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IN OTHER NEWS

Memorise their faces and ask them the questions

**Meet the current Plumbers Gasfitters and Drainlayers Board, put a face to the name and ask yourself “have they put aside morals and truth and agreed to acts of deception and how do the registered people amongst them represent the interests of the industry”?**



**Alan Bickers (Chair)** provides dispute resolution, management and governance services to public and private sector clients. He chairs the Building Practitioners Board and is a Justice of the Peace. His term expires in January 2014.

**Fees Notice Gazetted**



You would think after a relaxing break over the festive season we could all come back happy and ready to get into a productive year but along comes the Board and the same deceptive, bad faith behaviour begins all over again. We are, of course, referring to the latest Fees Notice gazetted by the Board on 20 December 2012, immediately before the break.

How timely that they did this - immediately before the break so they don't have to put up with the complaints. This fees notice is VERY relevant, in that the Board have submitted it PRIOR to a decision by the Regulations Review Committee (RRC) regarding the Offences Fee which even the Office

of the Auditor General believe is more of a levy than a fee, and also that the Board have no authority to levy the industry with exception of that which is already legislated, being the Discipline Levy.

We believe that this has been done because if the RRC found in the favour of the complainants then the Board would have to re consult with the industry. The Board were aided by their cronies who have said “right or wrong the offences fees should stay”.

Another point of relevance is the information supplied to the industry regarding cross subsidization. We believe the Board has misled the industry with regard to the licensing fee. The Board, Building and Housing Group and the Minister have known about it for months and have not supplied any information to prove our claims are wrong – they have simply pushed on with another faulty fees review at our expense.

We believe any challenge will be met with claims that legislation will need to be changed, and that it doesn't make any difference the industry will still need to be charged the same. Honesty, integrity and legality don't come into the equation. The Board had their CEO and their legal representation at the RRC hearing and heard first hand the view of the OAG's office, yet they have pushed ahead. This shows arrogance in the extreme in our opinion.

We believe their actions are in bad faith and without reasonable care. It seems to us this is an organisation that is simply in survival mode and is relying on the industry being trapped by way of regulation.

If this was a tradesperson operating outside the legislation they would be persecuted by this Board - as when it comes to tradespeople mistakes don't happen - it's simply incompetence.

The Board are the people we should be able to trust as they sit in judgement on us with relation to our competency and discipline however we feel they are hypocrites in the extreme. This has proved to us, beyond any shadow of doubt that they simply can't be trusted to act in a fair and reasonable manner, and they are allowed to get away with it by a Minister who seems to think it is okay for them to operate outside the laws of the land.



**Peter Jackson (Deputy Chair)** is registered as a certifying plumber, gasfitter and drainlayer. He is the Director of H2O Design Ltd and Site Safe New Zealand. He serves as the Director and Deputy Chair of the New Zealand Plumbers Merchants and is a trustee of the Apprenticeship Training Trust. His term expires in September 2013.



**Murray Burns** has 30 years experience in public sector roles. He has held a number of directorships for both state and private companies. His term expires in September 2015.



**John Simmiss** is registered as a certifying plumber and drainlayer. He currently represents New Zealand on the World Plumbing Council. Mr Simmiss was a past chair of the PGDRITO and is a past president of Master Plumbers. His term expires in September 2014.

## Is it okay to break the law to enforce it?



We have endured a decade of regulations that had no statutory authorisation. We have taken the Board to the Regulations Review Committee (RRC) who recommended the disallowance of their regulations pertaining to Continuing Professional Development (CPD) and their fees and discipline levy. Appears the Board got it wrong.

An historical complaint proved the Board had NO statutory authority to implement CPD on the Gasfitters who have endured the costs and

wrath of audits and CPD for 6 years until the implementation of the 2006 Act. Appears the Board got it wrong.

The Ombudsman has reported in a preliminary report that the Board had NO statutory authority to charge the industry the offences fee. Appears the Board got it wrong.

A recent RRC complaint found the RRC requesting the Office of the Auditor General to give an opinion about the legality of the Offences Fee. Their opinion was that the fee was a levy and the Board did not have the legislative authority to levy the industry. Appears the Board got it wrong.

Now the Board have gazetted a new fees and levy notice, ignoring the Office of the Auditor General and the RRC, and obviously taking the risk none of it will be challenged in court. We believe very strongly that the Board got it wrong.

It appears the Board have the attitude that it is okay for them to impose on the industry without statutory authority but practitioners must follow everything to the letter of the law or the Board will take action against them.

If the Board are so incompetent at interpreting the Act about administrative issues how competent are they at governing and administering the Act? How competent are they to sit in judgement with regard to discipline? We believe not very competent at all.

Master Plumbers sided with the Board at the RRC hearing and stated to the RRC that, right or wrong the offences fee should stay, and it appears they have used their four votes on the Board to help influence that decision.

How could the Board which contains a Justice of the Peace and a lawyer vote to implement a Gazette Notice knowing the notice to be dubious in content? Surely this type of behaviour would be unsatisfactory conduct or misconduct.

We know the Oath or Affirmation of Office to be taken by a JP includes the following words:

*"I will do right to all manner of people after the laws and usages of New Zealand without fear or favour, affection or ill-will."*

*This places a great responsibility on Justices to carry out their duties imposed by the office of JP according to the Oath. To retain public confidence in the office, JPs should also maintain a high standard in their private and working lives.*

You would expect lawyers and JP's to set an example, but no, it appears this Board believes they can extend their authorities in order to enforce the Act on practitioners. This is disgusting behaviour on their part and obviously the Minister of Building and Construction is stooping to the Board's level as he is doing nothing about this behaviour.



**Bill Irvine** is registered as a certifying drainlayer and works as an educator and consultant. He holds a Diploma in Business Studies Dispute Resolution. Mr Irvine is a Director of Arbitration New Zealand Ltd. His term expires in September 2013.



**Ian Rowe** is registered as a certifying plumber and has a BA in education and psychology. He has taught in several polytechnics. He is currently the Regional Manager of the Central Hub of Ako Aotearoa, the National Centre for Tertiary Teaching Excellence. His term expires in July 2014.

**Add a title**



**Sue Simons** has over 25 years of legal experience and is a partner at Berry Simons. She holds a BA (Hons) and an LLB. Her term expires in July 2014.



**There has to be a switch**



Ever feel like you're one dumbass decision away from completely losing it? As detailed above at its meeting on 4 December, the Board approved a new Gazette notice (fees).

This notice will enable the new fee structure to come into effect in time for the 2013 licensing year however they did this knowing that a section of the fees structure was already being challenged in the Regulations Review Committee and that some of the fees as consulted with the industry were in our opinion, false.

It seems the quest for funding over rides our rights as New Zealanders and puts the Board in a position where they believe they have more power than the Regulations Review Committee and that the Constitution Act doesn't apply to them.

We believe the Board have acted with absolute bad faith towards the industry and have not taken reasonable care. It seems the Board has a pattern of behaviour whereby they ignore the rules so they can enforce a separate set of rules on the industry. Whatever happened to the organisation that was going to be trusted and respected?

Quite frankly there needs to be a switch from dumb decisions to smart decisions, but has the government appointed the right people? They certainly don't seem to have displayed any smarts over the last couple of years. Even new people appointed to the Board seem to have just filled a vacant space. No change in attitudes or ideas, just more of the same following like lost sheep.

Will any of the Board members step up and prove their worth at the first meeting of the year where the Chairperson and Deputy Chairperson are voted on? Will any of them challenge for the position or will they just sit back and let the industry incur another 12 months of the same?

We have heard the Minister say on a number of occasions he appointed Mr Bickers as he trusts him, well isn't that funny, we thought the Act states they are voted into the position at the first meeting. Is this political influence?

Nothing will change in this industry until the switch is made from dumb decisions to smart ones. So perhaps we shouldn't underestimate the power of arrogant people in large groups.

**PGDB Stakeholder survey 2013**

The Board are again conducting a satisfaction survey where they claim they are committed to improving their communication with the industry and are seeking to measure the level of satisfaction registered tradespeople have with the range of services that they provide.

People who have been exposed to surveys before know the questions can be formed to get the result you want and the summary is the same. Here's an example "In a recent survey it was found that a quarter of the people in the world made up 25% of the earths population".

The Board should be surveying to see if the industry is happy with their decisions, with the policies, regulations and legislation and leave the secretariat performance until what the secretariat is given to work with is accepted.

In the survey you will be invited to share your views on a range of services and to comment on where improvements could be made. So if you are asked your opinion over the period Friday 8 to Sunday 17 February, reflect back on what the Board are imposing on you not just the service of the front line people. You have the right to insist your additional comments are included in the survey, or else say you don't want to take part.

**Craig O'Connell** is the Owner/Director of a Management Consulting firm. He served as the acting CEO of the PGDB from February to November 2010. He holds a Bachelor of Arts in psychology and a Bachelor of Commerce and Administration in economics. His term expires in July 2014.

Add a title



**Graham Hardie** is registered as a certifying gasfitter and drainlayer and as a licensed plumber. He is the owner of River City Gas and New Zealand Gas Group Ltd, whose purpose is to increase practitioner awareness and education of gas appliance servicing and installations. His term expires in September 2015.



**Nick Fleckney** is a certifying plumber, gasfitter and drainlayer. He lectures in plumbing, gasfitting and drainlaying at Manukau Institute of Technology. He is the chairperson of the Backflow Group, Water New Zealand. His term expires in September 2014.

## Causes start with confrontation but end with change.



Thomas Jefferson once said "If a law is unjust, a man is not only right to disobey it; he is obligated to do so."

The Federation believes it is our right to be regulated fairly and that this Board is costing the industry and the public through incompetence and bad decision making. Their agendas and their outcomes are losing sight of the "people" side of issues.

This year the Federation will cop flack about costing the industry money by wasting the Board's time, but we want you to think where we would be if the Federation was not opposing the Board and its cronies. On the flip side, all the Federation is doing is asking the Board to act according to the Act and if they did it wouldn't be costing anyone anything. It is they, not us that are the wasters.

We believe that if matters were fair and trusted there wouldn't be any conflict.

## Donations to the Federation

The Federation operates on your generosity and we all know everything costs.

We guarantee you get 100% value for your money as that is one of the issues we are fighting the Board about – our money being wasted. So if you want to invest in the future of the industry make a donation.

Every little bit counts so if you want to make a donation you can either :

Send a cheque made out to the Plumbers Gasfitters and Drainlayers Federation,

or

Make a direct deposit at any National Bank, deposit on line through internet banking or set up a month direct credit.

Account: National Bank 06 0773 0319398 00

Cheques can be posted to: Plumbers Gasfitters and Drainlayers Federation, 3 Jupiter Grove, Trentham, Upper Hutt 5018

We assure you that no money is used to pay any committee member, or for the costs of meetings etc – all of this is self funded by the individuals who have volunteered for these jobs.

We want to see bang for our buck – and for your buck too!

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