

## TABLE OF CONTENTS

- **Review of the Plumbers Gasfitters and Drainlayers Act 2006**
- **Did you know?**
- **Our View**

## IN OTHER NEWS

### Letters to the Editor

#### Dear Editor

I was at a meeting the other week and man oh man there were people there who were getting the knife into Wal and the Federation.

I was quite disgusted by the behaviour and what a gutless thing to do.

Wal and the Federation are saying a lot of things the rest of us won't say for fear of retribution and perhaps our fears are founded based on the behaviour I observed.

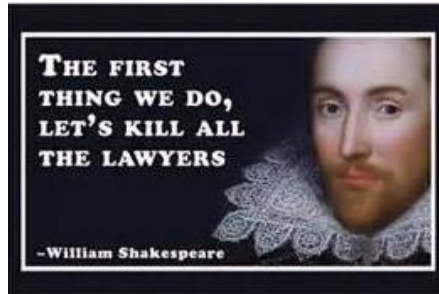
#### Ed:

We try to ignore those people who are constantly talking about us behind our back because they are right where they belong - **BEHIND US!!**

We know we criticise people in the Fellow Practitioner but the difference is that we can back up what we say with facts.

Sometimes people get in to positions where they

## Review of the Plumbers Gasfitters and Drainlayers Act 2006



This week we were prompted by a letter to the editor.

*Dear Editor: I seem to remember the Plumbers Gasfitters and Drainlayers Act 2006 was to be reviewed this year. Do you know what*

*is happening?*

No we don't know what is happening, but we do know that what the Government says doesn't really mean much - even when it is written into legislation. The Federation made a request to the Building and Housing Group to be involved in any review, and so far haven't been contacted.

Section 187 of the Plumbers Gasfitters and Drainlayers Act 2006 covers the review of the Act, and yes it was to be reviewed after the expiry of three years post the commencement of section 187, which would have been 1 April 2010.

This means a review should have started in April this year – making it nine months into the review. No doubt it will like other reviews we get to participate in where they come up with suggestions based on what the Minister, the PGD Board and Master Plumbers say. It will then be up to us to agree or oppose the recommendations and if we oppose we will fall into the category of “malcontents”.

It is our prediction that this will be a long drawn out process, and take maybe years, and one thing that you can rest assured of is that the Board will be attempting to get more power. When the review is completed the situation will have changed and it will be time to start again.

By the time we return from the Christmas holidays it will be nearly a year since the review SHOULD have commenced. William Shakespeare's quote above sums up what the first step should be!

Even Sir George Savile is quoted as saying “If the laws could speak for themselves, they would complain of the lawyers in the first place.”

### Did you know?

We have heard it bantered around that certifying tradesperson numbers are up. We had a look at the Annual reports and worked out the following. Since 2009 to 2013:

- Certifying Plumbers licensing have decreased by 104.

think they are actually better than they are, but because of the position they can do a lot of damage to the industry and it is people like that we should expose.

If organisations choose to keep these types of people then it will only lose its reputation and make situations worse. The PGB Board is a case in point.

#### Dear Editor

We haven't heard anyone say much about old Flip Flop Williamson of late. Is he still the Minister of Building and Construction or as you asked in a news letter a couple of years ago, "is he hiding in his turtle shell"?

#### Ed:

He has been very quiet since he used his position to support the Board over the Amendment Bill. Perhaps he does have a conscience and can't look anyone in the industry in the eye.

We think people have given up on him and the National Party after the treatment they gave the industry over the Amendment Bill back in September.

When people lose their credibility to such an extent that they are not worth talking about, you know they have hit rock bottom. They simply fade into anonymity.

#### Dear Editor

Is there ever going to be change or are you flogging a dead horse?

#### Ed:

- Certifying Gasfitters licensing have increased by 190.
- Certifying Drainlayers licensing have decreased by 268.
- Licensed plumbers licensing have increased by 619.
- Licensed Gasfitters licensing have increased by 238
- Licensed Drainlayers licensing have increased by 30.

That is a total increase in licensing numbers of 705.

What is very interesting though is that over that same period of time we have had new registrations as follows:

- Certifying Plumbers 466.
- Certifying Gasfitters 312.
- Certifying Drainlayers 102 (Exact figures are unavailable due to Certifying status being created.)
- Licensed Plumbers 1400
- Licensed Gasfitters 646
- Licensed Drainlayers 717 (Exact figures are unavailable due to Certifying status being created.)

Based on these figures there have been 3,643 new registrations over the period of 2009 to 2013. So for a total increase of licensing numbers over a five year period of 705 licenses there have been 3643 new registrations.

The breakdown of registrations to licenses is as follows:

- Certifying Plumbers 466 new registrations to achieve 104 less licenses.
- Certifying Gasfitters 312 new registrations to achieve 190 more licenses.
- Certifying Drainlayers 102 new registrations to achieve 268 less licenses.
- Licensed Plumbers 1400 new registrations to achieve 619 more licenses.
- Licensed Gasfitters 646 new registrations to achieve 238 more licenses.
- Licensed Drainlayers 717 new registrations to achieve 30 more licenses.

How much industry and taxpayer's money is being wasted to achieve these results?

Is this a training issue or a regulation of the industry issue?

No matter what, it is not good to have 3643 new registrations and only have an increase in licensing of 705 over a five year period!

#### Our View



A further section of "You asked for it" where we give you the Federation view. This week we look at what is needed in the future, what do we believe is needed for the industry to progress and what needs to be done

A very good question. Yes it is a long and tedious battle that we are fighting where the greatest obstruction seems to be people's egos, where they think that because of their positions in/on the Board and Government they are special and better than others.

This battle will only be lost if we lose it. The industry has the power to affect the change needed but it needs to unite to achieve the change.

The industry is still divided and the Board like it that way because they can work with one group or section of the industry that are heavily represented in most industry Boards, and can **OBTAIN** their support.

The divide and conquer tactic is nothing new and is only a temporary measure as eventually the groups either combine in direction or one group will do a Maurice Williamson and fade into anonymity

The Federation has no intention of going anywhere so take from that what you will.

Ya Gotta Laugh



There is the perception that lawyers make life difficult and sometimes get too big for their boots to an extent that they outsmart themselves.

Well every now and then you get told a story that makes you laugh in the face of adversity and the

to get change without risking our jobs?

One of the first things needed is certainty within the industry. We have the Plumbers Gasfitters and Drainlayers Board which acts as the Plumbers Gasfitters and Drainlayers Complaints and Consumer Protection Enforcement Agency. They have no independence as the PGD Act states. They are not a charity as we know it, and the so called trades people appointed to the Board by the Government represent themselves and the consumer. There is no industry representation.

We would ask how Board can be an Independent Statutory Board when their direction is set by Government appointed members and the wants and needs of the industry take second place to the needs of the Board. We believe the Board has taken itself in a direction where practitioners need to do a Law degree before they undertake their trade qualifications.

Why has this occurred? Simply because the Board has lost its credibility with the industry due to its own actions, which incidentally include unlawful actions.

The Board now finds itself in the situation of having to force compliance. The latest consultation where the Board is attempting to make it a term and condition of a license to participate in Competence Audits is an example where the Board is attempting to legislate itself power over and above that intended by the Act because they fear they can't get voluntary compliance.

They say it isn't to prosecute people so if that is the case then why does it need to be a term and condition of licensing? How can the industry believe what the Board says?

We heard of a comment made last week in a Discipline Hearing where natural justice was being discussed with regard to the actions and appointment of investigators and this is what is believed to be the legal advice given to the Board. Apparently it was stated:

*"The short point, Mr Chairman and Members of the Board, is that the investigator need not be independent or impartial" (or words to that effect).*

So it looks like investigators don't need to be independent or impartial! Incidentally this was from a hearing where a practitioner was charged under section 89(c) of the Act in that he allegedly failed to comply with a term or condition of his certifying plumber practising licence.

Here's a thought with regard to the Board's latest consultation - failing to participate in an Audit equals a breach of a term and condition of licensing which equals prosecution under section 89. The Board's consultation is very much "a cheque is in the mail" scenario.

It appears the Board are taking the industry in the same direction as tax compliance, whereby it is forced upon us and where people are going to try and find creative ways to avoid compliance because they don't agree with the levels of compliance.

following is no exception.

**Lawyer:** Doctor, this hearing is being held into the death of Mr Floater who drowned as the result of alleged incompetence by Mr Flush a Certifying plumber. Now, before you performed the autopsy, did you check for a pulse?

**Doctor:** No.

**Lawyer:** Did you check for blood pressure?

**Doctor:** No.

**Lawyer:** Did you check for breathing?

**Doctor:** No.

**Lawyer:** So, then it is possible that Mr Floater was alive when you began the autopsy?

**Doctor:** No.

**Lawyer:** How can you be so sure, Doctor?

**Doctor:** Because his brain was sitting on my desk in a jar.

**Lawyer:** I see, but could Mr Floater have still been alive, nevertheless?

**After careful consideration the Doctor said:** Yes, it is possible that he could have been alive and practicing law on behalf of the Plumbers Gasfitters and Drainlayers Board.

Most people don't mind paying tax but they do mind the levels. They can see the worth of tax and the benefits to them and the public such as hospitals, education etc and actually most people get some of those benefits but what of the taxes imposed by our Registered Charity the Plumbers Gasfitters and Drainlayers Board? Levies are a type of tax and what real proven benefit does our industry get from it?

We believe to move forward there must be industry representation on the Board and not just token representation, but balanced representation voted on by the industry. We need a Board that will look after the interests of the industry and get voluntary compliance not forced compliance.

We need to believe in the Board's purpose and that it is for the good of the industry as well as the public, and is not self serving as it appears now.

The legislation needs to be fair and equitable and any restrictions or terms and conditions need to be necessary and identified through fair monitoring of the industry.

The Board can continue on down the road of forced compliance, which obviously isn't working, or they can change and gain credibility and trust within the industry. So what can we do without risking our livelihoods? The Federation has been trying all legal avenues and will continue to do so but it appears that in New Zealand now you need to break the law to get your issues addressed by the Government. The Board did it by unlawfully taking money from the industry and the Government took notice and changed the law to support the Board.

The people of Kaipara have taken action by refusing to pay their rates and have got action from the Government and we fully support their action.

Motorcyclists took to the roads a couple of years ago over vehicle registration and had a win.

One of our problems is that plumbing gasfitting and drainlaying is not glamorous to most people and they don't want to discuss the unmentionables until it affects them. So the industry needs to stand up to defend itself and yes, there will be risk of prosecutions, but any prosecutions taken against practitioners will be the Board's failure.

Think of the impact of a mass reduction in authorised plumbers, gasfitters and drainlayers during this period of rebuilding in New Zealand. The Board and Government have been warned there will be action at licensing time and if there is it's their failure. It is time for the industry to stop thinking of others and stand up for itself. The support and protection of the public will come automatically once the industry is happy and productive.