

## Section 12 - 25 exemptions policy

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## Purpose

1. This policy sets out the Board's approach to dealing with the exemptions under sections 12 – 25 of the Plumbers, Gasfitters, and Drainlayers Act 2006.

## Legislation and relevant policies

2. 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 2016
  - c. the Plumbers, Gasfitters, and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2016
  - d. the Plumbers, Gasfitters, and Drainlayers Board (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 policies:
  - a. decision-making
  - b. registration
  - c. licensing
  - d. section 52 exemptions.

## Definitions

4. In this policy:
  - e. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
  - f. **Board** means the Plumbers, Gasfitters and Drainlayers Board
  - g. **fees notice** means the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2018
  - h. **Gazette** means the *New Zealand Gazette*
  - i. **Registrar** means the Registrar of Plumbers, Gasfitters, and Drainlayers
  - j. **trade(s)** means sanitary plumbing, or gasfitting, or drainlaying
  - k. **trainee** has the meaning set out in section 13(2) of the Act
  - l. **work** means to do or assist in doing one or more of the trades.

## Guiding principles

5. Exemptions under the Act fall in to three categories:
  - a. exemptions a person applies for and the Board decides whether or not to grant
  - b. exemptions that apply because the Act creates them
  - c. exemptions that apply because a notice in the Gazette creates them.
6. 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, the Board recognises that 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.

7. 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.
8. The Board exercises its powers 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.
9. This policy does not cover exemptions under sections 15 and 16 which are created and managed by the Minister for Building and Construction.

**Format of policy**

10. This policy:
  - a. sets out all the exemptions under the Act and identifies who grants each one and how
  - b. identifies the exemptions that are granted by the Board and describes how to apply to the Board for an exemption
  - c. identifies the types of considerations the Board takes into account in determining an application for an exemption
  - d. describes how the Board grants and renews exemptions
  - e. describes requirements around exemptions under supervision
  - f. describes how the Board cancels an exemption.

## Exemptions under Act

11. The following exemptions exist under the Act:

Section	Description of exemption	Who grants the exemption?	How is the exemption granted
12	General exemption for sanitary plumbing, gasfitting or drainlaying	Board	Notice in <i>Gazette</i>
13	Limited certificate for trainee	Board	On application
15	Sanitary plumbing by householders	Minister for Building and Construction	Notice in <i>Gazette</i>
16	Sanitary plumbing in rural areas	Minister for Building and Construction	Notice in <i>Gazette</i>
18	Installing and maintaining particular sanitary plumbing equipment	Board	On application
19	Sanitary plumbing under supervision		Created by the Act
20	Authorisation to carry out or supervise gasfitting	Board	On application
21	Gasfitting under supervision		Created by the Act
22	Gasfitting in certain industrial premises		Created by the Act
23	Work on gas pipes		Created by the Act
24	Fixing of water heaters by gasfitters	Board	On application
25	Drainlaying under supervision		Created by the Act

## Board delegation of certain exemption responsibilities to Registrar

12. The Board has delegated the responsibilities listed below to the Registrar to:
- issue limited certificates under section 14
  - determine the adequacy of supervision in respect of exemptions under sections 19, 21 and 25
  - issue exemptions under sections 20 and 24

- d. cancel the application of an exemption under section 26.

### **Exemptions granted by Board**

13. 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)
  - e. fixing of water heaters by gasfitters (section 24).
14. 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.
15. A person applying for an exemption must pay the fee specified for the exemption in the fees notice.
16. A person applying for a trainee limited certificate exemption must be in a training agreement with a registered training provider.
17. An applicant may apply in writing to the Registrar for a waiver or refund of the fee for an exemption.<sup>1</sup>
18. 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.
19. Where the waiver application is granted in full, the application for exemption will be accepted for processing in the normal way.
20. 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.

### **Board considerations when determining application for exemption**

21. 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.
22. 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
  - f. any formal training the applicant has undertaken
  - g. any continuing professional development the applicant has undertaken in the previous 12 months
  - h. the extent to which the applicant has done and/or supervised the work that would be covered by the exemption
  - i. the applicant's knowledge of relevant compliance requirements such as relevant standards and codes of practice
  - j. the applicant's health and safety plan

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<sup>1</sup> Refer Fee or levy waiver or refund policy

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

### **Granting exemptions**

- 23. The Board notifies an applicant in writing of its decision on their application for an exemption.
- 24. A person is not authorised to work under an exemption until their application has been granted.
- 25. The Board specifies any limitations that apply to the exemption in the written notice to the applicant.

### **Granting limited certificates for trainees**

- 26. 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, or drainlayer at all times when carrying out work other than in the training facility who:
    - i. ensures the trainee has adequate supervision
    - ii. is responsible for any required testing and verification.
  - b. In the first 12 months of holding a limited certificate, the trainee must work in the direct presence of their supervisor or another currently licensed certifying or tradesman plumber, gasfitter, or drainlayer who the supervisor has nominated to provide physical supervision of the trainee.
- 27. The Board may impose any additional terms and conditions of a trainee's limited certificate it considers appropriate.

### **Renewing exemptions**

- 28. Limited certificates and exemptions can be renewed.
- 29. 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 their previous exemptions.
- 30. If an applicant has not complied with a term, condition, or limitation of a previous exemption, when applying for a renewal of their exemption the applicant must provide a written submission requesting that the Board disregard their breach.

31. A written submission under paragraph 30 above must:
  - a. identify the term, condition, or limitation of the exemption that was breached
  - b. explain why it was breached
  - c. give reasons why the breach should be disregarded by the Board.
32. The Board considers any written submission it receives asking it to disregard a breach of a term, condition or limitation of an exemption.
33. After considering a written submission, the Board may grant or decline the application to renew.

### **Exemptions under supervision**

34. 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).
35. A supervisor must pay the fee for an exemption under supervision specified in the fees notice.
36. A person is not authorised to work under an exemption under supervision until the Board has processed the notification from the supervisor.

### **Cancelling exemptions**

37. Irrespective of how an exemption is granted, the Board can cancel any exemption, or the application of any exemption by notifying the person working under the exemption in writing of the cancellation.
38. Before cancelling an exemption, the Board:
  - a. informs the person that it is considering cancelling their exemption and the reasons why
  - b. gives the person a reasonable opportunity to comment.
39. The Board can cancel a limited certificate if any term or condition of the certificate is not met.
40. Cancellation is effective from the date specified in the written notice of cancellation.