Plumbers,
Gasfitters and
Drainlayers Board

Outcome of consultation

Requirement to provide fit and proper information in order to renew a practicing licence

Fit and proper licensing consultation

Consultation

Between 27 September 2022 and 4 November 2022, the Board sought feedback on the proposal that certifying, tradesman and journeyman practitioners provide fit and proper information each time they apply to renew their licences. This proposal arose from matters the Board became aware of in recent years that reflected on whether some registered people remained fit and proper people to be doing plumbing, gasfitting or drainlaying. They included allegations of serious criminal offending and health conditions that could seriously impact on their ability to safely carry out work.

Submissions received

The Board would like to thank all those who took the time to provide their feedback and respond to the consultation.

The Board received 368 consultation submissions. 43.2% agreed with the proposal. 56.5% disagreed with the proposal. A number of submitters disagreed with the proposal because they did not know what questions would be asked. Those questions were included in the consultation document.

Some submitters did not seem to be aware that being a fit and proper person was already a requirement for licensing[1]. The proposed change simply requires people to provide specific information about this requirement when they apply to renew their licences going forward.

Summary of responses that agreed with the proposal

Overall, those in support of the proposed changes agreed that these changes would enable the Board to continue protecting the health and safety of the public by providing a way for the Board to assess whether registered people are fit and proper to work in the industry. Some specific comments included:

- *This proposal will help keep the "cowboys" out, and the industry can continue to provide the public with a better and safer service.*
- *It will help maintain a safe and honest work ethic and highlights the responsibility to protect the public. It will ensure that work is completed correctly and safely.*
- *Licence renewal is too easy, there aren't enough checks.*
- *People need to feel safe – people put a lot of trust in us allowing us into their homes.*
- *This will help keep the standards high in the profession.*

Summary of responses that disagreed with the proposal

A summary of the themes in submissions that did not support the proposal were as follows:

- There are too many barriers and steps required to become registered and hold a licence and therefore the Board should not be asking about criminal conduct, disciplinary action, or any health condition that could affect a person's ability to work safely
- Concerns about privacy, specifically about providing health information

[1] The Board's policy can be found here

- Concerns that offences they may have been committed many years ago would be held against a person
- Fit and proper questions are better suited to being asked by employers
- How would the Board ensure that people answered the questions honestly.

Board's response to submitters' concerns

The work of sanitary plumbing, gasfitting, and drainlaying is restricted because of how important it is to the health and safety of the public. The Plumbers, Gasfitters, and Drainlayers Act 2006 states that only people who have the necessary skills and knowledge, and who are fit and proper people can carry out this work. The Board is responsible for ensuring that these competence and character requirements are met before it allows a person to become registered and licensed.

With regard to concerns about the information the Board is requesting and whether the Board would be concerned about events that took place a long time ago, the questions only seek information relating to events that have taken place since the person last held a practising licence. In the vast majority of cases, this will only mean in the past year. Please see the questions below. We have developed some guidance which provides more information about what information will need to be provided and how the information will be kept safely and securely (refer to **attachment one**).

With regard to how people will answer the questions, the Board is relying on people to be truthful in disclosing any information that may impact on their fitness to practice. However, should a person fail to disclose information that they should have or if they disclose information that is false, the Board can cancel the person's licence under section 59 of the Act.

Outcome

The Board has agreed that all applications for practicing licenses from 1 April 2023 onwards will require the applicant to provide information relating to whether they are a fit and proper person to be issued with a licence.

What does this mean for you?

For the licensing year starting on 1 April 2023, certifying, tradesman and journeyman practitioners will be asked to answer questions about any criminal conduct or disciplinary action that has occurred since they last held a licence, any restriction that has been placed on their ability to do sanitary plumbing, gasfitting or drainlaying, and any health condition that could affect their ability to work safely.

A copy of the questions that will be asked is below:

1. Have you been investigated by the Police or have any charges been laid by the Police in New Zealand or overseas since you last renewed your practicing licence?	Yes	No
2. Have you been convicted of any criminal offences in New Zealand or overseas since you last renewed your practicing licence?	Yes	No

3. Have you been convicted of any disciplinary offence in relation to plumbing, gasfitting or drainlaying in New Zealand or overseas since you last renewed your practicing licence?	Yes	No
4. Has your plumbing, gasfitting, or drainlaying registration or licence been cancelled, suspended, or restricted, or have you been disqualified from doing any kind of plumbing, gasfitting or drainlaying in New Zealand or overseas since you last renewed your practicing licence?	Yes	No
5. Have you developed a health condition (mental or physical) since you last renewed your practicing licence which could affect your ability to do plumbing, gasfitting or drainlaying safely?	Yes	No

FIT AND PROPER
LICENSING GUIDANCE

Plumbers, Gasfitters and Drainlayers Board

The Board has introduced a requirement for all registered people to provide information about their fitness to practice when renewing their licences.

What information will I need to provide?

You will only need to provide information about matters that have occurred since you last renewed your practicing licence.

The kinds of criminal offending that may concern the Board

Minor criminal offending such as driving convictions or public order offences (e.g. breach of the peace, breaching a liquor ban) are unlikely to mean a person cannot renew their practicing licence. With more serious criminal offending, it will depend on what the charge or conviction is for and whether it has implications for the work that person does and how they carry it out.

Below are some examples of more serious criminal offending that may be of concern to the Board:

- sexual offending
- serious drug-related offending such as procuring, possessing, or supplying illegal drugs
- serious offending against people such as threating behavior, assault, violence, or sexual offending
- property offending such as theft, burglary, shoplifting, or willful damage
- weapons offending such as possession of an offensive weapon or firearms.

However, even these types of offending will not necessarily mean a person is unfit to practice. The Board will consider the individual circumstances in each case.

The kinds of health conditions that may concern the Board

The Board recognises that health information is very personal and private. The Board only wants to know about any kind of health condition that could affect a person's ability to work safely. Working safely includes both that the person is safe while doing the work and that their work is compliant and correct.

The kinds of health conditions that may affect a person's ability to work safely are likely to be limited. Examples are things like dementia, cognitive impairment (eg. from a head injury or a stroke).

Any information disclosed to the Board will be kept safe and confidential

Any information the Board receives or collects in relation to an assessment of a person's fitness to practice will be kept safe and confidential. It will only be held for as long as necessary for the purpose of assessing the person's application to renew their licence. Access to sensitive health information will be restricted and once the information is no longer required, it will be permanently deleted.