

# PLUMBERS, GASFITTERS, AND DRAINLAYERS BILL

## EXPLANATORY NOTE

This Bill consolidates and amends the Plumbers and Gasfitters Registration Act 1964 and its amendments.

The principal changes effected by the Bill are:

- (a) The incorporation of the Plumbers, Gasfitters, and Drainlayers Board as an autonomous Board;
- (b) The inclusion within the scope of the legislation of drainlayers;
- (c) The creation of new classes of "craftsman plumber" and "craftsman gasfitter" who are entitled to carry on their respective trades on their own account.

*Clause 1* relates to the Short Title and commencement. Subject to *clause 54*, the Bill is to come into force on 1 April 1977.

*Clause 2* defines certain terms used in the Bill.

*Clause 3* defines the term "sanitary plumbing" as used in the Bill.

*Clause 4* provides that the Act binds the Crown.

## PART I

### PLUMBERS, GASFITTERS, AND DRAINLAYERS BOARD

*Clause 5* provides for the establishment of a Plumbers, Gasfitters, and Drainlayers Board, which will replace the Plumbers and Gasfitters Board established under the Plumbers and Gasfitters Registration Act 1964.

*Subclause (1)* constitutes the Board.

*Subclause (2)* is a common administrative provision, and *subclauses (3) and (4)* are transitional provisions.

*Clause 6* relates to membership of the Board.

*Subclause (1)* provides that the Board is to consist of 2 members of an association affiliated to the New Zealand Society of Master Plumbers Incorporated, of whom 1 must be a craftsman plumber and 1 a craftsman gasfitter; 2 members of the New Zealand Plumbers, Gasfitters and Related Trades Industrial Union of Workers, of whom 1 must be a registered plumber and 1 a registered gasfitter; 1 person recommended by the Gas Association of New Zealand, Incorporated; 1 person (being a registered drainlayer) recommended by the New Zealand Master Drainlayers Association Incorporated; 1 person recommended by the Municipal Association of New Zealand Incorporated; 1 person recommended by the New Zealand Counties Association Incorporated; 1 person who is an engineer employed by a local authority or drainage board; 1 officer from each of the Departments of Education, Health, and Labour, nominated by the respective Permanent Heads; and 1 other person appointed by the Minister.

*Subclauses (2) and (3)* are transitional provisions.

*Subclause (4): Paragraph (a)* provides that each member of the Board is to hold office for a term of 3 years, and may be reappointed.

*Paragraph (b)* makes provision for extraordinary vacancies in the membership of the Board.

*Paragraph (c)* provides that a member may be removed from office for disability, bankruptcy, neglect of duty, or misconduct. Provision is also made for him to resign.

*Paragraph (d)* is a customary provision enabling a member to continue in office until his successor comes into office.

*Subclause (5)* provides that the powers of the Board are not affected by a vacancy in its membership.

*Clause 7* makes provision for a Chairman of the Board, to be elected annually by the members of the Board.

*Subclauses (2) to (7)* are usual administrative and procedural provisions relating to the office of Chairman.

*Subclause (8)* empowers the Chairman, between meetings of the Board, to act on the Board's behalf. However, by virtue of *subclause (9)*, he cannot exercise this power—

- (a) If authority to act in respect of a particular matter has been conferred on a committee of the Board; and
- (b) Unless he believes on reasonable grounds that the matter is urgent; and
- (c) Unless he has consulted with at least one other member of the Board in respect of the particular matter.

*Subclause (10)* provides that whenever the Chairman exercises this power he is required to report the matter to the Board at its next meeting.

*Clause 8* makes customary provision for the appointment of a Deputy Chairman.

*Clause 9* relates to meetings of the Board. It provides for the calling of meetings (*subclause (1)*), and the giving of notice of meetings (*subclause (2)*). It specifies the necessary quorum at meetings (*subclause (3)*), provides for majority decisions (*subclause (4)*), and confers on the Chairman both a deliberative and, in the case of a tied vote, a casting vote (*subclause (5)*). *Subclause (6)* provides that, subject to the Bill and any regulations made under it, the Board may determine its own procedure.

*Clause 10* empowers a member of the Board to nominate a person to deputise for him if the member is unable to attend a meeting.

*Clause 11* specifies the functions of the Board (*subclause (1)*), and provides, in *subclause (2)*, that the Board shall have all the powers that are reasonably necessary to enable it to carry out its functions.

*Clause 12* empowers the Board to set up committees, and confers on the Board, in respect of those committees, usual powers of delegation.

*Subclause (9)* empowers the Board to appoint a person to advise it in connection with the plumbing, gasfitting, or drainlaying trade.

*Clause 13* provides for the appointment of a Registrar of Plumbers, Gasfitters, and Drainlayers, and such other staff as the Board thinks fit.

*Clause 14* makes provision for the payment of remuneration and travelling allowances to members of the Board, members of any committee appointed by the Board, persons appointed to advise the Board, and investigators.

*Clause 15* provides for the receipt by the Registrar of fees payable to the Board under the Bill, and for the expenditure of the Board's funds for any of the purposes specified in *subclause (3)*.

The Board is required to keep proper accounts, and to have its books audited annually by the Audit Office.

*Clause 16* empowers the Board to insure any person referred to in the clause against loss from personal injury while engaged in carrying out his business under the Bill.

*Clause 17* limits the Board's unauthorised expenditure in any financial year to \$200.

*Clause 18* empowers the Board to borrow money.

*Clause 19* applies the provisions of the Public Bodies Contracts Act 1959 and the Local Authorities (Members Interests) Act 1968 to the Board.

## PART II

### REGISTRATION OF PLUMBERS, GASFITTERS, AND DRAINLAYERS

Part II relates to the registration of plumbers, gasfitters, and drainlayers.

*Clause 20* requires the Board to set up and maintain the registers specified in *subclause (1)*.

*Subclause (2)* is a transitional provision.

*Subclauses (3) to (5)* are administrative provisions dealing with the maintaining of the registers.

*Subclause (6)* provides for public inspection of the registers.

*Subclause (7)* empowers the Board to publish and sell copies of a register.

*Clause 21* relates to the qualifications required for registration as a craftsman plumber. Subject to *clause 27*, a person is entitled to be registered as a craftsman plumber if he satisfies the Board—

- (a) That he was registered as a plumber under the Plumbers and Gasfitters Registration Act 1964 immediately before the commencement of the Bill; or
- (b) That he was serving an apprenticeship in the plumbing trade immediately before the commencement of the Bill, and is, or is entitled to be, registered as a plumber under *clause 23 (a)* of the Bill; or
- (c) That, after obtaining registration as a plumber, he meets the Board's requirements relating to training, experience, and examinations.

*Clause 22* relates to the qualifications required for registration as a craftsman gasfitter. Subject to *clause 27*, a person is entitled to be registered as a craftsman gasfitter if he satisfies the Board—

- (a) That he was registered as a gasfitter under the Plumbers and Gasfitters Registration Act 1964 immediately before the commencement of the Bill; or

- (b) That he was serving an apprenticeship in the gasfitting trade immediately before the commencement of the Bill, and is, or is entitled to be, registered as a gasfitter under *clause 24 (b)* of the Bill; or
- (c) That, after obtaining registration as a gasfitter, he meets the Board's requirements relating to training, experience, and examinations.

*Clause 23* relates to the qualifications required for registration as a plumber. Subject to *clause 27*, a person is entitled to be registered as a plumber if he satisfies the Board—

- (a) That he has completed an apprenticeship in the plumbing trade or, after the 1st day of January 1979, the plumbing-gasfitting trade, and has passed the required examinations; or
- (b) That he has held a limited certificate to do sanitary plumbing for a continuous period of 5 years, and has passed the required examinations.

*Clause 24* relates to the qualifications required for registration as a gasfitter. Subject to *clause 27*, a person is entitled to be registered as a gasfitter if he satisfies the Board—

- (a) That he is registered as a plumber, and has passed the required examinations; or
- (b) That he has completed an apprenticeship in the gasfitting trade or, after the 1st day of January 1979, the plumbing-gasfitting trade, and has passed the required examinations; or
- (c) That he has completed any other apprenticeship that, in the Board's opinion, includes an adequate course of training in gasfitting, and has passed the required examinations; or
- (d) That he has held a limited certificate to do gasfitting for a continuous period of 5 years, and has passed the required examinations.

*Clause 25* relates to the qualifications required for registration as a drainlayer. Subject to *clause 27*, and to *subclauses (2) and (3)*, a person is entitled to be registered as a drainlayer if he satisfies the Board—

- (a) That he was registered as a drainlayer under the Health Act 1956 immediately before the commencement of the Bill; or
- (b) That he meets the relevant requirements relating to examinations, experience, and training.

*Subclause (2)* provides that a person is not entitled to registration under paragraph (a) after the expiry of 4 years from the commencement of the Bill.

*Subclause (3)* provides that no fees are payable where registration is sought under paragraph (a).

*Clause 26* empowers the Board to recognise overseas qualifications held by applicants for registration. A person is entitled to be registered under this clause if he satisfies the Board—

- (a) That he holds an overseas qualification recognised by the Board, and meets the relevant requirements relating to examinations and training in New Zealand; or
- (b) That he has undergone in another country a similar course of training to the one required of New Zealand applicants, meets the relevant requirements relating to examinations and training in New Zealand, and has a reasonable command of the English language.

*Clause 27* empowers the Board to refuse registration to a person who has been convicted of an offence, or whose name has been removed from a register, under the Bill or the previous Act.

*Clause 28* prescribes formal matters relating to registration under the Bill.

*Subclause (1)* requires all applications to be in writing, and addressed to the Board.

*Subclause (2)* requires applications to be accompanied by the prescribed fee (if any).

*Subclause (3)* prohibits the registration of any person otherwise than on the direction of the Board.

*Clause 29* relates to the consideration by the Board of applications for registration.

*Subclause (1)* requires the Board to consider an application expeditiously.

*Subclause (2)* authorises the Board to hear and examine witnesses, whether on oath or otherwise, and empowers the Chairman to administer an oath.

*Subclause (3)* empowers the Board to require any person making a statement relating to an application for registration to verify the statement by statutory declaration.

*Clause 30* relates to the determination by the Board of applications for registration.

*Subclause (1)* provides that if the Board is satisfied that the applicant is entitled to be registered it shall direct the Registrar to register that person accordingly.

*Subclause (2)* provides that where the Board is not satisfied of the applicant's entitlement to registration it shall direct the Registrar not to register the applicant. In such a case, *subclause (3)* requires the Board to notify the applicant of its decision, and of the reasons for it.

*Clause 31* provides for the issue of certificates of registration.

*Clause 32* requires every registered person to keep the Registrar informed of any change of address.

*Clause 33* provides for the removal from a register of apparently redundant entries.

*Clause 34* provides for the correction of a register where an erroneous entry has been made, whether fraudulently or accidentally.

*Clause 35: Subclause (1)* provides for amendment of a register where the person concerned has changed his name, or where his name is incorrectly recorded in a register.

*Subclause (2)* provides that no fee is payable where the error was made by an official.

*Subclause (3)* empowers the Board, on the application of a registered person, to remove that person's name from a register.

## PART III

## LICENCES AND LIMITED CERTIFICATES

*Clause 36* relates to licences for registered persons.

*Subclause (1)* is interpretative.

*Subclause (2)* provides that, subject to *clause 38*, and *clauses 53 to 57*, no person shall do any sanitary plumbing, gasfitting, or drainlaying unless he is the holder of an appropriate licence.

*Subclause (3)* requires the Registrar to issue a licence on application by a registered person, which licence, by virtue of *subclause (4)*, shall be in force during the year in respect of which it is issued, or until the holder ceases to be registered under the Bill.

*Subclause (5)* provides that every person who is entitled to a licence shall be deemed to have obtained one when he has applied for it.

*Subclause (6)* provides that licences may be issued for periods up to 5 years, and that, with the approval of the Postmaster-General, they may be issued through the Post Office.

*Subclause (7)* provides for abatement of fees where more than one licence is held during any one year.

*Subclause (8)* authorises the issue of one licence relating to more than one capacity.

*Clause 37* relates to the granting of provisional licences pending final determination of applications for registration.

*Subclause (1)* empowers the Registrar to grant to an applicant for registration a provisional licence to do the type of work to which the application relates in any case where it appears to the Registrar that the applicant is entitled to be registered in accordance with his application.

*Subclause (2)* provides that a provisional licence will have a maximum currency of 3 months, but may be renewed for further periods not exceeding 3 months.

*Subclause (3)* provides that the holder of a provisional licence shall be deemed to be registered under the Bill.

*Subclause (4)* requires the Registrar to cancel a provisional licence when directed to do so by the Board, and authorises him to refuse to renew any such licence at his discretion.

*Clause 38* relates to the issue of limited certificates to apprentices and others.

*Subclause (1)* is interpretative.

*Subclause (2)* provides that, subject to *clauses 39 and 49*, and to *subclauses (3) and (5)* of this clause, the Registrar shall issue limited certificates on application.

*Subclause (3)* requires applications made after 1 October 1977 to be signed or countersigned by the registered person who will be employing or supervising the applicant.

*Subclause (4)* specifies the circumstances in which the holder of a limited certificate may do the work to which the certificate relates.

*Subclause (5)* exempts apprentices and trainees from the requirement to pay a fee on applying for a limited certificate.

*Subclause (6)* is a transitional provision.

*Subclause (7)* makes it clear that nothing in the clause authorises an apprentice to act in contravention of the terms of his apprenticeship.

*Clause 39* makes further provisions relating to limited certificates.

*Subclauses (1) to (3)* provide for the cancellation of limited certificates where the holders become registered under the Bill.

*Subclause (4)* prohibits the issue of a limited certificate to a registered person without the approval of the Board.

*Subclause (5)* provides a right of appeal to the Board where the Registrar refuses to issue a limited certificate to a person.

## PART IV

### DISCIPLINARY PROVISIONS

This Part makes provision for the disciplining of registered persons.

*Clause 40* provides for the appointment of investigators for the purposes of the Bill.

*Clause 41* provides for the making of complaints against registered persons. Complaints are to be made in writing, and addressed to the Registrar.

*Subclause (3)* empowers the Registrar to require the complaint to be supported by statutory declaration.

*Subclause (4)* provides that if, after considering the complaint, the Registrar is satisfied that it relates to a matter that is within the Board's jurisdiction under *clause 42*, he shall refer the complaint to an investigator.

*Subclause (5)* provides that if the investigator considers that the complaint has substance he must refer it to the Board.

*Subclause (6)* makes it clear that complaints may be made under this Part by officers of the Crown acting in their official capacity.

*Clause 42* specifies the Board's disciplinary powers.

*Subclause (1)* provides that if a registered person—

- (a) Is or has been convicted of an offence relating to his trade under the Bill, the previous Act, or the Health Act 1956, or against any regulations made under the Bill or those Acts or the Gas Industry Act 1958; or
- (b) After due inquiry, is found by the Board to have been guilty of improper or incompetent conduct in performing his work or in charging for it, or of any other act or omission contrary to the integrity of his trade—

the Board may impose on him any one of the penalties authorised under this clause.

*Subclause (2)* provides that in any such case, subject to *subclauses (5) and (6)*, the Board may cancel the person's registration, suspend his registration for a period not exceeding 12 months, fine him any sum not exceeding \$100, or censure him.

*Subclause (3)* provides for the case where the defendant is registered under the Bill in more than one capacity. In such a case, the Board may exercise its powers in respect of each capacity, or any one or more of those capacities.

*Subclause (4)* provides that if the Board suspends or censures a person it may also impose a fine on him.

*Subclause (5)* prohibits the Board from imposing a fine on a registered person, or censuring him, in respect of an offence committed before his registration.

*Subclause (6)* prohibits the exercise against a registered person of the Board's disciplinary powers in respect of an offence committed by the person before his registration, if the offence were known to the Board at the time of his registration.

*Subclause (7)* prohibits the Board from imposing a fine where the conduct complained of constituted an offence of which the registered person has been convicted, if the offence is punishable by imprisonment or a fine.

*Subclause (8)* empowers the Board to require the registered person to pay the whole or any part of the costs of the inquiry and the preceding investigation.

*Subclause (9)* provides for the recovery of fines, costs, and expenses by the Board.

*Subclause (10)* provides that, while suspended in respect of a particular capacity, a person shall be deemed not to be registered in respect of that capacity under the Bill.

*Subclause (11)* provides that a person whose name has been removed from the register may apply to the Board to be reinstated.

*Subclause (12)* provides that on making an order for the removal of a name from the register the Board may specify a time after which the person may apply for reinstatement. A similar power is given to the Supreme Court where it is dealing with an appeal against such an order.

*Subclause (13)* provides that where no such time has been fixed, the Board may refuse to entertain an application for reinstatement for such period as it thinks just.

*Subclauses (14) and (15)* provide for the suspension of disciplinary orders of the Board pending appeals.

*Clause 43* prescribes the procedure to be followed by the Board in disciplinary hearings.

*Subclause (1)* requires the Board to give written notice to the person concerned of the nature of the allegation against him. By virtue of *subclause (2)*, notice of the time and place of the hearing is also to be given to him.

*Subclause (3)* provides that the notice may require the registered person to notify the Board whether he wishes to be heard by the Board or not, and *subclause (4)* provides that if he fails to do so he shall not be entitled to be heard, except with leave of the Board.

*Subclause (5)* provides that, with the consent of the registered person, any hearing may be conducted by a committee of the Board, but, by virtue of *subclause (6)*, no decision of such a committee is binding until confirmed by the Board. In such a case, the Board may reduce any penalty imposed by the committee or determine that no penalty should be imposed.



*Subclause (7)* applies the succeeding provisions of this clause and the provisions of *clauses 44 to 48* to hearings conducted by any such committee.

*Subclause (8)* provides that the complaint is to be prosecuted at the hearing by the investigator who made or referred the complaint to the Board, and allows him to be represented by counsel or otherwise.

*Subclause (9)* entitles the registered person concerned to appear and be heard at the hearing, and to be represented by counsel.

*Subclause (10)* requires the Board to observe the rules of natural justice, and *subclause (11)* empowers it to hear and consider evidence notwithstanding that it would be inadmissible in a Court of law.

*Subclause (12)* provides for majority decisions.

*Subclause (13)* provides that hearings will not be open to the public unless the Board otherwise directs.

*Subclause (14)* requires decisions, together with the reasons for them, to be given in writing.

*Subclause (15)* requires a copy of the decision to be given to the registered person concerned.

*Clause 44* empowers the Board to appoint an assessor, being a barrister or solicitor, to advise it on legal matters arising in disciplinary proceedings.

*Clause 45* relates to the giving of evidence in disciplinary cases.

*Subclause (1)* empowers the Board to subpoena witnesses, and the production of documentary evidence.

*Subclause (2)* provides for the taking of evidence on oath, and the administering of oaths for that purpose.

*Subclause (3)* is a supportive penal provision.

*Clause 46* confers on witnesses and counsel involved in disciplinary proceedings the usual immunity, and *clause 47* provides for the payment of witnesses' expenses.

*Clause 48* confers on the Board the customary power to adjourn hearings.

*Clause 49* generally applies the disciplinary provisions to holders of limited certificates.

## PART V

### OFFENCES AND LEGAL PROCEEDINGS

*Clause 50* generally prohibits the undertaking of sanitary plumbing, gas-fitting, or drainlaying by unregistered persons, and constitutes a number of related offences.

*Subclauses (2) to (4)* provide for a six-month period of grace in respect of certain of the proscribed activities.

*Clause 51* is an evidentiary provision.

*Clause 52* provides for the laying of informations for alleged offences under the Bill at any time within 3 years.

## PART VI

## PROVISIONS RELATING TO EXEMPTIONS

*Clause 53* authorises a craftsman gasfitter or a registered gasfitter, or the holder of a limited certificate to do gasfitting to undertake certain work relating to gas water heaters in the circumstances referred to in the clause.

*Clause 54* authorises a householder in any place specified for the purpose by notice in the *Gazette* to undertake sanitary plumbing in his own house.

*Clause 55* empowers the Minister by notice in the *Gazette* to designate areas, outside cities, boroughs, and town districts, in which any person may do any sanitary plumbing or drainlaying.

*Clause 56* makes provision for cases where a district in which *clause 54* or *clause 55* is in force is incorporated into a district in which those provisions are not in force, and for cases where a district in which those provisions are not in force is included in a district in which they are in force.

*Clause 57* provides for the exemption of certain classes of persons from the requirements of the Bill relating to gasfitting.

## PART VII

## APPEALS TO ADMINISTRATIVE DIVISION OF SUPREME COURT

This Part provides for appeals to the Supreme Court against decisions of the Board.

*Clause 58: Subclause (1)* specifies the matters in respect of which a right of appeal lies. It also provides that appeals must be instituted within 28 days.

*Subclause (2)* requires appeals to be heard by the Administrative Division of the Supreme Court.

*Clause 59* relates to the Court's powers on hearing appeals.

*Subclause (1)* empowers the Court to confirm, reverse, or modify the decision appealed against.

*Subclause (2)* makes it clear that the Court's powers relate only to that part of the Board's decision against which the appeal is brought.

*Clause 60* provides that, subject to the Bill, the procedure on appeal is to be in accordance with the ordinary rules of Court.

*Clause 61* provides that for the purposes of appeal rights a decision of a committee of the Board is deemed to be a decision of the Board.

## PART VIII

## MISCELLANEOUS PROVISIONS

*Clause 62* confers on members of the Board (including committees of the Board) and other persons performing functions under the Bill customary privileges and immunities in respect of their official acts.

*Clause 63* makes a number of provisions relating to local authorities.

*Subclause (1)* requires local authorities to enforce those provisions of the Bill relating to plumbing and drainlaying that require enforcement.

*Subclause (2)* prohibits local authorities from employing unqualified persons as inspectors of sanitary plumbing or inspectors of drainlaying.

*Subclause (3)* provides that registered persons and holders of limited certificates shall not be required by any by-law to have any further qualifications or to pay any fees before practising their trade.

*Subclauses (4) and (5)* are interpretative provisions.

*Subclause (6)* requires gas companies to enforce those provisions of the Bill relating to gasfitting that require enforcement.

*Clause 64* authorises the Board to make reciprocal arrangements with overseas authorities for recognition of overseas and New Zealand qualifications.

*Clause 65* empowers the Governor-General to apply the provisions of the Bill, by Order in Council, to any description of work relating to the supply of gas, or any description of plumbing, not being gasfitting or sanitary plumbing within the meaning of the Bill.

*Clause 66* provides for the making of regulations for the purposes of the Bill.

*Clause 67* is a transitional provision.

*Clause 68* relates to consequential repeals and revocations.

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Hon. Mr Gill

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## A BILL INTITULED

**An Act to consolidate and amend the law relating to the registration of plumbers and gasfitters, and to make provision for the registration of drainlayers**

BE IT ENACTED by the General Assembly of New Zealand 5  
in Parliament assembled, and by the authority of the same,  
as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Plumbers, Gasfitters, and Drainlayers Act 1976.

(2) Except as provided in section 54 of this Act, this 10  
Act shall come into force on the 1st day of April 1977.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Board” means the Plumbers, Gasfitters, and Drainlayers Board constituted by section 5 of this Act: 15

“Chairman” means the Chairman of the Board appointed under section 7 of this Act:

5 “Craftsman gasfitter” means a person whose name appears for the time being in the register of craftsman gasfitters maintained under section 20 of this Act; and “registered as a craftsman gasfitter” and “registration as a craftsman gasfitter” have corresponding meanings:

10 “Craftsman plumber” means a person whose name appears for the time being in the register of craftsman plumbers maintained under section 20 of this Act; and “registered as a craftsman plumber” and “registration as a craftsman plumber” have corresponding meanings:

15 “Deputy Chairman” means the Deputy Chairman of the Board appointed under section 8 of this Act:

20 “Drain” means a pipe constructed or laid for the conveyance of sewage, sullage, effluent, or storm-water, other than a pipe that is vested in or under the control of or maintained by the Crown or by a local authority or drainage board; but does not include an open-jointed drain for the collection and removal of ground water:

“Drainage board” means—

- 25 (a) The Christchurch Drainage Board:  
(b) The Dunedin Drainage and Sewerage Board:  
(c) The Hutt Valley Drainage Board:  
(d) The North Shore Drainage Board:  
(e) Any Board of Trustees constituted under the Land Drainage Act 1908:  
(f) The Auckland Regional Authority:

30 “Drainlaying” means—

- (a) Laying a drain, other than a cast iron drain that has lead joints:  
(b) Altering, reconstructing, extending, repairing, opening-up, or renewing—

- 35 (i) A drain; or  
(ii) A fitting connected to a drain—

other than a cast iron drain that has lead joints:

- (c) Fixing or unfixing a sewage tank to or from a drain, other than a cast iron drain that has lead joints:

- 40 (d) Fixing or unfixing a gully-trap, disconnecting trap, or other trap in connection with a drain or sewage tank:

“Fixing” includes installing, connecting, repairing, and altering; and unfixing includes removing and disconnecting; and “fix” and “unfix” have corresponding meanings:

“Gas” means gas as from time to time defined in the Gas Supply Act 1908 or, if and while that term is not defined in that Act, gas obtained from a main owned or operated by any company within the meaning of that Act or by the Natural Gas Corporation of New Zealand, including natural gas and liquefied petroleum gas within the meaning of the Natural Gas Corporation Act 1967:

“Gasfitting” means the work of fixing or unfixing pipes, whether principal, subsidiary, or branch pipes, reticulating or conveying or intended to reticulate or convey gas in or on any premises beyond the outlet connection of the gas meter or meters on those premises; and includes the work of fixing or unfixing pipes and flue pipes to any appliance that uses gas; but does not include—

(a) Any such work done in respect of a gas cylinder or gas cylinders that contains or together contain less than 15 kilograms net weight of gas; or

(b) The fixing or unfixing of any such gas cylinder:

“Investigator” means a person appointed to be an investigator under section 40 of this Act:

“Licence” means a licence issued under section 36 or section 37 of this Act:

“Limited certificate” means a limited certificate issued under section 38 of this Act:

“Local authority” means—

(a) A territorial authority within the meaning of the Local Government Act 1974:

(b) Any other local authority within the meaning of that Act that undertakes the functions conferred on local authorities by this Act, or to which those functions are delegated, whether pursuant to that Act or to any other enactment:

“Minister” means the Minister of Health:

“Registered drainlayer” means a person whose name appears for the time being in the register of drainlayers maintained under section 20 of this Act; and “registered as a drainlayer” and “registration as a drainlayer” have corresponding meanings:

“Registered gasfitter” means a person whose name appears for the time being in the register of gasfitters maintained under section 20 of this Act; and “registered as a gasfitter” and “registration as a gasfitter” have corresponding meanings:

5

“Registered person” means a craftsman plumber, a craftsman gasfitter, a registered plumber, a registered gasfitter, or a registered drainlayer:

10

“Registered plumber” means a person whose name appears for the time being in the register of plumbers maintained under section 20 of this Act; and “registered as a plumber” and “registration as a plumber” have corresponding meanings:

15

“Registrar” means the Registrar of Plumbers, Gasfitters, and Drainlayers appointed under section 13 of this Act:

“Sanitary plumbing” has the meaning assigned to that term by section 3 of this Act.

Cf. 1964, No. 132, s. 2

20 **3. Meaning of “sanitary plumbing”**—(1) In this Act, unless the context otherwise requires, “sanitary plumbing” means—

25 (a) The work of fixing or unfixing any bath, shower, lavatory basin, sink, slop sink, urinal, water closet, bedpan washer, bedpan steriliser, laundry tub, or washing machine, or any other sanitary fitting or appliance, or any fittings or accessories associated therewith:

30 (b) The work of fixing or unfixing any trap, waste or soil pipe, ventilation pipe or shaft, or overflow pipe connected with or intended to be connected with or accessory to any sanitary fitting or appliance or any drain, whether or not the fitting, appliance, or drain is there when the work is done:

35 (c) The work of fixing or unfixing any pipe that supplies or is intended to be a means of supplying water to any sanitary fitting or appliance, whether or not any fitting or appliance is there when the work is done:

40 (d) The work of fixing or unfixing, within the legal boundary of any premises in which any sanitary fitting or appliance has been or is intended to be fixed, any pipe that is connected or is intended to



- be connected to any water tank or to any pipe fixed or intended to be fixed within such boundary for the purpose of supplying water to any sanitary fitting or appliance, whether or not the tank, fitting, or appliance is there when the work is done: 5
- (e) The work of laying, fixing, or unfixing any cast iron drain that has lead joints:
- (f) Generally all plumbing work associated with any sanitary fitting or appliance.
- (2) Notwithstanding subsection (1) of this section, in this Act the term "sanitary plumbing" does not include— 10
- (a) The work of fixing or unfixing any sanitary fitting or appliance that is installed in any ship, aircraft, or vehicle, or any plumbing work associated with any such sanitary fitting or appliance; or 15
- (b) The work of fixing or unfixing a gas, electrical, or solar water heater that supplies or is intended to supply hot water to not more than one sanitary fitting or appliance; or
- (c) The work of fixing or unfixing any other gas, electrical, or solar water heater in any case where fixing or unfixing of pipes supplying or intended to supply water is not involved; or 20
- (d) The work of fixing or unfixing a bedpan washer, a bedpan steriliser, or a washing machine in any case where the fixing or unfixing of waste pipes or of pipes supplying or intended to supply water is not involved; or
- (e) The work of fixing or unfixing a pipe for reticulating hot water in any central heating system or a pipe supplying cold water from a tank or pressure reducing valve to a heating appliance used exclusively for a central heating system; or 30
- (f) The work of repairing or replacing taps, ball valves, tap washers, or plugs; or 35
- (g) The work of fixing or unfixing any shower that is installed over a bath and that is supplied with water through the bath taps.
- (3) Notwithstanding the definition of the term "sanitary plumbing" in subsection (1) of this section, the work of fixing or unfixing any pipe in any premises (other than a building) taken or otherwise acquired and still held under the Public Works Act 1928, or any corresponding former Act, or to which 40

subsection (4) of section 167 of the Land Act 1948 applies, or that is a public reserve within the meaning of the Reserves and Domains Act 1953, does not constitute sanitary plumbing for the purposes of this Act.

5 Cf. 1964, No. 132, s. 2; 1967, No. 22, s. 2

**4. Act to bind Crown**—This Act binds the Crown.

Cf. 1964, No. 132, s. 3

## PART I

### PLUMBERS, GASFITTERS, AND DRAINLAYERS BOARD

10 **5. Constitution of Board**—(1) There is hereby constituted a board to be called the Plumbers, Gasfitters, and Drainlayers Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of  
15 acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

(3) On the date of the commencement of this Act the  
20 Board shall succeed to the rights, duties, responsibilities, and obligations conferred and imposed immediately before that date on the Plumbers and Gasfitters Board established under the Plumbers and Gasfitters Registration Act 1964.

(4) Notwithstanding anything in the Archives Act 1957,  
25 any public record within the meaning of that Act that, at the commencement of this Act, is in the possession or under the control of the Department of Health and that, in the opinion of the Director-General of Health, relates to the registration of plumbers, gasfitters, or drainlayers, may be transferred to  
30 and vested in the Board by the Director-General.

Cf. 1964, No. 132, s. 4 (1)

**6. Membership of Board**—(1) The Board shall consist of—

(a) Two persons, each of whom is a member of an association affiliated to the New Zealand Society of Master Plumbers Incorporated, of whom at least one shall  
35 be a craftsman plumber and at least one shall be a craftsman gasfitter, to be appointed by the Minister on the recommendation of that Society:

- (b) Two persons, each of whom is a member of the New Zealand Plumbers, Gasfitters and Related Trades Industrial Union of Workers, of whom at least one shall be a registered plumber and at least one shall be a registered gasfitter, to be appointed by the Minister on the recommendation of that Union: 5
- (c) One person to be appointed by the Minister on the recommendation of the Gas Association of New Zealand, Incorporated:
- (d) One person, who is a registered drainlayer, to be appointed by the Minister on the recommendation of the New Zealand Master Drainlayers Association Incorporated: 10
- (e) One person, to be appointed by the Minister on the recommendation of the Municipal Association of New Zealand Incorporated: 15
- (f) One person, to be appointed by the Minister on the recommendation of the New Zealand Counties Association Incorporated:
- (g) One person, who is an engineer employed by a local authority or a drainage board, to be appointed by the Minister: 20
- (h) An officer of the Department of Education from time to time nominated by the Director-General of Education to represent him on the Board: 25
- (i) An officer of the Department of Health from time to time nominated by the Director-General of Health to represent him on the Board:
- (j) An officer of the Department of Labour from time to time nominated by the Secretary of Labour to represent him on the Board: 30
- (k) One other person, to be appointed by the Minister.
- (2) Notwithstanding subsection (1) of this section, the first person to be appointed to be a member of the Board pursuant to paragraph (d) of that subsection shall be a person who, 35 immediately before the commencement of this Act, was registered as a drainlayer under the Health Act 1956.
- (3) Every person holding office immediately before the date of the commencement of this Act as a member of the Plumbers and Gasfitters Board established under the Plumbers and Gasfitters Registration Act 1964 shall cease to hold that office on that date but, if he is then eligible to be appointed under subsection (1) of this section, he may be appointed to be a member of the Board. 40

(4) With respect to the members appointed by the Minister under subsection (1) of this section the following provisions shall apply:

- 5 (a) A member shall hold office for a term of 3 years, but may from time to time be reappointed:
- 10 (b) If a member dies, resigns, or fails without the leave of the Board to attend 3 consecutive meetings of the Board, or is removed from office pursuant to paragraph (c) of this subsection, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and every person appointed under this paragraph shall hold office for the remainder of the term for which his predecessor was appointed:
- 15 (c) A member may be removed from office at any time by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister:
- 20 (d) Notwithstanding paragraph (a) of this subsection, unless he sooner vacates his office under paragraph (b) or paragraph (c) of this subsection, a member shall continue in office until his successor comes into office.
- 25 (5) The powers of the Board shall not be affected by a vacancy in its membership.

Cf. 1964, No. 132, s. 4 (2) to (5); 1967, No. 22, s. 3 (1), (2)

7. **Chairman of Board**—(1) The Board shall, at its first  
30 meeting held after the commencement of this Act, and at its first meeting held after the 31st day of March in each year thereafter, appoint one of its members to be the Chairman of the Board.

(2) A member so appointed may from time to time be  
35 reappointed as Chairman of the Board.

(3) The Chairman appointed in each year shall hold office until his successor is appointed, or until he sooner ceases to be a member of the Board.

(4) If the Chairman ceases to be a member of the Board  
40 before the expiration of the period for which he has been appointed, the Board shall appoint another member to be Chairman for the balance of that period.

(5) The Chairman shall preside at all meetings of the Board at which he is present.

(6) If at any meeting of the Board the Chairman is not present, or if there is no Chairman of the Board, the Deputy Chairman shall preside at the meeting; and if the Deputy Chairman also is absent or there is no Deputy Chairman, the members present shall appoint one of their number to preside at the meeting. 5

(7) The Deputy Chairman or the member so appointed shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting. 10

(8) Subject to subsection (9) of this section, between meetings of the Board the Chairman may act on behalf of the Board in respect of any matter.

(9) The Chairman shall not exercise the power conferred on him by subsection (8) of this section in respect of any matter—

(a) If authority to act in respect of that matter has been conferred on a committee of the Board; and

(b) Unless he believes on reasonable grounds that the particular matter is urgent; and 20

(c) Unless he has consulted with at least one other member of the Board in respect of the particular matter.

(10) The Chairman shall report any action taken by him under subsection (8) of this section to the Board at its next meeting. 25

Cf. 1964, No. 132, ss. 4 (2) (a), 5 (5)

**8. Deputy Chairman of Board—**(1) The Board, at any meeting, may appoint one of its members to be its Deputy Chairman. 30

(2) Unless the Deputy Chairman sooner resigns from that office, or is appointed to be the Chairman of the Board, or vacates his office as a member of the Board, he shall hold the office of Deputy Chairman for a term expiring with the 31st day of March in the year following that in which he was last appointed as Deputy Chairman, and shall be eligible for reappointment. 35

(3) If the Deputy Chairman is appointed to be the Chairman of the Board, or ceases to be a member of the Board, he shall thereupon vacate the office of Deputy Chairman. 40

(4) During a vacancy in the office of Chairman, or in the absence of the Chairman from New Zealand, or while the Chairman is incapacitated by sickness or otherwise, the Deputy Chairman shall have all the functions and powers of the Chairman.

**9. Meetings of Board**—(1) Meetings of the Board shall be held at such times and places as the Board or the Chairman, or the Registrar at the direction of the Chairman, may from time to time appoint.

10 (2) Notice of the time and place of every meeting, signed by or at the direction of the Chairman or by the Registrar, shall be sent to every member of the Board at least 7 clear days before the time appointed for that meeting.

15 (3) At every meeting of the Board, 7 members shall constitute a quorum.

(4) Every question before the Board shall be determined by a majority of the votes cast by the members present at the meeting of the Board.

20 (5) The Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(6) Except as expressly provided in this Act, or in any regulations for the time being in force under this Act, the Board may determine its own procedure.

Cf. 1964, No. 132, s. 5 (1), (2), (3), (4), (6), (8)

25 **10. Deputies of members**—(1) If any member of the Board is unable to attend a meeting of the Board, he may, by writing addressed to the Chairman, nominate a person to attend the meeting in his place.

30 (2) While a person is attending a meeting of the Board pursuant to subsection (1) of this section, he shall be deemed for all purposes to be a member of the Board.

(3) The fact that any such person so attends any meeting shall be sufficient evidence of his authority to do so in the absence of proof to the contrary.

35 Cf. 1964, No. 132, s. 5 (7)

**11. Functions and powers of Board**—(1) The functions of the Board shall be—

40 (a) To make arrangements for the examination of persons practising or intending to practise the plumbing or gasfitting or drainlaying trades;

- (b) To present or issue, either independently or in conjunction with any other examining body, diplomas or certificates to any such person in recognition of his proficiency in any of those trades:
- (c) To make recommendations to any person or body concerned with the education or training of any person wishing to enter the plumbing or gasfitting or drainlaying trades, or with regard to any other matter affecting such trades: 5
- (d) To receive applications for registration under this Act, and to authorise registration in proper cases: 10
- (e) To exercise disciplinary powers in accordance with the provisions of Part IV of this Act:
- (f) To institute prosecutions against registered persons or other persons for the breach of any Act or regulation relating to sanitary plumbing, gasfitting, or drainlaying: 15
- (g) To make recommendations to the Minister with respect to the making of regulations under this Act, or the making of regulations controlling sanitary plumbing or drainlaying under the Health Act 1956: 20
- (h) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act:
- (i) To perform such other functions as may be conferred on it by any other enactment. 25
- (2) The Board shall have all such powers as may be reasonably necessary to enable it to properly carry out its functions.

Cf. 1964, No. 132, s. 7 (1), (2) (b)

30

**12. Committees and advisers**—(1) The Board may from time to time appoint committees, consisting of 2 or more persons, to inquire into and report to the Board on such matters within the scope of its functions as the Board determines, or to exercise on behalf of the Board any of its functions or powers. 35

(2) Subject to section 43 of this Act, the Board may from time to time delegate to a committee appointed under subsection (1) of this section any of its functions and powers, except the power of delegation conferred by this subsection. 40

(3) Except in the case of a committee appointed for the purposes of section 43 of this Act, a committee appointed by the Board under this section may include persons who are not members of the Board.

5 (4) Every such committee shall be subject in all things to the control of the Board, and may at any time be discharged, altered, or reconstituted by the Board.

(5) Subject to any general or special directions given or conditions imposed by the Board, a committee to whom a  
10 function or power is delegated under this section may exercise that function or power in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation.

(6) A committee purporting to act pursuant to a delegation  
15 under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(7) A delegation under this section may be revoked at any time.

20 (8) No delegation under this section shall prevent the exercise of any function or power by the Board.

(9) The Board may from time to time appoint a person or persons to advise the Board in connection with the plumbing, gasfitting, or drainlaying trade.

25 Cf. 1964, No. 132, s. 7 (2) (a), (c)

**13. Registrar and other officers**—(1) The Board shall from time to time appoint a person to be the Registrar of Plumbers, Gasfitters, and Drainlayers, and may from time to time appoint such Deputy Registrars and other officers, employees,  
30 and agents as it thinks necessary for the efficient performance of the Board's functions, and may pay them such remuneration as it considers appropriate.

(2) A member of the Board may concurrently hold the post of Registrar, or any other office of employment under  
35 the Board.

*Financial Provisions*

**14. Remuneration and travelling allowances**—(1) The Board and every committee of the Board are hereby declared to be statutory Boards within the meaning of the Fees and  
40 Travelling Allowances Act 1951.



(2) There may be paid to the appointed members of the Board, to members of any committee of the Board, to persons appointed to advise the Board under section 12 (9) of this Act, and to investigators appointed under section 40 of this Act, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if any person so appointed to advise the Board and as if any such advisers and investigators were members of the Board.

Cf. 1964, No. 132, s. 8; 1967, No. 22, s. 5

**15. Finance—**(1) The Registrar, or any other officer or employee of the Board authorised in that behalf by the Board, shall take and receive such fees in respect of such matters under this Act as may from time to time be prescribed.

(2) Until the prescribed fee has been paid, the Registrar or any other officer or employee of the Board may decline to do any act, or permit any act to be done, or to receive any document, in respect of which that fee is payable.

(3) All money received under this section and all other money received by the Board may be applied by the Board for any of the following purposes:

- (a) The payment of remuneration and travelling allowances and expenses to its members, employees, and agents, including any person referred to in section 14 of this Act;
- (b) The payment of contributions to the National Provident Fund under the National Provident Fund Act 1950, or to any other superannuation fund or scheme established, with the approval of the Minister of Finance, for the purpose of providing superannuation or retiring allowances for the Board's employees;
- (c) The payment of all costs and expenses incurred in doing whatever the Board considers expedient to best accomplish the purposes for which it is established;
- (d) Contributing towards the cost of educating or training any person wishing to enter the plumbing or gas-fitting or drainlaying trades, and providing scholarships or bursaries and making donations for any such purpose.

(4) All money received by the Board or by an employee of the Board shall as soon as practicable be paid into such bank account or accounts of the Board as the Board may from time to time determine.

5 (5) The Board may from time to time invest any such money that is not for the time being required for any of the purposes specified in subsection (3) of this section in any manner authorised by or under the Trustee Act 1956 for the investment of trust funds.

10 (6) Every payment of money on behalf of the Board shall, unless authorised by a prior resolution of the Board, be submitted to the Board for confirmation at its first ordinary meeting after the date of payment.

15 (7) Every payment of money by the Board shall be by cheque or other instrument (not being a promissory note or bill) signed by the Registrar or any other officer authorised in that behalf by the Board, and shall be countersigned by any other such officer or by a member of the Board.

20 (8) The Board shall keep full and correct accounts of all money received and expended by it.

(9) The accounts of the Board shall be audited by the Audit Office, which for that purpose shall have and may exercise all the powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of the

25 accounts of local authorities.  
(10) As soon as practicable after the end of each financial year, the Board shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year, together with a

30 balance sheet as at the last day of that year.  
(11) For the purposes of this section, the financial year of the Board shall be the period ending with the 31st day of March in each year, or such other date as the Board may from time to time determine.

35 Cf. 1964, No. 132, s. 30

**16. Insurance of members of Board, etc.**—The Board may from time to time enter into contracts of insurance insuring members of the Board, members of any committee of the Board, persons appointed to advise the Board under section 12 or section 44 of this Act, and investigators appointed under section 40 of this Act, against loss from personal accident arising out of and in the course of the exercise and performance of their functions and powers under this Act, and may pay the premiums payable in respect of any such contracts.

**17. Unauthorised expenditure**—Without limiting section 15 (3) of this Act, the Board may in any financial year expend for any purposes not authorised by this Act or any other enactment any sum or sums not amounting in the aggregate to more than \$200.

5

Cf. 1964, No. 132, s. 33

**18. Power to borrow money**—The Board may, from time to time, borrow money required for any of the purposes of the Board; and, for the purpose of securing any money so borrowed, may mortgage, charge, or pledge any right, title, estate, or interest in any real or personal property vested in the Board.

10

**19. Amendments to other enactments**—(1) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

15

“The Plumbers, Gasfitters, and Drainlayers Board	1976, <u>No. 00</u> —The Plumbers, Gasfitters, and Drainlayers Act 1976.”
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(2) Part II of the First Schedule to the Local Authorities (Members Interests) Act 1968 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

20

“The Plumbers, Gasfitters, and Drainlayers Board	1976, <u>No. 00</u> —The Plumbers, Gasfitters, and Drainlayers Act 1976.”
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25

## PART II

### REGISTRATION OF PLUMBERS, GASFITTERS, AND DRAINLAYERS

**20. Registers**—(1) The Board shall set up and maintain the following registers:

30

(a) A Register of Craftsman Plumbers:

(b) A Register of Craftsman Gasfitters:

(c) A Register of Plumbers:

(d) A Register of Gasfitters:

(e) A Register of Drainlayers:

35

(f) A Register of Holders of Limited Certificates.

(2) The Register of Plumbers, the Register of Gasfitters, and the Register of Holders of Limited Certificates, kept

under section 9 of the Plumbers and Gasfitters Registration Act 1964, shall be deemed to have been set up and shall hereafter be maintained under this Act.

5 (3) The registers shall be kept by the Registrar and shall be maintained in such form, whether in bound books or otherwise, as may be prescribed, or, if no form is prescribed, as the Board may determine.

10 (4) The Registrar shall enter in the appropriate register the name of every person entitled to be registered under this Act, together with such other particulars as may be prescribed.

15 (5) The Registrar shall, in making entries in the Register of Holders of Limited Certificates, distinguish between certificates that authorise the holders to do sanitary plumbing, certificates that authorise the holders to do gasfitting, and certificates that authorise the holders to do drainlaying.

(6) The registers shall be open for inspection during ordinary office hours by members of the public.

20 (7) The Board may from time to time cause a register maintained under this Act to be published in such form, whether abbreviated or otherwise, as it thinks fit, and may charge any person purchasing a copy of that register such reasonable fee as it thinks appropriate.

Cf. 1964, No. 132, s. 9

25 **21. Qualifications for registration as craftsman plumber—**  
Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a craftsman plumber if he satisfies the Board—

30 (a) That, immediately before the commencement of this Act, he was registered as a plumber under the Plumbers and Gasfitters Registration Act 1964; or

35 (b) That, immediately before the commencement of this Act, he was serving an apprenticeship in the plumbing trade and is, or is entitled to be, registered as a plumber under section 23 (a) of this Act; or

40 (c) That, after obtaining registration as a plumber, he has undergone such course of training and acquired such experience and passed such examination or examinations as may be prescribed, or, if no course or experience or examination (as the case may require) is prescribed, as may be approved by the Board, for the purposes of this section.

**22. Qualifications for registration as craftsman gasfitter—** Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a craftsman gasfitter if he satisfies the Board—

- (a) That, immediately before the commencement of this Act, he was registered as a gasfitter under the Plumbers and Gasfitters Registration Act 1964; or 5
- (b) That, immediately before the commencement of this Act, he was serving an apprenticeship in the gasfitting trade and is, or is entitled to be, registered as a gasfitter under section 24 (b) of this Act; or 10
- (c) That, after obtaining registration as a gasfitter, he has undergone such course of training and acquired such experience and passed such examination or examinations as may be prescribed, or, if no course or experience or examination (as the case may require) is prescribed, as may be approved by the Board, for the purposes of this section. 15

**23. Qualifications for registration as plumber—** Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a plumber if he satisfies the Board— 20

- (a) That he has—
  - (i) Completed an apprenticeship in the plumbing trade or, after the 1st day of January 1979, in the plumbing-gasfitting trade; and 25
  - (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- (b) That he has— 30
  - (i) Held a limited certificate to do sanitary plumbing for a continuous period of 5 years; and
  - (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph. 35

Cf. 1964, No. 132, s. 10

**24. Qualifications for registration as gasfitter—** Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a gasfitter if he satisfies the Board— 40

- (a) That he—  
    (i) Is registered as a plumber; and  
    (ii) Has passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- 5
- (b) That he has—  
    (i) Completed an apprenticeship in the gasfitting trade or, after the 1st day of January 1979, in the plumbing-gasfitting trade; and  
    (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- 10
- (c) That he has—  
    (i) Completed an apprenticeship, in any industry within the meaning of the Apprentices Act 1948, that, in the opinion of the Board, includes an adequate course of training in gasfitting; and  
    (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- 15
- (d) That he has—  
    (i) Held a limited certificate to do gasfitting for a continuous period of 5 years; and  
    (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph.
- 20
- 25

Cf. 1964, No. 132, s. 11

**25. Qualifications for registration as drainlayer—**

- (1) Subject to section 27 of this Act, and to subsections (2)  
30 and (3) of this section, a person shall, on payment of the prescribed fee, be entitled to be registered as a drainlayer if he satisfies the Board—
- (a) That, immediately before the commencement of this Act, he was registered as a drainlayer under the Health Act 1956; or
- 35
- (b) That he has passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph, and has undergone such practical training and acquired such experience, in addition to passing such examination or examinations, as may be prescribed for such purposes.
- 40

(2) No person shall be registered as a drainlayer pursuant to subsection (1) (a) of this section after the expiration of a period of 4 years commencing with the date of the commencement of this Act.

(3) No person shall be required to pay a fee in respect of an application for registration, or in respect of registration, under subsection (1) (a) of this section, or in respect of a provisional licence issued on such an application under section 37 of this Act. 5

**26. Persons qualified overseas**—Subject to section 27 of this Act, but notwithstanding sections 21 to 25 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a craftsman plumber, a craftsman gasfitter, a plumber, a gasfitter, or a drainlayer, as the case may require, if he satisfies the Board— 10 15

(a) That he is the holder of a certificate or evidence of registration or recognition, for the time being recognised by the Board pursuant to section 64 of this Act, and that he has undergone in New Zealand any further training, and passed any examination or examinations, that he may be required by the Board to undertake and pass pursuant to the arrangements referred to in that section and applicable in his case; or 20

(b) That, notwithstanding that he is not the holder of any such certificate or evidence,— 25

(i) He has successfully undergone a course of training, elsewhere than in New Zealand, that is substantially equivalent to the course of training that he would have had to undergo in New Zealand for the purpose of obtaining the registration for which he is applying; and 30

(ii) He has undergone in New Zealand any further training, and passed any examination or examinations, that he may be required by the Board to undertake and pass; and 35

(iii) He has a reasonable command of the English language.

**27. Refusal of registration**—The Board may refuse to register a person, other than a person applying for registration as a drainlayer pursuant to section 25 (1) (a) of this Act, if— 40

- 5 (a) He has been convicted of an offence relating to plumbing or gasfitting or drainlaying (as the case may require), against this Act or the Plumbers and Gasfitters Registration Act 1964 or the Health Act 1956 or any regulation made under this Act or either of those Acts; or
- (b) His name has been removed from a register kept under the Plumbers and Gasfitters Registration Act 1964 pursuant to section 22 of that Act; or
- 10 (c) His name has been removed, pursuant to section 42 of this Act, from a register kept under this Act.

**28. Applications for registration**—(1) Except as may be provided by regulations for the time being in force under this Act, an application for registration under this Act shall be made in writing addressed to the Board.

(2) An application shall be accompanied by the prescribed fee (if any).

(3) No entry of the name of any person shall be made in a register otherwise than at the direction of the Board.

20 **29. Applications to be considered by Board**—(1) At its first meeting after an application has been submitted to it under section 28 of this Act, or as soon as practicable thereafter, the Board shall consider the application, and shall give such directions to the Registrar in respect of it as it thinks fit, and  
25 as are authorised by or under this Act.

(2) Before giving a direction the Board may, if it thinks fit, examine on oath or otherwise the applicant, or any person objecting to the application, or any other person, with respect to the application; and for the purposes of an examination the

30 Chairman may administer an oath to any person.

(3) The Board may also, if it thinks fit, require a person to verify by statutory declaration any statement made by him with respect to an application before the Board.

35 **30. Registration, etc.**—(1) If, after considering an application under section 29 of this Act, the Board is of opinion that the applicant is entitled to be registered in accordance with his application, it shall direct the Registrar to register him; and the Registrar shall register that person in that manner, and shall notify him accordingly.



(2) If the Board is of opinion that the applicant is not entitled to be registered in accordance with his application, it shall direct the Registrar not to register him; and the Registrar shall refuse to register that person.

(3) If the Board refuses to direct the registration of an applicant, it shall cause the applicant to be notified in writing of its refusal and the reasons for it. 5

**31. Certificates of registration—**(1) The Registrar shall, on request by a registered person, and on payment of the prescribed fee, issue to that person a certificate of his registration. 10

(2) Where a person is registered in more than 1 capacity under this Act, it shall be sufficient compliance with subsection (1) of this section if there is issued to him 1 certificate of registration that describes him as being registered in each such capacity. 15

Cf. 1964, No. 132, s. 12

**32. Registered persons to notify change of address—**(1) If a registered person changes his address from that recorded in a register he shall, within 3 months thereafter, notify the Registrar of his new address; and the Registrar shall amend the entry in the register relating to that person. 20

(2) Every registered person who fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$10. 25

**33. Name may be removed from register if registered person or holder of limited certificate cannot be found, etc.—**

(1) The Registrar may at any time, and shall if the Board so directs, send to a registered person, or to a holder of a limited certificate, by registered letter addressed to him at his last known place of residence or business, an inquiry as to whether or not he desires to have his name retained in the register or registers, as the case may require. 30

(2) If no reply is received within 3 months after the date of the posting of the letter, or if the letter is not delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from the register or registers the name of the registered person or holder of the limited certificate to whom the letter was sent. 35

(3) If the Board has reason to believe that a registered person or holder of a limited certificate has died, it may direct the Registrar to remove the name of that registered person or holder of a limited certificate from the appropriate register or registers; and the Registrar shall remove that name accordingly.

(4) A person whose name has been removed from a register under this section may apply to the Registrar to have his name restored to that register, and, on proof to the satisfaction of the Board that his name has been so removed, the Board shall direct the Registrar to restore that person's name to that register; and, on payment to him of the prescribed fee, the Registrar shall restore that name accordingly.

Cf. 1964, No. 132, s. 18

15 **34. Amendment of register if person wrongfully registered or if particulars incorrect**—(1) If a person has been registered under this Act by reason of a false or fraudulent representation or declaration, made either orally or in writing, or if a person not entitled to be registered has been registered, the Board shall direct the Registrar to remove the name of that person from the appropriate register; and the Registrar shall remove that name accordingly.

20 (2) If any particulars appearing in a register in respect of the qualifications of a person are proved to the satisfaction of the Board to be, or are to the knowledge of the Board, false or erroneous in any respect, the Board shall direct the Registrar to remove those particulars from the register, or otherwise amend that register; and the Registrar shall remove those particulars or amend that register accordingly.

30 (3) Subsection (2) of this section shall apply notwithstanding that at the time when the entry in the register was made the person actually possessed the qualifications recorded in the register, or that at that time the entry was otherwise correct.

35 **35. Amendment of register on change of name, and removal of name on request**—(1) Where it appears to the satisfaction of the Board that a registered person has changed his name, or that the name of a registered person is incorrectly stated in a register, the Board shall direct the Registrar to amend the register; and the Registrar shall, on payment of the prescribed fee (if any), correct any entry in the register relating to the registered person accordingly.

(2) Notwithstanding subsection (1) of this section, no fee shall be payable where the correction of the register is necessary by reason of a mistake made by the Board, or by the Registrar or any other officer of the Board.

(3) The Board may at any time, if it thinks fit, on the application of a registered person, direct the Registrar to remove the name of that person from the register or registers in which it appears; and the Registrar shall remove that name accordingly. 5

Cf. 1964, No. 132, s. 19

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### PART III

#### LICENCES AND LIMITED CERTIFICATES

**36. Registered persons to have licences—**(1) In this section the term “year” means a period of 12 months beginning on the 1st day of April in any year and ending with the 31st day of March in the next succeeding year. 15

(2) Except as provided in section 38, and sections 53 to 57 of this Act, no registered person shall in any year be entitled to do any sanitary plumbing unless he is the holder of a craftsman plumber’s licence or a registered plumber’s licence, 20 or be entitled to do any gasfitting unless he is the holder of a craftsman gasfitter’s licence or a registered gasfitter’s licence, or be entitled to do any drainlaying unless he is the holder of a registered drainlayer’s licence, issued in respect of that year. 25

(3) Subject to the payment of the prescribed fee, the Registrar, on application made to him by a craftsman plumber, or craftsman gasfitter, or registered plumber, or registered gasfitter, or registered drainlayer, shall issue to him an appropriate licence. 30

(4) A licence shall be in force until the expiry of the year in respect of which it is issued, or until the holder sooner ceases to be registered under this Act.

(5) Every person who is entitled to receive a licence under this section shall be deemed to have obtained the licence when he has duly applied to the Registrar for it and has paid the prescribed fee. 35

(6) A licence may be issued under this section in advance for any period not exceeding 5 years, and may, subject to the approval of the Postmaster-General, be applied for and issued through any Post Office. 40

(7) Notwithstanding the foregoing provisions of this section, if—

- 5 (a) A registered plumber, being the holder of a current registered plumber's licence, becomes a craftsman plumber, he shall be required to pay for a craftsman plumber's licence, in respect of any period during which both licences will be in force, only the amount (if any) by which the fee prescribed for the craftsman plumber's licence exceeds the fee paid by him for his registered plumber's licence in respect of the same period:
- 10
- 15 (b) A registered gasfitter, being the holder of a current registered gasfitter's licence, becomes a craftsman gasfitter, he shall be required to pay for a craftsman gasfitter's licence, in respect of any period during which both licences will be in force, only the amount (if any) by which the fee prescribed for the craftsman gasfitter's licence exceeds the fee paid by him for his registered gasfitter's licence in respect of the same period.
- 20

(8) Section 31 (2) of this Act, with any necessary modifications, shall apply in respect of applications for licences under this section as it applies in respect of certificates of registration.

25 Cf. 1964, No. 132, s. 13

**37. Provisional licences**—(1) Notwithstanding anything to the contrary in this Act, where it appears to the Registrar that an applicant for registration is qualified for registration, the Registrar may, on payment to him of the prescribed fee (if any), issue to that person a provisional licence which shall entitle him, while the certificate is in force pending the consideration of his application by the Board, to do such work as he would have been entitled to do if he had been registered in accordance with his application.

30

35 (2) A provisional licence shall, unless it is sooner cancelled, remain in force for the period, not exceeding 3 months, stated in it, but it may from time to time be renewed for a further period not exceeding 3 months.

40 (3) The holder of a provisional licence shall, while the licence remains in force, be deemed for all purposes to be a craftsman plumber, or a craftsman gasfitter, or a registered plumber, or a registered gasfitter, or a registered drainlayer, as the case may require.

(4) The Registrar shall cancel a provisional licence at any time on the direction of the Board, or may, without any such direction, refuse to renew any such licence.

Cf. 1964, No. 132, s. 14

**38. Unregistered persons to have limited certificates—** 5

(1) In this section—

“Apprentice gasfitter” means a person who has contracted to serve an employer in the gasfitting trade and to learn and be taught that trade; and includes a person who is serving an apprenticeship recognised by the Board for the purposes of paragraph (c) of section 24 of this Act: 10

“Apprentice plumber” means a person who has contracted to serve an employer in the plumbing trade and to learn and be taught that trade: 15

“Apprentice plumber-gasfitter” means a person who has contracted to serve an employer in the plumbing-gasfitting trade and to learn and be taught that trade.

(2) Subject to sections 39 and 49 of this Act, and to subsections (3) and (5) of this section, the Registrar shall, on application made to him at any time by or on behalf of any person, and on payment of the prescribed fee (if any), issue to that person a limited certificate to do sanitary plumbing, or a limited certificate to do gasfitting, or a limited certificate to do drainlaying, as the case may require. 25

(3) Every application made under subsection (2) of this section on or after the 1st day of October 1977 shall be signed or countersigned—

(a) In the case of an application for a limited certificate to do sanitary plumbing, by the craftsman plumber or registered plumber; or 30

(b) In the case of an application for a limited certificate to do gasfitting, the craftsman gasfitter or registered gasfitter; or 35

(c) In the case of an application for a limited certificate to do drainlaying, the registered drainlayer—

in whose employment or under whose supervision the person by or on whose behalf the application is made intends to work. 40

(4) Subject to any regulations made under section 66 (1) (c) of this Act, a limited certificate shall entitle the holder to do the work specified therein—

(a) If that work is sanitary plumbing,—

5 (i) Under the direct supervision and in the presence of a craftsman plumber or a registered plumber, in any case where the holder is not an apprentice plumber and has not held a limited certificate to do sanitary plumbing for a continuous  
10 period of at least 2 years; or

(ii) While in the employ of a craftsman plumber or under the supervision of a craftsman plumber or registered plumber, in any other case; or

(b) If that work is gasfitting,—

15 (i) Under the direct supervision and in the presence of a craftsman gasfitter or a registered gasfitter, in any case where that holder is not an apprentice gasfitter and has not held a limited certificate to do gasfitting for a continuous period  
20 of at least 2 years; or

(ii) While in the employ of a craftsman gasfitter or under the supervision of a craftsman gasfitter or a registered gasfitter, in any other case; or

(c) If that work is drainlaying,—

25 (i) Under the direct supervision and in the presence of a registered drainlayer, in any case where that holder has not held a limited certificate to do drainlaying for a continuous period of at  
30 least 2 years; or

(ii) While in the employ or under the supervision of a registered drainlayer, in any other case.

(5) No fee shall be payable by an apprentice plumber in respect of an application for or the issue of a limited certificate to do sanitary plumbing, or by an apprentice gasfitter  
35 in respect of an application for or the issue of a limited certificate to do gasfitting, or by any person, who satisfies the Registrar that he is undergoing instruction or training in drainlaying for the purpose of obtaining registration as a drainlayer under this Act, in respect of an application for  
40 or the issue of a limited certificate to do drainlaying.

(6) For the purposes of subsection (4) (c) of this section, any period during which a person has, before the commencement of this Act, been employed as a drainlayer working under the supervision of a person registered as a drainlayer

under the Health Act 1956 shall be deemed to be a period during which the person so working has held a limited certificate to do drainlaying.

(7) Nothing in this section shall authorise an apprentice plumber or an apprentice gasfitter to do any work in any circumstances, if the doing of that work, or the doing of that work in those circumstances, would be inconsistent with the terms and conditions governing his apprenticeship. 5

Cf. 1964, No. 132, ss. 15, 16

**39. Further provisions as to limited certificates—**(1) On the registration as a craftsman plumber or as a plumber of any person who holds a limited certificate to do sanitary plumbing, the certificate shall be deemed to be cancelled, and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates. 10 15

(2) On the registration as a craftsman gasfitter or as a gasfitter of any person who holds a limited certificate to do gasfitting, the certificate shall be deemed to be cancelled and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates. 20

(3) On the registration as a drainlayer of any person who holds a limited certificate to do drainlaying, the certificate shall be deemed to be cancelled and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates. 25

(4) A limited certificate shall not be issued to any person who is or has been a craftsman plumber, a registered plumber, a craftsman gasfitter, a registered gasfitter, or a registered drainlayer, without the approval of the Board. 30

(5) In the event of the Registrar refusing to issue a limited certificate to any person, that person may appeal to the Board, which may confirm or reverse the decision of the Registrar, or may direct that a limited certificate be issued to that person when any conditions that it may specify have been met. 35

Cf. 1964, No. 132, s. 17

PART IV

DISCIPLINARY PROVISIONS

40. **Appointment of investigators**—(1) For the purposes of this Act, the Board may from time to time appoint any person, not being a member of the Board, who is a registered person, or who is employed by a local authority as an inspector within the meaning of the Health Act 1956, to be an investigator, and may at any time revoke the appointment.

(2) Appointments may be made under this section either generally or in relation to any particular case or class of cases.

(3) Notwithstanding subsection (1) of this section, no person who is employed by a local authority shall be appointed to be an investigator without the prior consent of that authority.

Cf. 1964, No. 132, s. 20

41. **Complaints against registered persons**—(1) Every person (other than an investigator) who wishes to complain to the Board about the conduct of a registered person shall make his complaint to the Registrar.

(2) Every complaint shall be in writing.

(3) The Registrar may require that a complaint be supported by such statutory declarations as he may specify.

(4) If the Registrar is satisfied, after considering a complaint and any statutory declarations relating to the complaint that he may have required, that the complaint relates to a matter that is within the Board's jurisdiction under section 42 of this Act he shall refer the complaint to an investigator.

(5) If, after examining the complaint, the investigator considers that it has substance he shall refer it to the Board for consideration by the Board in accordance with the succeeding provisions of this Part of this Act.

(6) Without limiting subsection (1) of this section, a complaint may be made under this section by a person in the service of the Crown acting in his official capacity.



**42. Disciplinary powers of Board—**(1) If a registered person—

(a) Is or has been convicted of an offence relating to plumbing, gasfitting, or drainlaying, against this Act or the Plumbers and Gasfitters Registration Act 1964 or the Health Act 1956, or against any regulations made under this Act or either of those Acts or under the Gas Industry Act 1958; or 5

(b) After due inquiry, is found by the Board to have been guilty of such improper or incompetent conduct in performing his work, or in charging for it, as renders him unfit to be registered under this Act; or 10

(c) After due inquiry, is found by the Board to have been guilty of any other act or omission contrary to the integrity of the trade to which he belongs— 15  
the Board may, if it thinks fit, impose on the registered person any one of the penalties authorised by this section.

(2) Subject to subsections (5) and (6) of this section, where the Board is entitled under subsection (1) of this section to impose a penalty on a registered person, it may, by writing under the hand of the Chairman,— 20

(a) Order that the name of the registered person be removed from the appropriate register:

(b) Order that the registered person's registration be suspended for a period not exceeding 12 months: 25

(c) Impose a fine on the registered person not exceeding \$100:

(d) Order that the registered person be censured.

(3) In the case of a person who is registered in more than one capacity, the Board may exercise its powers under paragraph (a) and paragraph (b) of subsection (2) of this section by ordering that the person's name be removed from each register in which it appears or from such one or more of the registers as the Board may think fit, or, as the case may require, by ordering that the person's registration be suspended in respect of each such capacity or such one or more of those capacities as the Board may think fit. 30 35

(4) Notwithstanding subsection (1) of this section, if the Board suspends or censures a registered person it may also impose a fine on him under subsection (2) (c) of this section. 40

(5) The Board shall not impose a fine on a registered person, nor order that he be censured, on the ground of an offence committed before the date of his registration.

(6) The Board shall not exercise any of its disciplinary powers against a registered person on the ground of an offence committed before the date of his registration if, at that date, the Board knew of his conviction for that offence.

5 (7) The Board shall not impose a fine upon a registered person under subsection (2) (c) of this section where the Board's inquiry relates to an act or omission that constitutes an offence of which the person has been convicted by a Court in New Zealand, if the offence is punishable by  
10 imprisonment or a fine.

(8) The Board may, by writing under the hand of the Chairman, instead of or in addition to imposing a penalty on a registered person under subsection (2) of this section, order  
15 the person to pay the whole or any part of the costs and expenses of and incidental to the inquiry by the Board and the preceding investigation by an investigator.

(9) Each fine imposed, and all costs and expenses payable, under this section shall be recoverable as a debt due to the Board.

20 (10) While an order of suspension of registration of a person in a particular capacity under this section remains in force, the person shall be deemed for the purposes of the provisions of this Act, other than this Part, not to be registered in respect of that capacity; but on the expiry of the order his  
25 rights and privileges as a registered person in that capacity shall be revived as from the date of the expiry.

(11) Subject to subsections (12) and (13) of this section, a person whose name has been removed from a register under this section, or from the corresponding register under the  
30 corresponding provisions of any previous enactment, may apply to the Board for the restoration of his name to the register; and the provisions of sections 27 to 30 of this Act, so far as they are applicable and with the necessary modifications, shall apply in respect of the application.

35 (12) In an order under this section directing the name of a person to be removed from a register, the Board and, in the event of an appeal against any such order, the Supreme Court, may fix a time after which the person whose name is so removed may apply to have his name restored to the register.

40 (13) If neither the Board nor the Supreme Court fixes a time, the Board may refuse to consider any such application for such time as it thinks just.

(14) No order that the name of a person be removed from a register, and no order of suspension or censure, shall take effect, and no fine or costs or expenses shall be payable, in any case until the expiry of a period of 28 days after the notification by the Board to the person affected of the making of the order. 5

(15) If, within the period of 28 days referred to in subsection (14) of this section, the person gives due notice of appeal, the order shall not take effect, and no fine or costs or expenses shall be payable, unless and until the order is confirmed by the Supreme Court, or the appeal is withdrawn or for any reason dismissed by that Court. 10

Cf. 1964, No. 132, s. 22

**43. Procedure—**(1) Where a complaint is referred or made to the Board by an investigator under this Part of this Act the Board shall, before acting under section 42 of this Act, cause to be served on the registered person concerned a notice stating that the Board has reason to believe that a ground exists entitling the Board to exercise its powers under that section, and specifying the ground with sufficient particularity to enable the person to understand the nature of the allegation against him. 15 20

(2) A notice shall specify the time, date, and place for the hearing of the matter by the Board.

(3) A notice may require the registered person to notify the Board in writing, not later than some specified date before the date proposed for the hearing of the matter, as to whether or not he intends to appear before the Board at the hearing. 25

(4) If the registered person fails to notify his intention as required by the notice, or notifies the Board that he does not intend to appear, he shall not be entitled to appear and be heard except by leave of the Board granted on such conditions as to the payment of costs or otherwise as the Board thinks fit. 30

(5) Where the registered person has notified the Board that he intends to appear, the Board may, with the consent of the registered person, constitute a committee of the Board to hear and determine the matter. 35

(6) The determination of a committee appointed under subsection (5) of this section shall be of no effect until it has been confirmed by the Board, which shall have power— 40

- (a) To determine that no penalty be imposed; or
- (b) To reduce the penalty determined by the committee by suspending the registered person's registration for a period or imposing a fine, instead of removing his name from a register; or
- 5 (c) To reduce the period of suspension of registration or the fine determined by the committee; or
- (d) To substitute a fine for a period of suspension; or
- 10 (e) To substitute a censure for any of the other penalties; or
- (f) To rescind or modify an order to pay costs and expenses.
- (7) The succeeding provisions of this section and sections 44 to 48 of this Act shall apply in respect of any proceedings before a committee under subsection (5) of this section as if 15 they were proceedings before the Board, and for that purpose the committee and the chairman of the committee shall have the powers and discretions respectively conferred on the Board and the Chairman of the Board by sections 45, 47, and 48 of this Act.
- 20 (8) A complaint shall be prosecuted at the hearing by the investigator who referred or made it to the Board, and for that purpose he may be represented at the hearing by counsel or otherwise.
- (9) Subject to subsection (4) of this section, the registered 25 person shall be entitled to appear and be heard at the hearing, and to be represented by counsel or otherwise.
- (10) In all proceedings under this Part of this Act the Board shall observe the rules of natural justice.
- (11) The Board may receive evidence whether or not it 30 would be admissible in a Court of law.
- (12) The decision of a majority of the members of the Board present at any proceedings held under this Part of this Act shall be the decision of the Board.
- (13) Unless the Board otherwise directs, proceedings held 35 under this Part of this Act shall not be open to the public.
- (14) Every order, decision, or determination of the Board under this Part of this Act shall be committed to writing, shall contain a statement of the reasons on which it is based, and shall be signed by the Chairman of the Board.
- 40 (15) A copy of every order, decision, or determination of the Board under this Part of this Act shall be served by the Registrar on the registered person in respect of whom it was made.

Cf. 1964, No. 132, s. 23

**44. Appointment of legal assessor—**(1) For the purposes of advising the Board on questions of law and procedure arising in proceedings under this Part of this Act, the Board may appoint an assessor, who shall be a barrister or solicitor, to attend the proceedings. 5

(2) The Board shall pay to the assessor, by way of remuneration and expenses for his services in respect of the proceedings, such sum as may be agreed upon between the assessor and the Board.

**45. Board may require witnesses to attend and give evidence—**(1) The Board, by notice in writing under the hand of the Chairman or the Registrar, may, on tendering proper travelling expenses, require a person to attend and give evidence before it at an inquiry under this Part of this Act, and to produce all books, documents, papers, equipment, or things that are in that person's custody or under his control and that relate to the subject-matter of the inquiry. 10 15

(2) The Board may require evidence to be given on oath, and either orally or in writing, and for that purpose the person presiding at any meeting of the Board may administer an oath to any person. 20

(3) Every person who, without lawful justification, refuses or fails to give evidence when required to do so by the Board, or to answer truly and fully any question put to him by the Board, or to produce to the Board any book, document, paper, equipment, or thing required of him, commits an offence and is liable on summary conviction to a fine not exceeding \$100. 25

Cf. 1964, No. 132, s. 24

**46. Immunity of witnesses and counsel—**Witnesses and counsel shall have the same privileges and immunities in relation to inquiries before the Board as if the inquiries were proceedings in a Court of law. 30

Cf. 1964, No. 132, s. 25

**47. Witnesses' expenses—**(1) A witness giving evidence or intending to give evidence at the hearing of an inquiry under this Part of this Act shall be entitled in the discretion of the Board to such sum for his expenses and loss of time as the Board may determine. 35

(2) Subject to an order made by the Board or by the Supreme Court as to the payment of costs and expenses, all such witnesses' expenses shall be paid by the Board. 40

Cf. 1964, No. 132, s. 26

48. **Power to adjourn and postpone**—Subject to this Act, the Board may from time to time adjourn the hearing of any proceedings pending before it under this Part of this Act, and may postpone any finding or judgment until a further meeting  
5 of the Board.

49. **Application of disciplinary provisions to holders of limited certificates**—(1) Subject to the provisions of this section, the provisions of sections 41 to 48 of this Act shall apply in respect of holders of limited certificates in the same  
10 manner and to the same extent as they apply in respect of registered persons.

(2) The Board shall not order that the name of a person be removed from the Register of Holders of Limited Certificates, but when making an order of suspension of registration in respect of any person so registered the Board shall  
15 specify the limited certificate or certificates that is or are to be cancelled, and such certificate or certificates shall, subject to the provisions of section 42 (14) of this Act, be deemed to be cancelled accordingly.

(3) When a limited certificate held by any person is  
20 deemed to be cancelled under subsection (2) of this section, the Registrar shall, in respect of that certificate, remove the name of that person from the Register of Holders of Limited Certificates, and shall not issue to him a limited certificate  
25 or provisional licence of any sort until the order of suspension has expired.

Cf. 1964, No. 132, s. 28

## PART V

### OFFENCES AND LEGAL PROCEEDINGS

30 **50. Offences**—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who—

(a) Not being a craftsman plumber, or not being a registered plumber, or not being a craftsman gasfitter,  
35 or not being a registered gasfitter, or not being a registered drainlayer, as the case may require, uses or causes to be used, in connection with his business or trade or calling, any words, titles, or initials, or any abbreviations of any words, titles, or initials,

- that are intended to cause, or that may reasonably cause, people to believe that he is a craftsman plumber, or a registered plumber, or a craftsman gasfitter, or a registered gasfitter, or a registered drainlayer, as the case may be; or 5
- (b) Causes or permits the publication of any advertisement that purports to advertise the business of a craftsman plumber or of a craftsman gasfitter or of a registered drainlayer without specifying the name under which the craftsman plumber or craftsman gasfitter or registered drainlayer is registered under this Act; or 10
- (c) Subject to sections 54 to 56 of this Act, being a registered plumber but not being a craftsman plumber, or being a craftsman plumber but not holding a current licence as a craftsman plumber, does any sanitary plumbing, otherwise than in premises occupied by him, and otherwise than in the course of his employment under a contract of service with some other person, not being a company within the meaning of the Companies Act 1955 in which the registered plumber has a controlling interest; or 15 20
- (d) Subject to section 57 of this Act, being a registered gasfitter but not being a craftsman gasfitter, or being a craftsman gasfitter but not holding a current licence as a craftsman gasfitter, does any gasfitting, otherwise than in premises occupied by him, and otherwise than in the course of his employment under a contract of service with some other person, not being a company within the meaning of the Companies Act 1955 in which the registered gasfitter has a controlling interest; or 25 30
- (e) Subject to section 38 and sections 53 to 56 of this Act, does any sanitary plumbing while not holding a current licence as a craftsman plumber or as a registered plumber; or 35
- (f) Subject to sections 38 and 57 of this Act, does any gasfitting while not holding a current licence as a craftsman gasfitter or as a registered gasfitter; or
- (g) Subject to section 38 of this Act, does any drainlaying while not holding a current licence as a registered drainlayer; or 40

- (h) Knowingly employs or permits or pays any person to do any sanitary plumbing or gasfitting or drainlaying contrary to the provisions of this Act; or
- 5 (i) Allows his certificate of registration, licence, or limited certificate to be used by any other person.
- (2) No person shall be convicted of an offence against paragraph (c), or, in relation to sanitary plumbing performed by a registered plumber, paragraph (h), of subsection (1) of this section in respect of anything done before the 1st day
- 10 of October 1977.
- (3) No person shall be convicted of an offence against paragraph (d), or, in relation to gasfitting performed by a registered gasfitter, paragraph (h), of subsection (1) of this
- 15 section in respect of anything done before the 1st day of October 1977.
- (4) No person, who, immediately before the commencement of this Act, was registered as a drainlayer under the Health Act 1956, shall be convicted of an offence, in relation to his business or trade of drainlaying, against paragraph (a),
- 20 or of an offence against paragraph (g), of subsection (1) of this section in respect of anything done before the 1st day of October 1977.

Cf. 1964, No. 132, s. 34

- 51. Onus of proof**—(1) In a prosecution for an offence
- 25 against this Act, the onus shall be on the defendant to prove, where the facts are in issue, that he is or at all material times was, a registered person or the holder of a licence or of a limited certificate under this Act, as the case may be.
- (2) The production by the defendant of a certificate or
- 30 licence issued in accordance with this Act under the hand of the Registrar shall, in the absence of proof to the contrary, be sufficient evidence of the facts stated in the certificate or licence.
- (3) In a prosecution for an offence against this Act, a
- 35 certificate purporting to be under the hand of the Registrar to the effect that a person is not registered, or is not the holder of a licence or of a limited certificate under this Act, or to the effect that that person's registration is suspended or is not in force, either generally or in relation to any particular
- 40 register, or particular class of licence or limited certificate, shall, in the absence of proof to the contrary, be sufficient evidence of any such fact that is stated in the certificate.

Cf. 1964, No. 132, s. 35



**52. Time for laying information**—Notwithstanding section 14 of the Summary Proceedings Act 1957, an information in respect of an offence against this Act may be laid at any time within 3 years after the time when the matter of the information arose.

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Cf. 1964, No. 132, s. 36

## PART VI

### PROVISIONS RELATING TO EXEMPTIONS

**53. Exemption in respect of fixing of water heaters by gasfitters**—(1) Notwithstanding anything in this Act, a craftsman gasfitter or registered gasfitter who holds a current licence and who satisfies the Board, by examination or otherwise, that he is competent to perform the work of fixing or unfixing a gas water heater, or any pipe that supplies or is intended to be a means of supplying hot water from such a heater to any fitting or appliance, whether or not any fitting or appliance is there when the work is done, may, subject to the provisions of any other enactment, perform that work, but only, in the case of a registered gasfitter, in circumstances in which a registered plumber is authorised by this Act to perform that work.

(2) Notwithstanding anything in this Act, a holder of a limited certificate to do gasfitting may, subject to paragraph (a) of subsection (4) of section 38 of this Act, or to paragraph (b) of that subsection (for which purpose the work shall be deemed to be gasfitting) as the case may require, and to the provisions of any other enactment, do the work mentioned in subsection (1) of this section, if the person under whose supervision or in whose employment he is working is a craftsman plumber, or a registered plumber, or a craftsman gasfitter, or a registered gasfitter authorised to do that work.

Cf. 1964, No. 132, s. 37

**54. Exemption for householders**—(1) Notwithstanding anything in any bylaw requiring sanitary plumbing to be done only by specified persons or classes of persons, and notwithstanding anything in this Act, the owner of any premises situated in a place to which this subsection applies and occupied by him as a residence or intended residence for himself, or for himself and members of his family, may, subject to the

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provisions of any other enactment, personally do any sanitary plumbing in those premises, with or without the assistance of any member of his family living with him, but without the assistance of any other person.

5 (2) For the purposes of subsection (1) of this section “owner”, in relation to any premises, means the person who would for the time being be entitled to receive the rack rent of the premises on his own account if the premises were let.

10 (3) Subject to subsection (5) of this section, subsection (1) of this section shall apply,—

(a) With effect from the date of the commencement of this Act, to every place within which section 38 of the Plumbers and Gasfitters Registration Act 1964 applied immediately before that date:

15 (b) With effect from the expiration of the period of deferment or suspension, to every place within which the operation of the said section 38 was, immediately before the commencement of this Act, deferred or suspended pursuant to that section:

20 (c) With effect from the date specified in a notice under subsection (4) of this section, to every place to which that notice relates.

(4) Subsection (1) of this section shall come into force with-  
in any district or part of a district of any local authority, not  
25 being a place referred to in paragraph (a) or paragraph (b)  
of subsection (3) of this section, on such date as the Minister may, after consultation with the local authority, from time to time specify by notice in the *Gazette*.

(5) The Minister may from time to time by notice in the  
30 *Gazette*,—

(a) After consultation with the appropriate local authority, suspend, for such period as he thinks fit, the operation of subsection (1) of this section within any district or part of a district in respect of which that  
35 subsection comes into force on the commencement of this Act:

(b) After consultation with the appropriate local authority, further defer or suspend, as the case may require, for such period as he thinks fit, the operation of  
40 subsection (1) of this section within any district or part of a district in respect of which the operation

of section 38 of the Plumbers and Gasfitters Registration Act 1964 was deferred or suspended immediately before the commencement of this Act.

(6) Neither any suspension of the operation of subsection (1) of this section, nor anything in section 56 of this Act, shall prohibit any person from completing any sanitary plumbing that he has lawfully commenced. 5

Cf. 1964, No. 132, s. 38

**55. Exemption of areas in rural districts**—(1) Notwithstanding any of the other provisions of this Act, the Minister may from time to time, by notice in the *Gazette*, designate any area, other than an area that forms part of a city, a borough, or a town district, as an area where sanitary plumbing may be done by any person. 10

(2) Notwithstanding any of the other provisions of this Act, but subject to any other enactment, a person may do any sanitary plumbing in any area in respect of which a notice given under subsection (1) of this section is for the time being in force. 15

(3) The Minister may at any time vary or revoke any notice issued under subsection (1) of this section. 20

(4) The Minister shall not issue any notice under subsection (1) of this section, or vary or revoke any such notice under subsection (3) of this section, until after consultation with the county council or other appropriate local authority. 25

(5) Neither the variation or revocation of a notice under this section, nor anything in section 56 of this Act, shall prevent any person from completing any sanitary plumbing that he has lawfully commenced.

Cf. 1964, No. 132, s. 39 30

**56. Provisions relating to alteration of boundaries of local authority districts**—(1) Where the whole or any part of the district of any local authority in which subsection (1) of section 54 or subsection (1) of section 55 of this Act is for the time being in force is included within the district of any other local authority, the said subsection or, as the case may require, each of the said subsections shall cease to apply to the district or part of the district so included unless— 35

(a) The said subsection or, as the case may require, each of the said subsections is in force in the district of the last-mentioned local authority; or 40

5 (b) The Order in Council bringing into effect the relevant final scheme of the Local Government Commission under the Local Government Act 1974 specifies that the said subsection or, as the case may require, each of the said subsections is to continue in force in the first-mentioned district or part of the district.

10 (2) Where the whole or any part of the district of a local authority is included within the district of any other local authority in which subsection (1) of section 54 or subsection  
15 (1) of section 55 of this Act is for the time being in force then, unless the Order in Council bringing into effect the relevant final scheme of the Local Government Commission under the Local Government Act 1974 otherwise provides, the said subsection or, as the case may require, each of the said subsections shall come into force in the district or part of the district so included on the date on which the said final scheme becomes operative.

20 **57. Exemptions in respect of gasfitting**—(1) Notwithstanding anything in this Act, but subject to any regulations made under this Act, a person who—

- 25 (a) Is registered under the Engineers Registration Act 1924 or the Engineering Associates Act 1961; and  
(b) Is employed, for the purposes of the supply of gas, in the service of the Crown, or the service of a company within the meaning of the Gas Supply Act 1908, or the service of the Natural Gas Corporation of New Zealand,—

may do gasfitting in the course of such employment.

30 (2) Notwithstanding anything in this Act, any person who satisfies the Board, either by examination or otherwise, that he is competent to install and maintain particular gas-fired industrial equipment or gas-fired industrial equipment of a particular kind may, subject to any regulations made under this Act and to the provisions of any other enactment, install  
35 and maintain the equipment or equipment of the kind specified in writing by the Board as equipment of a kind that may be installed and maintained by him, and may fix or unfix pipes for the purposes of such installation and maintenance.

40 (3) Notwithstanding anything in this Act, if a second cut regulator is, or is to be, installed beyond the outlet connection of a gas meter in any premises and the minimum pressure in the pipe conveying gas between that meter and that regulator is not less than 414 kilopascals, gauge, any person may, with

the prior approval of the company within the meaning of the Gas Supply Act 1908, supplying that gas to those premises, or of the National Gas Corporation of New Zealand, if the gas is supplied to the premises by that corporation, fix or unfix that pipe.

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## PART VII

## APPEALS TO ADMINISTRATIVE DIVISION OF SUPREME COURT

**58. Matters on which appeals lie—**(1) A person who is dissatisfied with a decision or order of the Board—

- (a) Refusing an application by him for registration; or 10
- (b) Refusing an application by him for a limited certificate; or
- (c) Refusing to restore his name to a register under Part II of this Act; or
- (d) Amending or refusing to amend the particulars of his registration; or 15
- (e) Ordering that his name be removed from a register, or that his registration be suspended; or
- (f) Imposing a fine on him; or
- (g) Censuring him; or 20
- (h) Requiring him to pay any costs of or incidental to any inquiry; or
- (i) Refusing to consider an application for the restoration of his name to a register under section 42 of this Act— 25

may, within 28 days after notice of the decision or order has been communicated to him by the Registrar of the Board, appeal to the Supreme Court against the whole or any part of the decision or order.

(2) Every appeal shall be heard and determined by the Administrative Division of the Supreme Court. 30

Cf. 1964, No. 132, s. 29

**59. Decisions of Court in respect of appeals under this Part—**(1) The Court may, on hearing an appeal under this Part of this Act, confirm, reverse, or modify the decision of the Board and, in the case of an appeal against a decision of the Board under section 42 or section 43 of this Act, may substitute a different penalty for the penalty imposed by the Board, or may make such other order as it thinks just. 35

(2) Nothing in this section shall empower the Court to review any part of the Board's decision other than the part against which the appeal has been brought.

5 **60. Procedure on appeal**—Subject to this part of this Act, the procedure in respect of an appeal shall be in accordance with the rules of the Court.

10 **61. Decision of committee of Board deemed to be decision of Board**—For the purposes of this Part of this Act, a decision of a committee of the Board appointed to exercise on behalf of the Board any function or power conferred on the Board under Part II of this Act shall be deemed to be a decision of the Board.

## PART VIII

### MISCELLANEOUS PROVISIONS

15 **62. Protection of Board, committees, and other persons**—  
Neither the Board nor any committee of the Board, nor any member of the Board or of any such committee, nor any other person who does any act in pursuance of any of the functions conferred on him by or under this Act, shall in any  
20 way be liable in respect of anything done or omitted to be done or of any words spoken or written at or for the purposes of the determination of any application or the hearing of any inquiry, investigation, or other proceedings under this Act, unless it is proved to the satisfaction of the Court before  
25 which any proceedings are taken that the Board, committee, member, or other person, as the case may be, has acted in bad faith.

**63. Application of Act in relation to local authorities**—  
30 (1) Every local authority shall enforce within its district the provisions of this Act relating to plumbing and drainlaying that require enforcement.

(2) No local authority shall employ as an inspector of sanitary plumbing any person who is not a craftsman plumber or a registered plumber, or as an inspector of drain-  
35 laying any person who is not a registered drainlayer, unless he is qualified for appointment by that local authority as an inspector under section 28 of the Health Act 1956.

(3) No craftsman plumber or registered plumber or craftsman gasfitter or registered gasfitter or registered drainlayer or holder of a limited certificate shall be required under any bylaw made by a local authority to pass any examination or to obtain any licence or to pay any licence fee in order to practice the trade of sanitary plumbing or gasfitting or drainlaying, as the case may require. 5

(4) In relation to sanitary plumbing, the expression "local authority" in subsection (1) of this section, includes any drainage board for the time being undertaking the regulation of sanitary plumbing or drainlaying within its district, and, in subsections (2) and (3) of this section, includes any drainage board. 10

(5) In relation to drainlaying, the expression "local authority" in subsections (1) to (3) of this section, includes any drainage board. 15

(6) Every company, within the meaning of the Gas Supply Act 1908, that is authorised by or under any Act to supply gas to the inhabitants of a defined district shall enforce within that district the provisions of this Act relating to gasfitting that require enforcement. 20

Cf. 1964, No. 132, s. 41

**64. Reciprocity**—The Board may from time to time make arrangements with the appropriate authorities controlling the registration or recognition of drainlayers, gasfitters, or plumbers elsewhere than in New Zealand for the reciprocal recognition of registration, certificates, or other evidence of proficiency in drainlaying, gasfitting, or sanitary plumbing. 25

Cf. 1964, No. 132, s. 42; 1967, No. 22, s. 6

**65. Extension of application of Act**—The Governor-General may from time to time by Order in Council specify any description of work relating to the supply of gas (not being gasfitting within the meaning of this Act), or any description of plumbing work (not being sanitary plumbing within the meaning of this Act), and may by the order direct that, subject to such exceptions and modifications as may be specified in the order, such provisions of this Act as may be so specified (including provisions relating to offences or penalties) shall have effect in relation to work of either of those descriptions as they have effect in relation to gasfitting or sanitary plumbing; and, as from a date to be specified in the order, the provisions of this Act shall apply accordingly. 30  
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**66. Regulations**—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- 5 (a) Prescribing the form of and the method of keeping the registers:
- (b) Prescribing the forms required for the purposes of this Act, or providing for the Board to prescribe those forms:
- 10 (c) Providing that limited certificates shall be renewable at such intervals or on or before such dates as may be prescribed, and providing for the lapsing of such certificates if not so renewed:
- 15 (d) Prescribing the fees payable in respect of applications (including applications to the Board for the purposes of section 53 (1) or section 57 (2) of this Act), registration, certificates of registration, licences, limited certificates, the renewal of limited certificates, the correction of the registers, and the restoration of any name to a register under this Act:
- 20 (e) Prescribing examinations for the purposes of this Act, the bodies or persons by whom any such examinations are to be conducted, the conduct of any such examinations, and the fees payable in respect of any such examinations:
- 25 (f) Prescribing the nature and duration of any training or experience necessary for the purpose of obtaining registration under this Act, and relating any period so prescribed to the time of undertaking any examination for such purpose:
- 30 (g) Restricting and regulating the performance of particular kinds of sanitary plumbing, gasfitting, or drain-laying, whether by reference to the nature of the work or by reference to the kind of premises, operations, equipment, materials, or substances involved, or otherwise, and prohibiting or restricting persons (whether or not they are registered persons), or any specified class of persons, or persons not possessing specified qualifications or not belonging to a specified class, from performing any such specified kinds
- 35 of work:
- 40 (h) Regulating the procedure of the Board:
- (i) Providing for the refund of fees:
- (j) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of
- 45 this Act and for the due administration thereof.



(2) Any regulation made under subsection (1) of this section may make different provisions in respect of different classes of registered persons, or different classes of holders of limited certificates, or different classes of persons undertaking examinations or undergoing training or acquiring experience. 5

(3) Nothing in subsection (1) of this section, or in any regulations made under that subsection, shall prevent the Board approving, for the purposes of sections 21 to 25 of this Act, an examination that is not prescribed under that subsection. 10

(4) Notwithstanding section 1 (2) of this Act, any regulation made under subsection (1) of this section pursuant to the authority conferred by section 12 of the Acts Interpretation Act 1924, and prescribing fees payable under this Act in respect of anything to be done, or in respect of any period beginning on or after the 1st day of April 1977, may be expressed to take effect on the date on which it is made or on any subsequent date. 15

Cf. 1964, No. 132, s. 43

**67. Transitional—**(1) Until the Board appoints a Registrar under section 13 of this Act, the person for the time being holding the office of Chief Inspector of Health in the Department of Health shall continue to be the Registrar for the purposes of this Act, and every other person employed in the Department of Health who, immediately before the commencement of this Act, is performing duties on behalf of the Plumbers and Gasfitters Board under the Plumbers and Gasfitters Registration Act 1964, and any persons from time to time appointed in their place under the State Services Act 1962, shall continue to perform such duties on behalf of the Plumbers, Gasfitters, and Drainlayers Board. 20 25 30

(2) Any person referred to in subsection (1) of this section may hold his office under the Board either separately or in conjunction with any other office in the Public Service.

(3) At the end of any financial year in which the Board has made use of accommodation provided by the Crown, or of the services of persons in the Public Service, the Board shall pay to the Crown such sum in respect of that year as the Minister considers to be reasonable. Any such sum shall be recoverable by the Crown as a debt due by the Board. 35 40

(4) For the purpose of applying the provisions of this Act during the period commencing with the 1st day of April 1977 and ending with the appointment of the first Chairman of the Board under section 7 of this Act, the person for the time  
5 being holding the office of Chief Inspector of Health in the Department of Health shall be deemed to be the Chairman of the Board.

(5) All money standing to the credit of the bank account established under section 30 of the Plumbers and Gasfitters  
10 Registration Act 1964 immediately before the commencement of this Act shall on the commencement of this Act, without conveyance, transfer, or assignment, vest in the Board.

(6) All the contracts, debts, and liabilities of the Plumbers and Gasfitters Board existing immediately before the com-  
15 mencement of this Act shall on the commencement of this Act become the contracts, debts, and liabilities of the Board.

**68. Repeals and revocations—**(1) The Plumbers and Gasfitters Registration Act 1964 and the Plumbers and Gasfitters Registration Amendment Act 1967 are hereby repealed.

20 (2) The Health Act 1956 is hereby consequentially amended by repealing section 120 (1) (a).

(3) The Health (Drainlayers' Registration) Regulations 1948, the Health (Drainlayers' Registration) Regulations 1948, Amendment No. 1, and the Health (Drainlayers'  
25 Registration) Regulations 1948, Amendment No. 3, are hereby revoked.

(4) Every reference in any Act, Order in Council, Proclamation, notice, regulations, rules, agreement, deed, instru-  
30 ment or document whatsoever to the Plumbers and Gasfitters Board shall, unless the context otherwise requires, after the commencement of this Act be read as a reference to the Plumbers, Gasfitters, and Drainlayers Board.