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IN OTHER NEWS

Dear Editor

I run a successful drainage business, now without a license, just haven't the time to run around getting points, went through that 17 years ago to prove myself and get registered in the first place, once is enough.

I have asked around and others have not bothered either.

There is an email that says the Board cannot refuse to issue a license because it is in breach of some sections of the Act and that until they sort themselves out my last year's license remains current. Do you know what's up?

ED: We have seen an email circulating that says the Board has not made legal the need for double points, therefore the Board itself is restricting your right to a license.

We understand that a large number of tradespeople that could relicense have not done so, so in this respect you are not alone. As for the legality of the double points, we believe it is illegal but none of the powers that be will respond to us.

Licensing

Has it begun? It would seem people are turning their back on the Board's regulation regime already. We have had numerous people telling us of their decision not to relicense. This could be a sign to the Board of what is to come next year – but it will be on a greater scale.



There are legal and illegal ways to not relicense, and we don't condone anyone breaking the law, but at the end of the day it's a personal choice and is an example to the Board that for them to achieve their outputs, the industry needs to be supportive of their actions.

We picked up some unofficial figures off an email this week regarding the numbers of people who haven't relicensed based on the 2012 figures.

- Certifying Plumbers licensed at 31 March 2012 were 3293 and as at 1 May 2013 were 2129. That's 1164 less. (35%)
- Certifying Gasfitters licensed at 31 March 2012 were 1110 and as at 1 May 2013 were 1055. That's 55 less. (5%)
- Certifying Drainlayers licensed at 31 March 2012 were 3434 and as at 1 May 2013 were 1775. That's 1659 less. (48%)
- Licensed Plumbers licensed at 31 March 2012 were 1589 and as at 1 May 2013 were 743. That's 849 less. (53%)
- Licensed Gasfitters licensed at 31 March 2012 were 603 and as at 1 May 2013 were 389. That's 214 less. (35%)
- Licensed Drainlayers licensed at 31 March 2012 were 228 and as at 1 May 2013 were 69. That's 159 less. (69%)

We have had a tentative look on the Board's website and based on the information we can find these figures may be right, but to ensure it is right a request has been made under the Official information Act.

We looked at the numbers licensed from 1 April 2012 to 3 April 2013 and find there were:

- 3326 Certifying plumbers. 33 up on the 2012 year.
- 1231 Certifying gasfitters. 121 up on the 2012 year.
- 3389 Certifying drainlayers. 45 less than the 2012 year.
- 1730 Licensed plumbers. 141 up on the 2012 year.
- 735 Licensed gasfitters. 132 up on the 2012 year.
- 214 Licensed drainlayers. 14 down on the 2012 year.

Although some numbers are up we still view these as very bad results considering the numbers that passed exams last year. It would indicate we are losing experience or people aren't licensing when they pass exams. It could well be a combination of both.

This is yet again an example of where the Board are digging themselves a hole which will result in undoubtedly another legal battle.

If you receive any notice whatsoever about being prosecuted please let us know as we are here to help you as much as we can.

What's the worst behaviour?



It would appear the Prime Minister; John Key is not afraid of shunning a young member of his party for indiscretions but does nothing to one of his MP's for misleading the public of New Zealand, namely Flip Flop Williamson on the Amendment Bill.

It seems you can unlawfully take money from people and the government will change the laws of the country to validate those actions and retrospectively make them legal because of the intent, but say something out of place whether intended or not and you are screwed.

We don't condone Aaron Gilmore's actions but to make the most of a bad situation we say Aaron Gilmore should hold fast in Parliament as an independent and vote against the Plumbers Gasfitters and Drainlayers Amendment Bill.

Send Aaron a message and encourage him to stay vote against the bill. We have put a link to his email at the end of the news letter.

New initiatives to improve regulation

On 18 April, 2013, Regulatory Reform Minister John Banks announced that the Government has agreed to two new initiatives to improve New Zealand's regulatory performance.

The two initiatives are:

- *More active regulatory*

Based on the 3 April 2013 numbers that had licensed and those that had licensed by 2 May 2013 we see that out of:

- 3326 Certifying plumbers. 1197 (35.98%) have not licensed
- 1231 Certifying gasfitters. 176 (14.29%) have not licensed
- 3389 Certifying drainlayers. 1614 (47.62%) have not licensed
- 1730 Licensed plumbers. 987 (57.05%) have not licensed
- 735 Licensed gasfitters. 346 (47.07%) have not licensed
- 214 Licensed drainlayers. 145 (67.75%) have not licensed.

These figures tell their own story that the regulation regime is failing and the industry is rejecting it.

But it gets worse

We believe it gets even worse when you look at the numbers of registered practitioners that are not currently authorised to carry out work

- Certifying Plumbers 65.55%
- Certifying Gasfitters 54.58%
- Certifying Drainlayers 74.46%
- Licensed Plumbers 82.05%
- Licensed gasfitters 84.07%
- Licensed Drainlayers 98.87% (we believe the Board's numbers on register may be wrong and they haven't deleted the numbers transferred to certifying drainlayers)

Confusion

There seems to be confusion about what the status of the Board is and we, as an industry, are stuck in the middle, funding the confusion.

One supporter sent us a copy of an email he received from the Board.



Please find your receipt attached to this email. Please print off and save this receipt for own records. We acknowledge payment of \$458.00 has been charged to your credit card. Please contact us and quote this reference "xxxxx-xxxxx" if you have any questions about this charge.

Thank you for your business.

Thank you for your business? Isn't the Board in the process of spending tens of thousands of dollars appealing to the High Court declaring they are a Registered Charity and now they are thanking people for their business?

The Act states they are a Statutory Board and some state they are a Consumer Protection Board. We heard in Court that they are an independent statutory Board with an output agreement with the Government and are subject to the scrutiny of the Ombudsman, the Office of the Auditor General and the Privacy Act.

What are they? Do they even know?

stewardship

• *Improved disclosure for legislation and regulation*
“Government agencies need to continue to improve their regulatory performance to ensure higher living standards for all New Zealanders,”

Mr Banks says. “More active regulatory stewardship is about monitoring regulations to make sure they remain fit for purpose. It will raise expectations on how departments administer regulatory regimes, and how they develop legislation and regulation.”

“Improved disclosure will increase transparency around the development of legislation and increase the scrutiny of how government legislation is prepared”.

“It will lift the expectations on government departments to follow high quality and transparent processes when preparing legislation. This will help drive up the quality of new and changed regulations”.

“Departments will be required to disclose the quality assurance processes they have undertaken during the development of legislation, and key features of that legislation that are likely to be of interest to the public and Parliament.

“Legislation to introduce the new disclosure regime will be introduced later this year,” Mr Banks says.

These changes result from the National – ACT Confidence and Supply Agreement. The Agreement included a commitment to achieve a mutually agreed outcome [on a Regulatory Standards Bill] based on Treasury’s preferred option (option five).

Reading the above you would think Mr Banks will be voting against the Plumbers Gasfitters and Drainlayers Amendment Bill.

We urge you to send him a message asking him to vote against the bill.

What is the Preference?

The Board are pushing that they need the money from the prosecutions levy to prosecute non-licensed people. The Act already allows for the Board to put in place an infringement regime for offences but they haven’t done so and you ask why?

We believe it’s simple and yet again it’s about money. If the Board prosecute through the Courts they get 90% of the fine but if it is through an infringement regime then the Crown gets the money.

The money the Board gets from fines through the Courts doesn’t even cover the cost to the practitioners. We say change the law so the money from the infringement notices goes to the Board and that process becomes self funded. Set the fines to cover the cost.

Consultation

This week we will send to you our response to the Board’s current consultation on Competency Audits.

You can either forward our standard response to the Board or write your own but you need to have your say. Again – if you don’t take this opportunity to put your views across you can’t complain later.

Our conspiracy theory is that the Board will make the changes they have suggested and make the Audits a discipline issue. They will then impose the audits on you saying it is a term and condition of licensing.

The next step will be that they will say they need funding for the Audits in the name of protecting the health and safety of the public.

A new Audit Fee will be imposed and the figures we saw suggested to the Board in an old options document were \$400-\$500 per audit. As an individual you will have to pay the money for the Audit or it will become a discipline issue.

There you go, that’s our conspiracy theory and we would love to hear what your theory is!

Qualifications

We believe the problem is obvious. The industry is moving into yet another phase of re-building the qualifications and the manner in which training or non training as the case may be, is delivered.

It seems to us what we have at the moment is a regime that teaches apprentices to pass assessments not to do the job of plumbing gasfitting and drainlaying.



It needs changing and if we don’t stand up and be counted in the qualifications development we will be screwed over yet again. Over the next few months “Skills” will running the “Qualifications Development Project” and we urge you, if practicable, to either get on one of the committees or to at least get on the email list for feedback.

If you have any thoughts on these issues please let us know. We will update you with information as we get it.

SUB-CONTRACTORS

It's a petition for all of us so help our fellow practitioners with their petition.

So what's it all about?

When a principal building company/contractor goes into receivership or liquidation the sub-contracting trades get nothing of the money owing them.

Currently their retentions, unprocessed progress claims and other monies due become an asset available to the Receiver for secured creditors.

An example is Mainzeal's collapse where trades lost at least \$70 million, including approximately \$20 million in retentions.

This petition will help to alleviate great uncertainty in the Trades community and will better enable the Trades to take on apprentices and continue to provide their services rather than going down with the liquidated main contractor

The Petition

Peter Diver, from Christchurch, and others respectfully petition the House of Representatives to introduce legislation that protects Sub-contractors and Trades when the Head Contractor becomes insolvent. This protection should include requirements that retentions and progress payments made by the Principal are held by a neutral third party and that Sub-contractors are to be paid retentions, unprocessed progress claims and any other monies due when a Principal Contracting Company goes into receivership or liquidation.

We have put a link to the petition under links.



You have to feel sorry for the Topp Twins

With all of Flip Flop Williamson's antics of late, including his speech on Gay Rights and his comical speech on the Plumbers, Gasfitters and Drainlayers Amendment Bill, it was suggested he was a comedy act in his own right and that he looked like the famous Kiwi icon's the Topp Twins.

Is it the Joke of the Week or Just a Joke?



The Plumbers Gasfitters and Drainlayers Board in action: 1659 Kiwi Drainlayers have not relicensed as of 2 May 2013, it appears they have been too busy doing their jobs instead of collecting points so as to do the job!!

The Board will not stand for this and has re-tasked its staff to protect the health and safety of the public to clear a blocked drain. The drainlayer imported especially is operating under section 52 and supervision by Board staff until the Kiwi drainlayer has collected his points.

Once done the Board will then ensure that the immigrant never gets his full registration, it's their way of protecting their own jobs as they can string him out for years costing him thousands.

Links

Aaron Gilmore

Aaron.gilmore@parliament.govt.nz

Petition

<http://www.tradescontractorspetition.co.nz/>