Plumbers,
Gasfitters and
Drainlayers Board

# Information for complainants about disciplinary hearings

## What has happened already?

You made a complaint to the Plumbers, Gasfitters, and Drainlayers Board (**Board**) about sanitary plumbing, gasfitting, and/or drainlaying work. The complaint has been investigated and the investigator has recommended that it should be considered by a panel of Board members. The Board must now hold a disciplinary hearing to decide whether it considers the practitioner in question has committed a disciplinary offence or offences.

## What is a disciplinary offence?

Disciplinary offences are set by the Plumbers, Gasfitters, and Drainlayers Act 2006. The offences are listed in section 89 of the Act and are:

- Negligent or incompetent work
- Work that does not comply with the law
- Work that has created a risk of serious harm or significant property damage
- Situations where a practitioner has not complied with a term or condition of their registration or licence
- Situations where a practitioner has done work they are not authorised to do
- Situations where a practitioner has been deceptive in relation to the testing and certification of work
- Situations where a practitioner has not provided certain things required by law (this does not include building consent documentation as these are not documents required by law)
- Situations where a practitioner has used an unauthorised person to do work
- Situations where a practitioner has been convicted of an offence under certain laws in relation to the work
- Situation where the practitioner has acted improperly (e.g., fraudulently) in charging for their work or carrying out their work.

The Board's role is to determine whether the practitioner's conduct amounts to one or more of these offences.

## What is the process from here?

The investigator's lawyer will now bring charges against the practitioner alleging that they have committed one or more of the disciplinary offences above.

The case begins when the investigator's lawyer files a Notice of Disciplinary Charges with the Board. The Notice states which offence or offences the investigator believes the practitioner has committed and why the investigator believes the practitioner's conduct amounts to a disciplinary offence.

When the Hearings Manager for the Board receives the Notice of Charges they will schedule a date for the Board to hear the matter. The date for the hearing is likely to be several months away from the date the charges are laid. There are a couple of reasons for this. The first is that this is likely to be the first available date in the Board's hearings calendar as all the prior dates will already be committed to other hearings. The second reason is that there must be sufficient time to allow for all the preparation that must be carried out before the hearing can proceed.

Hearings take place in Wellington either at the Board's offices or at rooms hired for the purposes of larger hearings. A hearing can last from a few hours to a few days depending on the number of charges a practitioner is facing, the nature of those charges, the number of witnesses being called, and the complexity of the matters involved. Once the Board has heard the evidence and arguments from both the investigator's lawyer and the practitioner, who may or may not have their own lawyer, the hearing will end. The Board then meet in private to consider its decision.

The Board issues formal written decisions following all disciplinary hearings and these are issued in the weeks following the hearing. Decisions usually take around eight weeks to be issued but can take longer in complex cases.

See more information about the process under Disciplinary Hearings on the Board's website and in the Guide to disciplinary hearings for practitioners.

## What do I need to do?

You will have been asked to give a written statement as part of the investigation or may be asked to provide an updated one. Sometimes this is all that will be needed from you for the hearing. Other times you may be required to attend the hearing and give evidence. The investigator will be in contact to let you know what is needed from you and will talk you through the process if you are required to give evidence at the hearing.

## Can I attend the hearing even if I am not a witness?

Hearings are open to the public unless the Board directs otherwise. If the hearing is to be held in public, you can attend even if you are not a witness. Hearings are held in Wellington and you will need to make your own travel arrangements if you want to attend. If this is something you are interested in doing, please discuss it with the investigator.

Please note that in some cases, the investigator's lawyer and the practitioner may have requested that the Board considers the case on the papers. This is where the Board makes its decision on the hearing papers provided alone without the need for a formal hearing. The investigator will inform you if this is the case.

## What happens after the hearing?

Once the hearing is over, you will be informally notified of the outcome usually by phone or email. You will also be provided with a copy of the Board's formal written decision once it is issued.

## How long will this process take?

The disciplinary process does take time because disciplinary cases involve a lot of preparation, especially in cases where a practitioner is defending a charge. The Board also has limited dates during the year when it can hold disciplinary hearings. While this may be frustrating, it is important to remember that the disciplinary process is serious as it can have a significant impact on the practitioner concerned. It is important that it is done properly in accordance with administrative and legal requirements.

## What happens if I don't hear anything for a while?

The investigator will keep you updated about any key events during the disciplinary process. Please note that if you don't hear anything about your complaint for a while it doesn't mean nothing is happening. Your complaint will be going through the process described. If you haven't heard anything from the investigator for a while, it is likely to be because they don't have anything new to tell you. However, if you have any questions or concerns you can contact the investigator.