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IN OTHER NEWS

Letters to the Editor



Dear Editor

The road to truth is long and lined the entire way with annoying bastards. Keep up the good work – it's starting to pay off.

Dear Editor

I read the newsletter regarding the Ombudsman's report with great interest.

Effectively the PGDB have stolen money from us, in full view and it looks like they backed down only when they had no room to move.

If they were an individual they would be despised as the worst sort of person, the thief with no conscience who steals because they think they are entitled.

In my opinion they are thieving, conniving, lying bastards – and I think the Ombudsman thinks so

We believe it's just ANOTHER con job!



In recent weeks we have talked a lot about interpretation of legislation. As tradespeople the Minister, Building and Housing Group and the Plumbers Gasfitters and Drainlayers Board expect us to get it right EVERY time and if we don't, we get disciplined, which costs in reputation, financially and even our businesses.

We get conditions imposed on us linked to our licences, they impose continuing professional development (supposedly to raise our skills so we get it right every time), and they have created a situation where discipline costs more than any other function in the Board. Yes get it right or get penalised in one way or

another!

How many times does the industry have to hold the Board accountable for getting it WRONG and WHEN will someone from Government step in and govern instead of continually covering the Boards arse?

In simple terms this shit needs to stop! We believe the following is another example of the industry being conned, held to ransom and others helping the Board cover their incompetence.

This case is one of the worst we have seen and has had a huge impact and cost to the industry.

Last week this was in "Letters to the Editor"

Dear Editor: This exemption the Board is going on about that requires us to get double CPD points – is it legal?

Ed: We don't believe it's legal and will have more on this next week.

So here it is, not quite next week but close enough - and people are rushing around buying double CPD points - wasting time and money. Ask yourself these questions – did you become incompetent the year you didn't have to get points and are you doubly competent this year because you got double points?

Take away the issue of CPD and you are left with procedural issues. There are two issues here:

1. Can the Board exempt people and set terms and conditions?
2. Did the Board adhere to the provisions of the Act when doing this?

too, although he couches it more politely than that.

This Board needs to have some heat applied to them by the Minister of Building and Housing.

They have talked a lot about re-building trust, a lot about transparency, a lot about wanting to work together with industry.

How can we ever trust them, at every turn they continue to act dishonorably and dishonestly? How can we be expected to work with them – we can't. How can we have faith in them – we can't.

How can we solve this? The Minister needs to stand up and have some balls and sack this lot and appoint some honest to goodness people with "common sense".

This Board should be ashamed of themselves. The staff who advised them should be ashamed of themselves. The legal advisors should be ashamed of themselves. The Minister who continues to back them – well he too should be ashamed.

Ed: Yes: If any one of us even looked like making a "mistake of law" we would be hung by these same people.

Dear Editor

After reading the latest newsletter about the Ombudsman report I am reminded of a saying by Harry S Truman – slightly changed to suit the circumstances. *The Federation never gives the PGDB hell – they just tell the truth and the PGDB think its hell.*

Firstly the Board does have the right to grant exemptions from registration and licensing requirements and conditions but it MUST be in accordance with the Act.

There are two ways they can do this under section 52 of the Act. Firstly, if the exemption applies to an individual then they can notify the person by written notice and secondly, if the exemption applies to a class of people then they are required to gazette the exemption and conditions.

52 Board may grant exemptions from registration and licence requirements and conditions

(1) The Board may, —

(a) by written notice to a person, exempt the person from compliance with—

(i) the minimum standards for registration that the person must meet in order to be registered as a registered person or issued with a practising licence or to obtain a renewal of a practising licence; and

(ii) any terms and conditions imposed by notices published under section 30 that must be complied with by the person; and

(b) by notice in the Gazette, exempt any class of persons from compliance with—

(i) the minimum standards for registration that those persons must meet in order to be registered as registered persons or issued with practising licences or to obtain renewals of practising licences; and

(ii) the terms and conditions imposed by notices published under section 30 that must be complied with by those persons.

(2) The Board may grant an exemption subject to any terms and conditions that it thinks fit.

(3) Each notice published in the Gazette under this section is a regulation for the purposes of the Regulations (Disallowance) Act 1989 but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

So what have the Board been telling us?

1. "By relicensing time next year, tradespeople must have completed the 2011/12 point's balance by 31 March 2013 (as this was the condition of the exemption granted by the Board) as well as the 2012/13 point's requirement."

2. "The current CPD scheme remains in force, but the date by which this year's points must be obtained has been extended by a year, until 31 March 2013. This means that people who have not met their CPD requirements by March 2012 will not be prevented from relicensing at that time. However, they will need to have completed the current year's point's requirement plus the requirement for next year by 31 March 2013."

3. "Anyone who has not met their CPD requirements by March 2012 will not be prevented from relicensing. However, they will need to have completed the current year's point's requirement plus the requirement for next year by 31 March 2013."

Apparently on 5 December 2011 the Board resolved to grant the exemption. This is how the resolution reads:

Letter to ED,

If I apply to the board tomorrow for a practising licence, minus the illegal fee, what should I do if they refuse to issue my licence because I haven't included the illegal fee?

Ed. Unfortunately the fee is legal as it has not been found to be illegal in a court or any other body with the jurisdiction to make such a finding and alter the status of the regulation.

If you try it, there is a process that the Board must follow and your current license remains in force and legal after the 1st of April while the issue is debated.

By that time we would expect the Regulation Review committee to release its findings.

The Auditor General reports the Board is wrong, the Ombudsman reports the Board is wrong, the Federation knows the Board is wrong, you must believe the Board is wrong, test the system if you like, you have everything to gain and nothing to lose, the 2006 Act provides for such a situation.

Dear Editor

As for the suggestion that you should have to pay the sums quoted for official information - that is ridiculous.

My understanding of reasonable would be charging 20 cents a page for the photocopying.

Some where what you have asked for should have been given to Board members as a white paper so to speak - surely

"5. CONTINUING PROFESSIONAL DEVELOPMENT REVIEW

...6. Agrees that tradespeople be exempted from meeting the current CPD requirement for relicensing on 1 April 2012 but "transfers" the current years requirement so that it must be completed for relicensing on 1 April 2013'

Is this resolution directed at an individual – NO it's directed at a class of people so we interpret that under Section 52 the Board should have gazetted a notice to the classes of people who they wanted to exempt and the conditions of the exemption. This didn't happen.

To cover their arse, the Board claimed they sent out written notice of the exemption to all currently licensed tradespeople on 17 February 2012. Now one of the paragraphs 1-3 above is that notification.

At the very least we would expect it to detail that it is an exemption notification under section 52 and why the exemption and conditions have come about. We believe the Board yet again got it wrong and didn't adhere to the legislation and are now claiming one of the paragraphs above is notification.

That paragraph is number 3:

"Anyone who has not met their CPD requirements by March 2012 will not be prevented from relicensing. However, they will need to have completed the current year's point's requirement plus the requirement for next year by 31 March 2013."

You can be excused for missing this VERY IMPORTANT notification as it was allegedly sent as part of a letter titled "Current consultation opportunities" and was under a heading at the bottom of the page reminding you "It's time to renew your licence for the 2012/13 year" . It was the third paragraph tucked in between paragraphs stating the start of the licensing period and a paragraph stating it was easier than ever to relicense on line.

We don't believe the Board have adhered to Section 52 and again have imposed conditions on the industry under the threat of not licensing individuals. We believe this action has cost the industry hundreds of thousands of dollars and for what reason? We think simply so the Board can appease training providers and possibly those who had obtained CPD points prior to the Board's resolution. One thing we are sure of and that is it certainly had nothing to do with competence.

The Federation did complain to the Board, the Building and Housing Group and the Minister and nothing has been done about it. (Some things never change do they?) They have continued on their way in the same manner as they did with the Offences Fee, so is this another "Mistake in Law" or is it confirming the pattern of behaviour that the Board is acting in bad faith towards the industry.

We believe this continual behaviour from the Board is dragging others down to their level of not having any credibility, the likes of the Maurice Williamson, Minister of Building and Construction, and the Building and Housing Group who seem to have faded into the abyss of the new super ministry.

It is another FAIL for the Board.

Disciplinary Levy

The Ombudsman made his decision about the Offences Fee where we believe the Board have gone from a "Mistake in Law" with the first gazette notice, to not taking reasonable care and acting with stupidity with the

it will all be computerised and in a folder marked Board papers for a particular meeting.

Considering they can't work out overcharging after 18 months I'm surprised they could get back to you with figures for how much the information would cost.

Of course they could have outsourced the question and that is what the consultants cost... just saying...

Dear Editor

Perhaps the Auditor General should just report on what the Board has done right. Should take less than a page.

Dear Editor

Congratulations! What a fantastic outcome. You have advised that the Board have asked for \$1600 from the Federation.

Tell the Board to piss off, they should have supplied the information to the Federation, for free of charge, and should supply all information to the Federation free of charge to keep all practitioners informed of whats going on.

Keep up the fantastic work.

second gazette notice to an out and out act of bad faith with their arrogance of gazetting the third notice.

The Offence Fee aside, there is still one issue that hasn't been dealt with and that is the composition of the Discipline Levy.

We still don't know if all the costs included in the Levy are "costs arising out of investigations into registered persons". The Federation believes the Levy comprises of costs that shouldn't be part of discipline.

We believe none of the fees are transparent and that nothing has been done to convince the industry that the Disciplinary Levy is accurate. The Board have failed to supply the relevant information and now want \$1,155.20 to search for information that was used for a fees notice that is only just over a month old. Are these people kidding us? Just how stupid do they think WE are? The information MUST have been made available to the Board by the Secretariat so that an informed decision could be made – surely there must be a Board paper or papers that would be readily available?

Perhaps this information is like the information regarding the allocation of time to functions for staff which was two pages in total and nothing of relevance. Why don't the Board adhere to legislation and guidelines put out by the Government regarding the charging of fees and levies?

This Board is in the situation now where their behaviour and lack of understanding has undermined any credibility they may have had and the only option open to them is to rule by threat and intimidation. Someone needs to sit up and realise the world is changing and people don't stand for this type of behaviour any more.

Acts of threat and intimidation will be met with appropriate action but to do so we all need to stand united. Very soon you will be called upon to help financially to fight the Board in court and get resolution to some of these issues rather than waiting for this government and their agencies to take action.

The incompetencies and errors of this Board are continuing to build. Sooner or later this is going to cause an embarrassment to the Minister and his department. They can act now and show some integrity – or they can wait until the whole lot explodes in their face. The Ombudsman, the OAG, the RRC – the information from these sources and the reports are damning to the Board. What more does the Minister want?

Late Breaking News:

The Federation would like to extend good thoughts to those of our members who are in the caught up in the collapse of Mainzeal. We are thinking of you all – and hope that there is some better news to come.

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