



Fellow Practitioner Issue 105

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TABLE OF CONTENTS

- [Our thanks to you](#)
- [Time for the Minister to step up \(or step out....\)](#)
- [Joke of the Week](#)
- [Something is troubling us](#)
- [Letter to the Editor \(Public Register\)](#)
- [You do not want to miss this](#)

IN OTHER NEWS

Collateral Damage.

No it's not the movie but it is something that is happening.

The Federation submission to the Social Services Committee was straight to the point and didn't hold back.

It touched on issues and went places some people and organisations didn't want to.

Unfortunately with issues like this there will be collateral damage but everyone must live with their decisions and choices.

Our submission ran to 50 pages – but we tried very hard to cover everything that has got us to the point of requesting a Commission of Inquiry.

Feel free to contact your local MP and vocalise your support for the calling of a Commission of Inquiry. Every bit of

Our thanks to you

What a week it's been and we have been inundated with notes and letters from supporters. More people are wanting to say their piece and to hand on information about their circumstances, and we have to say, some are quite gut wrenching while others are simply common sense. Here is our pick of the week:

Dear editor:

It seems the Federation is doing the Board's job for them. All of our money being pumped into lawyers and investigators by the Board and they still don't get it right. You would have thought that after decades or even a century of regulation, they would have it right but it seems we start afresh with every Board and each one is worse than the previous.

All throughout the world people are rising up against oppressive regimes. You could ask if our circumstances are that bad – some would argue not as bad - but to the individual it can be. If the Government and Board can't get it right then we should rise up and make ourselves heard before the situation gets worse.

I read some of the ideas last week of action we could take, well we know the wheels of government turn slow and we know the Board wants to take more money off us so lets get ready now for next year's licensing. Let's put the Board and Government on notice that we will not play their games any more come March next year.

The Federation has done it with the ITO so why not the Board and Government? They keep saying all the regulation is for the protection of the public so in effect it is their responsibility. If we chose not to participate with them then they have failed in their duties to protect the Public.

Keep up the excellent effort.

Ed: Quite simply we can't argue with what has been said. Perhaps a co-ordinated effort directed at next licensing period is needed. The Federation will not discount any action at this stage. Let us know what YOU think.

[Time for the Minister to step up \(or step out....\)](#)

Time and time again the Minister has stated he only has the power to hire and fire – what a load of bollocks.

He has more power than anyone with regard to the most critical issues that affect the industry and that is - the items that are consulted on and gazetted, thus making them regulations.

Notices published under sections 28 and 30 (matters to do with Registration and Licensing) MUST be approved by the Minister. The Board must, before publishing a notice under section 28 or 30, submit the proposed notice for the approval of the Minister. The Minister must, as soon as practicable after receiving a proposed notice, by written notice to the Board, — approve it; or decline to approve it.

“noise” helps.

ACC Stand aside the PGDB is coming through..

There's been an admission from the Prime Minister that ACC's hierarchy has to answer some serious questions about what's been going on at the corporation.

John Key says explanations are required.

Well wouldn't you know the Board seems to be following in the footsteps of ACC.

It has been revealed to the Federation that a “Private and Confidential” letter pertaining to a tradesperson has been sent to another tradesman in the industry enclosed with other documents.

Lucky the tradesman in receipt of the letter knew of the other tradesman through the Federation and forwarded the letter to him.

We understand the tradesman who is the subject of the letter is in the process of laying a complaint with the Board.

No doubt it will be put down to human error but remember our human errors result in prosecution and in some cases our livelihoods are lost – the Board's error result in “it was a mistake” type comments.

Letter to the Editor (Malpractice)

Dear Ed:

Just to carry on our message to the

If the Minister declines to approve a proposed notice, — the Minister must indicate the grounds on which he declines to approve it; and the Minister may direct the Board to prepare and submit a revised proposed notice; and the Board must, as soon as practicable after receiving a direction submit a revised proposed notice.

A proposed notice may be published under section 28 or 30 after it is approved by the Minister.

So the Minister has considerable power right from the start. His decision can impact on the industry for years. As it stands the Minister says he doesn't have any power and once something is a regulation the Board says the Minister signed it. (Notice the ping pong game going on here?)

Well they can take notice that they will all be held accountable – no more hiding behind each other's authority or responsibility.

Joke of the Week

An excerpt from a letter from Maurice Williamson to another member of Parliament dated 6 June 2012:

“The Board decided to leave the current scheme in place, and extend the date by which practitioners would need to complete that year's points to March 2013. The proposal the Board then re-consulted on was a version modified to take into account many of the suggestions contained in submissions.

This is an example of constructive engagement and mutual willingness to listen. It demonstrated that solid progress has been made in rebuilding effective working relations and spirit of trust between the Board and the sector.”

Do you believe that last paragraph! If this was an advertisement it would breach the Fair Trading Act as it supplies False and Misleading information. Someone's not in touch with reality.

Remember if it sounds too good to be true then it generally is and is “bullshit”, to coin a phrase from the Minister.

Something is troubling us

Under what authority are gas audits conducted?

The Federation have had access to a letter to a practitioner where the Board have conducted an audit without the tradesperson being present, or notified, and is threatening to lay a complaint with Energy Safety. This got us thinking about what the purpose of the audits is. If no action is being taken by the Board then are we paying for an audit that Energy Safety should be doing? So what about audits:

- Are they for safety?
- Are they for Continuing Professional Development?
- Are they for competence testing? If for “Competence” then why aren't the competence procedures in the Act under section 53 and 54 followed? Under what authority are the auditors appointed? (And while on this subject – who has seen any advertisements for auditors in New Zealand papers? It appears that we currently have past polytechnic tutors auditing gasfitters.)
- Auditors can't be appointed as investigators as no complaint has been received – or can they?

government:

I would really like to know if malpractice is a criminal offence or not?

If it is, then surely it is us (as the taxpayer) who would ultimately pay for legal proceedings as the malpractitioner is breaking the law.

It should not be us (the law abiding practitioners) to be the ones paying legal fees. I just don't get it.

I strongly object to, and have always objected to this point. Maybe we should get unions in on this too.

We are not being protected from the Board's (PGDB) malpractice.

Ed: We aren't lawyers but we understand there are many types of malpractice and some can be criminal which generally needs an element of intent.

We understand one type of malpractice to be:

Improper or unethical conduct by the holder of a professional or official position.

Basically under section 171 (1) of the PGD Act 2006 neither the Board, nor any employees or contractors are under any criminal liability or civil action in respect of any act done or omitted to be done in the course of their function.

However subsection (1) does not exclude the liability of any body or person for anything done or omitted in bad faith or without reasonable care.

So in effect if we can't

- Have we been paying auditors to do the work that Energy Safety should be undertaking?

The gasfitter audit system was introduced from 1992, along with certification of gas installations by gasfitters; continuing professional development; and competency-based licensing.

The Board used gasfitter audits to check the competency of craftsman (now certifying) gasfitters. The Board has explained that it used this audit system to:

... determine and monitor the ongoing knowledge and practical competence of the individual Craftsman gasfitter and exemption holder ensuring their work is to a safe and acceptable standard. The Gas Audit, in conjunction with the Board's ongoing professional development requirements, will determine whether a Craftsman Gasfitter or exemption holder is competent to be licensed to practise.

So this tells us it's for testing competency therefore it would be very easy to deduce that the procedures that exist in the Act should be used, but it appears the Board have again been extending their authority.

Even the Department of Building and Housing told the Board that it could not impose a condition requiring participation in the gas audit system through the licensing system, because the 2006 Act provided a separate and specific process for reviewing a gasfitter's competence. It was more appropriate to use the specific process rather than to read this into its general powers on licensing.

No one seems to be listening, so we offer this bit of advice free to the Board – it's time to START listening!!

Letter to the Editor (Public Register)

Regarding the Public Register. We know the Act allows for a public register containing our full name, street address, phone number, email, a history of our registration, a history of our license, any disciplinary action against us. The simple question is, do these conditions apply to other registered groups, for example, Doctors, Nurses, Lawyers, Judges, Police, Members of Parliament etc? It would be interesting to know, may be the Board legal staff would like to respond with their home address and contact details.

Ed: It appears there are different rules for different sectors. The Federation submitted this to the Registrar this week:

Dear Mr Pedersen

The Plumbers Gasfitters and Drainlayers Federation are receiving considerable correspondence regarding the Boards intention to change the Boards Public Register. This activity is to occur on Monday 25 June 2012.

There seems to be a lot of confusion about what information is being released and the manner in which individuals can amend their information and request information is withheld.

We note that the fields on individual's personal information pages have not been amended to match those stated in the Boards "Info Brief" and we don't seem to be able to locate the "online option" for applying for information to be withheld by the registrar.

*Under the Privacy Act the Board is required to take all **reasonable steps** to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date, complete, relevant, and not misleading. The Board has asked in the "Info Brief", for*

get anyone to hold the Board and secretariat accountable for their actions it would require civil action through the courts.

This is why we have asked for a commission of inquiry prior to taking civil action as remember this would cost us to take action and then essentially cost us to defend the Board (through our fees etc).

We feel it is an unjust system and the only way we can get justice is for more people to make themselves heard.

Recruiting

Federation Committee members are fighting the fight on your behalf and don't ask for much but there is something you can do for them:

Spread the word about their work and recruit, recruit, recruit.

You have all seen on the news recently about protests which have been successful and for us to speed up the process of getting a fair deal we need as many tradespeople to support the Federation as possible.

You can contact Wal Gordon at

wal.gordon@xtra.co.nz

or join on line at

www.pgdf.co.nz

Great work everyone.

people to update their details. We feel that as not everyone reads the "Info Brief" it is not unreasonable to expect the Board to contact each registered person to ensure the information is accurate and give them the opportunity to apply for the information to be withheld.

It appears the Board have announced the implementation date of this activity but the systems are not in place to support the intended activity and afford practitioners their rights under the Privacy Act.

In the interest of individuals privacy the Federation does not support the additional information being made public.

The Federation requests the implementation date should be suspended until such time as all practitioners have been contacted and given the opportunity to correct their particulars and given the opportunity to apply for information to be withheld.

At the time of going to press we were awaiting a response.

You do not want to miss this



In association with **Zip Plumbing Plus New Plymouth**, **Robinhood** would like to present to you, **Wal Gordon, Chairman of the Plumbers, Gasfitters and Drainlayers Federation and Paul Luxton (past Chairman)**, who will be speaking on the governance of your industry, and what you can do to help.

Come along enjoy a beer, find out about what Robinhood is up to, and what you can do to help your industry.

All welcome so you do not want to miss this!

See you from 4.30pm onwards.

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