



## Public register policy

*Version 4 effective from 17 March 2020*

### Contents

Purpose .....	2
Legislation and relevant policies.....	2
Definitions.....	2
Guiding principles .....	3
Register .....	3
Content of register.....	3
Accessing the register .....	4
Requesting information not on the register .....	4
Restricting public access to information on the register .....	5
Duty to notify change of details.....	6
False, misleading or obscene information on the register .....	6
Powers in relation to register .....	7

## Purpose

1. Under the Plumbers, Gasfitters, and Drainlayers Act 2006, the Plumbers, Gasfitters, and Drainlayers Board must establish and maintain a register of plumbers, gasfitters and drainlayers.
2. This policy provides guidance on the:
  - a. Board's responsibilities in relation to establishing and maintaining the register of plumbers, gasfitters, and drainlayers
  - b. information contained in the register
  - c. operation of the register.

## Legislation and relevant policies

3. The following legislation is relevant to this policy:
  - a. Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. Plumbers, Gasfitters, and Drainlayers Regulations 2010
  - c. Plumbers, Gasfitters, and Drainlayers Act 1976
  - d. Privacy Act 1993.
4. This policy must be read in conjunction with the following Board policies:
  - a. decision-making
  - b. employer licences
  - c. licensing
  - d. registration
  - e. official information and privacy
  - f. complaints and discipline.

## Definitions

5. In this policy, unless the context otherwise requires:
  - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
  - b. **authorisation** means an authorisation arising under the Act or granted by the Board that allows people who are not registered and licensed to carry sanitary plumbing, gasfitting, and drainlaying in certain circumstances
  - c. **Board** means the Plumbers, Gasfitters and Drainlayers Board
  - d. **former Act** means the Plumbers, Gasfitters, and Drainlayers Act 1976
  - e. **information** means information or documentation
  - f. **licence** means a practising licence, provisional licence or an employer licence issued under the Act
  - g. **licence holder** means a person who holds a current licence
  - h. **person** means a natural person or a body corporate
  - i. **Registrar** means the Registrar of Plumbers, Gasfitters, and Drainlayers
  - j. **registered** means registered by the Board in either the certifying, tradesman or journeyman class as a sanitary plumber, gasfitter or drainlayer
  - k. **register** means the public register of plumbers, gasfitters, and drainlayers
  - l. **regulations** means the Plumbers, Gasfitters, and Drainlayers Regulations 2010.

## **Guiding principles**

6. The Act requires the Board to maintain a register of plumbers, gasfitters, and drainlayers for the following purposes:
  - a. to enable members of the public to-
    - i. determine whether a person is registered
    - ii. determine whether a person holds a current licence
    - iii. find out information about the status and history of a person's registration or licence
    - iv. choose a suitable person to do sanitary plumbing, gasfitting, or drainlaying work
    - v. find out how to contact a licence holder
    - vi. find out if a person has been disciplined under the Act in the last 3 years
    - vii. find out if a person has been previously registered or previously licensed under the Act or former Act
  - b. to facilitate the administrative, disciplinary and other functions of the Board, any investigator, and the Registrar under the Act.
7. Personal information is entered onto the register only in accordance with the requirements of the Act.
8. Access to information on the register is in accordance with the law.

## **Register**

9. The register is kept as an electronic register.
10. The register is kept by the Registrar.

## **Content of register**

11. The online public register contains information about current and former:
  - a. registered people
  - b. provisional licence holders
  - c. employer licence holders.

### *Information contained on the register*

12. The register contains the following information, as relevant, :
  - a. the licence holder's full name
  - b. the licence holder's street address, preferred telephone number and email (if any)
  - c. information about the status and history of the licence holder's registrations
  - d. information about the status and history of the licence holder's licences
  - e. any limitations that apply to the registration or licence of the licence holder
  - f. any conditions that apply to the registration or licence of the licence holder
  - g. any disciplinary action taken against the licence holder in the past 3 years
  - h. whether the licence holder's registration or licence is currently suspended
  - i. information about whether the licence holder's registration has been cancelled

- j. if the licence holder is an employer licence holder and a body corporate, the full name of a contact person for the body corporate, and the company or incorporation number.
13. The register may contain any other information the Registrar considers necessary or desirable for the purposes of the register.
  14. All information that was contained on registers under the former Act is maintained on the register.

*Information not contained on the register*

15. The following information is not available on the register:
  - a. contact information for a person who does not hold a current licence or authorisation
  - b. a person's personal address where the person has a business address and/or contact telephone number and/or email address, and they do not wish their personal address to be made public
  - c. information about disciplinary action taken against a person in the past 3 years where the Board has prohibited publication of the information.
16. The Board does not publish registration numbers for licence holders or authorisation numbers for authorised people on the register.

*Additional information contained on the register*

17. The register also contains limited information about the following authorised people:
  - a. trainees in sanitary plumbing, gasfitting or drainlaying
  - b. people authorised to carry out sanitary plumbing, gasfitting or drainlaying work under supervision.

**Accessing the register**

18. Subject to the Registrar's powers to suspend the register, the public has continuous electronic access to the online public register.
19. The register can be searched by:
  - a. a person's name or part of a name (including a body corporate)
  - b. the name of a town or city
  - c. a New Zealand postcode
  - d. a registration number
  - e. a class of registration
  - f. a class of licence.
20. There is no charge to access the register.
21. The Registrar can charge a fee to supply a copy or certified copy of an entry on the register in accordance with the Board's Official information and privacy policy.

**Requesting information not on the register**

22. A request for information not available on the register is a request for official information and will be handled in accordance with the Board's Official information and privacy policy.

### **Restricting public access to information on the register**

23. A licence holder can apply to the Registrar to restrict public access to:
- their street address
  - their telephone number
  - their email address
  - in respect of an employer licence holder which is a body corporate, the full name of the contact person for the body corporate.
24. A licence holder must apply to the Registrar to restrict public access to their information in writing, and must:
- identify the information they would like restricted
  - give reasons why they would like the information restricted
  - if applicable, provide evidence to support their application.
25. On receipt of an application, the Registrar restricts public access to the relevant information until a final decision is made on the application.
26. In considering an application, the Registrar has regard to:
- the Act and its purpose
  - the purpose of the register and the presumption that the information should be publicly available unless good reason exists to restrict access
  - this policy
  - the nature and detail of the request
  - the licence holder's circumstances, including the consequences if the request is declined.
27. Reasons that may justify restricting public access to information include reasonable concerns about:
- a licence holder's safety or the safety of their family
  - a licence holder's security or the security of their family
  - harassment.
28. Reasons that are unlikely to justify restricting public access to information include:
- not wanting the information to be publically available
  - thinking the public register is unfair or unreasonable
  - thinking it is not necessary for the information to be available.
29. The Registrar can:
- approve an application to restrict access to information on the register
  - approve an application subject to terms and conditions (conditional approval)
  - approve an application in part (partial approval)
  - decline an application.
30. The Registrar advises the licence holder of their decision and the reasons for the decision.

31. Where the Registrar approves, conditionally approves, or partially approves an application, public access to the information continues to be restricted in accordance with the decision.
32. Where the Registrar declines or partially declines an application, the licence holder is advised of their right to bring an appeal against the decision in the District Court within 20 working days of notice of the decision.
33. The Registrar continues to restrict public access to the licence holder's information until the expiry of 20 working days after notice of the decision, or any appeal has been decided.
34. The Registrar must restrict public access to the following information if required to do so by regulation, or if directed to do so by the Board:
  - a. any disciplinary action or action against an employer licence holder under this Act or the former Act in respect of a person in the last 3 years
  - b. information about former licence holders
  - c. information held on registers under the former Act
  - d. any other information the Registrar considers necessary or desirable for the purposes of the register.
35. The Board can direct the Registrar to restrict public access to the information on the register if, in the Board's opinion, it is necessary to do so, or it is not desirable for the information to be publicly available.

#### **Duty to notify change of details**

36. Licence holders must notify the Registrar of any change to their:
  - a. street address within three months of the change
  - b. name within one month of the change.
37. Where the Registrar receives notification of a change of address or name, the new information is entered on the register.
38. The Registrar accepts the following evidence of a person's correct name (original or verified copy):
  - a. Deed poll certificate, change of name certificate, or birth certificate showing both names issued by the Department of Internal Affairs; and
  - b. current NZ passport or current NZ drivers licence.
39. It is an offence to fail to notify the Registrar of any change of address or name carrying a fine of up to \$500.

#### **False, misleading or obscene information on the register**

40. Where a licence holder provides false or misleading information on the online public register, the Registrar writes to the person and requests they remove or correct the information within 14 days.
41. If the licence holder does not remove or correct the information within 14 days, the Registrar will restrict public access to the information and inform the person of this.
42. Public access to the information will remain restricted until the false or misleading information is removed or corrected.

43. Where a licence holder provides obscene or inappropriate information on the online public register, the Registrar immediately restricts public access to the information and may restrict the person's access to their online profile.
44. The Registrar writes to any person who provides obscene or inappropriate information on the public register advising them of the actions taken and requiring them to contact the Board to correct the information.
45. Public access to the information and the person's access to their online profile (if restricted) will remain restricted until the person contacts the Board.

#### **Powers in relation to register**

46. At any time the Registrar can, and must if the Board directs, ask a licence holder if they wish to have their registration and/or licence cancelled.
47. The Registrar asks the licence holder by writing to them at their last known street address.
48. If the licence holder tells the Registrar in writing that they wish to have their registration and/or licence cancelled, the Board can cancel the registration and/or licence.
49. Where the Registrar does not receive a reply from the licence holder within 3 months, or the letter is returned undelivered, the Registrar gives the licence holder written notice that their registration or licence will be cancelled if they do not respond within 20 working days.
50. Where the Registrar does not receive a reply within 20 working days the Board can cancel that registration and/or licence.
51. The Registrar can restore a person's registration or licence on the register that has been cancelled in certain circumstances.
52. The Registrar enters information about disciplinary action in respect of a licence holder only after 20 working days after notice of the decision, or any appeal has been decided.
53. The Board can direct the Registrar to enter information on the register relating to:
  - a. the suspension or cancellation of registration or a licence
  - b. any decision, direction or order in relation to disciplinary action or action taken against an employer licence holder.
54. The Registrar makes any amendments to the register that are necessary to:
  - a. reflect any changes to the information concerned
  - b. correct a mistake
  - c. comply with a direction of the Board.
55. The Registrar may suspend the operation of the register or refuse access to it or any part of it:
  - a. for maintenance
  - b. in response to technical difficulties
  - c. to ensure the security or integrity of the register
  - d. if it is not practical to provide access to the register.