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IN OTHER NEWS

SPAM

Computer systems are getting more sophisticated and at times block our news letters.

We attempt to put out the Fellow Practitioner on Friday mornings so if you don't get it check the Plumbers and Gasfitters Forum at:

www.plumbers.co.nz/forum/index.php

Don't forget to let us know at wal.gordon@xtra.co.nz and we will look into it at our end but you may need to check your spam settings.

Fellow Practitioner Issue One

We had a number of people ask for a copy of issue one so we posted it on the Plumbers Forum.

You can download it at:

www.plumbers.co.nz/forum/fellow-practitioners-update/41/fellow-practitioner-issue-1/1108/

Have a look at other subjects on the forum while there.

From Standards New Zealand

Please also note that NZS 5261

Is Over Regulating creating an illegal black market

We all know about the “cashie industry” that appears in most trades. Some tradespeople use the cashie to get ahead in life and a lot are using it just to survive.

It appears to us that over regulating by the Government is stifling growth in the industry and most are going backwards. A passage on the Plumbers Forum reminded us of what we are dealing with. This passage is the summary of the expected net impact of the 2006 Act:

Summary of expected net impact

Government

26. *Net benefit - No new costs for Government are expected. Benefits include:*

- *greater assurance of practitioner skill leading to reduced likelihood of future weathertightness claims*
- *increased monitoring capabilities which will provide greater assurance of Board and regulation performance.*

Industry

27. *Net cost – Introduction of competence based licensing will impose cost on practitioners. Benefits include:*

- *increased practitioner skill*
- *a greater availability of information from the Board.*

The Board

28. *Net cost – Introduction of increased reporting requirements will require the Board to improve existing administrative arrangements (estimated cost \$600,000). It will also impose ongoing costs on the Board. Benefits include greater information provision to facilitate Board decision making and increased efficiency and effectiveness in organisational operation.*

Consumers

29. *Net benefit – Cost implications for individual practitioners are expected to be minimal. In addition, these costs will be spread across clients resulting in minimal, if any cost increases to consumers. Benefits include:*

- *Greater assurance of practitioner skill leading to reduced likelihood of weathertightness problems and other more minor problems associated with practitioner workmanship*
- *Greater accountability of practitioners through increased ability to access information about practitioners from the Board.*

will no longer be cited in the Gas (Safety and Measurement) Regulations 2010 from 31 December 2012, after that period the only cited gas installation Standard will be AS/NZS 5601 (Parts 1 and 2).

Petition Update

The Federation's petition has progressed to the Social Services Committee who by way of letters has asked the Federation to respond to a number of questions by 8 June 2012.

It was your signatures that got us this far so now we need to follow through to the next stage of providing them with the information.

In the petition the Federation stated the government appointed PGD Board's governance was in dire need of reform in all aspects of their regulation over the industry. Tradespeople are being persecuted in the name of bureaucracy. The industry has been told for years that things will change but it will take time. Issues we want investigated include, but are not limited to:

1. The 2010 implementation of the Plumbers Gasfitters and Drainlayers Act 2006 and the suitability of Competencies.
2. The suitability and fairness of discipline and investigative procedures.
3. The appointment and process of appointment of Board Members.
4. Membership of other industry related boards and conflicts of interest.
5. Process of appointment of the Chairperson.
6. The Entity of the Board. Why is it a Registered Charity?
7. The policies and procedures pertaining to governance by the

Look at that, no cost to government!! Cost to the industry, cost to the Board (funded by the industry), and a minimal if any cost increase to the consumer. Who are the losers in this statement?

What is infuriating is that some idiot wrote all of this knowing the following from the same impact statement:

6. The Plumbers, Gasfitters and Drainlayers Act 2006 (the Act) covers some 11,500 licensed plumbers, gasfitters and drainlayers and impacts on 3,507 businesses within New Zealand. Eighty-eight percent of these businesses are sole traders or companies employing between one and five people. The average income within the industry is \$45,130 p.a. (\$990 less than the national average income).

On which planet does this make sense? We have an industry that has an average income below that of the national average and they lay more costs on us.

Our figures for licensing and CPD costs show that it will incur about \$4,500.00 annually for a person to license and attend CPD under the proposed regime. It looks like we will be paying more than 10% of our take home pay just to license so we can work each year. That in effect puts the average wage \$5,490.00 below the national average.

So where can an employer get the additional income from to increase wages –from the consumer and will the consumer want to pay – NO. Businesses' that put up their prices in this economy run the risk of losing a lot of work due to consumers shopping on the black market.

We believe some regulation is pricing tradespeople out of work. Look at the latest Department of Labour initiative "Prevention from Falls Campaign" - excellent initiative for cutting back on injuries and to save the Government 28 million dollars annually, but is it a saving or is it a transfer of liability from the Government to the tradespeople. It is in your interest to make yourself aware of this campaign at www.dol.govt.nz.

The new safety requirements around roofing and roofing repairs will add thousands of dollars on to jobs and more on the outlay for equipment for business owners for a law which only applies to workers and not to property owners.

We are forced to abide by the law through the threats of fines or loss of our practicing licences. Regulation is all well and good as long as we are all on level playing fields but most regulation ends up with the legitimate tradespeople paying and the cowboys thriving in the black market because they don't adhere to the rules, and in our case, we as an industry, have to pay for the Board to catch the dodgy pricks and to prosecute them just so they can declare themselves bankrupt, pay nothing and start a new business the next day.

Those "What the Hell" Moments

We go through life and hit speed bumps but every now and then we get one of those "what the hell" moments where we just don't understand the logic behind what's happening. One reader sent this to us - it was part of a letter sent to him from the Board Secretariat on 7 May 2012:

"I acknowledge that your concern is for the health and safety of the public, particularly in light of the recent break out of legionnaires' disease in Auckland. However, the Board's jurisdiction is restricted to the public's concerns about a particular practitioner's competency".

What the hell – "their jurisdiction is restricted to the public's concern about a particular practitioner" - so a fully trained qualified practitioner has less weight in their opinion than a Joe public off the street. It looks like as a tradesperson we can't complain about faulty workmanship.

Board

8. Functions and Staffing of the Board

9. Board Expenditure

10. Legality of the Board's Actions.

11. Funding of the Board by the industry.

12. Funding of investigations into non registered persons by the industry.

13. Accountability of the Board.

14. Functionality and accountability of the Plumbing Gasfitting Draining and Roofing Industry Training Organisation

The Social Services Committee have asked us to submit the following:

- Why we find it necessary to petition the government.
- Identify those responsible for the problems.
- State if we have approached those responsible and what the outcomes were.
- Outcomes of complaints to the Ombudsmen's office.
- What we are seeking.

If you have anything you would like to say about any of the above subjects, new subjects, or any letters or responses please send them to us NOW so we can incorporate them in our report to the committee.

This is a one off chance to get some action so help us out by getting the information to us.

Coming soon

The Board make any mistakes made by a tradesperson public but when it's their mistakes or those of their contractors nothing gets said and it's all swept under the

Get a Legal Opinion

This reeks of "we are not going to be open and transparent - we are going to cost you money". This string of emails was between a supporter and the Board's Secretariat. We believe it is a very reasonable question.

Question Sent: Wednesday, 29 February 2012 10:44 a.m. Just one further question, at what stage does the discipline process start. For example is it from the time the investigator is appointed or is it from the time the charges are laid with the accused? Many thanks for your help

Answer Received: 7 March 2012 10:33 a.m. *The disciplinary process, including its stages, is set out in the Plumbers, Gasfitters, and Drainlayers Act 2006; see subpart 1 of Part 3.*

Question Sent: Wednesday, 7 March 2012 11:57 a.m. So I can take it that the discipline process starts from the time the complaint is received is that correct?

Answer Received: Friday, 09/03/2012 2:48 p.m. *The question you are asking me requires me to provide you with legal advice on the Plumbers, Gasfitters, and Drainlayers Act 2006 and I am not in a position to do that. I have pointed you to the relevant parts of the Act to assist you to find the answer you are looking for but am unable to go any further on this question. You will need to seek legal assistance on this matter from someone in the private or voluntary sectors.*

We fail to see how clarifying legal process is providing legal advice. This Board and Secretariat are supposed to be so called experts in their field and be earning or trust and respect. All we see is an organisation that is trying to manipulate the legislation they are attempting to enforce because they do not have the buy in of those they are attempting to regulate. All this and they employ a gaggle of lawyers, but then that might explain why they are making it so hard to understand – it needs another lawyer to look at the opinion and put it back into plain English!

Board Recruitment.

The Minister of Building and Housing has been heard to say the industry needs to take responsibility and even the Prime Minister says the Government will listen to the industry as the industry knows what's best for it. This poses a question about where does the Government responsibility stop and the industry responsibility take over or vice-a- versa?

Last week we heard a view about Board appointments and thought we would look through our archives. We found these interesting bits of information in a couple of Department of Building and Housing documents. This is part of a letter sent to a person who was interviewed for a position on the Board:

On the positive side it was considered that you held clear views on the direction of the Board and that you were passionate about the industry and its future. A view was formed you may have difficulty working with people that did not agree with you. In the Department's view, this would not be conducive to a positive Board environment. In addition, Board members are expected to promote the Board's policies publicly, even when they do not agree with them.

Were they recruiting people to make change or "yes minister" people just to follow like sheep? How about this from a DBH memo:

In addition, the Minister has asked his parliamentary colleagues to provide candidates for consideration. The Minister has raised the possibility of approaching a number of high profile candidates. Our expectation is that high profile candidates with a political background will be approached by the Minister and/or his office.

How many of the Board were approached? Was the current Chairperson approached – we'll probably never know. What about one Board member who was recommended by

carpet.

We don't believe that's fair so very soon we will provide a summary of the Paul Gee prosecution and defence which will identify the problems with the investigation process which the Board seem to have ignored.

Believe us you will be interested.

Policy for decision making

Last week we reported we had asked for a copy of the Policy for decision making.

You would have thought it would be easy to select the document and hit the send button but no; the Board treated the request as an Official Information Act request even though it wasn't requested under the Official Information Act.

They must want to keep up their work load statistics for the year with regard to Official Information Act requests.

We will check out the policy over the next week and get back to you with our thoughts.

The Policy has now been put on the Boards website

www.pgdb.co.nz/~downloads/Pol-decision-making-final-2012-03-27.pdf

Chris Tremain MP:

One of Mr X's referees has raised a concern that Mr X may be perceived by the industry as part of the historical issues surrounding the relationship between the Board and the education sector, however the other referee was positive. The Department did not identify this issue during the interview process. If you consider this is a sufficient risk not to appoint Mr X, the Department would recommend reappointing Mr Y, a current member of the Board. Mr Y was not considered a particularly strong candidate but would increase the continuity of the Board.

Needless to say Mr X was appointed on the recommendation of Chris Tremain MP. This issue was even mentioned in the Minister's media brief in case he was questioned on it.

The Board seems to have degenerated since they became Minister appointed and we believe this only came about so a previous Minister could get one of his mates on the Board after his mate was rejected by the industry.

We know for the last decade the Board has collectively got it's governance of the industry wrong. We know there have been some good people appointed to the Board but they seem to have become victims of the system.

We don't have true industry representation on the Board because they are all hand picked by the DBH and the Minister. Master Plumbers seem to have people on the Board at all times but that could be viewed as organisation representation.

Have you seen the change to the Gas Certification Requirements?

Those of you who file gas certificates will have seen the new box on the top right hand side asking for consumer's phone numbers. This is a relatively recent change – and one which to date there has been no communication about. So, no changes there then.

For a couple of weeks you have been able to ignore the box and carry on and file your certificate in the way you always have, but as of late last week you could not proceed to file the certificate unless the consumer's phone number was entered.

We can make some assumptions here – we assume that the phone number is required so that the Board can contact the consumer and undertake a random audit without the gasfitter being informed. It also saves their administration people from having to look the number up in the phone book too we guess.

It's not that we are for or against this – until we understand the purpose. You would have thought with all the problems and criticisms the Board face that they could have put out some information requesting industry to comply, with a lead in period before making them comply.

We also wonder about the privacy angle – are your customer's giving you their telephone number for the purpose of it being shared with a third party i.e. the Board – what if they are unlisted? Where does that leave gasfitters divulging this information? We also wonder when the Board might share the information about why they have done this.

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