



## Fellow Practitioner Issue 181 Dated 15 November 2013

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### IN OTHER NEWS

#### Letters to the Editor

#### Dear Editor

#### Where is the fairness?

I read last week the government is putting \$81.3 million into a massive overhaul of prisons to boost security and provide better rehabilitation and prisoner training.

Tongariro Prison is apparently getting a trade training facility amongst other things. We don't begrudge anyone a second chance, or training, but where is the fairness when the youth of New Zealand are expected to pay for training by way of pre-trades etc, and yet prisoners will get the same training simply because they are prisoners? And this training will be being paid by the taxpayers of NZ.

It seems the more you do wrong in New Zealand, the more the Government looks after you. The PGD Board is a case in point.

**ED:** We have said it before - it's all about numbers. There is a huge population

### Office of the Auditor General

The Federation has met with the Office of the Auditor General to discuss the review of the report into the Plumbers Gasfitters and Drainlayers Board. The scope of the review is quite narrow and the Office of the Auditor General are wanting to manage industry expectations. They have released the following:

*Over the next six months, the Auditor-General is carrying out follow-up work on her 2010 inquiry into how the Plumbers, Gasfitters, and Drainlayers Board's (the Board's) functions under the Plumbers, Gasfitters, and Drainlayers Act of 1976 (and the 2006 Act as it was introduced during the inquiry).*

*The Auditor-General found problems in most of the Board's functions. The problems included unclear or non-existent policies, poor communication, poor processes, decisions and policies that were not clearly well-grounded in the legislation, and little awareness of the need to embed basic administrative law disciplines into the Board's everyday work and decision-making.*

*The report contained 15 recommendations for action. As we do with many of our inquiries and performance audits, we are now carrying out follow-up work on whether these recommendations have been acted on by the Board.*

*As with our original inquiry into the Board, we understand there is a high-level of interest within the industry in this work. Our scope for this follow-up work is very specific, it will not re-examine historical events, or look at complaints relating to individual tradespeople. Other organisations have carried out inquiries about the Board, our follow-up will not be revisiting the matters addressed in those reports.*

*It will examine only the progress the Board has made to address the issues raised in 13 of the 15 recommendations set by the Auditor-General. Industry changes mean two of the recommendations (numbers 9 and 10) relating to gas certification are no longer relevant. We will report our findings to Parliament in the second half of 2014.*

*We will consider relevant submissions during our fieldwork in November. Please note, due to resourcing and capacity constraints we are unlikely to be able to respond to individual submissions or queries. Submissions can be emailed to [PGDBfollowup@oag.govt.nz](mailto:PGDBfollowup@oag.govt.nz) no later than 30 November 2013.*

*The relevant recommendations are that the Plumbers, Gasfitters, and Drainlayers Board:*

- 1. review its Licensing Policy Statement to ensure that it complies with the Plumbers, Gasfitters, and Drainlayers Act 2006 and administrative law principles;*
- 2. discuss with the Department of Building and Housing whether mechanisms under the Plumbers, Gasfitters, and Drainlayers Act 2006 are clear and appropriate for controlling the work of exempt people carrying out plumbing, gasfitting, or drainlaying work;*
- 3. revise its Licensing Policy Statement to include a discussion of how it defines "supervision";*

supporting the 8,500 prisoners in NZ institutions. The Government doesn't care about "a handful" of plumbers who aren't happy.

It's a big mistake on their part. What is going to happen to the Board when it starts to apply the "fit and proper person" policy to these prisoners? Will the Government step in and change the rules again?

Then it's been more money wasted by the Board on implementing something that won't be used on prisoners, but will be applied to the rest of the industry population.

#### Dear Editor

I am writing on behalf of my mate that is dyslexic.

My mate has been plumbing for over 15 years. His work is to the highest standard, he has never put the health and safety of the public at risk.

He has more knowledge and practical experience than me and I am more than happy to run his ticket, but feel this is unfair, as he only wants to be responsible for his work, as we all do.

My mate has attempted certifying status and was unlucky to score 59%. The PGDB gave him assistance with a reader writer but they did not give him a policy in regards to this. He was put in the Weltec Library to sit an exam with all the polytech students using the library.

There was no peace and quiet for him to be able to think. He also found that the assistance of reader writer did not extend to them being able to read the regulations for him. I found this disgusting and a breach of human rights. I also

4. review its Registration Policy Statement to ensure that it complies with the Plumbers, Gasfitters, and Drainlayers Act 2006 and administrative law principles;

5. write further policies to guide the exercise of its other powers under the Plumbers, Gasfitters, and Drainlayers Act 2006 and, in doing so, that it carefully consider the legal basis for such policies;

6. consider with the Department of Building and Housing whether the legislation needs to be amended to deal with registration and licensing issues;

7. in preparing questions for any future examinations, ensure that the questions are appropriate for assessment under the Plumbers, Gasfitters, and Drainlayers Act 2006, are able to be answered, are free of mistakes, and do not contain unrealistic scenarios;

8. review its processes for preparing and moderating questions, and for setting examination papers;

11. review its policies for registering well-qualified and experienced plumbers and gasfitters migrating to New Zealand to ensure that its current policies give appropriate effect to its statutory discretion and to ensure that New Zealand makes the best use of the skills of such immigrants;

12. clarify whether it can issue provisional licences to overseas plumbers, gasfitters, and drainlayers before they apply for registration;

13. maintain and embed a practice of reviewing all of its fees and charges against the good practice guide, Charging fees for public sector goods and services, to ensure that it is budgeting and setting fees in keeping with its legal authority and good practice expectations;

14. establish a simple and effective complaints process for tradespeople who are unhappy with a particular Board decision or action, so that there is an accessible and transparent mechanism for getting a prompt review of a decision or action; and

15. establish an immediate and short-term process for considering and resolving grievances arising from previous Board decisions that may have wrongly disadvantaged a tradesperson.

So in essence the OAG will focus on the recommendations they made and will not revisit issues that have been reported on by others but in clarification, when they say they won't revisit the work of others (i.e. The Ombudsman, RRC, etc.), that doesn't mean they won't report on their findings.

You may have noticed the review won't be reported to Parliament until the second half of 2014. The Federation has informed them of the planned action for the 2014 licensing period as we feel four years has been ample time for the Board to take corrective action.

#### The Board needs to make up its mind.



A lot of the behaviours from the Board are confusing. On one hand they hammer into us that they are not there for the industry, but their purpose is to protect the health and safety of members of the public by ensuring the competency of persons engaged in the provision of sanitary plumbing, gasfitting, and

drainlaying services; and to regulate persons who carry out sanitary plumbing, gasfitting, and drainlaying.

On the other hand they are engaging in activities that are outside that purpose, and are more behaviour you would expect from a governing organisation. An example is The World Plumbing Council whose mission is "To promote the role of plumbing in improving public health and safeguarding the environment , by

thought this was discrimination.

We received his exam paper with a score of 57%, after a remark and documents backing his answers, he was marked up to 59% - the PGDB were found to be wrong once again.

We have 3 more answers that have been marked wrong. We believe we have found the PGDB guilty of making their own questions up and using old standards - not current standards, in their answers.

We have asked for an independent review. This should be undertaken by someone outside of the PGDB like a random certified plumber. Using in house lawyers and contractors to us, is not an independent review.

We have recently applied for section 52 exemption which last year was \$100.00 and now is \$350.00. He got shut down by at a PGDB in house meeting. We were surprised the PGDB didn't make any attempt to contact his referees or take his years of plumbing experience into account.

My mate is not trying to take the intelligence out of plumbers as we know we are a step above the rest ,we just want him to be responsible for his work, and for there to be natural justice, within the system.

**No it is not a merger yet!**

Last week we read a document prepared by lawyers and were surprised to see two of the signatories were the Plumbers Gasfitters and Drainlayers Federation Incorporated and the New Zealand Federation of Master Plumbers, Gasfitters & Drainlayers NZ

*uniting the world plumbing industry, for the benefit of all."*

We would ask why we are paying to send a representative all around the world to help achieve the above mission. It's nothing to do with the Board's regulatory role. What has every been reported back to the industry after these jaunts overseas and what is being achieved? Is it just a "trip for the boys?" Master Plumbers and the ITO are both members of the organisation representing the industry so why is the Board involved? Do you think this is a good use of YOUR money? Send us your views.

Why nominate Peter Jackson as a member of the World Plumbing Council Executive to help solve the problems of the world when the Board can't even sole its own problems at home?

Where does leadership training, and Centenary year celebrations fall into the category of protecting the health and safety of the public or the category of regulating people doing plumbing gasfitting or drainlaying?

The Board stated they have no governance role of the industry so why are they spending our fees on activities more akin to industry governance? The Board's website contains the following:

*"Welcome to the Board's centenary page. During the centenary year this page will be updated monthly with historical information about the Board and the plumbing, gasfitting and drainlaying trades"*

*"To mark our Centenary, the Board is recognising industry young achievers from all three trades, with a leadership award. This award will be given not only in recognition of academic accomplishment in qualifying to join the industry, but also for potential to lead. Along with the award, each winner will receive an all expenses paid opportunity to attend an eight day Outward Bound course"*

These may be good ideas but what have they got to do with the purpose of the Board, especially when the Board's minutes show they have authorised a preliminary budget of \$20,000.00 for the Centenary projects?

There is always a silver lining as the minutes contain this statement:

*"The Board agreed that the centenary awards should remain separate from the excellence awards, and that a ceremony, perhaps late February, could be held to make the presentations. A ceremony held in the grand hall at parliament to present the awards would also provide an excellent opportunity for the Chair to talk on strategic points and highlight progress made by the Board. This could be coupled with press advertising highlighting historical and future perspectives"*

If the Chair is discussing the progress made by the Board it will be a very short speech. The Federation will explore its democratic right to be heard either inside or outside parliament and will look at options to coincide with the activities where the real issues will be made public.

## **Do the work but don't charge them!**



The Federation was shocked to find that the Board are not charging for the service of accrediting CPD courses. We are disgusted that the Federation and others get charged for the Board providing documents under the Official Information Act but organisations who charge us to attend their CPD courses are getting the courses accredited to the Board for free.

Incorporated.

It was good to see whoever merged the Federation with Master Plumbers had the priority right and put the Federation's name first.

We can confirm there has been no merger or hostile takeover but anything is possible in the future.

**What happened to being open and transparent?**

We noted in one set of minutes of the Board meeting (14 February 2012), that there was a section where it is recorded as *"An unminuted Board only session was held between 9.40am-11.15pm"*.

What is so important that it is worthy of discussion at a Board meeting, but is so secretive that it is not minuted and lasted until 11.15pm?

Thirteen hours and thirty five minutes seems a long time for an unminuted meeting.

We can only presume the timings are right in the minutes as they were signed off by the Chair Mr Alan Bickers.

How in the future is anyone to know what was discussed and if it is relevant to the purpose of the Board?

Perhaps this is the only way they can get organisations to participate in the scheme.

At one Board meeting the Chief Executive said that *"the Board was currently going through the process of reaccrediting all courses and fees were not being charged for this. A check would be made to establish whether any recently accredited courses had been disadvantaged through the charging of a fee"*

Disadvantaged through getting charged for a service - isn't that exactly what the organisations will be doing to trades people?

### **Qualifications Consultation By Skills NZ**

For those in the Wellington, Hutt Valley and Wairarapa don't forget about the Skills Organisation briefing on the seven qualifications under development for the Plumbing, Gasfitting and Drainlaying 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, and new electrical competencies at all qualification levels.

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

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

At Plumbing World 73 Montgomery Crescent Upper Hutt

If you care about the future of YOUR industries, then make your voice heard and take some time out to attend this meeting in the Hutt.

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