



Policy for issuing provisional licences to overseas qualified practitioners

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GENERAL PROVISIONS

1. Purpose

- 1.1 The Plumbers, Gasfitters and Drainlayers Board is empowered to issue provisional licences under section 38 of the Plumbers, Gasfitters, and Drainlayers Act 2006.
- 1.2 The purpose of this policy is to set out the Board's policy on issuing provisional licences to overseas qualified applicants.

2. Scope

- 2.1 The Board applies this policy when considering whether to issue an overseas qualified practitioner with a provisional licence to carry out restricted sanitary plumbing, gasfitting, or drainlaying in New Zealand.
- 2.2 This policy applies to the Board and its secretariat.

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 Board (Plumbing Registration and Licensing) Notice 2010
 - c. the Plumbers, Gasfitters and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2010
 - d. the Plumbers, Gasfitters and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2010
 - e. the Plumbers, Gasfitters and Drainlayers Board (Fees) Notice 2010
 - f. the Gas Act 1992
 - g. the Gas (Safety and Measurement) Regulations 2010
 - h. the Building Act 2004.
- 3.2 This policy must be read in conjunction with the following Board policies:
 - a. decision-making policy
 - b. licensing policy.

4. Definitions

4.1 In this policy, unless the context otherwise requires:

- a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
- b. **applicant** means an overseas qualified practitioner applying for a provisional licence in New Zealand
- c. **Board** means the Plumbers, Gasfitters, and Drainlayers Board
- d. **Gazette notices** means the Plumbers, Gasfitters, and Drainlayers Board (Plumbers Registration and Licensing) Notice 2010, Plumbers, Gasfitters, and Drainlayers Board (Gasfitters Registration and Licensing) Notice 2010, and the Plumbers, Gasfitters, and Drainlayers Board (Drainlayers Registration and Licensing) Notice 2010
- e. **minimum standards for registration** means the minimum standards for registration prescribed in the Gazette notices
- f. **provisional licence** means a licence issued under section 38 of the Act pending the consideration of their application for registration or a practising licence
- g. **Registrar** means the Registrar of the Plumbers, Gasfitters and Drainlayers Board appointed under section 140 of the Act
- h. **secretariat** means the Registrar and staff employed by the Plumbers, Gasfitters, and Drainlayers Board.

CORE POLICY PROVISIONS

5. Guiding principles

- 5.1 All decisions on provisional licence applications for overseas qualified practitioners are made in accordance with the law and good practice.
- 5.2 An overseas qualified practitioner may submit an application for registration at any time after the Board has accepted that they hold an international qualifications assessment from the New Zealand Qualifications Authority concluding that the applicant's qualification in the relevant trade is equivalent to or greater than level 4 on the National Qualifications Framework. In accordance with the relevant minimum standard requirement set out in the relevant *Gazette* notice, even where the applicant has yet to satisfy all the minimum standards for registration.
- 5.3 After submitting an application for registration, an overseas qualified practitioner is able to submit an application for a provisional licence.

- 5.4 The Registrar considers issuing a provisional licence to an overseas qualified practitioner only after the Board has received both a registration application and a provisional licence application.
- 5.5 Where a registration application is received from an overseas qualified practitioner before the applicant has satisfied all of the minimum standards for registration, the application for registration is considered by the Board as soon as practicable after receipt which can only be after the applicant has satisfied all the required minimum standards for registration and provided evidence to this effect.
- 5.6 Applications for registration and a provisional licence must include sufficient information to enable adequate consideration of their merits.

6. Considerations for the Registrar

- 6.1 When considering whether to issue a provisional licence to an overseas qualified applicant, the Registrar has regard to:
- a. the Act including its purpose
 - b. this policy
 - c. the applicant's experience in New Zealand and overseas
 - d. the applicant's qualifications in New Zealand and overseas
 - e. the applicant's circumstances, including the consequences for the applicant if he or she is not issued with a provisional licence
 - f. the need for particular skills and experience in New Zealand
 - g. the availability of terms and conditions to mitigate any residual concerns.
- 6.2 The Registrar may issue the applicant with a provisional licence if satisfied that:
- a. the applicant currently has an application for registration before the Board for consideration
 - b. it is reasonably anticipated that the applicant's application for registration will be approved, taking into account a range of matters, including:
 - i. the nature of the application for registration
 - ii. the receipt of all information and documentation required by the Board
 - iii. the usual outcome of similar applications for registration

- c. the applicant is sufficiently competent to carry out sanitary plumbing, gasfitting, or drainlaying work, taking account of a range of matters, including:
 - i. the applicant's documentary evidence
 - ii. the applicant's results from the Board's examination(s), where relevant
 - iii. the applicant's responses in an interview assessing competence, where relevant
 - iv. the applicant's experience in New Zealand and overseas
 - v. the applicant's qualifications in New Zealand and overseas
 - d. the applicant could not have completed the registration process given their personal circumstances, taking into account a range of matters, including:
 - i. the applicant's personal circumstances
 - ii. publically available information
 - iii. any personal information held by the Board
 - e. full registration is delayed due to the Board's usual processes and timeframes and at no fault of the applicant.
- 6.3 In addition to the terms and conditions set in the relevant *Gazette* notices, the Registrar may impose any other terms and conditions that he or she thinks fit. Such terms and conditions could include restricting:
- a. a provisional licence in gasfitting to only gasfitting that is not deemed "high risk" under the Gas (Safety and Measurement) Regulations 2010
 - b. restricting work to only domestic, commercial, or industrial sanitary plumbing, gasfitting, or drainlaying
 - c. a provisional licence in sanitary plumbing to particular sanitary appliances or fixtures
 - d. a provisional licence in gasfitting to particular gas fittings or gas appliances, or particular kinds of gas fittings or gas appliances.
- 6.4 The Registrar considers, with each application, whether a provisional licence should be issued with a term and condition that the provisional licence holder works in the presence of their supervisor.

6.5 When considering the duration of a provisional licence within the statutory parameters, the Registrar may take into account a range of matters, including any delays in processing the applicant's application for registration.

7. Cancellation of a provisional licence

7.1 The Board may cancel or suspend a provisional licence in accordance with the law.¹

8. Renewal of a provisional licence

8.1 The Board may renew a provisional licence in accordance with the law.²

8.2 An applicant is not entitled to automatic renewal of a provisional licence. The Registrar assesses the application which includes considering why the applicant's registration is still being processed and whether these reasons should affect the renewal of the provisional licence.

ADMINISTRATIVE PROVISIONS

9. Owner

9.1 The owner of this policy is the Registrar.

9.2 Please refer any suggested amendments or errors to the policy owner.

10. Responsibility and authority

10.1 The Board is responsible for developing, approving, monitoring, and reviewing the policy.

10.2 The Registrar is responsible for administering the policy.

10.3 The secretariat is responsible for complying with the policy.

¹ See sections 39(3) and 57–60 of the Plumbers, Gasfitters and Drainlayers Act 2006 and paragraph 18 of the Board's Licensing Policy.

² See section 39(2) of the Plumbers, Gasfitters, and Drainlayers Act 2006, and paragraph 18 of the Board's Licensing Policy.