

TABLE OF CONTENTS

- **Regulation Review Committee Report to Government.**
- **Perceptions**
- **Procrastination**
- **Dear Editor**

IN OTHER NEWS

Letters to the Editor

Dear Editor

Are we becoming second class citizens in our own country where we have no say?

We have the government appointed Board doing as they please and then government changing the law to cover their arse.

The Board and Government take forever and a day to do anything, and by the time something is implemented it has generally failed and they have to change it again.

I remember one of the Master Plumbers dudes from up north saying "give the new Board a chance" and that was until the following July - about two years ago.

Nothing has changed and nothing has been done about it. I take my hat off to the Federation for staying strong and fighting this corruption.

I sometimes wonder if it

Regulation Review Committee Report to Government.



At last the Regulation Review Committee (RRC) has done their job after dragging the chain for a couple of years! They have finally reported to the Government regarding the unlawful taking of OUR money by the Plumbers, Gasfitters and Drainlayers Board.

This is their conclusion:

"We consider that clause 3(2)(c) of the amendment to the Plumbers, Gasfitters, and Drainlayers Board (Fees) Notice 2010, published in the Gazette on 15 December 2011, and paragraph 10 of the Schedule to the Plumbers, Gasfitters, and Drainlayers Board (Fees and Disciplinary Levy) Notice 2012, published in the Gazette on 20 December 2012

- *appear to make an unusual or unexpected use of the delegated power in section 142(1)(i) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (Standing Orderground 315(2)(c)); and*
- *contain matter more appropriate for parliamentary enactment (Standing Orderground 315(2)(f))"*

Yes, the Federation was yet again proven to be right, but even though we are correct yet again, we are still referred to by old Flip Flop (Maurice Williamson) as the "malcontents". If we are malcontents for getting it right, then what does that make him, the Board and the building and housing group for getting it wrong?

The report solely focuses on the financial aspect and basically ignores the other actions of the Board such as acting in bad faith towards the industry. This was all the RRC said about what we believe to be an act of bad faith:

"We note that the Board went ahead and made the 2012 notice on 20 December, despite the advice from the OAG dated 5 December 2012 that the offences fee set by the 2011 amendment notice was not authorised under the Act"

They went on to say:

"We acknowledge that the enactment of the Plumbers, Gasfitters, and Drainlayers Amendment Act 2013 means that any offences fee payable under the notices that was prescribed by the Board on and from 12 January 2012 has now been validated. Moreover, the amendment Act has inserted a specific provision into the principal Act that gives clear authority for the Board to impose a disciplinary

is going to take shit flowing down the streets before someone hold the Board and its cronies to account for their actions. Keep up the good work.

Dear Editor

Another case of consultation gone wrong.

I saw this article this week and it reminded me of the fees consultation the Board conducted where they withheld the information about the cross subsidisation money already paid in the licensing fee which was no longer needed.

Do we have any recourse on the Board?

“Prime Minister John Key has expressed full confidence in embattled Education Minister Hekia Parata after a High Court ruling that found her decision to merge two Christchurch schools was unlawful.

Opposition parties have ramped up their criticism of Ms Parata after a High Court ruling handed down on Thursday found there were two key failures in the consultation process that meant her decision to close the schools was invalid.

In the aftermath of the Canterbury earthquakes, it was proposed that Phillipstown School would be merged with Woolston Primary School, with both schools moving to the Linwood College site.

But Justice John Fogarty, in a written judgment, found that the

and prosecution levy for the purpose of funding the costs arising out of its prosecution function. We therefore consider that the enactment of the amendment Act has effectively addressed the substance of the complaints”

Now wait for it – this is their recommendation:

“The Regulations Review Committee recommends that the House take note of its report”.

The unlawful taking of close to two million dollars, acts of bad faith and NO ONE is held accountable. We believe it is corruption at its best. This is an obvious FAIL for operating in a legal manner so it will be interesting to see how the Office of the Auditor General reports that one. What must gall every tax paying practitioner is how WE are held accountable for everything we do, and yet those that make the law, and those that impose the law are NOT BEING HELD ACCOUNTABLE for what they do? Is this fair? NO! Is this equitable? NO!

You can read the full report at

<http://www.parliament.nz/resource/0001874084>

Perceptions



We have read the Board’s Annual Report and all their propaganda telling everyone how well they are doing and for some there is a perception that all is ok, but for the rest of us who are living the nightmare we have a

totally different perception.

We all go through life wanting others to view us in a certain way and perceptions are what counts . The Plumbers Gasfitters and Drainlayers Board portray themselves as the protectors of the health and safety of the public and some people believe that (although we struggle to identify them), but in reality we all know it’s the trade’s people who are the “real” protectors of the health and safety of the nation.

The Board put themselves up on a pedestal where they believe they rule and we obey, they portray to others that they have industry support when in reality a large proportion of the industry don’t want anything to do with them.

They publish flash reports and talk up what they are achieving to give those not in the know the impression that they are doing a fabulous job, when our perception is, they are the worst Board for decades. In fact they possibly make Mr Phil Routhan’s era of rule look good.

Our perception is that the Board have purposely appointed a local body bureaucrat to the Registrar/CEO position because of his knowledge of how to manipulate the bureaucratic system to the

importance of the cost of Phillipstown continuing on its site had been mistakenly played down, and the financial information relied on by Ms Parata wasn't reasonably broken down and explained"

Ed: Yes it does have its similarities but the schools had the money to take them to court and unfortunately the Federation doesn't have the resources.

The Federation also believes our hard earned money shouldn't have to be spent proving people are operating unlawfully.

The Government should be holding the people it appoints to account for their actions. It's just a corrupt system.

Dear Editor

I see that SKILLS have advertised some meetings with industry so that we can feed back our thoughts on the proposed new qualification.

I've been talking it over with some mates of mine – some of them think it is a waste of time turning up as they said it is a done deal.

This has prompted me to write to you to encourage all the other plumbers, gasfitters and Drainlayers who care about this industry to turn up to the SKILLS consultation meetings and make sure they are heard.

If we don't tell them what we think about the new

advantage of the PGDB, others perception would be that he is the best man for the job.

Our perception is the Board and Minister are trying to force their will upon us because they don't want others to have the perception that they are weak.

What's your perception of the Board - what do you think of them? Let us know what you really think.

Procrastination



Procrastinate simply means to put off, delay, postpone or dawdle, and that appears to be exactly what the government is doing with complaints about the Plumbers Gasfitters and Drainlayers Board. We believe it is time for the Board and Government to WAKE UP and realise they are fighting a battle they won't win.

Yes they can victimise us, they can steal from us, they can belittle us - but remember they still have to protect the health and safety of the public through the regulation of the industry and if we turn our back on the regulation then they fail. It's as simple as that!

In 2008-2009 the Office of the Auditor General conducted its investigation into the Board and we believe the ONLY change for us as an industry is that the relationship with the Board has deteriorated and our costs have dramatically increased. Sure the Board have made some changes but it's all bullshit bureaucracy. The only real change for the industry is that there are more issues the Board can pursue us over, all while they aren't keeping their own ducks in a row. Some more introspection on their behalf may have saved the practitioners of this country a bundle of money, and may have ensured that we had a Board that actually knew what they were doing instead of this gaggle of numpties. More responsibility on us for no proven advantage or return.

The Board have openly stated they don't have a governance role over the industry. That leaves Master Plumbers and the Federation to fight for the views of their supporters and to help govern the industry. Now we know one of those organisations would sooner go for a picnic with the Board than to ask the hard questions about anything they do. That leaves the Federation to question the Board and to fight for the industry.

From the Federation's view it seems we just go from licensing period to licensing period without beneficial change, but with increases on the financial demands on all practitioners due to what can only be called the Board's incompetence. It will be FOUR licensing periods that have passed since the Office of the Auditor General investigated and reported on the Board and a fifth licensing period will have passed when they report on their recommendations made in that report.

qualification and what we reckon should be in it then we will be left to deal with the consequences for years to come.

What I mean by this is that we will have to put up with what is dished up when we employ these young apprentice lads, or we will have to work alongside them, filling in the gaps if we think they haven't learnt stuff properly.

So guys out there – get off your backside and turn up to the meeting. What's important in life? Sitting on the beach? Looking at TV eight hours a day?

We have to appreciate that we're alive for only a limited period of time, and we'll spend most of it working.

That being the case then surely, one of the most important priorities is to do what ever we do as well as we can.

We should take pride in that, and we want to make sure our apprentices do to. (Some words borrowed from Victor Kermit Kiam, American corporate executive – who could say it better than this old plumber could).

It's about Interpretation



It appears the main goal of the Board is to survive from 1 April to 31 March each year. This has caused us all to operate in a confrontational environment.

This year (2013), we have seen a lot of practitioners make a choice not to license and fall out of the industry. Skilled people are being lost through no fault of the industry. There has been a lot of talk about the Plumbers Gasfitters and Drainlayers Amendment Bill and that it was simply a mistake in the wording, so the Government took action to correct what was perceived to be a problem. The Government made the Amendment Bill about the money and missed the real point of the Board being held accountable.

A lot happened over the three years it took to resolve the issue and it makes us sick that it could have been resolved with one meeting, but the Board didn't want to back down to a couple of plumbers or a bunch of "malcontents". We looked into the eye of the tiger and it went "meow".

The Board unlawfully took money from us. When it was brought to their attention they told us basically, to "piss off". I think it fair to say they felt affronted that mere plumbers could point this out to them when they have lawyers, JP's, accountants and other so called professionals on their Board.

When we proved it to the Regulations Review Committee (RRC), the Government and the Board told us to "piss off".

When we proved it to the Ombudsman, the Government and Board told us to "piss off".

When we again proved it to the RRC, the Board told us to "piss off" and put in another Gazette notice KNOWING it to be unlawful.

At the same time the Government told us to "piss off" and they changed the law.

We have complained to the Minister about Section 52 exemptions, about conflicts of interest, about fees and NOTHING has been done so in effect we have been told to "piss off" by him as well.

We have complained about the legality of Continuing Professional Development in its current form and the Minister, the Board and the RRC have all told us to "piss off" - so now it's OUR turn.

Come licensing time 2014 - it's time for us to "**PISS OFF**". We've tried all the avenues of peaceful, law abiding action.

The Federation is taking the stance that we will NO LONGER tolerate the incompetence from the minister, the Building and Housing Group, the Board or anyone else who wants to stick their beak in.

Don't get us wrong we are not against regulation as long as it is fair and equitable.

To show this is not about money, we propose the fees due from individuals goes into a trust fund and is held there until such time as we are satisfied in the regulation of the industry. Should the Board

You have heard us talk a lot about different interpretations of legislation and how a practical approach should be applied and not made difficult by legal interpretation. This will help explain what we mean:

A lawyer runs a stop sign and gets pulled over by a policeman.

He thinks that he is smarter than the cop because he is a lawyer and is certain that he has a better education than any cop.

He decides to prove this to himself and have some fun at the policeman's expense!!

Policeman says, "License and registration, please."

Lawyer says, "What for?"

Policeman says, "You didn't come to a complete stop at the stop sign."

Lawyer says, "I slowed down, and no one was coming."

Policeman says, "You still did not come to a complete stop. Licence and registration, please"

Lawyer says, "What's the difference?"

Policeman says, "The difference is, you have to come to complete stop, that's the law, licence and registration, please!"

decide to use bully tactics to force compliance we would convert the fees to a legal fighting fund.

Remember this is the Board's failure that has forced us to this stage and also the Board and Government have set the precedent that you can undertake unlawful activities to protect your income. It could be said we are following by example.

Send us your thoughts on this proposal. We realise it's a big decision as most of us have been law abiding citizens all our lives and to be contemplating this action goes against the grain, against our morals – but there comes a time in a person's life when they say "enough is enough". We believe that time has come.

As Winston Churchill once said "What is the use of living if it not be to strive for noble causes and to make this muddled world a better place for those who will live in it after we are gone?" Now is the time to stand up and be counted. Now is the time for ACTION!

There is undoubtedly strength in numbers – it is about sticking together we can get what we deserve – fairness and equality in the manner in which we are regulated. Now the fight really begins! Are YOU ready for it? Let us know.

Read the following letter to the editor received this week.

Dear Editor

Plumbers are the most essential trade's people, must be highly skilled when errors would cause widespread damage, work in the most difficult locations, are at risk of diseases from drains and tactfully deal with very upset people, such as when an upstairs gas hot water cylinder bursts.

Yet they've a punitive disciplinary levy legislated upon them, plus a Government appointed Plumbers Board. Hon Maurice Williamson appears to feel comfortable with that. He shouldn't. It's not our just, democratic, kiwi way, to withhold fair elections for that board.

Nor should registered plumbers be legally required, under the new Act, to pay the prosecution costs of illegal, unlicensed, plumbing installers, major water pipe repairers and gas fitters.

It's like asking commercial fishermen to pay for Fisheries Inspectors and their Navy patrols or for Doctors to pay to investigate, arrest and prosecute an unlicensed cancer clinic operator.

Plumbers deserve full respect and should not be treated as if mostly stupid by Government.

Unlawful trades practice is always curbed from general taxes, but not from the linked trades-persons' levies.

I hope that it will help make the Government realise that laws passed by the last Labour Government had to be carefully checked by Parliament's independent Legal Team of law drafters. I knew the son of a famous one, Mr Turnbull. They know what they're doing. They wouldn't have made such a major mistake as Hon. Maurice Williamson claims.

Lawyer says, "If you can show me the legal difference between slow down and stop, I'll give you my licence and registration and you give me the ticket. If not, you let me go and don't give me the ticket."

Policeman says, "Sounds fair. Exit your vehicle, sir."

The Lawyer exits his vehicle.

The policeman takes out his baton and starts beating the living sh*t out of the lawyer and says, "Do you want me to stop, or just slow down?"

So there you have it, legal interpretation making a practical situation difficult.

Asking a professional plumbing trades group to pay for illegal plumbing work prosecutions would be like asking locksmiths to pay for the arrest and prosecution of lock picking thieves. How ridiculous that would be.

Any law drafter would have said that would set a bad precedent and have not included such nonsense unless, put under pressure to do so, as the current Government seems to have done.

Murray Richard Tingey (called Richard) Levin.

Ed: Well said Richard (the Lion Heart). It seems only the sensible practical thinkers can see through all the bullshit.

Plumbers Gasfitters and Drainlayers
Federation 3 Jupiter Grove
Trentham Upper Hutt 5018 Ph (04)
5277977 Mob 0276564811 Fax (04)
5277978 information@pgdf.co.nz