



## Licensing policy

*This policy was reviewed and approved on 10 June 2019*

### Contents

Purpose .....	2
Legislation and relevant policies.....	2
Definitions.....	2
General matters .....	3
Board delegation of licensing responsibilities to Registrar.....	3
Requirements for licence or renewal .....	3
Applying for licence or renewal .....	4
Licence application form.....	4
Fees .....	4
When application accepted .....	5
Checking information provided .....	5
Consideration of application.....	5
Granting application .....	5
Declining application.....	6
Terms and conditions of licence .....	6
Applying to renew where term or condition breached .....	7
Cancellation or suspension of licence.....	7
Provisional licences.....	8
Duty to notify of change of details .....	9
Lost licence card.....	9

## Purpose

1. This policy sets out the Board's approach to the licensing of plumbers, gasfitters and drainlayers.

## Legislation and relevant policies

2. The following legislation is relevant to this policy:
  - a. the Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. the Plumbers, Gasfitters and Drainlayers (Plumbing Registration and Licensing) Notice 2016
  - c. the Plumbers, Gasfitters and Drainlayers (Gasfitting Registration and Licensing) Notice 2016
  - d. the Plumbers, Gasfitters and Drainlayers (Drainlaying Registration and Licensing) Notice 2016
  - e. the Plumbers, Gasfitters and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2018.
3. This policy must be read in conjunction with the following Board policies:
  - a. decision-making
  - b. delegations
  - c. public register
  - d. section 52 exemptions
  - e. provisional licences<sup>1</sup>
  - f. supervision
  - g. fees waiver or refund
  - h. employer licence
  - i. fit and proper person
  - j. competence review
  - k. Board policies.

## Definitions

4. In this policy, unless the context otherwise requires:
  - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. **applicant** means a person applying for a practising licence or a renewal of a practising licence
  - c. **application** means an application for a practising licence or for a renewal of a practising licence
  - d. **Board** means the Plumbers, Gasfitters and Drainlayers Board
  - e. **fees notice** means the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2018
  - f. **Gazette notices** means the Plumbers, Gasfitters, and Drainlayers (Plumbing Registration and Licensing) Notice 2016, the Plumbers, Gasfitters, and Drainlayers (Gasfitting Registration and Licensing) Notice 2016, and the Plumbers, Gasfitters, and Drainlayers (Drainlaying Registration and Licensing) Notice 2016

---

<sup>1</sup> Where the person is an overseas qualified person applying for registration in New Zealand

- g. **licence** means an annual practicing licence in a trade
- h. **levy** means the disciplinary and prosecution levy specified in the fees notice
- i. **minimum standards for registration** means the minimum standards for registration in each trade prescribed in the *Gazette* notices
- j. **Registrar** means the Registrar of Plumbers, Gasfitters and Drainlayers
- k. **registered person** means a person registered by the Board in either the certifying, tradesman, or journeyman class
- l. **staff member** means an employee of the Board and includes any contractors or agents of the Board who carry out licensing-related functions
- m. **trade** means sanitary plumbing, gasfitting or drainlaying.

### **General matters**

- 5. A registered person is only authorised to do or assist in doing work in a trade if they hold a current licence.
- 6. A person must have a licence for each individual trade in which they are working.
- 7. The Board's licensing period runs from 1 April to 31 March the following year.
- 8. All licences expire on 31 March, unless cancelled or suspended earlier.
- 9. Where a person applies to renew their licence before 31 March, their current licence continues in force (beyond 31 March) until their application has been determined.
- 10. A registered person is entitled to be issued with a licence, or have their licence renewed if the Board is satisfied that they meet the necessary requirements.
- 11. The Board observes the rules of natural justice in carrying out its licensing functions.

### **Board delegation of licensing responsibilities to Registrar**

- 12. The Board has delegated the exercise of its licensing responsibilities to the Registrar.

### **Requirements for licence or renewal**

- 13. To be issued with a licence, an applicant must satisfied the Board they:
  - a. have complied with the application requirements
  - b. meet the applicable minimum standards for registration and are registered
  - c. are not precluded from holding a licence because of disciplinary action taken against them under section 106 of the Act
  - d. are a fit and proper person to hold a licence
  - e. have paid the required fees and levy.
- 14. Where a person has previously had their registration or licence cancelled, the Board must consider the reasons why their registration or licence was cancelled as part of deciding whether or not to issue them with a licence.
- 15. To have a licence renewed, an applicant must satisfied the Board they:

- a. have complied with the application requirements
- b. meet the applicable minimum standards for registration and are registered
- c. have not breached a term or condition of their licence during the period prior to renewing their licence (unless the Board has agreed to disregard that breach)
- d. are a fit and proper person to hold a licence
- e. have satisfied the requirements of any competence programme they are required to complete
- f. have paid the required fees and levy.

### **Applying for licence or renewal**

16. An application must be:
- a. sent or delivered to the Registrar
  - b. in a form required by the Board
  - c. completed in full and accompanied by all the information and documentation required by the Board
  - d. accompanied by the required fees and levy.
17. An applicant can apply for a licence for the first time at the same time as applying for registration in a trade. However, the Board will only consider the applicant's licence application after they have been approved their registration.
18. An application for a renewal of a licence cannot be made before 1 January in any year.

### **Licence application form**

24. An application form is available on the Board's website. Guidance on relicensing for each of the trades can also be found online.<sup>2</sup>

### **Fees**

25. The fee for a licence is set out in the fees notice.
26. In addition to the licence fee, an applicant must pay the levy set out in the fees notice.
27. The fees and levy may be paid:
- a. in cash
  - b. by cheque
  - c. by credit/debit card
  - d. by electronic transfer directly to the Board's bank account.
28. A licence fee is payable for each trade in which an applicant applies for a licence or renewal.

---

<sup>2</sup> <https://www.pgdb.co.nz/trade/licensing.html>

29. The levy is payable with the first licence or renewal an applicant applies for each licensing period.
30. An applicant may apply in writing to the Registrar for a waiver or refund of a fee or the levy.<sup>3</sup>
31. Where an applicant applies for a waiver of the fees or levy (waiver application) at the same time they apply for a licence or renewal, the application for the licence will not be processed until the waiver application has been determined.
32. Where a waiver application is granted in full, the application for a licence will be processing in the normal way.
33. Where a waiver application is declined in full or in part, the application for a licence will not be processing until the applicant has paid the fees or levy, or any required part of the fees or levy.

#### **When application accepted**

34. The Board accepts an application only once it has received the required fees and levy.

#### **Checking information provided**

35. The Board checks all information provided with an application for accuracy, authenticity, and completeness.
36. An applicant is notified if any details are missing from their application that would prevent it from being processed and is given a reasonable opportunity to provide the information.

#### **Consideration of application**

37. The Board considers all applications as soon as possible in accordance with business plan timelines.

#### **Granting application**

38. Where the Board is satisfied that an applicant is entitled to a licence, it:
  - a. issues a licence for the class of registration in which the applicant is registered
  - b. enters the applicant's licence details on the register and orders a licence card
  - c. notifies the applicant in writing of the Board's decision
  - d. sends the applicant's licence card to them, usually within 10 working days.
39. Where the Board is satisfied that a person is entitled to a renewal of their licence, it:

---

<sup>3</sup> See *Waiver or refund of fee or disciplinary levy policy*

- a. renews the applicant's licence for the licence period
- b. enters the renewal details on the public register and orders a new licence card
- c. notifies the applicant of their renewal
- d. sends the applicant's licence card to them, usually within 10 working days.

### **Declining application**

40. Where the Board is considering declining an application, before reaching a final decision it:
- a. notifies the applicant it is considering declining their application
  - b. tells them the reasons it is considering declining their application
  - c. gives them 10 working days to make a written submission about why their application should be granted.
41. A written submission to the Board can be made by letter or email.
42. The Board takes account of any submission it receives from an applicant before making a final decision to grant or decline the application.
43. Where the Board declines an application, it notifies the applicant of:
- a. its final decision
  - b. the reasons for its decision
  - c. the applicant's right of appeal to the District Court against the decision.

### **Terms and conditions of licence**

44. Licences issued by the Board are subject to the terms and conditions in the *Gazette* notices.
45. The Board may impose any additional terms and conditions on a licence it thinks fit, including terms or conditions relating to:
- a. testing, certifying, and/or supervising work
  - b. competent and safe work practices
  - c. completing competence programmes
  - d. limitations on when a person can do certain work
  - e. limitations on the work a person can do.
46. Any terms or conditions imposed on a licence may be in addition to, or instead of, any other limits that apply to the class of registration.
47. The Board can revoke, amend, or add to a term or condition on a person's licence by written notice.
48. The Board may exempt a person from any terms and conditions of a licence.
49. If a person's licence card needs to be changed during a licensing year the person must return their card to the Board within 10 working days. It is a criminal offence not to return a card.

### **Applying to renew where term or condition breached**

50. The Board may disregard a breach of a term or condition of an applicant's licence when granting a licence renewal.
51. Failure to meet any continuing professional development requirement specified in the *Gazette* notices is an example of a breach of a condition of an applicant's practising licence.
52. An applicant who has breached a term or condition must provide a written submission to the Board asking it to disregard the breach when they apply to renew their licence.
53. Any written submission must:
  - a. identify the term or condition that was breached
  - b. explain why the breach happened
  - c. explain why the Board should disregard the breach and renew their licence.
54. The Board considers any written submission it receives before deciding whether to grant or decline the application to renew.

### **Cancellation or suspension of licence**

55. The Board can cancel or suspend one or more of a person's licence.
56. Where a person's licence is cancelled or suspended, they are no longer authorised to do or assist in doing work in that trade.
54. The Board can cancel a person's licence:
  - a. if the person asks the Board in writing to do so
  - b. where the Board reasonably believes the person is dead
  - c. where the licence has been obtained wrongfully
  - d. if the person was not entitled to be issued with a licence
  - e. where certain actions have occurred in relation to an overseas qualification or authorisation on which their licence was based
  - f. following review of the register
  - g. where the Board has cancelled the licence as a result of disciplinary action.
55. If a person's registration in a trade is cancelled or suspended, their practising licence in that trade is also cancelled or suspended.
56. The Board may suspend a person's licence where:
  - a. they have not satisfied the requirements of a competence programme they were required to complete
  - b. where certain actions have occurred in relation to an overseas qualification or authorisation on which their licence was based
  - c. as a result of disciplinary action.

57. Where a period of suspension begins and ends in the same licensing year, the person's licence is revived at the end of the period of suspension.
58. Where a period of suspension ends in a different licensing period to the one in which it began, the person must apply for a new licence at the end of the period of suspension in the normal way.
59. The cancellation or suspension of a person's licence does not affect their responsibility for their conduct prior to the cancellation or suspension.
60. When cancelling or suspending a person's licence (other than as part of a disciplinary proceedings), the Board must:
  - a. inform the person that it is considering cancelling or suspending their licence
  - b. tell them why it is considering cancelling or suspending their licence
  - c. give them a reasonable opportunity to make a written submission and meet with the Board to discuss the matter.
61. The Board considers any submission it receives from a person before making a decision whether or not to cancel or suspend their licence.
62. The Registrar gives a copy of any cancellation or suspension order made by the Board to the affected person.
63. An order cancelling or suspending a person's licence has effect from the later of the day on which it is given to the person or any date specified in the order.

### **Provisional licences**

64. The Registrar may issue an applicant with a provisional licence while their practising licence application is being considered.<sup>4</sup>
65. While a provisional licence is in force, the applicant is authorised to do or assist in doing the kind of work specified in the provisional licence.
66. A provisional licence is subject to any terms and conditions the Registrar thinks appropriate.
67. A provisional licence is in force for the period specified on the licence, which cannot exceed 12 months, but may be renewed for a further term not exceeding 12 months.
68. The Registrar may refuse to renew a provisional licence.
69. A provisional licence may be cancelled by:
  - a. the Board on any of the grounds on which it can cancel a practising licence

---

<sup>4</sup> This does not apply to provisional licences for overseas trained people which are considered under a separate policy.

- b. the Registrar, if any of the terms or conditions of the provisional licence have not been met
- c. the Registrar following determination of the person's application.

70. An applicant for a practising licence can apply for a provisional licence by:
- a. applying in writing to the Board
  - b. paying the prescribed fee.

**Duty to notify of change of details**

71. All holders of a practising or provisional licence must notify the Board:
- a. of any change to their street address, as recorded on the register, within 3 months of that change
  - b. of any changes to their name.

72. It is a criminal offence not to notify the Board of the matters above.

**Lost licence card**

73. If a person loses their licence card, they must complete a Declaration of Lost Licence form<sup>5</sup> and provide it to the Board as soon as possible.
74. When the Board receives a lost licence declaration, it:
- a. records on the register that the person's licence card has been lost
  - b. orders them a new licence card
  - c. advises the person of the actions taken.

---

<sup>5</sup> <https://www.pgdb.co.nz/~downloads/Declaration%20for%20lost%20card.pdf>