



The Civil Trades Disciplinary Policy

This document sets out the criteria and process for any disciplinary action which Civil Trades Certification Board (**Board**) may take against a Certified Civil Tradesperson. This has been set by the Board and is current as at 30 November 2015.

1. Circumstances in which this policy will apply

- (a) The Board may cancel a person's Civil Trades Certificate (**Trade Cert**) if after following the procedure in clause 2, the Board is satisfied on reasonable grounds that:
 - (i) The holder's application for the Trade Cert contained false information or evidence; or
 - (ii) The Trade Cert was issued in error.
- (b) The Board may cancel or suspend for such period as it sees fit, or impose any other penalty (including retraining, censure, warning and statement on the Trade Cert holder's record) it decides is warranted in the circumstances, if after following the procedure in clause 2 it is satisfied on reasonable grounds:
 - (i) that the holder has been so negligent in carrying out any work as a civil tradesperson that the life of any person has been or could have been endangered; or
 - (ii) that the holder has shown himself or herself unfit to be the holder of the Trade Cert by the manner in which he or she has carried out any work as a civil tradesperson.
- (c) The Board must cancel a person's Trade Cert if it is reasonably satisfied that the holder has died.

2. The Disciplinary Procedure

- (a) The Disciplinary Procedure shall be triggered if the Registrar receives:
 - (i) advice that the information or evidence in an application for the Trade Cert is false or incorrect;
 - (ii) advice that the Trade Cert was issued in error;
 - (iii) a complaint about a Trade Cert holder;
 - (iv) information that a Trade Cert holder is being prosecuted by Worksafe or another authority; and

- (v) advice that the Trade Cert holder has had other relevant licenses or registrations cancelled or suspended.
- (b) If any information of the kind referred to in 2(a) is received by the Board, the Board shall refer the information to the Registrar.
- (c) Within 5 business days of receiving information of the kind referred to in 2(a), the Registrar shall assess the information and decide either:
 - (i) to commence an investigation in relation to the information; or
 - (ii) that an investigation is, in the Registrar's reasonable opinion, not warranted (including because the information is trivial, vexatious, outdated, incorrect, unreliable or otherwise does not warrant an investigation).
 - (i) If the Registrar decides an investigation is not warranted the Registrar must:
 - a. record that he or she has received and assessed information of the kind referred to in 2(a) and decided that that an investigation is not warranted along with the reasons for deciding that an investigation is not warranted;
 - b. communicate that decision to affected parties; and
 - c. include the decision and the reasons for the decision not to investigate in the Registrar's regular reports to the Board.
- (d) If the Registrar or the Board decides to commence an investigation in relation to the information, the Registrar shall:
 - (i) provide written notice to the holder of the Trade Cert specifying:
 - a. the nature of the information received under clause 2;
 - b. that the information is being investigated;
 - c. that an outcome of the investigation may be that the holder's Trade Cert could be cancelled or suspended under clause 1 of this Policy (and stating which limb or limbs of clause 1 applies);
 - d. that the holder has the opportunity to make submissions on the information being investigated, either in writing (via letter or email) or in person;
 - e. that if making submissions in person, the holder may bring a support person with them (including a lawyer) but may not have someone appear on their behalf;
 - f. the date by which any written submissions must be made;
 - g. the date on which the Board will hold a hearing in relation to the investigation; and
 - h. that once the Board makes a decision, the holder will be notified accordingly.

- (ii) gather any other evidence relating to the information being investigated and, if it thinks fit, prepare its own written submissions for the Board; and
 - (iii) provide all information gathered or received by it, including its own submissions, to the Board and to the holder at least 2 business days prior to the date of the Board's hearing.
- (e) At the Board's hearing in relation to the investigation:
- (i) A quorum of the Board must be present for the hearing to proceed;
 - (ii) The Board shall hear the holder, if the holder has elected to make submissions in person (which can include by telephone, video conference or other means of communication);
 - (iii) If the holder is present, the Board may hear oral submissions from the Registrar and from any witnesses the Board has asked to appear, and the holder shall have the right to respond;
 - (iv) If the holder is not present, the Board may consider only the written information provided to it;
 - (v) If the Board considers it does not have sufficient information to make a decision, it may request the Registrar to obtain further information, and adjourn the hearing to such time and date as it thinks fit (and the Registrar shall notify the holder accordingly, and paragraph (e)(i)(d) – (h) above shall apply, with all necessary modifications, to the extended investigation);
 - (vi) If the Board considers it has sufficient information to make a decision, it shall conclude the hearing and commence its deliberations; and
 - (vii) The Board shall seek to reach a decision as soon as possible and no later than 5 business days after the hearing.
- (f) The Board Chair will inform the Trade Cert holder in writing of:
- (i) The Board's decision;
 - (ii) The reasons for the decision;
 - (iii) The Trade Cert holder's right to appeal the decision to the Appeal Tribunal under the *Trade Cert Appeals Policy*¹; and
 - (iv) Their obligation to return their Trade Cert within 7 business days.

3. The Procedure to Cancel in case of death of a Trade Cert holder

- (a) This Procedure to Cancel in case of death of a Trade Cert holder shall be triggered if the Registrar receives advice that a Trade Cert holder has died.

¹ The *Trade Cert Appeals Policy* can be found at www.civiltrades.co.nz

(b) Within 10 business days of receiving information of the kind referred to in 3(a) (and such supporting evidence as the Registrar reasonably requires), the Registrar must provide the information to the Board, and the Board shall, if reasonably satisfied that the holder has died, cancel the Trade Cert.