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IN OTHER NEWS

Thanks from the PGD Board

The Board have sent out thanks to everyone who made a submission to the Supervisor Consultation.

“Thank you for your submission.

The responses will be used to assist the Board with its review of the supervision policy next year. You will be kept informed of progress on this matter through Info Brief, the Board’s monthly publication”

One thing that caught our eye is that the information isn’t going to be used until a review of the policy NEXT year.

Is this a legitimate review or is this just a tick in the box for the Office of the Auditor General Review?

Letters to the Editor

Dear Editor

I fully agree with paying licence fees into a trust account for the next relicensing period, the present situation is nothing but legalized theft.

Standing in outright defiance is the only avenue we have left - and it's a very good option.

Making a Stand



We had a huge response to last week’s news letter. Some people were in shock and some were disappointed that it’s come to an out and out confrontation. We’ve picked out one letter which asks some very relevant questions.

Dear Editor

You are right that most of us in the industry just want to be left alone to get on with our work. We know we do our work well and all this regulation shit only started getting out of hand when trades people got blamed for the leaky building problems when it was the designers and product manufactures that caused the issues.

You have my support - but I do have some questions and if I am going to put my neck on the chopping block I want some honest answers, unlike the crap we get from the Board. Here are my questions:

Question: Is there not another avenue that we can take to avoid this type of confrontation?

Answer: The Federation has, for three years now, followed the letter of the law (unlike others), followed the complaint processes, requested meetings with the appropriate people and have been stone walled all the way.

Yes there is one other avenue and that is to take it to the Courts, but you will need to be prepared to spend money to take the issues to Court and then be prepared for your money (paid in fees etc) to be used to fight against the complaint. Either way we pay 100% to argue with ourselves and that is just not on.

Question: You mentioned a Trust Fund for holding fees. Please tell me more.

Answer: First of all we will use a reputable law firm and draft the rules for the trust for everyone to agree to. We anticipate a withdrawal system will operate so that those who wish to pull out can do so and get their money back at any time.

Obviously this will have an administrative time to pay out but we would hope for it to be no more than 14 days. This would be in the rules. The conversion of the trust from a holding account for fees to a legal fighting fund would also be detailed in the rules.

The whole set up would be transparent and any interest gained would offset the administration costs.

Question: What happens if the Board starts to take action against us for not paying our fees and levies?

Answer: This is where numbers comes into the equation and we must

Dear Editor

I'm with you all the way. I have tried to get the plumbers here in Gisborne to not pay their fees at various times because as you say there's strength in numbers and something like that will catch the attention of the media and make public the issues of our trade. Keep me posted.

I totally agree and back you 100% as I can see that from now on, in this country, no matter what the problem or grievance is, nothing will change unless we change it ourselves and people will no longer be helped up but walked over until they get up themselves

Dear Editor

Just A Bunch of Tools. Politicians are tools and perhaps not in the way you are thinking.

They seem to think they are special and can do what they want but in reality they are a tool of the people.

The people elect them to do a job and all good trades people will tell you - you need good tools to get the job done right. When you purchase tools you get ones that can do the job and if they don't do the job then you put them in the scrap bin.

Perhaps politicians should keep this in mind when screwing around with trades people. We are right behind you for the action next licensing period.

Dear Editor

Rabid Dogs

We read that Peter Dunne is more than a little miffed over the Prime Minister's support for ACT MP John Banks and apparently he told the Prime Minister so.

Banks and Dunne – the two people who could have made a difference during the PGD Amendment Bill but didn't.

all stick together and get the public on side. It is our resolve that will win at the end of the day - because if people reject the manner in which the regulation is imposed on the industry then the Board is failing to achieve its purpose.

We anticipate that if the Board starts to target individuals the law firm responsible for the Trust fund will kick in and take charge of the defence of the allegations and legalities of the fees. There are still a lot of unanswered questions regarding fees and levies which only a Court can resolve now.

We understand what we are suggesting – it will take courage and resolve on the part of practitioners – but we have done everything, everything we possibly could to avoid going down this road.

In the end this peaceful resistance may strike a chord and ensure the Board sit around the table WITH practitioners and work things through. It's the old story that he who pays the piper calls the tune. Well YOU are all paying the piper!

Remember too that this is not about NOT paying, that is why you will be asked to pay the equivalent of your licence fees into the Trust Fund – it's about NOT paying the Board until they operate legally.

Question: Most of us only have this trade as our income and it is a big ask to take this action. What will happen if the Board does win in court regarding the fees and levies?

Answer: This year has shown us that hundreds of people are operating unlicensed and as individuals have chosen to operate outside the regulatory environment.

As a collective group there is more weight to actions taken. For example if the current members of the Federation, over one thousand trades people, choose not to participate in the regulatory system it would be a tough decision for a Judge to find individuals guilty of offences and effectively order them not to work.

If we, as a collective group, stick together and a Judge was to do that he would be putting a thousand people out of work, affecting the training of future generations, would be putting strain on the welfare system and risking the health and safety of the public. They would have to look at the greater good for society.

Question: This may seem simplistic but why can't we sit around a table and get all the issues resolved?

Answer: The Federation has requested this on numerous occasions and every time we have been closed out. We believe it's about others wanting to save face and thinking they are better than they are; egos have been bruised with the decisions from the RRC etc.

They appear to be fighting for their reputations and status and the likes of the Registrar who from what we make out from the annual report, more than likely gets paid close to quarter of a million dollars a year, so he can afford just to ignore people as it would have to be an employment issue to get him out of his seat of power. Some in that organisation appear to have no conscience.

Question: What's in it for the Federation?

Answer: Nothing because we are from the industry for the industry.

Now they are getting what they deserve.

It just shows what they are all like – when the chips are down they all turn on each other like rabid dogs.

Ed: The media must agree with you it looks like they are sharing a bone together.



The OAG

Three members of the Federation met with a representative from the Office of the Auditor General (OAG) this week, answered questions and put across our view regarding the meeting of the recommendations made by the OAG in their 2010 report.

We made our feelings known and informed them of our action planned for the licensing period next year. It was a good meeting and the OAG was responsive. We will have more from them soon.

Industry Qualifications

Two weeks ago The Skills Organisation asked us to inform you of consultation on the proposed Plumbing, Gasfitting and Draining qualifications.

Some dates have changed as detailed below.

The business of the meeting is to receive a briefing on the seven qualifications under development for the Plumbing, Gasfitting and Draining industries - covering levels 3, 4 and 5, and targeted consultation of some key points as proposed by the advisory working groups.

This is your chance to comment on a New Zealand-wide pre-trade qualification,

Good industry groups look for ways to help their members and others. It appears a lot of industry groups are always asking “what’s in it for us?” The power of the dollar and position have taken over from honesty and integrity.

We thank the writer for asking those questions and hope this helps others make a decision.

We will continue to try and avoid this action but will only accept action that will benefit the industry.

The truth is out there



We once read that the definition of stupid was knowing the truth, seeing the truth, but still believing the lies.

In the Second Reading of the Plumbers Gasfitters and Drainlayers Amendment Bill old Maurice Williamson said “The Labour Government cocked up. In 2006 it passed a Bill that did not allow the Plumbers, Gasfitters and Drainlayers Board to take action against non-licensed practitioners.”

We believe it was him and the Board that he appointed that cocked up. You see that Act DID allow for the Board to take action and Labour was quite correct in its actions, and there was nothing wrong with the Act. What was wrong was the interpretation of the Act and the blunt instrument Mr Williamson used to resolve the problem the Board created.

The Plumbers Gasfitters and Drainlayers Act 2006 (the Act) section 128, Infringement Offences, states if a person is alleged to have committed an infringement offence that person may either be proceeded against summarily under the Summary Proceedings Act 1957; or be served with an infringement notice as provided in section 129 of the Act.

Section 129, Infringement notices, states the Registrar may issue an infringement notice to a person if the Registrar believes on reasonable grounds that the person is committing, or has committed, an infringement offence. There it is plain and simple in the Act so what’s Flip Flop on about? These definitions explain it more.

Infringement notice The notice issued by a prosecuting authority for an infringement offence – for example, a speeding ticket issued by the Police or a parking ticket issued by a local council.

Infringement offence is a minor offence for which an infringement notice (a speeding or parking ticket for example) can be issued. There is usually a fixed penalty for the offence. An infringement offence differs from other offences in that no criminal conviction is entered against the person.

Infringement fine is when a person fails to pay an infringement fee (such as a parking ticket) when it is due, the fee is transferred to the courts so that it can be enforced. It’s then referred to as an ‘infringement fine’.

If you use these definitions as posted by the Justice Department it would show that the Board has the power to issue an infringement notice for basically the cost of the letter and postage. If the offender doesn’t pay the infringement fee it is transferred to the courts so it can

and new electrical competencies at all qualification levels.

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

Consultation venues

Canterbury Region - 7 November (5pm - 6.30pm)

CPIT Trades Campus - Student Services Building Ensors Rd, Christchurch

RSVP by 30 October

Auckland Region - 12 November (5pm - 6.30pm)

Unitec Mount Albert Campus Flexi Workshop, Building 99, Carrington Rd, Auckland (entry from gate 4)

RSVP by 30 October

Wellington – 11 November (6.00 - 7.30pm)

The Trust Room, Johnsonville Community Centre, 3 Frankmoore Avenue, Johnsonville

RSVP by 4pm on 1 November.

Upper Hutt/Wairarapa – 18 November (6.00 - 7.30pm)

At Plumbing World 73 Montgomery Crescent Upper Hutt

RSVP by 4pm on 1 November.

CLICK here to RSVP For further information email

sallye@skills.org.nz

be enforced.

Sure there may be some administrative and investigative costs but not to the extent that there is now. The use of Infringement notices would save valuable court time to.

For the serious stuff where harm occurs etc then it should be a criminal offence and would more than likely be investigated by the police because an offence is an act or omission that society has outlawed as a threat to the safety or welfare of the public and that will therefore be prosecuted and punished by the state.

Working through Section (4) of the Act an infringement offence means – an offence under section 123 or an offence prescribed as an infringement offence. Section 123 deals with offences to engage in work in breach of sections 8 to 10 which are Sanitary Plumbing Gasfitting or Drainlaying and to employ persons to do work in breach of those sections.

Such a simple process and we believe far cheaper than the current system. Perhaps the Board doesn't want this system because the Registrar must pay all infringement fees received into a Crown Bank Account not the Board's bank account.

We believe people who don't know what the hell they're doing shouldn't stand in the way of people who do.

Letter to the Editor (CPD Update)

Did you see the Board announced that of the total potential trades people renewing licences for the 2014 licensing year, in terms of CPD, 56% have already achieved the required points to renew the licences they currently hold. Nothing about competence it just about achieving points. The buying of points isn't competence.

Ed: We believe the Board know it's a failing system the same as their "Ask for the card" campaign, but don't want to back down and get the industry on side. No matter what they do it won't work unless the industry supports it.

Taking the Industry Back

