statutory decision-making power.
- 3.2 The following policies are relevant to this policy:
 - a all policies that relate to the exercise of a statutory decision-making power.

4 Definitions

- 4.1 In this policy, unless the context otherwise requires:
 - a **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006

- b **Board** means the Plumbers, Gasfitters, and Drainlayers Board continued by section 133 of the Act
- c **decision-maker** means a person empowered by the Act or given a statutory delegation to make a particular decision
- d **decision** means a conclusion or resolution reached following consideration that affects a person or group
- e **discretion** is exercised when a decision-maker decides, in accordance with a statutory decision-making power, to act, or not act, in a particular way
- f **policy** means written guidance prepared to assist decision-makers to make decisions that are lawful, appropriate, fair and consistent
- g **practice** means the way particular types of decisions have been made previously.

CORE POLICY PROVISIONS

5 Principles of good decision-making

- 5.1 All decisions made by the Board are made:
 - a in accordance with the law
 - b fairly, reasonably, and in good faith
 - c following proper process
 - d transparently
 - e applying policies appropriately and not inflexibly, having regard to the circumstances and merits of the particular matter in question
 - f having regard to the Act's purposes
 - g having regard to any applicable policies.

6 Requirements of the decision-maker

- 6.1 A decision-maker:
 - a only makes decisions they have authority to make, and only within any limitations that may apply to their decision-making powers
 - b makes fair decisions
 - c acts in good faith and exercises their best judgment in all decisions they make
 - d is bound by the law in relation to any decisions they make, and is guided by applicable policies
 - e makes decisions:
 - i. independently
 - ii. in an unbiased way and in a way that conveys a reasonable perception of being unbiased
 - iii. where no conflict of interest, real or perceived, arises
 - iv. for proper purposes
 - v. in a way that does not improperly fetter their discretion, for instance by adopting a rigid policy

- f does not refuse to make a decision they have responsibility for making, or unreasonably delay making such a decision
- g ensures any decision they make is clear, justified, and results in an outcome that is certain
- h records their decision-making process as appropriate in all the circumstances.

7 Requirements of a person assisting a decision-maker

- 7.1 A person who is assisting a decision-maker to exercise their decision-making power:
 - a is required to comply with this policy
 - b may not make the decision.

8 Making decisions

- 8.1 Each decision is made:
 - a logically
 - b on the basis of reliable information
 - c having regard to relevant considerations and disregarding irrelevant considerations
 - d taking account of representations made to any person or group affected by the decision
 - e taking account of decisions made in other, similar cases
 - f giving appropriate weight to all considerations
 - g is reasonable having regard to all the circumstances of the case.

9 Decision-making process

- 9.1 All steps taken in the decision-making process are documented and recorded, as is appropriate in the circumstances.
- 9.2 The following steps are taken before a decision is made:
 - a the matter for decision is clearly and precisely identified (eg, application for grant of provisional licence)
 - b the nature of the decision is identified (ie, this is a statutory decision)
 - c the decision-maker is identified and notified (eg, the Registrar grants provisional licences)
 - d the relevant legislation, policies and practices are identified (eg, the Act, the policy *Issuing provisional licences to overseas qualified tradespeople*)
 - e any other applicable information is identified (eg, communications with the applicant about applying for a provisional licence, previous provisional licence applications)
 - f any possible issues that may affect the decision are identified (eg, the applicant is overseas and will be unavailable for 4 weeks while travelling to New Zealand, missing information from their application)
 - g possible decisions are identified (eg, the application can be granted or declined)

- h an appropriate timeframe for making the decision is determined (eg. any statutory timeframe that applies or a reasonable timeframe in the circumstances).

9.3 The following steps are taken when making a decision:

- a the legislation, policies and all other relevant materials are read and considered
- b specialist advice is sought and considered (eg., legal, technical)
- c relevant facts or details are checked and assessed (eg, the tradesperson's qualifications and experience)
- d irrelevant considerations are identified and disregarded (eg, trade organisation memberships in home country)
- e advice is prepared setting out:
 - i. the decision to be made (eg, issue of provisional licence)
 - ii. the basis on which the decision must be made (eg, a provisional licence may be issued where...)
 - iii. the relevant facts (eg, the applicant has...)
 - iv. possible decisions
 - v. the recommended decision
 - vi. the reasons for the recommended decision
 - vii. any consequences in relation to the decision (eg, if the recommendation is to decline the application)
 - viii. any options open to the decision-maker (eg, terms and conditions of the licence that may address concerns)
- f where a decision-maker is considering making a decision not in favour of the person or group affected, the decision maker:
 - i. considers the potential impact of an unfavourable decision on the person or group
 - ii. considers whether it is appropriate to give the person or group notice they are considering making an unfavourable decision
 - iii. if appropriate, gives the person or group an opportunity to making submissions about the potential decision, either personally or in writing depending on the circumstances of the case
 - iv. considers any submissions received
- g a decision is made.

9.4 All decisions, and the bases for those decisions, are communicated to the affected person or group.

9.5 Communications with an affected person or group about the bases of decisions:

- a must include sufficient detail to ensure the person or group understands the bases for the decision
- b identify the key considerations that led to the decision
- c explain any unusual or unexpected aspects of the decision (eg, differences of approach compared to other, similar decisions, or representations made to the person or group).

- 9.6 When advising an affected person or group of a decision, they are provided with information about any appeal rights they may have in respect of the decision.
- 9.7 Where there may be delays or difficulties with making a decision, the affected person or group is kept informed.

ADMINISTRATIVE PROVISIONS

10 Owner

- 10.1 The owner of this policy is the Registrar.

11 Responsibility and authority

- 11.1 The Board is responsible for developing, approving, monitoring and reviewing this policy.
- 11.2 The Registrar is responsible for administering this policy.
- 11.3 Board staff are responsible for complying with the policy and procedures.