



Employer licence policy

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Purpose

1. This policy sets out how the Plumbers, Gasfitters, and Drainlayers Board administers employer licences.

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 Regulations 2010
 - c the Plumbers, Gasfitters and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2016
 - d the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Offences Levy) Notice 2016 and the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Offences Levy) Notice 2018
 - e the Gas Act 1992
 - f the Gas (Safety and Measurement) Regulations 2010.
3. This policy must be read in conjunction with the following Board policies:
 - a decision-making
 - b supervision
 - c waiver or refund of fee or disciplinary levy
 - d register of plumbers, gasfitters, and drainlayers.

Definitions

4. In this policy, unless the context otherwise requires:
 - a **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
 - b **applicant** means a person applying for an employer licence or the renewal of an employer licence
 - c **application** means an application for an employer licence or the renewal of an employer licence
 - d **approved person** has the meaning set out in section 62(6) of the Act and regulation 6 of the Regulations
 - e **Board** means the Plumbers, Gasfitters, and Drainlayers Board
 - f **fees notice** means the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2016 or the Plumbers, Gasfitters, and Drainlayers (Fees, and Disciplinary and Prosecution Levy) Notice 2018
 - g **Gas Regulations** means the Gas (Safety and Measurement) Regulations 2010
 - h **Gazette notice** means the Plumbers, Gasfitters and Drainlayers (Gasfitting Registration and Licensing) Notice 2016
 - i **identified gasfitting** means the gasfitting that will be undertaken under the employer licence
 - j **licence holder** means the party holding an employer licence
 - k **Registrar** means the Registrar of the Plumbers, Gasfitters, and Drainlayers
 - l **Regulations** means the Plumbers, Gasfitters, and Drainlayers Regulations 2010
 - m **renewal** means a renewal of an employer licence
 - n **system of operation** means a system of operation that complies with section 62(1) of the Act.

Guiding principles

5. The Board considers that an employer licence is a privilege because it allows people who are not qualified and registered gasfitters to carry out restricted gasfitting work.
6. When issuing employer licences the Board is guided by the need to protect the health and safety of the public by ensuring that only competent people carry out gasfitting.
7. All gasfitting work performed under an employer licence must be done safely, in compliance with all legal requirements, and in accordance with the licence holder's authorisation and system of operation.
8. Having, maintaining, and following an appropriate system of operation at all times is critical to lawfully operating under an employer licence.

Applying for employer licence or renewal

9. An application must be:
 - a sent or delivered to the Registrar
 - b in the form required by the Board
 - c completed in full and accompanied by all required documentation
 - d accompanied by the prescribed fee.
10. An application must be accompanied by a certificate from an approved person certifying the applicant's system of operation.

Considering application

11. Upon receipt of an application, the Board:
 - a checks the applicant is not precluded from holding an employer licence under section 66 of the Act
 - b checks all application information for accuracy, authenticity, and completeness
 - c notifies the applicant of any details missing from their application and gives them a reasonable opportunity to provide the missing information.
12. Where an application is accompanied by a certificate from an approved person, it must:
 - a identify the gasfitting that will be performed under the licence
 - b clearly state that the applicant complies with the requirements of section 62(1) of the Act
 - c specify the date the certificate takes effect from and expires on.
13. A certificate from an approved person ceases to have effect if:
 - a the approved person revokes the certificate
 - b the certificate expires.

14. All employer licences are granted for a specified period of time, and subject to both general and specific terms and conditions.
15. An employer licence does not authorise anyone other than an identified employee of the licence holder to carry out or assist in carrying out the identified gasfitting.
16. Unless it has been cancelled, an employer licence may be renewed from time to time.

Fees

17. The cost of an application is the full cost of processing the application.
18. The Board will provide applicants with an initial estimate of the cost of processing their application which the applicant must pay before the Board will accept their application.
19. An applicant may apply in writing to the Registrar for a waiver of the fee.¹
20. Applications that accompany an application for a waiver of the fee will be held by the Board until the waiver application has been determined.
21. Where the waiver application is granted in full, the licence or renewal application will be accepted for processing in the normal way.
22. Where the waiver application is declined in full in part, the application will not be accepted for processing until the applicant has paid the initial estimate or any required part of the it (eg. where a partial waiver has been granted).
23. Where the actual cost of processing an application is less than the initial estimate, the Board will refund the applicant the difference.
24. Where the actual cost of processing an application is more than the initial estimate, the applicant must pay the Board the difference before this licence will be issued.
25. The fee may be paid:
 - a in cash
 - b by cheque
 - c by credit card
 - d by electronic transfer directly to the Board's bank account.

¹ See Fee or Levy waiver or refund policy.

Determining an application

26. Where the Board is satisfied an applicant is entitled to an employer licence or renewal, it:
 - a notifies the applicant of its decision in writing
 - b issues an employer licence, and
 - c enters the applicant's employer licence details into the register.
27. Where the Board is considering declining an application, it:
 - a notifies the applicant that it is considering declining their application
 - b states the reasons why it is considering declining their application
 - c gives the applicant at least 10 working days to provide a written submission to the Board about why their application should be granted.
28. The Board takes account of any submission it receives from an applicant before making a final decision to grant or decline the application.
29. Where the Board declines an application, it notifies the applicant of:
 - a its final decision
 - b the reasons for its decision
 - c the applicant's right of appeal to the District Court against the decision.

Duration of licence

30. The Board issues employer licences for the term of the approved person's certificate.
31. The term of an employer licence is specified on the licence.
32. A licence holder is only able to authorise employees to do or assist in doing gasfitting during the term of the licence.
33. Where an existing licence holder applies for a renewal before the expiry date of their current licence, their current licence continues in force until their renewal application has been determined.

Terms and conditions of employer licence

34. All employer licences are subject to the condition that the licence holder must participate in inspections under section 69 of the Act if required.
35. The Board may impose any other terms or conditions on an employer licence it thinks fit including, but not limited to:
 - a restrictions on the type of gasfitting that can be done under the licence
 - b conditions relating to competent and safe work practices
 - c restrictions on geographic areas where identified gasfitting can be done
 - d requirements around reassessments of the system of operation

- e requirements around notification of changes to personnel and employee skills and training
- f requirements around notification of any safety incidents that occur
- g requirements relating to the provision of specified information to the Board.

Action in relation to employer licence

36. The Board can take action against a licence holder either as a result of:
- a a complaint, or
 - b its own inquiries.
37. The Board can take action if it is satisfied that the licence holder:
- a obtained the licence by making a false or misleading representation or declaration
 - b was not entitled to be issued with an employer licence
 - c no longer meets the requirements for the issue of an employer licence
 - d has failed to comply with any term or condition of their employer licence
 - e has failed to ensure that the gasfitting done by employees was carried out safely, competently, and compliantly.
38. The actions the Board can take are to:
- a cancel the employer licence, and order that the employer licence holder cannot apply for a new licence for a specified period
 - b suspend the employer licence either for any period the Board thinks fit, or until the employer licence holder has done anything specified by the Board
 - c place restrictions on the employer licence for any period it thinks fit
 - d fine the licence holder up to \$50,000
 - e censure the licence holder
 - f make no order.
39. The Board can take only one action against a licence holder, except that it can impose a fine as well as suspend, restrict, or censure.
40. The Board cannot take action against a licence holder if they have already been convicted by a court for the same conduct.
41. Before taking any action against a licence holder, the Board:
- a writes to the licence holder advising of the reasons why it is considering taking action, and
 - b gives them a reasonable opportunity to make a written submission, and to meet with the Board to discuss the matter.
42. Where an employer licence is suspended the licence holder cannot authorise any employee to do or assist in doing any gasfitting for the period of the suspension.
43. Where a period of suspension is completed prior to the expiry of the term of employer licence, the licence is revived. Where the suspension is completed after the expiry of the licence, the licence holder must apply for a new employer licence in the normal way.

44. The Board can bring criminal charges under section 124 of the Act against a licence holder who fails to comply with any condition of their licence.
45. A licence holder convicted of a criminal charge under section 124 can be fined up to \$50,000 for an individual or \$250,000 for a body corporate.

Duties to notify Board of change of details

46. All licence holders must notify the Board of the following:
 - a change of address within 3 months of the change
 - b changes of name within one month of the change.
47. It is a criminal offence under sections 76 – 77 for a licence holder to fail to notify the Board of a change of their details above.