

## Licensing policy

*This policy was reviewed and approved by the Board on 21 June 2016*

### Contents

GENERAL PROVISIONS .....	3
Purpose .....	3
Legislation and relevant policies.....	3
Definitions.....	3
CORE POLICY PROVISIONS .....	4
Guiding principles .....	4
Board delegation of licensing responsibilities to Registrar.....	4
Requirements for a practising licence or renewal.....	4
Applying for a licence or renewal .....	5
When the Board accepts an application for processing .....	5
Required licence application form.....	6
Checking information provided .....	6
Fees and disciplinary levy .....	6
Consideration of application.....	6
Granting an application.....	6
Declining an application.....	7
Terms and conditions of licence .....	7
Applying for renewal where term or condition of practising licence breached.....	8
Cancellation and suspension of licence .....	8
Provisional licences.....	10
Duties to notify Board of change of details .....	10
Lost licence.....	11
ADMINISTRATIVE PROVISIONS .....	<b>Error! Bookmark not defined.</b>

Owner .....**Error! Bookmark not defined.**  
Responsibilities .....**Error! Bookmark not defined.**

## GENERAL PROVISIONS

### Purpose

1. This policy sets out the Board's considerations and obligations around the licensing of plumbers, gasfitters and drainlayers.

### 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 (Plumbing Registration and Licensing) Notice 2010
  - c. the Plumbers, Gasfitters and Drainlayers (Gasfitting Registration and Licensing) Notice 2010
  - d. the Plumbers, Gasfitters and Drainlayers (Drainlaying Registration and Licensing) Notice 2010
  - e. the Plumbers, Gasfitters and Drainlayers (Fees) Notice 2016.
3. This policy must be read in conjunction with the following Board policies:
  - a. decision-making
  - b. delegations
  - c. provisional licences
  - d. public register
  - e. section 52 exemptions
  - f. supervision
  - g. fees waiver or refund
  - h. employer licence
  - i. fit and proper person
  - j. competence review
  - k. operational policies and procedures.

### 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 a practising licence or a renewal of a practising licence to do, or assist in doing, sanitary plumbing, gasfitting, or drainlaying
  - c. **application** means an application for a practising licence or for a renewal of a practising licence whether made on a hard copy application form, or using the on-line electronic application procedure, or in any other way
  - d. **Board** means the Plumbers, Gasfitters and Drainlayers Board
  - e. **fees notice** means the Plumbers, Gasfitters and Drainlayers (Fees and Disciplinary Levy) Notice 2013
  - f. **Gazette notices** means the Plumbers, Gasfitters and Drainlayers (Plumbing Registration and Licensing) Notice 2010, and the Plumbers, Gasfitters and Drainlayers (Gasfitting Registration and Licensing) Notice 2010, and the Plumbers, Gasfitters and Drainlayers (Drainlaying Registration and Licensing) Notice 2010

- 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 Board appointed under section 140 of the Act
- i. **registered person** means a person registered by the Board in either the licensing or certifying class as a sanitary plumber, gasfitter or drainlayer
- j. **staff member** means an employee of the Board
- k. **trade** means sanitary plumbing, gasfitting or drainlaying.

## **CORE POLICY PROVISIONS**

### **Guiding principles**

- 5. A registered person is authorised to do or assist in doing work in any trade if they hold a current practising licence for that trade.
- 6. A registered person is entitled to be issued with a practising licence, or to have their practising licence renewed, where the Board is satisfied that they have met the necessary requirements.
- 7. A person may hold one practising licence for each trade in which they are registered, ie, licensed or certifying.
- 8. The Board's licensing period runs from 1 April to 31 March the following year.
- 9. All practising licences expire on 31 March, unless cancelled or suspended earlier.
- 10. Every registered person must renew their practising licence or practising licences every licensing period to continue working in the trade or trades in which they are registered.
- 11. Where a person applies for a renewal of their practising licence before 31 March, their current practising licence continues in force beyond 31 March until their renewal application has been determined.

### **Board delegation of licensing responsibilities to Registrar**

- 12. The Board has delegated the exercise of its licensing responsibilities to the Registrar.

### **Requirements for a practising licence or renewal**

#### *Practising licence*

- 13. To be issued a practising licence, the applicant must have satisfied the Board they:
  - a. comply with the application requirements
  - b. meet the applicable minimum standards for registration and are registered
  - c. are not precluded from holding a practising licence because of disciplinary action taken against them under section 106 of the Act
  - d. are a fit and proper person to be issued with a practising licence
  - e. have paid the prescribed monies.

14. When considering an application, the Board has regard to any reasons the applicant may have previously had their registration or practising licence cancelled, if applicable.

#### *Practising licence renewal*

15. To have a practising licence renewed, the applicant must have satisfied the Board they:
  - a. comply with the application requirements
  - b. meet the applicable minimum standards for registration and are registered
  - c. have not breached a term or condition of their practising licence during the period of time prior to renewing their practising licence, unless the Board has agreed to disregard such a breach
  - d. are a fit and proper person to hold a practising licence
  - e. have satisfied the requirements of any competence programme they are required to complete
  - f. have paid the prescribed monies.

#### **Applying for a licence or renewal**

16. An application must be:
  - a. sent or delivered to the Registrar
  - b. in a form required by the Board
  - c. completed in full and accompanied by information and documentation required by the Board
  - d. accompanied by the required monies.
17. An applicant can apply for a practising licence at the same time as applying for registration in a trade. However, the Board will only consider the applicant's practising licence application after they have been approved for registration.
18. An application for a renewal of a practising licence cannot be made before 1 January in any year.

#### **When the Board accepts an application for processing**

19. The Board accepts an application for processing only once it has received the prescribed monies.
20. An applicant may apply in writing to the Registrar for a waiver or refund of the prescribed monies.<sup>1</sup>
21. Applications that accompany an application for a waiver of the prescribed monies will be held by the Board until the waiver application has been determined.
22. Where the application for a waiver is granted in full, the application will be accepted for processing in the normal way.

---

<sup>1</sup> Refer Fee or levy waiver or refund policy

24. Where the application is declined in full or declined in part, the application will not be accepted for processing until the applicant has paid the prescribed monies or any required part of the prescribed monies.

### **Required licence application form**

25. An application form is available on the Board's website. Guidance on relicensing for each of the trades can also be found online.<sup>2</sup>

### **Checking information provided**

26. The Board checks all application information for accuracy, authenticity and completeness.
27. The Board notifies an applicant of any details missing from their application that would prevent their application from being processed and gives them a reasonable opportunity to provide the information before reaching a decision on the application.

### **Fees and disciplinary levy**

28. The fee for an application is set out in the fees notice.
29. In addition to the licence fee, applicants are required to pay the disciplinary and prosecution levy set out in the fees notice.
30. The monies may be paid:
- a. in cash
  - b. by cheque
  - c. by credit/debit card
  - d. by electronic transfer directly to the Board's bank account.
31. A separate licence fee is payable for each trade in which an applicant applies for a licence or renewal of a licence. The disciplinary and prosecution levy is only payable with the first practising licence or licence renewal an applicant applies for each licensing period.
32. An applicant may apply in writing to the Registrar for a waiver or refund of a fee or the disciplinary and prosecution levy.<sup>3</sup>

### **Consideration of application**

33. The Board considers all licensing applications as soon as possible, in accordance with business plan timelines.

### **Granting an application**

---

<sup>2</sup> <http://www.pgdb.co.nz>

<sup>3</sup> See *Waiver or refund of fee or disciplinary levy policy*

34. Where the Board is satisfied that an applicant is entitled to a practising licence, it does the following:
  - a. issues a practising licence for the class of registration in which the applicant is registered
  - b. enters the applicant's licence details into the register and orders a licence card
  - c. notifies the applicant in writing of the Board's decision
  - d. usually sends the applicant's licence card to them within 10 working days.
35. Where the Board is satisfied that a person is entitled to a renewal of their practising licence, it does the following:
  - a. renews the applicant's practising licence for the licence period
  - b. enters the renewal details in the public register and orders a new licence card
  - c. notifies the applicant of their renewal
  - d. usually sends the applicant's licence card to them within 10 working days.

### **Declining an application**

36. Where the Board is considering declining an application, it does the following before reaching a final decision:
  - a. notifies the applicant that it is considering declining their application
  - b. tells the applicant the reasons why it is considering declining their application
  - c. gives the applicant 10 working days to make a written submission to the Board about why their application should be granted.
37. A written submission to the Board can be made by letter or email.
38. The Board takes account of any submission it receives from an applicant.
39. After considering a submission from an applicant, the Board may grant or decline the application.
40. 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.

### **Terms and conditions of licence**

41. Any practising licence issued by the Board is subject to the terms and conditions imposed on licence holders by the *Gazette* notices.
42. The Board may impose any additional terms and conditions on a practising licence it thinks fit, including such things as:
  - a. a term authorising a person to test, certify or supervise work
  - b. a condition relating to competent and safe work practices
  - c. a condition requiring the person to complete a competence programme

- d. a condition imposing limitations on when a person can do certain work
  - e. a condition imposing limitations on the work a person can do.
43. Any terms or conditions imposed on a practising licence by the Board may be in addition to, or instead of, any other limits that apply to the class of registration.
44. The Board can revoke, amend, or add to any term or condition on any person's practising licence by written notice to the person.
45. The Board may exempt an applicant from any terms and conditions of a practising licence.
46. When a person's practising licence card requires amendments during a licensing period, the Registrar may, in writing, require the person to return their practising licence card to the Board within 10 working days. A person who does not comply with such a request may be prosecuted in the District Court for an offence which carries a fine not exceeding \$10,000.

#### **Applying for renewal where term or condition of practising licence breached**

47. The Board may disregard a breach of a term or condition of an applicant's practising licence when granting a practising licence renewal.
48. Failure to meet any continuing professional development requirement specified in the Gazette notices is a breach of a condition of an applicant's practising licence.
49. An applicant who has breached a term or condition of their practising licence must provide a written submission seeking to have the Board disregard their breach when applying to renew their practising licence.
50. A written submission seeking to have a breach of a term or condition disregarded by the Board must:
- a. identify the term or condition of the practising licence that was breached
  - b. explain why the term or condition was breached
  - c. give reasons why the breach should be disregarded by the Board.
51. The Board considers any written submission it receives to disregard a breach of a term or condition of licence when considering an application for a practising licence renewal.
52. After considering a written submission, the Board may grant or decline the application to renew.

#### **Cancellation and suspension of licence**

53. The Board may cancel or suspend one or more of a person's practising licences.
54. A person whose practising licence has been cancelled or suspended is not authorised to do, or assist in doing the relevant sanitary plumbing, gasfitting or drainlayer while their practising licence is cancelled or remains suspended.

55. The Board may cancel a person's practising licence:
- a. where the person asks the Board in writing to cancel their practising licence
  - b. where the Board reasonably believes the person is dead
  - c. where the practising licence has been obtained wrongfully
  - d. if the person was not entitled to be registered or issued with the practising licence
  - e. where an overseas qualification on which their practising licence was based has been cancelled or suspended, or their name has been removed from an overseas register associated with their trade
  - f. following review of the register
  - g. where the Board has ordered cancellation of the practising licence as a result of disciplinary action.
56. If a person's registration in a class is cancelled or suspended, their practising licence in that class is also cancelled or suspended.
57. The Board may suspend a person's practising licence where:
- a. the person has not satisfied the requirements of a competence programme they are required to complete
  - b. an overseas qualification on which their practising licence was based has been cancelled or suspended, or their name has been removed from an overseas register associated with their trade
  - c. the Board has ordered suspension of the practising licence as a result of disciplinary action.
58. A person's practising licence is revived at the end of any period of suspension, which means the following:
- a. where the suspension is completed in the same licensing period it began, the person's practising licence is automatically active again
  - b. where the suspension is completed in a licensing period that began during the period of suspension, the person is eligible to apply for another practising licence in the normal way.
59. The cancellation or suspension of a person's practising licence does not affect the person's liability for any unlawful action or inaction that occurred prior to the cancellation or suspension.
60. Unless considering cancelling or suspending a person's practising licence as part of a disciplinary hearing in which case the disciplinary offences process is followed, the Board must:
- a. inform the person that it is considering cancelling or suspending their practising licence
  - b. inform the person of the reasons it is considering taking the action
  - c. give the person a reasonable opportunity to make a written submission and meet with the Board to discuss the matter.

61. The Board must consider any submission it receives from a person whose practising licence it is considering cancelling or suspending.
62. After considering a submission, the Board may cancel or suspend the person's practising licence, or not cancel or suspend the practising licence.
63. The Registrar gives a copy of any cancellation or suspension order made by the Board to the affected person.
64. An order cancelling or suspending a person's practising licence has effect from the later of:
  - a. the day on which it is given to the person
  - b. any date specified in the order.

### **Provisional licences**

65. The Registrar may issue an applicant with a provisional licence to carry out specified sanitary plumbing, gasfitting or drainlaying while their practising licence application under section 45 is being considered.<sup>4</sup>
66. While a provisional licence is in force, the applicant can do or assist in doing the kind of work specified in the provisional licence.
67. A provisional licence is subject to any terms and conditions the Registrar thinks appropriate.
68. A provisional licence cannot be for more than 12 months, but may be renewed for a further term not exceeding 12 months.
69. The Registrar may refuse to renew a provisional licence.
70. A provisional licence may be cancelled by:
  - a. the Board on any of the grounds on which it can cancel a practising licence
  - b. the Registrar, if any of the terms or conditions of the provisional licence have not been met
  - c. the Registrar following determination of the person's application.
71. An applicant for a practising licence can apply for a provisional licence by:
  - a. paying the prescribed fee
  - b. applying in writing to the Board.

### **Duties to notify Board of change of details**

72. All holders of a practising licence or provisional licence have a duty to notify the Board as follows:

---

<sup>4</sup> This does not apply to provisional licences for overseas trained people which are considered under a separate policy.

- a. If the person changes their street address, as recorded in the public register, the person must notify the Board within 3 months of the change. Any person who does not do so commits an offence and may be prosecuted in the District Court, and, if found guilty, liable to fine of up to \$500.
- b. If the person changes their name, they must notify the Registrar within one month of the change. Any person who does not do so commits an offence and may be prosecuted in the District Court, and, if found guilty, liable to fine of up to \$500.

### **Lost licence**

73. If a person loses their licence card, they must complete a Declaration of Lost Licence form<sup>5</sup> and provide it to the Board.
74. When the Board receives a lost licence declaration, it:
  - a. records on the register that the person's licence card has been lost
  - b. orders a new licence card
  - c. advises the person of the actions taken.

---

<sup>5</sup> <http://www.pgdb.co.nz>