

Fees or levy waiver or refund policy

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Contents

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| Purpose | 2 |
| Legislation and relevant policies..... | 2 |
| Definitions | 2 |
| Guiding principles | 2 |
| Board delegation of power to waive or refund to Registrar | 3 |
| Applying for a waiver or refund | 3 |
| Considerations when granting applications..... | 3 |
| Deciding applications | 3 |
| Processing waiver or refund applications accompanying other applications | 4 |

Purpose

1. The Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2016 provides for the Plumbers, Gasfitters and Drainlayers Board to waive or refund any fee or levy payable under the Notice in part or whole.
2. This policy provides guidance on:
 - a. how applications for a waiver or refund of a fee or levy are processed
 - b. identifies when and how the Board may exercise its discretion to grant a waiver or refund
 - c. identifies that a key consideration for the Board in considering applications for a waiver or refund is financial hardship.

Legislation and relevant policies

3. This policy should be read in conjunction with the:
 - a. Plumbers, Gasfitters, and Drainlayers Act 2006
 - b. Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2016
 - c. Decision-making policy
 - a. Employer licence policy
 - b. Examinations policy
 - c. Licensing policy
 - d. Registration policy
 - e. Section 12-25 exemptions policy
 - f. Section 52 exemptions policy.

Definitions

4. 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
 - c. **Notice** means the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2016
 - d. **Registrar** means the Registrar of the Board
 - e. **waiver or refund** means a waiver or refund of a fee or levy payable under the Act and/or Notice, and includes a waiver or refund of the entire fee or levy, or any portion of the fee or levy.

Guiding principles

5. The Board may grant a waiver or refund where it considers payment of the fee or levy would result in real and significant financial hardship or inequity for the person making the application.
6. The Board exercises its discretion to grant a waiver or refund having regard to:
 - a. the purposes and requirements of the Act
 - b. the self-funding nature of industry regulation
 - c. the individual circumstances of the application
 - d. the need to be fair and reasonable.

Board delegation of power to waive or refund to Registrar

7. The Board has delegated its power to grant a waiver or refund to the Registrar.

Applying for a waiver or refund

8. An application for a waiver or refund must be made to the Registrar in writing, and can be posted, faxed, emailed or hand delivered.
9. An application for a waiver or refund must:
 - a. identify the fee or levy the person is seeking to have waived or refunded
 - b. state whether the person is applying for a waiver or refund
 - c. state whether the application is for a full or partial waiver or refund and, if partial, for how much
 - d. give reasons why the applicant is seeking a waiver or refund
 - e. state why the person would suffer financial hardship if the waiver or refund is not granted
 - f. be accompanied by evidence supporting the applicant's reasons for seeking the waiver or refund (eg, proof of financial position, medical information, evidence of support sought from other agencies, eg, WINZ).
10. All applications are acknowledged upon receipt.
11. The Registrar may ask for any further information or evidence he requires to determine an application.
12. A decision on an application is only made when all required information and evidence has been provided.

Considerations when granting applications

13. In considering whether to grant a waiver or refund, the Registrar considers such things as:
 - a. the reasons for the application
 - b. the financial hardship the person would suffer if the application is not granted
 - c. the amount of the waiver or refund sought
 - d. the individual circumstances of the applicant
 - e. the costs the Board has incurred in granting the application to which the fee or levy relates (eg, the registration or licensing application)
 - f. any costs for the Board from granting the waiver or refund
 - g. the self-funding nature of industry regulation
 - h. overall fairness and reasonableness.

Deciding applications

14. The Registrar considers an application for a waiver or refund and may:
 - a. grant a waiver in full
 - b. grant a waiver in part
 - c. decline a waiver
 - d. grant a refund in full
 - e. grant a refund in part
 - f. decline a refund.

15. Any decision to grant or decline an application is limited to the circumstances of that application and does not create a binding precedent for other applications.
16. People are advised of the decision on their application in writing.

Processing waiver or refund applications accompanying other applications

17. Where a person applies for a waiver or refund at the same time that they apply for the thing for which they must pay the fee or levy (eg. when they apply to be registered or licensed) (“the accompanying application”), the application for a waiver or refund will be considered first.
18. The accompanying application is held by the Board until the waiver or refund application has been determined.
19. Where the waiver application is granted in full, the accompanying application is then processing in the normal way.
20. Where the waiver application is declined in full or declined in part, the accompanying application will not be processing until the person has paid the required fee or levy, or any required part of the fee or levy.