



## **Section 52 exemptions policy**

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## Purpose

1. This policy sets out the Board's approach to granting exemptions under section 52 of the Act.

## 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 that Act
  - b. the Plumbers, Gasfitters and Drainlayers (Plumbing Registration and Licensing) Notice 2018
  - c. the Plumbers, Gasfitters and Drainlayers (Gasfitting Registration and Licensing) Notice 2018
  - d. the Plumbers, Gasfitters and Drainlayers (Drainlaying Registration and Licensing) Notice 2018
  - 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.

## 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. **fees notice** means the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2018
  - d. **Gazette notices** means the Plumbers, Gasfitters and Drainlayers (Plumbing Registration and Licensing) Notice 2018, and the Plumbers, Gasfitters and Drainlayers (Gasfitting Registration and Licensing) Notice 2018, and the Plumbers, Gasfitters and Drainlayers (Drainlaying Registration and Licensing) Notice 2018
  - e. **Gazette** means the *New Zealand Gazette*
  - f. **licence** means a practising licence issued by the Board
  - g. **minimum standards for registration** means the minimum standards for registration prescribed in *Gazette* notices
  - h. **Registrar** means the Registrar of the Plumbers, Gasfitters and Drainlayers
  - i. **section 52** means section 52 of the Plumbers, Gasfitters, and Drainlayers Act 2006.

## Guiding principles

5. In considering and granting exemptions under section 52, the Board's main consideration is the need to protect public health and safety by ensuring that people who carry out sanitary plumbing, gasfitting and drainlaying are competent to do so.

6. The Board's expectation is that a person who wants to obtain an authorisation to do sanitary plumbing, gasfitting or drainlaying applies in accordance with standard registration and licensing requirements.
7. Where there is good reason the Board will exercise its power to grant an exemption under section 52.
8. The Board exercises its power to grant exemptions under section 52 taking into account the law, the guidance in this policy, and the facts of the application before it.

### **Exemptions under section 52**

9. The Board can exempt a person from compliance with the minimum standards of registration they must meet in order to:
  - a. be registered
  - b. be issued with a practising licence for the first time
  - c. obtain a renewal of their practising licence.
10. The Board can exempt a person from compliance with any terms and conditions imposed by *Gazette* notices.
11. Any exemption granted under section 52 may be subject to any terms and conditions the Board thinks fit.
12. A person can apply to the Board for a waiver or refund of the fee for an exemption.<sup>1</sup>

### **Applying for exemption**

13. Applications for an exemption must be:
  - a. sent or delivered to the Registrar
  - b. in the form required by the Board
  - c. completed in full and accompanied by any information and documentation required by the Board
  - d. accompanied by the required fee.
14. The fee for an application for an exemption under section 52 is that specified in the fees notice.
15. 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.
16. Where the waiver application is granted in full, the application for exemption will be accepted for processing in the normal way.
17. Where the waiver application is declined in full or declined in part, the application for exemption will not be accepted for processing until the applicant has paid the fee or any required part of the fee.

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<sup>1</sup> See Fees or levy waiver or refund policy

### **Considerations when granting an exemption**

18. When considering an application for an exemption, the kinds of things the Board considers include, but are not limited to:
  - a. the need to protect the health and safety of members of the public
  - b. the reasons the applicant is seeking an exemption, including why the applicant is not able to obtain registration or a licence in the usual way
  - c. the applicant's qualifications in New Zealand and/or overseas
  - d. the applicant's experience in New Zealand and/or overseas
  - e. any consequences for the applicant of not granting the exemption (if known)
  - f. whether the person is a fit and proper person to be registered or licensed
  - g. whether the person is precluded from being registered or licensed as a result of any action taken by the Board under section 106 of the Act
  - h. whether the person has previously had their licence or registration cancelled by the Board
  - i. the nature of any continuing professional development the applicant has undertaken in the last 12 months
  - j. the availability and appropriateness of terms and conditions to mitigate any concerns associated with the application.

### **How exemptions granted**

19. The Board can grant an exemption under section 52 in one of two ways:
  - a. by written notice to the person making the application
  - b. by notice in the *Gazette*.