



Fellow Practitioner Issue 176 Dated 11 October 2013

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IN OTHER NEWS

Just the Tip of the Iceberg

Week after week we give you information about the goings on that are reported to us, or we notice about the functions of the PGDB.

For all those that send us information we would like to thank you very much as it helps keep others informed and brings the rot to the surface where the light of day can help heal it.

The frightening thing is our supporters only account for about 14.5% of the licensed practitioners so what we tell you may only be the tip of the Iceberg.

Letter to the Editor

Dear Editor

I read with disgust last week that we are paying over \$66,000 per week to fund this

Supervision Consultation



Don't bury your head in the sand as supervision is an important issue!! Some people support it and some are against it, and then again, some just don't understand it.

Supervision helps set the standard in our industry and if it is applied wrongly then it will take us nowhere. Supervision is simply a relationship between senior and junior members of our industry and helps enhance the skills of the junior person, and monitors the quality of the services offered.

The Plumbers Gasfitters and Drainlayers Act defines Supervision as:

Section 4 PGD Act 2006

supervision, in relation to any work, means that the work is undertaken under the control and direction of a person authorised under this Act to do the work or, in the case of [sections 19, 21, 22, and 25](#), a person authorised to supervise work under those sections as is sufficient to ensure—

- that the work is performed competently; and
- that while the work is being undertaken, appropriate safety measures are adopted; and
- that the completed work complies with the requirements of—
 - regulations; and
 - in the case of sanitary plumbing or drainlaying, regulations under the [Building Act 2004](#); and
 - in the case of gasfitting, regulations under the [Gas Act 1992](#).

Compare: 1976 No 69 s 2

Currently, the Board are consulting on supervision, but the Act already states WHAT supervision is and WHO can do it. Supervision means that the work is undertaken under the control and direction of a person authorised under this Act to do the work. The Board does not have the statutory authority to change this definition.

The Board claim this is a review of the existing “Supervision Policy”, but we are suspicious as it has only been in place just over 12 months, so why is it being reviewed already? Is it perhaps that the existing policy empowers the Board over and above their statutory authority?

This consultation seems to be a fishing expedition, and the document is unclear about what they are consulting on, and seems to be targeted at the issue of Licensed Practitioners trading in the industry under the control and direction of Certifiers. This is a problem created by the qualifications regime

so called PGDB charity.

That money would be better off in our pockets or going to a REAL charity, not to pay the wages of bludgers free loading off us.

Dear Editor

Old Farts

Hi, The script outlined by the article is so true of the almost past generation who could wipe a lead joint while rolling a fag. It's a shame there is only a few of us left, that to open a door for the fairer sex is considered good manners.

Dear Editor

I went to a job to fix a gas leak, only to find 8 x45kg gas bottles installed illegally.

The tenants were concerned they could smell gas, I was horrified to find dodgy gas permits and the work looked like it was installed by a handyman.

I was that concerned about the tenant's well being I shut the gas down and condemned it.

On further investigation I found that a CERTIFIED PLUMBER, (Editor's note: NOT a gasfitter), an Indian, with no NZ licensing history had undertaken the work and signed the Gas Certificates.

I have informed the PGDB in regards to this and when speaking to the Board staff, I couldn't get any clarity or answers.

I felt like the Board had

and highlights the issue of "Licensing" being a partial qualification where a large number of practitioners stop, or are unable to continue on to Certifying status.

The Electrical industry is a prime example of practitioners completing their apprenticeships and being fully qualified, whereas in our industry trainees that complete apprenticeships are not qualified to do the job unless supervised, this is the problem!

The Act is quite explicit that supervision is "control and direction". We know that situations of "control or direction" may, or may not, be clearly documented and the circumstances of the "control or direction" need not imply any unlawful or dishonest intent - the "direction or control" may result from a perfectly lawful and reasonable arrangement.

Examples of "direction or control" could include management agreements, business relationships and social obligations such as training of apprentices. Control is to direct the behaviour of a person, to cause a person to do what you want. Directing is management, instructions for doing, operating, using, preparing, etc.

These are our tentative thoughts and responses to the Board's consultation questions. Give us your thoughts and feedback.

Qualities of a good supervisor

1. What is reasonable for the Board to expect from a supervisor?

*The Act dictates this and it is simply **control and direction**. The circumstances dictate what is appropriate. For example, the supervision of a Licensed Practitioner over an apprentice is the transfer of skills and knowledge which is totally different from the supervision of a Certified Practitioner over a Licensed Practitioner where there is a need for an agreement or business relationship.*

2. What kinds of things would make a person a good supervisor?

This is not really relevant as it is an agreement or function not a personal attribute. Some people are put into the role of supervisor by default and the Act allows anyone to be a supervisor if they are authorised by the Act to do the work being supervised.

3. What kinds of things would make a person a bad supervisor?

Yet again this is not relevant as the Act states who can supervise. Qualities of someone who is supervised

4. What is reasonable for the Board to expect from someone who is being supervised?

This is not really the Board's role and is dependent on the circumstances. For

fobbed me off.

The PGDB has not been in contact with me, and has not sent any one to investigate my complaint. This makes me extremely angry as people could have died or being seriously injured.

It seems the PGDB are more interested in collecting our fees and prosecuting the unfortunate for not strapping a cylinder.

What happened to protecting the health and safety of the public? I guess that's our job. What a joke.

Ed:

That's totally disgusting if the Board didn't take any action.

You have taken the time out of your day to make the effort and it sounds like it was a waste of time.

Have you considered filling in the online form for Energy Safety, especially if the situation was dangerous?

You may have more luck with them.

Dear Editor

I had this information sent to me about Migrants and how to employ them.

A Guide For Migrants:
Working In The New Zealand
Construction Industry

and

A Guide For Employers: Are
You Employing Migrant
Construction Workers?

example for an apprentice what is expected is more a training issue, not a management issue. For a Certifier over a Licensed practitioner it is an agreement or business relationship where one person acts jointly with another when they have a joint purpose or plan, agreement, partnership or other close relationship whereby they could be described as "partners" or "associates".

Relationship between a supervisor and someone they supervise

5. Should a person only be allowed to supervise people they employ?

No and yet again this is dependent on the circumstances. In the current economic environment labour transfer between companies on a loan basis is a common occurrence. The ability to-do this is imperative. The manner in which the training system operates (or doesn't operate) is such that not all people have skills required to train the apprentice, and is encouraged to get them the relevant supervision and training from others in the industry.

6. If supervisors do not have to employ people they supervise, what relationship should exist between them (eg. should there be a contract between the parties)?

Yet again it is dependent on the circumstances. Creating formal agreements is costly and time consuming when the supervision is of a trainee and this again highlights a problem created by the training and qualification system - that being - is a Licensed person a trainee? Where the supervision is of a Licensed practitioner and they are not an employee then, yes, there should be an agreement of an auditing/control nature. If there is management relationship then there should be a contract for services.

Location of a supervisor and someone they supervise

7. Should a supervisor and the person they supervise have to be located in the same town or city?

This is dependent on the circumstances. For trainees, yes, as communication and the ability to view work is imperative. Modern technology allows this to be done in a number of ways from distance but for apprentices the personal contact is, in our opinion, imperative. For Licensed practitioners it will be dependent on the type of agreement and if they are still deemed to be trainees. Are Licensed Practitioners qualified to do the job or not? Under the current scheme they are not, and are simply a trainee requiring constant control and direction.

8. When would it be appropriate for a supervisor to be located in a different town or city to the person they supervise?

When technology permits adequate control and direction, but this is not the Board's concern as it is a business or management agreement.

9. What is a reasonable physical distance that should be allowed between a

How much did all this cost the NZ Tax Payer?

This money could have been better spent getting partially trained New Zealanders qualified and into employment.

New Qualifications

The Skills Organisation has asked us to inform you of consultation on the proposed Plumbing, Gasfitting and Drainlaying qualifications. Apparently there are other meetings to be held throughout the country and we will let you know of dates and locations as they let us know.

This is the first invitation:

The Skills Organisation invites you to attend a meeting to hear about and comment on new qualifications for Plumbing, Gasfitting and Drainlaying to be held:

*In the Trust Room,
Johnsonville Community Centre,
3 Frankmoore Avenue,
Johnsonville
on Thursday 31 St
October from 7 to 9pm*

Followed by a light supper.

The business of the meeting is to receive a briefing on the 7 qualifications under development for the Plumbing, Gasfitting and Drainlaying industries - covering levels 3, 4 and 5, and targeted consultation of some key

supervisor and the person they supervise?

Dependent on the nature of the relationship and any business or management agreement in place. The Act relates to control and direction which can only be dictated by circumstances. For example a third week apprentice will need to be within eyeball contact, but a Licensed Practitioner with 20 years experience who has opted not to go to Certifying status but is quite capable of achieving that status, could be controlled or directed from any distance.

10. What is an unreasonable physical distance between them?

Dependent on the nature of the relationship and any business or management agreement in place as discussed above.

11. What factors might affect what is a reasonable or unreasonable distance?

The nature of the relationship and the status of the trainee or Licensed person.

12. How should the Board describe what is a reasonable or unreasonable distance and/or appropriate locations for a supervisor and the person they supervise (eg. distance, time to travel, methods of travel)?

Yet again this is dependent of the relationship and circumstances. For example, a Timaru company undertakes work for DOC in Manipouri. Time, distance and method of travel are all relevant. Common sense needs to be applied but this is perhaps a concept the Board does not understand. Communication and contact

13. What is it reasonable for the Board to expect in terms of contact between a supervisor and the person they supervise?

Depends on the relationship, nature of any agreement and the status of the trainee or Licensed Practitioner. These are business decisions.

14. Should they have to meet in person and, if so, when and how often?

Depends on the relationship, nature of any agreement and the status of the trainee or Licensed Practitioner. These are business decisions.

15. What other forms of contact are acceptable?

All forms of contact should be acceptable.

16. What happens in difficult or emergency situations?

What a stupid question. Emergency situations require whatever action is necessary to protect human life and property.

points as proposed by the advisory working groups.

This is your chance to comment on a New Zealand-wide pre-trade qualification, and new plumbing, gasfitting and drainlaying competencies at all qualification levels.

Representing the Skills Organisation will be Stephen Bocoock - Manager, Plumbing, Gasfitting and Drainlaying, and Sally Evers, Qualifications Adviser.

RSVP For further details and to RSVP for catering purposes please email sallye@skills.org.nz or call 04 471 9668 Please reply by 4pm on Friday 25 October.

We urge all our supporters to attend – this will be a once in a decade chance to give your feedback on the training of our apprentices.

Who Dreams up these terms and puts it into legislation?

Timaru police have quietly revoked about six firearms licences from people facing unrelated charges over the past year.

Timaru Police firearms officer John Wainwright said anyone who held a firearms licence had to be "fit and proper" in the eyes of the law. If they broke the law through disorderly behaviour or

Numbers of people supervised

17. What number of people is it reasonable for one supervisor to supervise?

Dependent on the type of direction and control required and the status of people being supervised. For example a Certifier can realistically control and direct one week three apprentice, but could supervise 5-10 experienced Licensed Practitioners. It also depends on the set up of the business and whether there are "teams" of people working in close proximity, or several people working all over the place.

18. What factors might affect what is a reasonable number?

The nature of the relationships and the qualifications of the supervisor or supervisee. Remember licensed practitioners are also able to supervise apprentices.

19. Should the number of people a person can supervise increase depending on the supervisor's skills and experience?

Another stupid question. The legislation states you must be authorised under the act to do the work being supervised. Skills and experience don't necessarily make for a good supervisor.

20. Should the number of people a person can supervise depend on the size of their business or the amount or type of work?

This is dependent of the nature of the relationship. A supervisor may not necessarily be in business. Approving supervision arrangements

21. What type of information should the Board require about a supervision arrangement in order to approve it?

The Act allows a person to supervise by nature of their authority to do the work being undertaken. Their authority is proof they can supervise. The control and direction measures will form part of their agreement dependent on the nature of the relationship. The Board has NO authority to approve it as the Act has already done so.

22. Who should provide this information, how and when?

Why should any be provided unless the Board had instigated disciplinary action.

23. Should the Board require extra information for certain supervision arrangements (eg. where the supervisor is supervising more than 4 people or where the people being supervised are all in different locations)?

This is dependent on the nature of the relationship and the status of the individuals being supervised. All circumstances will be different. The Act

traffic offences that could put their firearms licence in jeopardy.

Competence was a catch phrase for a while and now its “fit and proper”. What’s next clean shaven and no hair over your ears?

Every piece of legislation being produced seems to go to the morality police first for their input but yet the government can retrospectively change laws to make the unlawful lawful.

The people doing this would have to be “fit and proper” people or are there double standards creeping in?

After what we have witnessed, some politicians would need to travel a fair distance to be considered “fit or proper”.

Final Thought

The illiterate of the twenty-first century will not be those who cannot read and write, but those who cannot learn, unlearn and re-learn.

(Alvin Toffler)

empowers those with authority to control and direct the work being done so this type of arrangement will require adequate control and direction on their part and will be dependent on the status of the person supervised.

Other relevant considerations

24. Should there be training for people wanting to supervise others?

The Act states we have the right to supervise if we are authorised by the Act to do the work. Supervision training would need to be included in the competences which would need to be consulted on separately.

25. Are there any other matters the Board should take into account when considering supervision arrangements?

An arrangement involves a meeting of minds between two or more people. It gives rise to an expectation that they will act or refrain from acting in the manner envisaged by the parties. The issue of whether an understanding or arrangement exists between parties is a question of fact to be determined in each case. The evidence of dealings between the parties would need to be considered.

We question the legality of supervisors paying fees for trainees and also the legality of them being held responsible for the actions of the trainee.

There is no doubt supervision of apprentices should be strictly enforced. In an ideal world Certifiers should employ the people they supervise, or at least they should work for the same company but the current systems have created a problem where Certifiers will eventually run out as more and more people are opting out at licensing level.

Please send us your views for possible inclusion in our final submission. We will send out our submission to you next week if you feel you want to forward it on to the Board as your submission.

Remember if you don’t have a say you can’t really complain later. We aren’t quite sure what the Board’s angle is here – but we suspect that they are wanting to grant themselves power outside of the legislation as is their modus operandi. Use the consultation vehicle they have provided and tell them what you think.

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