



TABLE OF CONTENTS

- [Five Year Path Apprenticeship](#)
- [The Shelf Life of a Contracted Investigator](#)
- [What's in a Process?](#)

IN OTHER NEWS

Plumbers Gasfitters and Drainlayers Amendment Bill Update

The Amendment Bill slipped from second position to 31st on the orders list in Parliament.

Perhaps the National Party is so ashamed of the amendment they are waiting for the next government to finish off what they started under urgency.

Then they can sit in opposition and criticise it.

Letters to the Editor

Dear Editor

With all of the skulduggery imposed on the industry by the government and the PGDB I thought these two quotes were very appropriate.

“We hang petty thieves and appoint the great thieves to public office”

~Aesop, Greek slave & fable author

“Those who are too

Five Year Path Apprenticeship



There is currently a lot of discussion about qualifications and apprenticeships. NZQA qualifications were reviewed and the aim of the review was

to reduce the number of qualifications across the whole of the country, get rid of double ups and make things better for all concerned.

This is an outline of what the Federation put forward for discussion amongst our industry, but was cried down by the educationalists and their supporters involved in the supply of training to the industry.

5 Year Path/Apprenticeship				
Core Skills 1 (Preparation exam, must pass)	Core Skills 2 (Exam to meet the Boards needs, must pass)	Trade Skills 1 (Preparation exam, must pass)	Trade skill 2 (Exam to meet the Boards needs, must pass)	Qualified/ Registration (Exam to meet the Boards Registration needs)
PGD CS1	PGD CS2	Plumber TS1 Gasfitter TS1 DrainlayerTS1	Plumber TS2 Gasfitter TS2 DrainlayerTS2	Registered Plumber Registered Gasfitter Registered Drainlayer
Status held Apprentice	Status held Apprentice	Status held Apprentice	Status held Journey man (or woman)	Automatically obtains Certifying status

Our view was to reduce the qualifications in the industry down to three rather than increase the qualifications, as has been proposed. We felt if the apprentice is well trained then a lot of issues in the industry become redundant such as; excessive discipline, poor reputation and the need for an iron fist approach to regulation.

We asked the following questions which are listed with our agreed responses:

- **What does the industry want?** Well trained, highly skilled tradespeople.
- **What do employers want?** Well trained, highly skilled qualified tradespeople who work without supervision, and are accountable for their work because of their own qualified status.
- **What do trainees want?** To receive the best possible training and gain qualifications that are of value to them and the industry.
- **What does the 2006 Act provide for?** Well trained competent trades people.
- **What does the Government want?** Well trained highly skilled trades people who can drive productivity.
- **What are the advantages:** One qualification per trade but four confirmation stages for direction change if individual wanted to change trade and to meet the PGDB registration needs.

smart to engage in politics are punished by being governed by those who are dumber”

~Plato, ancient Greek Philosopher

Ed: Excellent thoughts and how appropriate and true.

Here’s another for you:

“Those who collaborate for self gain become the problem”

~Editor, a slave to bureaucracy

Question of the Week?

In the December 2012 issue of Plumbers Journal the Board stated:

“We cannot carry out any function that is not specified in the Act. Nor do we write the Act. This is done by the Government through Parliament, and the Government’s advisor in this regard is the Ministry of Business, Innovation and Employment (MBIE)”

How true so where does it state in the Act the Board can be a Charity and perform the functions of a charity.

Where does it say they can spend money to be a charity?

This week in industry politics

Yes industry politics does exist and this week the Federation (the opposition) agrees with a couple of points made by Beverly McRae, Chief Executive of Master Plumbers, Gasfitters and Drainlayers NZ.

In her article *“The Rules of Engagement”* in the

Core Skills explanation:

There are core skills which are skills generic to all three trades such as; welding, pipe installation, trade science, jointing, hands on skills taught at polytechnic.

Our reasoning behind core skills is that not all firms do all things. Core Skills gives knowledge and skills of all three related trades. It is useful to the employer as it contains the skills and basic knowledge of all three trades and can be utilised whilst concentrating on the firm’s needs.

Trade Skills explanation:

Trade skills are the skills directly relating to the trade/trades chosen.

Our reasoning is the employer has someone with knowledge of the three related trades but is concentrating on the chosen trade and specialist activities of the employer. Specialist hands on skills.

The trainee concentrates on employers activities such as plumbing, gasfitting or drainlaying and can return to other trades later to get experience.

Qualified/Registration

Advanced trade skills and responsibilities are the icing on the cake.

Our reasoning is the employer now has an individual who has the trade skills and is positioned for passing on the knowledge to others.

The trainee is now positioned to take on full responsibility for his or her work. They are qualified and highly skilled, not as is currently the case where they are licensed and still under the supervision of someone else for another two years or longer.

The qualification obtained under our proposed system actually means something. Now we know part of the reason there has been opposition from some groups is that as employers they don’t want too many people qualified to a level where they can move on to greater things as tradespeople in their own right. (We do acknowledge that not all employers fit into this description – some of the enlightened ones can see that they will have a stronger business if all their people are licensed to the highest levels – and we congratulate them on this forward thinking).

The qualifications being worked on at the moment leave us with what we currently have, re-wrapped and re-packaged – a system that restricts individual progress, produces sub standard tradespeople, places years of supervision responsibilities on employers, does nothing to encourage trainees to take responsibility for their work, allows for false expectations by trainees, is assessment based not training based and allows for a great number of people to stop at a partial qualification - namely licensing level.

As far as cost effectiveness goes the more qualifications, the more cost involved in exam cost and registration costs. A money spinner for the PGDB. The more qualifications the more administration

latest edition of the Plumbers Journal she stated:

“We are more likely to get what we want if we can promote consensus. Division bears no fruit”

That is exactly why the Federation has continually requested meetings with industry groups but all invitations have been declined. Industrial exclusion seems to have been used as we were seen as a threat.

Even the PGDB cut off meetings with the Federation when they found the Federation wasn't going to be pushed around and was going to hold them accountable.

We look forward to Ms McRae's invitation to meet, in the spirit of promoting consensus of course.

Ms McRae also stated:

“The alternative to respecting due process is to use might and muscle and, even worse, insult and personal attack. There is more than one way to skin a cat and using a blunt instrument isn't one of them. Blunt instruments don't earn a lot of respect and trying to push your viewpoint in such a way invariably means that it will be dismissed as being unhelpful and unrepresentative”

It is good to see Ms McRae has coined a phrase from the Ombudsman's report into the unlawful taking of money from the industry – that of the use of blunt instruments.

required by Skills (ITO) and obviously the more dollars they make. To be fair the PGDB are simply interested “listeners” in this process. They have stated that they want a robust qualification that they could then assess and decide if indeed National Certificate should equal registration.

The Federation is of the opinion our training system is being used as a cash cow to the detriment of the industry and reputations of the tradespeople as being highly trained and skilled people.

The Shelf Life of a Contracted Investigator



Do contract investigators have a shelf life? What we mean is - at what stage does their vested interest take over? For example, a police officer doesn't get paid by the hour to investigate – they simply search for the truth and any mitigating circumstances there may be. Contracted investigators have a vested interest in prolonging investigations, in that they get paid “by the hour” so it is within their power to control the duration of an investigation

for personal gain.

An investigation is a simply a search for the truth, but our system seems to be a search for evidence to lay charges to justify the PGDB existence. The system implies the PGDB has a “hands off” role until after the investigation but is that really the case? (See “What's in a process” below).

Generally a complaint is made to the PGDB Registrar. If the Registrar believes the complaint is frivolous or vexatious, the Registrar must inform the complainant that the complaint will not be investigated or proceeded with.

If the Registrar deems the complaint is appropriate, as soon as practicable after receiving a complaint they must inform the Board and inform the person complained against of the general nature of the complaint.

From that point on the Board theoretically has no involvement in the case.

If the Registrar deems the complaint should proceed they must, as soon as practicable after receiving the complaint, appoint an investigator to investigate the complaint.

The investigation then investigates and must determine whether, in the investigator's opinion, the complaint should be considered by the Board and report the findings to the Board.

Before the investigator makes a determination that the complaint should be considered by the Board, the investigator or the Registrar must send particulars of the complaint to the person complained against and must give the person a reasonable opportunity to make written submissions and be heard on the matter, either personally or by that person's representative.

And we agree that the Government ignoring due process, and insulting those who identified the unlawful activities was wrong.

Their changing of the laws to protect incompetence is certainly the use of a blunt instrument especially when they haven't engaged with the industry over the issues.

And yes we agree the Government and PGDB haven't earned a lot of respect over this issue.

Well done Ms McRae!

And people said Master Plumbers and the Federation wouldn't agree on anything!

Is it True?

It was once said:

"Clearly, the most effective way that we can fulfil our regulatory role is to work co-operatively and in partnership with the industry and that is very much the aspiration of the current Board"

Well done Mr Pedersen.

Our question is – when is this going to happen?

Section 52 Exemptions

We have read with interest the PGDB Section 52 Exemption Policy and the detail contained in it.

We also note there is a fee of \$300.00 for applying for an individual exemption.

No doubt the PGDB can justify the cost of the application but it does pose a very interesting question – last year when the Board claims to have

The Registrar must send a copy of the investigator's report to the person complained against and to the complainant.

If the investigator reports that a complaint should be considered by the Board, the Board must hold a hearing to determine whether it should exercise its disciplinary powers.

If the investigator reports that a complaint should not be considered by the Board, the Registrar must inform the complainant and the person complained against of that determination.

Now in a nut shell once the investigator is appointed they hold the power and every action from there is in their control including the actions taken such as who gets spoken to, where, when, how etc. This control for a contractor is questionable in that they have a vested interest with regard to experience, reputation and monetary gain.

For example it may be evident from a very early stage that the accused person has no case to answer but it is within the power of an investigator to continue on. Remember the investigator gets paid no matter what the outcome. If he can put forward enough doubt on the accused he stands to make more money by attendance at hearings and all the preparation required for the hearing.

It may interest you to know that it is common practice that once the investigator reports to the Board that is not the end of the investigation - if the accused pleads not guilty the investigator in conjunction with a contracted lawyer prepare their case and the lawyer records the statements from witnesses.

They then claim legal privilege and anything said to them even if it supports the accused case is not disclosed to the defence. If the investigator had recorded the statements all that was stated or spoken about would have to be disclosed to the defence.

The defence is expected to conduct its own investigation and interview the witness in a very limited time. For example an investigation may take two years or more and the defence is given six weeks to prepare its defence. Even excluding the time restrictions this is very costly for the accused and in most cases is a barrier to justice. We have not heard of any person who has received legal aid to assist with their defence. Hence the reason most people plead guilty as it is a cheaper option.

So do contracted investigators have a vested interest – we believe they do and it is the same with auditors who can find fault during an audit as failing an individual will drum up more business in the re-audit/ review.

What's in a Process?



For over 8 months the Federation has been watching with interest the investigation into a Wellington based gasfitters who is very well known in the industry and who has now chosen to leave the industry because of the actions of the PGDB.

sent individual letters telling people they were exempt from obtaining CPD points but had to get double points the following year, did they follow their own policy and did they incur \$210,000 in costs to deal with the individual exemptions?

Perhaps we should be asking the question "when is a policy not a policy?"

Output Agreement



For the second year running the Federation has had to submit an Official Information Act request for the PGDB and Minister's output agreement.

Output is what is expected, to prove we are getting value for money from the Board in their quest as a charity to protect the health and safety of the public.

This output agreement, if you want to call it that, can be found on the Board's website (only we, note loaded up there after the OIA request for a copy of it)

www.pgdb.co.nz

It is under Publications and then Corporate Publications

The investigation is now complete and the investigator has deemed the complaint should not be considered by the Board as the installation was a mobile gas installation and was not covered by the Standards of that time.

The gasfitter and his family have been through a very stressful time due to the processes followed and the Federation has been supporting them where possible.

In the article above we detailed the PGDB investigative process where a complaint is received, reviewed and the Registrar appoints an investigator but it seems in this case the policy was ignored and another process was followed.

It seems the complaint was received by the PGDB from the female complainant, the PGDB Team Leader (Technical Services) decided to conduct an audit, contaminating the scene, and then laid a complaint with Energy safety who appointed an investigator who in turn conducted a scene examination, seized the equipment and then laid a complaint with the PGDB.

The PGDB process again kicked into play with the appointment of an investigator to investigate the complaint from the Energy Services investigator not the original complainant.

The investigator has now found there is no case to answer as the installation was a mobile gas installation but in the mean time the gasfitter and family have been through hell.

This now poses a number of questions:

- Why was the Team Leader (Technical Services) involved?
- Was the scene contaminated by his involvement?
- Why didn't he know it was a portable installation and not covered after all he is the technical team leader?
- Why didn't the Energy Safety investigator note the same issue?
- Why was the PGDB complaints process altered?
- What did this investigation cost the industry?
- Will anyone be held accountable for the processes not being followed?

The list of questions goes on but in reality we have seen some major failures in the PGDB investigative process over the last couple of years and feel justice is not being done. This process has no credibility.