



Competence review policy

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Purpose

1. This policy sets out the Board's processes and requirements around its statutory power to review the competence of registered 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.
3. This policy must be read in conjunction with the following policies:
 - a decision-making
 - b delegations
 - c registration
 - d licensing
 - e operational policies and procedures
 - f dealing with unreasonable behaviour.

Definitions

4. 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 **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
 - d **licence** means an annual practising licence
 - e **minimum standards for registration** means the minimum standards for registration prescribed in *Gazette* notices
 - f **registered person** means a person registered as a journeyman, tradesman or certifying plumber, and/or gasfitter, and/or drainlayer
 - g **Registrar** means the Registrar of the Plumbers, Gasfitters and Drainlayers
 - h **work** means providing or assisting in the provision of sanitary plumbing, gasfitting or drainlaying.

Guiding principles

5. The Board can review the competence of a registered person to do or assist in doing work at any time.
6. The Board does not have to believe a registered person's competence is deficient in order to conduct a competence review of them.
7. When conducting a competence review, the Board considers whether, in its opinion:

- a the registered person meets the applicable minimum standards for registration
- b there is any reason to believe the registered person may endanger the health or safety of members of the public, and
- c the registered person has carried out or caused to be carried out work to the standard reasonably expected of a person in their class of registration.

Board delegation of competence review powers

8. The Board has delegated the exercise of its responsibilities for conducting competence reviews to the Registrar.

Conducting competence reviews

9. The Board determines in each case how it will conduct a competence review.
10. A person that is required to undergo a competence review is given:
- a clear information about the grounds, if any, on which the Board has decided to conduct the review, and
 - g a reasonable opportunity to make written submissions and be heard either personally or by their representative.
11. After conducting a competence review, where the Board believes a registered person's competence is deficient, it can order:
- a the person to undertake a competence programme, and/or
 - b impose a condition or conditions on the person's licence.
12. Any order the Board makes as the result of a competence review must be given to the person within 5 working days of being made and takes effect from the day it is given to the person or any date specified in the order.

Competence programmes

13. A competence programme may require a registered person to do one or more of the following:
- a pass an examination
 - b complete a period of practical training
 - c complete a period of practical experience
 - d undertake a course of studies
 - e anything else the Board thinks appropriate.
14. The Board may specify the period of time in which a registered person must complete a competence programme, or the intervals at which they must undertake training or practical experience.
15. Where a person does not satisfy the requirements of a competence programme the Board can order that their:
- a licence is subject to any condition it considers appropriate, and/or
 - b licence is suspended, and/or
 - c application for a renewal of their licence is declined.
16. The kinds of conditions the Board can impose on a licence where a registered person does not satisfactorily complete a competence programme they are required to do include, but are not limited to:
- h that they are subject to limited supervision
 - i that they are limited in the scopes of work they can undertake.

17. Before the Board suspends a registered person's licence for not satisfactorily completing a competence programme, it must:
 - a inform the person why it may suspend their licence, and
 - b give them a reasonable opportunity to make submissions and be heard either personally or by their representative.
18. Any order or orders made by the Board when a registered person does not satisfy the requirements of a competence programme they must complete must be given to them, and take effect from the day it is given to the person or any date specified in the order.
19. Any order made by the Board imposing a condition on, or suspending a person's licence remains in effect until the person has satisfied all the requirements of the competence programme.
- 1.2. The Board may extend the period in which a person is required to satisfy the requirements of a competence programme.