

# Escalating a protected disclosure to the Plumbers, Gasfitters and Drainlayers Board as an Appropriate Authority

## Introduction

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The Plumbers, Gasfitters and Drainlayers Board (the Board) is an “Appropriate Authority” under the Protected Disclosures (Protection of Whistleblowers) Act 2022. This means that:

- if you have made a protected disclosure of serious wrongdoing to a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006), and they haven’t addressed your issues satisfactorily, you can escalate your protected disclosure to the Board to consider; or
- if you wish to make a protected disclosure about a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006), who has committed serious wrongdoing, you can refer it directly to us.

## Who this process applies to

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This process applies to current or former:

- employees
- secondees
- contractors
- volunteers
- homeworkers
- company directors

of a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006) who want to make, or have already made, a protected disclosure of serious wrongdoing by that person.

If you do not fit into any of these categories, or the issue you’re raising doesn’t amount to serious wrongdoing, then the protections under the Protected Disclosures (Protection of Whistleblowers) Act 2022 won’t apply to you. However, you can still raise your concerns with us.

## Key definitions

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The following definitions apply to this process:

**Act:** The Protected Disclosures (Protection of Whistleblowers) Act 2022.

**Board:** The Plumbers, Gasfitters and Drainlayers Board.

**Discloser:** Former or current employees, secondees, contractors, board members, volunteers and homeworkers of a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006) who wish to make a protected disclosure.

**Other Appropriate Authorities:** Any of the following:

- Commissioner of Police
- Controller and Auditor-General
- Director of the Serious Fraud Board
- Inspector-General of Intelligence and Security
- Board of the Ombudsman
- Parliamentary Commissioner for the Environment
- Police Complaints Authority
- Solicitor-General
- Public Services Commissioner
- Health and Disability Commissioner
- Head of every public sector organisation; and
- The membership body of a particular profession, trade or calling, having the power to discipline its members (other than the Board).

A list of appropriate authorities and the types of matters they can deal with can be found in the Act.

MPs, blogs, social media, media organisations or other third parties not listed above or in the Act are not an “appropriate authority” for the purposes of a protected disclosure, and none of the protections in this policy or the Act apply to disclosures made to them, including in respect of disciplinary and/or legal action.

**Protected disclosure:** Where a discloser discloses serious wrongdoing pursuant to the Act.

**Serious wrongdoing:** An act or omission, or course of conduct, by a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006) that is one or more of the following:

- an offence (e.g. an offence under the Plumbers, Gasfitters, and Drainlayers Act 2006);
- a serious risk to public health, public safety, the health or safety of any individual, or the environment;
- a serious risk to the maintenance of the law, including the prevention, investigation and detection of offences, or the right to a fair trial;
- an unlawful, corrupt, or irregular use of public funds or public resources;
- oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement by a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of a public sector organisation.

## How do I raise my protected disclosure with the Board?

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If you meet the definition of a discloser and:

- you have already raised a protected disclosure with the person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006) and you are not satisfied or have not heard anything; or
- you wish to raise a protected disclosure about the serious wrongdoing of a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006)

then complete the [online form](#). Where you have already made a protected disclosure to the person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006), please attach a copy of your written protected disclosure you made to them and the response(s) (if you received any).

Alternatively, you can write to the Chief Executive of the Board at [registrar@pgdb.co.nz](mailto:registrar@pgdb.co.nz) and include:

- Explain how you meet the definition of a discloser
- Tell us who the person is who did or does the sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006) that you are making the protected disclosure about
- Set out what the alleged serious wrongdoing is or was, including what occurred, who is involved, when it happened, who witnessed it, and providing any relevant documents / references to relevant documents
- Tell us why you believe that the serious wrongdoing has occurred
- Tell us if you have already made your protected disclosure to the person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006) and/or Other Appropriate Authorities, and if you did, what the result was (and provide copies of your protected disclosure and any responses)

- Provide us with your contact details (note that the Board may be unable to investigate or meet its obligations under the Act if an anonymous complaint is received).

## What to expect

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On receiving of a protected disclosure, and provided that you meet the definition of a discloser and what you are raising could amount to serious wrongdoing by a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006), you can expect the following to occur:

1. Within 20 working days we will endeavour to:
  - acknowledge receipt of your protected disclosure
  - consider your disclosure and whether it warrants investigation
  - deal with the disclosure by investigating it, addressing the serious wrongdoing by acting or recommending action, referring the disclosure to Other Appropriate Authorities, and/or deciding no action is required; and
  - inform you what we have done.
2. Where it is impractical to complete the last two actions above within 20 working days, the Board will inform you as to how long we expect to deal with the matter and update you about progress.
3. If an investigation is warranted, this should follow the principles of natural justice. It is likely that any investigation may involve one or more of the following options:
  - undertaking an investigation
  - prosecution of an unauthorised person
  - disciplinary action against a registered plumber, gasfitter or drainlayer
  - referring the matter to Other Appropriate Authorities (having consulted with you as required by the Act).

## Protections

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1. The Act provides a range of protections to disclosers. These are summarised in Appendix A to this policy. The protections apply unless you make an allegation that you know to be false or otherwise acts in bad faith.
2. If there are any questions concerning the various protections that are available under the Act contact the Chief Executive or the [Office of the Ombudsman](#).

## Version management

Date	Details
15 August 2023	Approved by Chief Executive
15 August 2026	Next review date

## Appendix A – Summary of Protections

Type of Protection	What this means
Immunity from civil, criminal and disciplinary proceedings as a result of making a protected disclosure.	A discloser who makes a protected disclosure to the Board in accordance with the Act of serious wrongdoing by a person who did or does sanitary plumbing, gasfitting or drainlaying (as defined in the Plumbers, Gasfitters, and Drainlayers Act 2006) cannot be sued in the civil courts, be prosecuted for criminal charges, or subjected to a disciplinary process (either by the Board or by an agency able to discipline its members).
Confidentiality	<p>Every recipient of a protected disclosure must use their best endeavours to keep confidential information that might identify the discloser, except where:</p> <ul style="list-style-type: none"> <li>• the discloser consents to the release of the identifying information, or</li> <li>• there are reasonable grounds to believe that the release of the information is essential: <ul style="list-style-type: none"> <li>○ or the effective investigation of the disclosure; or</li> <li>○ to prevent a serious risk to public health, public safety, the health or safety of any individual, or the environment; or</li> <li>○ to comply with the principles of natural justice; or</li> <li>○ to an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.</li> </ul> </li> </ul> <p>The Board will first consult with the discloser before releasing identifying information in accordance with the Act.</p>
Retaliation	Disclosers who make a protected disclosure to the Board are protected against retaliation, or threats of retaliation, under the Act. Retaliation includes dismissal or being subjected to a detriment or disadvantage. An employee who faces retaliation or threats of retaliation can raise a personal grievance in accordance with the Employment Relations Act 2000.

Victimisation	<p>Victimisation means treating, or threatening to treat, a person (or their relative or associate) less favourably than other persons in the same or substantially similar circumstances because that person:</p> <ul style="list-style-type: none"> <li>• intends to make a protected disclosure;</li> <li>• encourages another person to do so; or</li> <li>• gives information in support of that protected disclosure.</li> </ul> <p>Victimisation is unlawful under the Human Rights Act 1993.</p>
Official Information Act requests	<p>The Board will refuse requests for information under the Official Information Act 1982 if the information might identify the discloser of a protected disclosure.</p>