

Section 12 - 25 exemptions policy

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GENERAL PROVISIONS

1. Purpose

- 1.1. This policy deals with the exemptions under sections 12 – 25 of the Plumbers, Gasfitters, and Drainlayers Act 2006.

2. Legislation and relevant policies

- 2.1. The following legislation is relevant to this policy:

- a. the Plumbers, Gasfitters, and Drainlayers Act 2006, and any relevant regulations made under the Act
- 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 (Fees and Disciplinary Levy) Notice 2013.

- 2.2. This policy must be read in conjunction with the following policies:

- a. decision-making
- b. registration
- c. licensing
- d. section 52 exemptions.

3. Definitions

- 3.1. 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
- c. **fees notice** means the Plumbers, Gasfitters, and Drainlayers (Fees and Disciplinary Levy) Notice 2013
- d. **Gazette** means the *New Zealand Gazette*
- e. **Gazette notices** means the Plumbers, Gasfitters and Drainlayers (Plumbing Registration and Licensing) Notice 2010, and the Plumbers, Gasfitters and Drainlayers (Gasfitting Registration and Licensing) Notice 2010, and the Plumbers, Gasfitters and Drainlayers (Drainlaying Registration and Licensing) Notice 2010
- f. **Registrar** means the Registrar of the Plumbers, Gasfitters, and Drainlayers Board appointed under section 140 of the Act
- g. **trade(s)** means sanitary plumbing, or gasfitting, or drainlaying
- h. **trainee** has the meaning set out in section 13(2) of the Act
- i. **work** means to do or assist in doing one or more of the trades.

CORE POLICY PROVISIONS

4. Guiding principles

- 4.1. Exemptions under the Act fall in to three categories:
 - a. exemptions that the Board has discretion to grant, on application, in a particular case;
 - b. exemptions that automatically apply through the Act;
 - c. exemptions that apply automatically because they are published in the gazette notice.
- 4.2. The Board's expectation is that a person who wishes to work in the trades will become authorised in accordance with usual registration and licensing requirements. However, sections 12 – 25 set out exemptions under the Act that allow people to work in the trades without the need to be registered or licensed.
- 4.3. The primary consideration for the Board in dealing with section 12 - 25 exemptions is the need to protect the health and safety of members of the public by ensuring that people who work in the trades are competent to do so.
- 4.4. The Board exercises its power under the Act in relation to section 12 – 25 exemptions taking into account the law, the guidance in this policy and the circumstances of each case.
- 4.5. This policy does not extend to the issue of exemptions under section 15 or 16 by the Minister for Building and Housing.

5. Format of policy

- 5.1. This policy:
 - a. lists the exemptions under the Act
 - b. identifies the exemptions that are granted by notice in the *Gazette*
 - c. identifies the exemptions that are granted by the Board and describes how to apply to the Board for an exemption
 - d. identifies the types of considerations the Board will take into account in determining an application for an exemption
 - e. describes how the Board grants exemptions
 - f. describes requirements around exemptions under supervision
 - g. identifies limitations that apply to working under exemptions
 - h. describes how the Board cancels an exemption.

6. Exemptions under Act

6.1. The following exemptions exist under the Act:

Section	Description of exemption	Who grants the exemption?
12	General exemption for sanitary plumbing, gasfitting or drainlaying	The Board: by notice in the <i>Gazette</i>
13	Trainee with limited certificate	The Board: on application
15	Sanitary plumbing by householders	The Minister of Building and Housing: by notice in the <i>Gazette</i>
16	Sanitary plumbing in rural areas	The Minister of Building and Housing: by notice in the <i>Gazette</i>
18	Installing and maintaining particular sanitary plumbing equipment	The Board: on application
19	Sanitary plumbing under supervision	The Board: on application
20	Authorisation to carry out or supervise gasfitting	The Board: on application
21	Gasfitting under supervision	Automatic statutory exemption
22	Gasfitting in certain industrial premises	Automatic statutory exemption
23	Work on gas pipes	Automatic statutory exemption
24	Fixing of water heaters by gasfitters	The Board: on application
25	Drainlaying under supervision	Automatic statutory exemption

7. Board delegation of certain exemption responsibilities to Registrar

7.1. The Board has delegated the responsibilities listed below to the Registrar:

- a. to issue limited certificates under section 14 for persons in training agreements with a registered training provider who receive supervision from a certifying practitioner who holds a licence
- b. to determine the adequacy of supervision in respect of exemptions under section 19, 21 and 25
- c. to authorise a person to carry out or supervise gasfitting under section 20
- d. to authorise gasfitters to fix water heaters under section 24.

8. Exemptions granted by Board

- 8.1. A person must apply to the Board for the following exemptions:
 - a. trainee limited certificate exemption (sections 13 and 14)
 - b. installing and maintaining particular sanitary plumbing equipment (section 18)
 - c. authorisation to carry out or supervise gasfitting (section 20)
 - d. fixing of water heaters by gasfitters (section 24).
- 8.2. An application to the Board for an exemption must be in writing and must be accompanied by all the supporting material necessary for the Board to make a decision on the application.
- 8.3. A person applying for an exemption must pay the fee specified for the exemption in the fees notice.
- 8.4. A person applying for a trainee limited certificate exemption must be a trainee.
- 8.5. An applicant may apply in writing to the Registrar for a waiver or refund of the fee for an exemption.¹
- 8.6. Applications for an exemption that accompany an application for a waiver of the fee will be held by the Board until the waiver application has been determined.
- 8.7. Where the waiver application is granted in full, the application for exemption will be accepted for processing in the normal way.
- 8.8. Where the waiver application is declined in full or declined in part, the application for an exemption will not be accepted for processing until the applicant has paid the fee or any required part of the fee.

9. Board considerations when determining application for exemption

- 9.1. When considering an application for an exemption the Board's primary consideration is the need to protect the health and safety of members of the public.
- 9.2. Other considerations the Board will take into account include, but are not limited to:
 - a. the reasons the applicant is seeking an exemption
 - b. the kind of exemption being sought
 - c. the applicant's relevant qualifications and experience
 - d. any examinations or assessments the applicant has passed
 - e. any formal training the applicant has undertaken
 - f. any continuing professional development the applicant has undertaken in the previous 12 months
 - g. the extent to which the applicant has done and/or supervised the work that would be covered by the exemption
 - h. the applicant's knowledge of relevant compliance requirements such as relevant standards and codes of practice

¹ Refer Fee or levy waiver or refund policy

- i. the applicant's health and safety plan
- j. the applicant's safety and compliance record
- k. whether the applicant has failed to comply with a term, condition or limitation attached to any previous exemption granted to them
- l. any supplier or technical support available to the applicant
- m. any quality management systems used by the applicant
- n. whether the Board can impose terms or conditions on the exemption
- o. how effective any terms or conditions would be in addressing any concerns the Board has with the application
- p. whether any nominated supervisor or supervision arrangement is acceptable or not.

10. Granting exemptions

10.1. The Board notifies a person in writing of its decision on their application for an exemption.

10.2. The Board specifies any limitations that apply to the exemption in the written notice to the applicant.

11. Granting limited certificates for trainees

11.1 The Board imposes the following terms and conditions on all limited certificate it issues to a trainee:

- a. A trainee must be under the supervision of a certifying plumber, gasfitter, and/or drainlayer at all times who:
 - i. ensures the trainee has adequate supervision
 - ii. is responsible for any required testing and verification.
- b. In the first year of holding a limited certificate, the trainee must work in the presence of their supervisor or a licensed plumber, gasfitter, and/or drainlayer who is supervised by the same supervisor at all times.

11.2 The Board may impose any additional terms and conditions of a trainee's limited certificate it considers appropriate.

12. Renewing exemptions

12.1. Limited certificates and exemptions can be renewed.

12.2 Where a person applies for a renewal, they must:

- a. comply with the usual application requirements, and
- b. show they have complied with any terms, conditions or limitations the Board has put on previous exemptions.

12.3 If a person has not complied with a term, condition or limitation, the Board may:

- a. decide not to renew the exemption, or
- b. exercise a discretion to renew an exemption.

- 12.3 An applicant who has breached a term, condition or limitation of their exemption must provide a written submission seeking to have the Board disregard their breach when applying to renew.
- 12.4 A written submission seeking to have a breach of a term or condition or limitation disregarded by the Board must:
- a. identify the term or condition or limitation of the exemption that was breached
 - b. explain why the term or condition or limitation was breached
 - c. give reasons why the breach should be disregarded by the Board.
- 12.4.2 The Board considers any written submission it receives to disregard a breach of a term, condition or limitation of an exemption.
- 12.4.3 After considering a written submission, the Board may grant or decline the application to renew.

13. Exemptions under supervision

- 13.1. A supervisor must notify the Board of any person they are supervising under the following exemptions:
- a. sanitary plumbing under supervision (section 19)
 - b. gasfitting under supervision (section 21)
 - c. drainlaying under supervision (section 25).
- 13.2. A supervisor must pay the fee for an exemption under supervision specified in the fees notice.
- 13.3. The Board's Waiver or refund of fee or disciplinary levy policy applies to fees for an exemption under supervision.
- 13.4. Notification of a person working under an exemption under supervision is only valid once the fee is paid.
- 13.5. A supervisor must comply with all rules around the supervision of exemption holders set out in the *Gazette* notices.

14. Cancelling exemptions

- 14.1. Irrespective of how the exemption is granted, the Board can cancel an exemption, or the application of an exemption by notifying the person in writing of the cancellation.
- 14.2. Cancellation is effective from the date specified in the written notice of cancellation.
- 14.3. The Board can cancel a limited certificate if any term or condition of the certificate is not met, or the certificate holder becomes registered or licensed.

14.4. Before cancelling an exemption, the Board:

- a. informs the person that it is proposing to cancel the exemption and the reasons why
- b. gives the person a reasonable opportunity to comment.

ADMINISTRATIVE PROVISIONS

15. Owner

12.5 The owner of this policy is the Registrar.

16. Responsibilities

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

12.7 The Registrar is responsible for administering the policy.

12.8 Board staff are responsible for complying with the policy and procedures.