



Provisional licences policy

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GENERAL PROVISIONS

Purpose

1. The Plumbers, Gasfitters and Drainlayers Board is empowered to issue provisional licences under section 38 of the Plumbers, Gasfitters, and Drainlayers Act 2006.
2. The purpose of this policy is to set out the Board's policy on issuing provisional licences.

Legislation and relevant policies

3. The following legislation is relevant to this policy:
 - a. Plumbers, Gasfitters, and Drainlayers Act 2006
 - b. Plumbers, Gasfitters and Drainlayers Board (Plumbing Registration and Licensing) Notice 2010
 - c. Plumbers, Gasfitters and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2010
 - d. Plumbers, Gasfitters and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2010
 - e. Plumbers, Gasfitters and Drainlayers Board (Fees) Notice 2010
 - f. Gas Act 1992
 - g. Gas (Safety and Measurement) Regulations 2010
 - h. Building Act 2004.
4. This policy must be read in conjunction with the following Board policies:
 - a. decision-making policy
 - b. licensing policy.

Definitions

5. In this policy, unless the context otherwise requires:
 - a. **Act** means the Plumbers, Gasfitters, and Drainlayers Act 2006
 - b. **applicant** means an overseas qualified practitioner
 - c. **Board** means the Plumbers, Gasfitters, and Drainlayers Board
 - d. **Gazette notices** means the Plumbers, Gasfitters, and Drainlayers Board (Plumbers Registration and Licensing) Notice 2010, Plumbers, Gasfitters, and Drainlayers Board (Gasfitters Registration and Licensing) Notice 2010, and the Plumbers, Gasfitters, and Drainlayers Board (Drainlayers Registration and Licensing) Notice 2010
 - e. **minimum standards for registration** means the minimum standards for registration prescribed in the Gazette notices

- f. **provisional licence** means a licence issued under section 38 of the Act pending the consideration of their application for registration or a practising licence
- g. **Registrar** means the Registrar of the Plumbers, Gasfitters and Drainlayers Board appointed under section 140 of the Act.

CORE POLICY PROVISIONS

Guiding principles

- 6. All decisions on provisional licence applications are made in accordance with the law and good practice.
- 7. A provisional licence is a temporary authorisation allowing an applicant to work pending determination of the application for registration.
- 8. A provisional licence holder is subject to the *Gazette* notices and the disciplinary provisions in subpart 1 of Part 3 of the Act.

Applying for registration

- 9. An applicant can submit an application for registration at any time after the Board has accepted their international qualifications have been assessed by the New Zealand Qualifications Authority as being equivalent to or greater than level 4 on the National Qualifications Framework.
- 10. An applicant does not have to have satisfied all other minimum standards for registration set out in the *Gazette* notices in order to apply to be registered.
- 11. After submitting an application for registration, an applicant can submit an application for a provisional licence.
- 12. The Registrar will only consider issuing a provisional licence once the Board has received both a registration application and a provisional licence application from the applicant.
- 13. Applications for registration and a provisional licence must be accompanied by the prescribed fee or fees.
- 14. Applications for registration and a provisional licence must include sufficient information to allow the Registrar to make an informed decision on each application.
- 15. Where an applicant is granted a provisional licence pending completion of all remaining requirements of the minimum standards for registration, the Board will only make a decision on their registration application once they have completed those remaining requirements.

Considerations for Registrar

16. When considering whether to issue a provisional licence the Registrar has regard to:
 - a. the Act and its purpose
 - b. this policy
 - c. the applicant's experience in New Zealand and overseas
 - d. the applicant's qualifications in New Zealand and overseas
 - e. the applicant's circumstances, including the consequences for the applicant if he or she is not issued with a provisional licence
 - f. the likely length of time it will take the applicant to satisfy any outstanding requirements of the applicable minimum standards for registration
 - g. the need for particular skills and experience in New Zealand
 - h. the availability of terms and conditions to mitigate any concerns they may have about the applicant's skills or experience.

17. The Registrar may issue the applicant with a provisional licence if satisfied that:
 - a. the applicant currently has an application for registration before the Board for consideration
 - b. it is reasonably anticipated that the applicant's application for registration will be approved, taking into account a range of matters, including:
 - i. the nature of the application for registration
 - ii. the receipt of all information and documentation required by the Board
 - iii. the usual outcome of similar applications for registration
 - c. the applicant is sufficiently competent to carry out sanitary plumbing, gasfitting, or drainlaying work, taking account of factors including:
 - i. the applicant's documentary evidence
 - ii. the applicant's results from the Board's examination(s), if applicable
 - iii. the applicant's responses in an interview assessing competence, if applicable
 - iv. the applicant's experience in New Zealand and overseas
 - v. the applicant's qualifications in New Zealand and overseas
 - d. the applicant could not have completed the registration process given their personal circumstances, taking into account of factors including:
 - i. the applicant's personal circumstances
 - ii. publically available information
 - iii. any personal information held by the Board
 - e. full registration is delayed due to the Board's usual processes and timeframes and at no fault of the applicant (eg the timing of registration examinations).

Terms and conditions of provisional licence

18. A provisional licence is issued subject to any applicable terms and conditions contained in the *Gazette* notices.
19. A provisional licence may also be issued subject to any terms and conditions the Registrar considers necessary in the circumstances, including terms or conditions restricting an applicant to:
 - a. only gasfitting that is not deemed "high risk" under the Gas (Safety and Measurement) Regulations 2010
 - b. work only on domestic, commercial, or industrial sanitary plumbing, gasfitting, or drainlaying
 - c. particular sanitary appliances or sanitary fixtures, gas fittings or gas appliances.
20. With each application the Registrar considers whether the applicant should be subject to a term or condition requiring they only work in the presence of their supervisor.
21. A provisional licence is a temporary authorisation and is only issued or renewed for a period of time the Registrar considers necessary to enable the applicant to satisfy any outstanding requirements of the applicable minimum standards for registration.

Cancellation of a provisional licence

22. The Board may cancel or suspend a provisional licence in appropriate circumstances.

Renewal of a provisional licence

23. The Registrar may renew a provisional licence in appropriate circumstances having regard to such matters as why the applicant's application for registration cannot be completed and the reasons for seeking to renew the provisional licence.
24. An applicant is not entitled to automatic renewal of a provisional licence.