



Fellow Practitioner Issue 179 Dated 1 November 2013

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IN OTHER NEWS

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More Retrospective Legislation

Yes the Government have done it again. Some Police have been administering oaths unlawfully since 2009 in a blunder the government rushed to fix last week.

MPs debated an urgent amendment to the Policing Act 2008 amid concerns over the validity of oaths sworn by a small number of former constables who have rejoined the police. 63 officers were affected.

The Policing (Constable's Oaths Validation) Amendment Bill makes a technical change to the Act, which removes any doubt over the validity of the actions of a small number of former constables who have rejoined the Police.

To avoid any attempt by defendants to exploit this issue, the Bill retrospectively authorises the oath given to the officers when they first

It's not about Doom and Gloom?



It's not all gloom and doom but substantial change is needed and has to be fought for. The actions by the Federation may at times seem negative, but that's more about fighting for some change and demanding accountability. If you look at the last decade, and in particular the last three years, what has changed for the benefit of the industry? We believe not a hell of a lot - if indeed

anything at all. There have been plenty of changes for the worse though!

Some people say the Federation is "negative", and brings the reputation of the industry into question, but in reality the Federation is only reporting and reacting to the actions of others in the industry. We are not making the negative news, we are reporting on it. Over three years ago the Federation spoke with the Board Registrar about Memorandum Accounts and this year is the FIRST time they have been used.

Three years ago the Federation spoke with the Board about the illegal fees and levies and it is only this year that it has been resolved, albeit with a blunt instrument, with the Government changing the laws to cover for the Board. Continuing professional development, audits, licensing periods and other issues are still to be resolved. The Federation is confident it will be proven right on these issues as well, but it looks like it will take time so the pressure will be escalated in different areas to help speed up events.

History tells us that the Board doesn't listen to the industry, and in particular they won't engage with the Federation, instead seeming to rely on Master Plumbers to support the Board's activities. They seem to have a weird fetish where they dress up as the "Plumbers Gasfitters and Drainlayers Board" and then act as a "Consumer Protection Board", fully funded by practitioners.

Everything they do is for the consumer, but they seem to forget a happy medium can be met where everyone is satisfied, without using blunt instruments. They seem to forget that a happy industry is a productive industry. So much more could be achieved if they would engage and listen but they choose to put hurdles in our way to impose their will upon us. Just think of the money we could have saved them, and therefore ourselves if they had "engaged" with us over the fees and levies, or the charitable status, or indeed any of the upcoming issues such as CPD, audits and the licensing period.

The truth always seems to be veiled behind legal interpretation and stall tactics. The legality of what they impose is questionable at best, and we believe anyone who doesn't take the truth seriously in small matters cannot be trusted in large ones either. We get prosecuted if we interpret the legislation wrongly but nothing seems to happen if the Board get it wrong. It appears to be cover up to cover up.

How can we respect the future actions of people who we believe act in bad faith towards the industry? They know issues are wrong and in some cases unlawful, and to still impose those on people are acts of bad faith.

You have all heard the old saying "prevention is better than cure" and that's one of the things the Federation has been pushing for. It has wanted action to be taken by

rejoined the Police, as if it was administered by an authorised person.

There is just no end to retrospectively covering for people.

Straight from the Minister's Mouth

Reading back through correspondence from the Minister of Building and Construction, Maurice Williamson, we came across this good news:

"In the event of a practitioner failing to gain the required number of points for the specified time period, there is no automatic suspension of the practising licence, but rather the Board follows a process that includes communicating with the practitioner concerned to resolve the issues. I hope this helps all your concerns on that matter."

It will be very interesting to see what happens next licensing period, as reading what the Minister has said that the intention, as believed by the Minister, is that our licences will still be valid as long and the Board will work with us.

Where is the Building and Housing Group?

The Federation was once in ongoing contact with the Department of Building and Housing but since it merged with the Ministry of Business, Innovation and Employment (MBIE) they haven't been heard from.

When searching for the newly named Building and Housing Group we noticed this *"MBIE's purpose is to Grow New Zealand for All"*

Apparently they do this by helping businesses to become more productive and internationally competitive, and by

the regulators and the Minister to prevent the industry slipping into a dark bottomless pit.

This industry is very complacent and sits back waiting for something to happen, well good ideas remain ideas unless action is taken and that's what the Federation is doing. It is said by some that the Federation portrays a negative attitude but we say – is it a negative attitude or is it a positive attitude devoted to change the negative influences in the industry?

Positive action is the only appropriate response to the negative influences being forced upon us. We ask that you start recruiting new members to increase numbers so we can take control of our own destiny.

People before us stood up for their rights



Labour Day commemorated the struggle for an eight-hour working day. New Zealand workers were among the first in the world to claim this right when, in 1840, the carpenter Samuel Parnell won an eight-hour day in Wellington. Labour Day was first celebrated in New Zealand on 28 October 1890, when several thousand trade union members and supporters attended parades in the main centers.

The 100th anniversary of the Great Strike this year coincided with Labour Day. One hundred years ago 16,000 New Zealanders went on strike - sparking riots, gunfire and cavalry charges on the streets of Wellington. The Great Strike was a series of strikes from mid-October 1913 to mid-January 1914, at a time when New Zealand's population was about one million.

Historian Peter Clayworth describes the power struggle between militant unionists and organised employers and farmers who were backed by the government as the closest the country came to Pakeha civil war.

Small issues can escalate if they are not dealt with appropriately and fairness and equality is a good place to start. Are you prepared to stand up for what is right or are you happy to pay money for your own silence?

Did you Know?



As a result of an Official Information Act request we can inform you that at the start of each Board meeting the Board vote on how much they get paid for the preparation they have done for the meeting e.g.

"The Board agreed that the allocation of meeting preparation time for expense claim purposes would be 4 hours." "The Board agreed that the allocation of meeting preparation time for expense claim purposes would be 6 hours." "The Board agreed that the

allocation of meeting preparation time for expense claim purposes would be 1 day." (Excerpts from Board Minutes over the last 12 months).

Now we thought that the Board payments would be on a per meeting basis i.e. you get X number of dollars to attend the main Board meeting and this payment encompassed all the preparation. It is news to us that each meeting the Board decide how much to pay themselves for reading the papers prior to the Board meeting. It seems a strange way to operate – and not one we are familiar with when it comes to sitting on Governance Board's.

Yes we can sit at home and do one hour reading to get one CPD point so we can keep our jobs but the Board can do one hour reading and get paid for it from our fees and

increasing opportunities for all New Zealanders to contribute to the economy.

This means providing more jobs and increasing the opportunities for New Zealanders to participate in more productive and higher paid work. Growth for all also means providing better quality housing that is safe and affordable for New Zealanders.

In years gone by the industry has had quite a bit to do with the Department of Building and Housing in their capacity as advisors to the Minister of Building and Construction.

They have played a role in the past of mediators at meetings but since they have been sucked into the Mega Ministry (Ministry of Business, Innovation and Employment) we have not heard from them.

Is the manner they have been giving advice and the fact the Federation continues to prove the actions of the Board and Minister are wrong becoming an embarrassment to the Group, hence their silence.

The Federation asked the Group to organise a meeting with all industry groups and the Board but nothing ever came of it.

Letter to the Editor

Hi Editor.

Thanks for the clarification about action next licensing period and we are right behind you. You are right that enough is enough.

We seem to be expected to do more for less. Where is the incentive to develop our businesses, to employ the young, to pass on our

levies.

We looked at the Board's Policies and saw a lot of policies stating how they should deal with issues to do with the practitioners but the one dealing with how they pay themselves seems to be missing - which brings us to an interesting point "who do policies apply to?"

Policies are principles, rules and guidelines formulated or adopted by an organisation to reach its goals. They are designed to influence and determine all major decisions and actions and all activities take place within the boundaries set by them.

So the policies apply to the Board and its staff and tell them how they should go about their day-to-day operations.

Policies and procedures are supposed to ensure that a point of view held by the Board is translated from legal steps that result in an outcome compatible with that view but there is also one other very important point, and that is that what is in the policy or procedure must not exceed the authorities which the primary legislation allow. The Board has, at times, failed demonstrably in this area.

So in effect they are the Board's guidelines, they are not law, they are not about what we must do, but what the Board and the staff must do.

Raising the Profile



We need to raise the profile of the Federation and awareness of our plight. Certificates of Membership are now available. We also have vehicle and bumper stickers should you want some. More are being printed at the moment.

Send us what name you want on your certificate/s and your postal address and we will send your laminated copy to you. You can have business names as well as individual certificates for you and your employees if they are members. If you want vehicle or bumper stickers just let us know and we will send them as well.

Raise the profile and spread the word. Send your request to information@pgdf.co.nz

Giving up is not an option and neither is waiting



They say patience is a virtue so why can't "hurry the hell up" also be a virtue? We have come this far holding the Board and Minister accountable, and remember if we reject the manner in which we are regulated, then it is their failure.

At a Federation meeting earlier in the year it was agreed that we shouldn't wait for outcomes any more, that we should just push on to the next project and not let the

skills?

Board or Government use the system to slow down progress.

We are an aging population in our industry and all the experience will be gone before anyone takes action.

If they don't want to negotiate to get a better environment for the industry then it will add to their failure. Giving up would be costly for the industry and issues would get worse. You may have noticed nothing is getting better for the industry and for the Board to employ 4-5 lawyers is a indication the Board are digging in and are going to be imposing more shit on us.

What then? Is the government going to hand over another part of New Zealand industry to overseas ventures to move in and do our infrastructures work?

Examinations Policy

The Board approved the Examinations Policy at its meeting in March 2013, but we feel some of the finer points were not communicated well to industry. For example if you use a reader/writer then that person is not allowed to read anything from the "source" documents to you. What does this actually mean?

It seems every corner we turn small business gets screwed and along with it our staff.

Well in real terms it appears that while the reader/writer can read the question to you, they cannot read anything out from the codes. The reason or this – apparently public safety! Now we understand that plumbers, gasfitters and Drainlayers must be able to read.

We know it is rapidly approaching the end of the year where everyone is busy but we would welcome a visit from the Federation Committee in the New Year.

We don't argue that point – they need to read manufacturer's instructions, the code and a myriad of other things. But for those of us working in this industry there is one thing we know for sure – many of our fellow practitioners are dyslexic, some are slow readers and others struggle a bit in this area.

This may assist with final decisions regarding protest action at licensing time.

Being a slow reader does not make you a risk to the public – it simply means you may need to be a bit more organised and prepared.

I'm happy to organise something in my area and even get out a news paper advertisement.

The change for what a reader/writer could do does not appear to have been communication to entrants to the examination until the moment the exam started. Is this fair? We do not believe it is.

Ed.

We are interested in your opinions on this matter? It is an industry issue, and one that people seem reluctant to talk about – perhaps through embarrassment or not wanting to be singled out. Has this happened to you? What did you do? We want to hear your stories.

Thanks very much for your support and views. Visiting towns is on the cards and if people want to help in areas then we will make the effort to get there.

Dear Editor

I consider myself to be an everyday plumber and gasfitter. I had always prided myself on ensuring I have my licence before licensing period starts, ensuring I have earned my points and worked within the law. I never wanted to have a run in with the PGDB – but over the last couple of years I have started to get irritated.

When I learned that all the CPD I had been forced to do so that I could keep my gasfitting licence was unlawful I got angry. Courses were harder to come across back then, and there weren't the number of free ones we see now.

On top of this I've seen myself paying more and more in licence fees. My mate is a sparky and they effectively got a decrease in their licence fees this year. What has gone so wrong? Why is our industry in such a mess? Why don't we have a Board that we can look up to and feel proud to be associated with?

Why are our fees escalating when our colleagues in the electrical industry are looking at decreases? So now, for the first time, I am considering not paying my licence fees on time and joining in your protest action. This is a huge decision for me, but I can see that without forcing the point we run the risk of no change in our Board at all.

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