

Supervision policy

With effect from 17 March 2020

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Purpose

1. This policy sets out the Board's approach to the supervision requirements for sanitary plumbing, gasfitting and drainlaying.

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 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.
3. This policy must be read in conjunction with the following Board policies:
 - a. decision-making
 - b. delegations
 - c. provisional licences
 - d. sections 12-25 exemptions
 - e. public register.

Definitions

3. In this policy, unless the context otherwise requires:
 - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
 - b. **authorisation** means registration and licence, provisional licence, or an authorisation arising under the Act or granted by the Board that allows a person who is not registered and licensed to carry out sanitary plumbing, gasfitting or drainlaying in certain circumstances
 - c. **Board** means the Plumbers, Gasfitters and Drainlayers Board
 - d. **exempt person** means a person working under sections 19, 21, or 25 of the Act
 - e. **Gazette notices** mean the registration and licensing notices listed in paragraph 2 above
 - f. **nominated person** means a certifying or tradesman level practitioner nominated by a person's supervisor to provide physical supervision of a supervisee
 - g. **provisional licensee** means a person who holds a current provisional licence under the Act
 - h. **Registrar** means the Registrar of Plumbers, Gasfitters and Drainlayers
 - i. **supervisee** means a person carrying out sanitary plumbing, gasfitting or drainlaying under supervision
 - j. **supervisor** means a certifying level practitioner or a person authorised under the Act to supervise a person carrying out sanitary plumbing, gasfitting, or drainlaying
 - k. **trade** means sanitary plumbing, or gasfitting, or drainlaying
 - l. **trainee** means a person who holds a limited certificate issued under the Act

- m **work** means carrying out, or assisting to carry out, sanitary plumbing, gasfitting or drainlaying.

Board delegation of supervision responsibilities to Registrar

4. The Board has delegated the exercise of its power in relation to supervision to the Registrar.

Guiding principle

5. All supervision must be carried out in accordance with the Act, the *Gazette* notices, and the terms and conditions of a person's authorisation.

Meaning of supervision

6. Supervision is defined in the Act as follows:

"...work is undertaken under the control and direction of a person authorised under this Act to do the work or, in the case of sections 19, 21, 22, and 25, a person authorised to supervise work under those sections as is sufficient to ensure—

- (a) that the work is performed competently; and*
- (b) that while the work is being undertaken, appropriate safety measures are adopted; and*
- (c) that the completed work complies with the requirements of—*
 - (i) regulations; and*
 - (ii) in the case of sanitary plumbing or drainlaying, regulations under the Building Act 2004; and*
 - (iii) in the case of gasfitting, regulations under the Gas Act 1992."*

People who may supervise

7. A certifier in a trade may supervise another person carrying out work in that trade.
8. A person authorised by the Board under section 18 of the Act may supervise a person doing sanitary plumbing that falls within the scope of their authorisation.
9. A person authorised by the Board under section 20 of the Act may supervise a person doing gasfitting that falls within the scope of their authorisation.
10. In order for any person to supervise another carrying out work, the Board must be satisfied that the supervisor can meet the requirements of supervision set out in the Act and the *Gazette* notices.

People who must be supervised

10. The following people must only work under supervision:
- a. tradesmen plumbers, gasfitters, and drainlayers
 - b. journeymen plumbers, gasfitters, and drainlayers
 - c. provisional licencees
 - d. trainees

- e. exempt people.

Supervisor's responsibilities

11. The supervisor must ensure that all work undertaken by a person under their supervision meets the requirements of the definition of supervision above.

General supervision requirements

12. The supervisor must determine for each of their supervisees and for each job the supervisee performs what will constitute appropriate control and direction in each case.
13. The level of control and direction required may vary from supervisee to supervisee, and from job to job.
14. When determining what level of control and direction is appropriate in any particular case, the supervisor should consider such things as:
 - a. the skills, abilities, and experience of the supervisee
 - b. the work involved and its level of difficulty and risk
 - c. possible issues that could arise with the work
 - d. the location of the job
 - e. any particular requirements of the job (eg tight timelines)
 - f. the general circumstances of the job (eg health and safety matters, who else may be at the site)
 - g. anything else that may be relevant.

Specific supervision requirements

15. A supervisor supervising a trainee must ensure the trainee works only in their direct presence for the first 12 months of holding a limited certificate.
16. A supervisor supervising an exempt person must ensure the exempt person works only in their direct presence for the first 24 months of working under an exemption.
17. Direct presence requires the supervisor and the supervisee to be within eyesight and ear shot of each other.

Nominated person

18. A supervisor may nominate another licensed certifying or tradesman practitioner to supervise their supervisee in a particular case.
19. A nominated person can provide physical supervision of a supervisee doing work but does not become their supervisor.
20. A supervisee who is required to work in the direct presence of their supervisor will meet this requirement if they work in the direct presence of a person nominated by their supervisor to provide physical supervision.
21. A supervisor remains responsible for all work carried out by their supervisee even where they have nominated another person to provide physical supervision.
22. A nominated person must ensure they promptly notify the supervisee's supervisor of any concerns they have with the supervisee's work or the way in which the work is conducted.

Supervision arrangements

23. The supervisor must notify the Board of the name, address and telephone number of any exempt people they are supervising and pay the prescribed fee before that person can lawfully carry out any work.
24. All other supervisees (tradesmen, journeymen, provisional licencees and trainees) must notify the Board of the name of their supervisor when they apply for their authorisation. Supervision must be confirmed by their supervisor before they will be given an authorisation.
25. A supervisor must notify the Board that they are no longer supervising a supervisee. This must be done in writing to the Board, or through the supervisor's trade login or app. The supervisor remains responsible for all work done by the supervisee until the Board has received written notice they are no longer the supervisor.

Testing, verification and certification of work

26. A supervisee can test their own work for the purpose of carrying out a job but cannot test for verification or certification purposes. Any work tested by an exempt person must also be tested by the supervisor.
27. Only a supervisor can test and verify (for sanitary plumbing or drainlaying) or test and certify (for gasfitting) that work performed by a supervisee complies with the requirements of any Act or regulations that apply.

Supervisions of gasfitting by an exempt person

28. A supervisor must ensure an exempt person working under their supervision does not undertake gasfitting while connected to a gas supply.

Concerns about supervision

29. The Board may inquire into a person's supervision arrangements if it has concerns:
 - a. that a supervisor is not complying with supervision requirements
 - b. about the performance of a supervisee.
30. When inquiring into a person's supervision arrangements, the Board has regard to:
 - a. the need to act fairly, reasonably and lawfully
 - b. comply with the principles of natural justice
 - c. the circumstances of the individual situation
 - d. its fundamental role of protecting the health and safety of the public
 - e. anything else that is relevant in the circumstances.
31. Wherever possible the Board works with supervisors and supervisees to address any supervision problems it identifies.
32. Notwithstanding paragraph 31 above, the Board may take whatever action it considers fair, reasonable, lawful and appropriate if it identifies problems with supervision arrangements.
33. This process does not apply if an investigator is appointed to investigate a complaint about a supervisor and/or supervisee under section 91 of the Act.