



Provisional licences policy

With effect from 18 November 2019

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Purpose

1. This policy sets out the Registrar of Plumbers, Gasfitters, and Drainlayers' approach to issuing provisional licences.

Legislation and relevant policies

2. The following legislation is relevant to this policy:
 - a. Plumbers, Gasfitters, and Drainlayers Act 2006
 - b. Plumbers, Gasfitters and Drainlayers Board (Plumbing Registration and Licensing) Notice 2016
 - c. Plumbers, Gasfitters and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2016
 - d. Plumbers, Gasfitters and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2016
 - e. Plumbers, Gasfitters and Drainlayers Board (Fees, and Disciplinary and Prosecution Levy) Notice 2018
 - f. Gas Act 1992
 - g. Gas (Safety and Measurement) Regulations 2010
 - h. Building Act 2004.
3. This policy must be read in conjunction with the following Board policies:
 - a. decision-making
 - b. licensing.

Definitions

4. In this policy:
 - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
 - b. **applicant** means an overseas qualified practitioner applying for a registration or a practising licence, or both
 - c. **Board** means the Plumbers, Gasfitters, and Drainlayers Board
 - d. **Gazette notices** means the Plumbers, Gasfitters, and Drainlayers Board (Plumbers Registration and Licensing) Notice 2016, Plumbers, Gasfitters, and Drainlayers Board (Gasfitters Registration and Licensing) Notice 2016, and the Plumbers, Gasfitters, and Drainlayers Board (Drainlayers Registration and Licensing) Notice 2016
 - 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 an application
 - g. **Registrar** means the Registrar of Plumbers, Gasfitters and Drainlayers
 - h. **trade** means sanitary plumbing, gasfitting, or drainlaying.

Guiding principles

5. All decisions on provisional licence applications are made in accordance with the law and good practice.
6. A provisional licence is a temporary authorisation allowing an applicant to work pending determination of the application.
7. A provisional licence holder is subject to the *Gazette* notices and the disciplinary provisions in subpart 1 of Part 3 of the Act.

Applying for registration

8. An applicant can submit an application for registration at any time after the Registrar has accepted their international qualifications have been assessed by the Skills Organisation as being equivalent to or greater than the New Zealand Certificate in the trade at level 4.
9. An applicant does not have to have satisfied all other minimum standards for registration set out in the *Gazette* notices in order to apply to be registered.
10. An applicant can submit an application for a provisional licence at the same time, or after they have submitted an application for registration.
11. The Registrar will only consider issuing a provisional licence if he or she has received both a registration application and a provisional licence application.
12. Applications for registration and a provisional licence must be accompanied by the prescribed fee or fees.
13. Applications for registration and a provisional licence must include sufficient information to allow the Registrar to make an informed decision on each application.
14. Where an applicant is granted a provisional licence pending completion of all remaining requirements of the minimum standards for registration, a decision on their registration application will only be made once they have completed those remaining requirements.

Considerations for Registrar

15. When considering whether to issue a provisional licence the Registrar has regard to:
 - a. the Act and 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 likely length of time it will take the applicant to satisfy any outstanding requirements of the minimum standards for registration
 - g. the need for particular skills and experience in New Zealand
 - h. the availability of terms and conditions to mitigate any concerns they may have about the applicant's skills or experience.
16. The Registrar may issue a provisional licence if he or she is satisfied that:
- a. the applicant currently has an application for registration before the Board
 - b. it is reasonably anticipated that the registration application will be approved taking into account a range of matters including:
 - i. the nature of the application
 - ii. the receipt of all information and documentation required as part of the application
 - iii. the usual outcome of similar registration applications
 - c. the applicant is sufficiently competent to carry out the trade taking account of factors including their:
 - i. documentary evidence
 - ii. results from the Board's examination(s), if applicable
 - iii. responses in an interview assessing competence, if applicable
 - iv. experience in New Zealand and overseas
 - v. qualifications in New Zealand and overseas
 - d. the applicant could not yet have completed the registration process taking account of factors including:
 - i. their personal circumstances
 - ii. publically available information about them
 - 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 (eg the timing of registration examinations).

Terms and conditions of provisional licence

17. A provisional licence is issued subject to any applicable terms and conditions contained in the *Gazette* notices.
18. A provisional licence may also be issued subject to any terms and conditions the Registrar considers necessary in the circumstances, including terms or conditions restricting an applicant to:
- a. only gasfitting that is not deemed "high risk" under the Gas (Safety and Measurement) Regulations 2010
 - b. carry out only domestic, commercial, or industrial work
 - c. particular appliances, fixtures, or fittings.

19. With each application the Registrar considers whether the applicant should be subject to a term or condition requiring they only work in the presence of their supervisor.
20. A provisional licence is a temporary authorisation and is only issued or renewed for a period of time the Registrar considers necessary to enable the applicant to satisfy any outstanding requirements of their registration application.

Cancellation of a provisional licence

21. The Board can cancel or suspend a provisional licence in appropriate circumstances.

Renewal of a provisional licence

22. The Registrar may renew a provisional licence in appropriate circumstances having regard to such matters as why the applicant's application for registration cannot be completed and the reasons for seeking to renew the provisional licence.
23. An applicant is not entitled to automatic renewal of a provisional licence.