



## Fellow Practitioner Issue 196 Dated 14 March 2014

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### IN OTHER NEWS

#### Letters to the Editor

#### Dear Editor

In 1957 at the end of four years of a 12000 hr apprenticeship and after a very dedicated period of study I passed, after two qualifying examinations, a Trade Certificate Examination in plumbing which qualified me for registration as a Plumber.

This allowed me the choice after completing my apprenticeship of remaining an employee or taking the giant step of becoming self employed.

A year later I became qualified as a registered drainlayer.

In 1978 the title of Craftsman plumber was added to the mix which for those already registered was granted automatically.

For those who came after

### PAY NO FEES TO THE PGDB!



Last week we detailed to you the risks of taking action this licensing period, but in reality the real risk is doing nothing. Any action taken by the Plumbers Gasfitters and Drainlayers Board (the

Board) is a one off event, but to do nothing will expose us to continual events that are deeply affecting us as an industry.

We believe a functional Board displaying leadership would get an industry on side, and support that industry without telling them the law will make them do as they are told. Continual threats and industrial exclusion do nothing but create barriers to a productive industry.

So to recap, the “Pay No Fees to the PGDB” campaign is passive protest action to show that the Plumbers, Gasfitters, and Drainlayers Federation (the Federation), and others, will not tolerate the dysfunctional manner in which the Plumbing, Gasfitting and Drainlaying industry is being regulated.

The Government has supported the failing ideas of the Board and have not put in place any measurable accountability which ensures the Board are achieving their purpose. The only accountabilities are bureaucratic.

The Federation has provided ample opportunities for negotiation and discussion of the issues plaguing the industry, but these olive branches have been met by industrial exclusion and bully tactics. Last year the Federation set a deadline by which time if there was no improvement then protest action would be taken. **That time is now upon us!**

#### The Action

In March 2014 the Federation seeks to withhold fees and levies in a legal manner to show the dissention in the industry, and the requirement for measureable accountability of the Board’s actions. This will be achieved by way of applications under the relevant sections of the Plumbers Gasfitters and Drainlayers Act 2006 (the Act) and the Board’s “Waiver of Fees or Discipline Levy policy”.

#### Legislation Background

There are a number of sections of the Plumbers Gasfitters and Drainlayers Act 2006 (the Act), and other regulations which are relevant. This link provides you with access to all the relevant

1978 it meant a further two years after registration and the passing of a Craftsman examination before they had the rights previously available at the registration level.

The same year the PGDB through an amnesty period allowed already qualified Craftsman plumbers to apply for a Craftsman Gas fitter's registration.

When the amnesty period was concluded registered and craftsman examinations were required before becoming qualified gasfitters.

Then along came the Title of Certifying Trades people.

Now that we have reached this lofty level of competence we are now engulfed with having to prove over and over that we know what we are doing for our customers before the PGDB will issue us with a licence to practice our chosen trade.

I am looking forward to the day when if we are employers we will be able to charge for our services at a rate which will allow employees the luxury of being able to pay the money and take the time it requires to obtain a licence without the present burden attached.

After all we are still only Registered Plumbers, Gasfitters, and Drainlayers Which the PGDB see as a cash cow to expand their activities and hijack the Industry

**Dear Editor**

legislation, regulations and policies on the Boards website.

<http://www.pgdb.co.nz/legislation-policies/legislation.html>

Section 50 of the Act deals with the duration and renewal of practising licenses, the most relevant part being 50 (3) which states:

*"If an application for the renewal of a practising licence is made before the licence's date of expiry but the licence has not been renewed before that date, the licence continues in force until the application is determined".*

There are some requirements such as the application must be accompanied by the fee. There is also the requirement where the Registrar must refer any application received by the Registrar under this section to the Board for consideration under section 51.

Section 51 deals with the Board's responsibilities and the rights of a person if the Board decides not to renew a license. If the Board is not satisfied that the registered person is entitled to a renewal of his or her practising licence, the Board must notify the person of the Board's decision and the person's right of appeal to a District Court against the decision.

Section 52 states the Board may grant an exemption subject to any terms and conditions that it thinks fit however the Board does impose a fee for a section 52 exemption application.

Section 55 deals with competence programmes and the Board may exempt any person or class of persons from all or any of the requirements of a competence programme.

Section 142 and 143 deal with notices (Gazette Notice) prescribing any levy or fee under this section may exempt any class or classes of person from liability to pay any fee, and may provide for the waiver or refund of any fee.

The Board's Gazette notice falls in line with sections 142 and 143 and allows for the waiver or refund of fees and disciplinary levy—the Board may provide a waiver or refund, in part or whole, of any fee or levy. New Zealand Gazette, 20/12/2012, Notice: gs8345 Plumbers, Gasfitters, and Drainlayers (Fees and Disciplinary Levy) Notice 2013

*"8. Waiver or refund of fees and disciplinary levy—The board may provide a waiver or refund, in part or whole, of any fee or levy."*

The Board has a policy on the Waiver or Refund of a Fee or Discipline Levy. The policy allows for the waiver or refund of fees and disciplinary levy—the Board may provide a waiver or refund, in part or whole, of any fee or levy. Applications must be in writing. The Registrar must consider the application in the first instance and make a recommendation to the Board. The Board will make the final decision under the policy but the Act does allow for appeal to the District Court.

I'm with you 100%. The more that get behind this will mean change; maybe even the media might take a look, depending on their bias of course!

You're doing a great job.

**ED:**

Well said writers. We thank you for your support and efforts in writing to us.

**Dear Editor**

To the Federation I think you are doing a great job and I stand behind 100 per cent.

You mention in your last issue about the cost involved in prosecution etc, I have been one of the unlucky ones to have been prosecuted by the Board.

Unbelievable how an issue that at the time was resolved within hours of a phone call by customer turned into 2 years of stress, 2 years from time of incident to prosecution.

I had admitted fault at the beginning submitted letters of guilt, but the Board wanted to spend practitioners' money, accommodation for Investigator and the use of 3 of their lawyers.

This ended up being a telephone court case. Great how it ends up being in this case, 5 against 1 on the phone, 3 of their lawyers, Investigator and so called President of the Board.

Having pleaded guilty at the beginning it could have gone away quite easily with little cost to

## **WAIVER OR REFUND OF A FEE OR DISCIPLINARY LEVY POLICY**

### **1. SCOPE OF POLICY**

1.1 The Plumbers, Gasfitters and Drainlayers Board (Fees) Notice 2010 makes provision for the Board to provide a waiver or refund, in part or whole, of any fee or levy, in accordance with sections 142(3) and 143(2) of the Plumbers, Gasfitters and Drainlayers Act 2006 (the Act).

1.2 This policy outlines how a person is to make an application for a waiver or refund and the considerations the Board may take into account in exercising its discretion.

### **2. APPLYING FOR A WAIVER OR REFUND**

2.1 Applications for a waiver or refund must be made to the Registrar of the Board in writing (delivered by hand, post, e-mail or facsimile).

2.2 The Registrar may request the applicant to provide any information and/or material that may assist in the making of a decision under this policy.

2.3 The Registrar will consider the application in the first instance and make a written recommendation to the Board.

2.4 The Board will make the final decision as to whether a waiver or refund, in part or whole, is appropriate.

### **3. CONSIDERATIONS FOR THE REGISTRAR AND THE BOARD**

3.1 In considering whether a waiver or refund of a fee or levy, whether in part or whole, is appropriate, the Registrar and Board may take into account a range of matters, including:

- (a) the reasons underlying the applicant's request for a waiver or refund;
- (b) the amount of the refund or waiver sought;
- (c) the nature of the work sought to be undertaken by the applicant;
- (d) the volume of the work sought to be undertaken by the applicant;
- (e) the applicant's income;
- (f) the applicant's circumstances more generally;
- (g) the period of time for which the applicant requires or required the licence or certificate to be in force;
- (h) the costs incurred by the Board in processing the application; and
- (i) in the case of a Practical Test of Workmanship or other examination or assessment, the actual cost incurred by the Board in

all but no.

Cost to me after having to employ a lawyer on my side close to \$15,000,

The board set fine and to my amazement I can then dispute it on grounds of other cases, Fine lessened by about 60 per cent all to the cost of practitioner.

Cheers and keep up the good work.

**Ed:**

Sorry to hear you have fallen victim to the process. Unfortunately you are not alone and a lot of people have fallen victim and have been left by the industry to fend for themselves.

**Dear Editor**

One of my apprentices who completed his last block course late 2013, and passed his registration exams in plumbing and gasfitting was sitting in my office last night filling out the paperwork to get registered as a plumber and gasfitter (\$1276.00 being 2 x \$409, 2 x \$101, \$170 disciplinary fee and \$86 prosecution fee).

He looked up from his forms and said to me – *"once I pay this money out – what can I do that I couldn't do as a fourth year apprentice?"*

My answer – NOTHING.

*He said "Then why am I writing out a cheque for \$1276.00?"*

As an Employer it is disheartening to guide a young man through his apprenticeship, work with him to achieve a

carrying out the examination or assessment.

## The Protest



In essence, the Federation is recommending members make an application for a waiver of fees. This will need to be received by the Board before the end of the current licensing period (i.e. 31 March 2014).

The timing IS ESSENTIAL to ensure that the application is done in a "legal manner". We suggest emailing or faxing the application the last week before the new licensing period commences. Emailing or faxing will also provide proof at your end that you have sent an application for a waiver, and that it has been received (i.e. if you email ensure you get a "read receipt", or when faxing you will get a report showing fax has been sent).

This is the process you need to follow

1. Apply for a waiver or exemption of fees under one or more of the Sections of the Legislation

2. Applications have to be IN WRITING stating reasons (the PGDF will provide some formset letters next week. We will notify you of where to get then from). In the mean time you can download application forms from the Board's website <http://www.pgdb.co.nz//trade/licensing.html>

3. Application must be in the Registrar's hands by 31 March 2014 – we suggest sending it in the last week of March

4. You want to get some sort of receipt that the Board have received your email/fax e.g. read receipt or printed report from your fax

5. You can legally work while this application for waiver is being processed

6. The Registrar will receive your request, he has to prepare a paper for the Board, then the Board have to consider everyone's individual application separately, then they notify you whether it is accepted or not (this will take a few weeks we predict), therefore you effectively are withholding your fees for this time, but can legally continue working under the various Sections above.

If you haven't purchased enough Continuing Professional Development points you will also need to apply for a section 52 exemption for which there is a fee, hence the reason for applying for a waiver of fees.

No doubt over the next couple of weeks the Board will make all types of threats about the repercussions of not licensing but advice to us is what we are doing is legal, and the Board must operate in a fair and legal manner when dealing with this. We realise this will be the last time the Waiver of Fees and Levy Policy will be able to be

great exam result, watch him write out a whopping cheque and then tell him, that he can't do ANYTHING other than put his head down for two more years, fork out hundreds more dollars and become a certifier before any of it means a damn thing.

#### **Ed:**

We feel for all apprentices in this situation and know that the situation isn't improving. We have pre-trades where at the end of the training you can't do anything unless you are under supervision.

Then we have the apprenticeship where at the end of the assessments you can't do anything unless you are under supervision.

The Board publicly stated this week that it takes no less than six years to become qualified in safe water management.

The Federation is of the opinion we should return to a five year apprenticeship with actual training and at the completion of the five years you are qualified as a plumber, gasfitter and drainlayer. More cost effective and takes away issues with supervision.

#### **Let Others Know**



Tell everyone you know about the protest and get them to help.

This will be one of the few opportunities to

used in this manner as the Board will no doubt alter it to again restrict the industry.

We also realise the extra work being imposed this license period will cost the industry - but what is the cost to us of not taking action?

Remember this protest action is the result of the Board's actions and in-actions. The industry has done nothing wrong and at last look New Zealand's constitution stated we live in a democracy not a dictatorship.

We want to move ahead with fairness and equality. To us it is very important and it reminds us of a comment a couple of weeks ago by Mr Jackson, the new PGD Board Chairman, where he mentioned:

*"Constructive criticism which enhances a business is always welcome, however criticism that is destructive and is personalised, in my opinion does nothing to improve the organisation"*

Here are a couple of examples of what he means and were comments made during the Select Committee Hearing into the Amendment Bill where the government legalised the unlawful taking of industry money by the Board:

#### **The PGDB Registrar:**

*"The Plumbers, Gasfitters and Drainlayers Federation (the Federation) consistently publicly promotes the view that the Board is dysfunctional, corrupt, incompetent, and that its members have conflicts of interest. This view is not the reality and in my opinion disguises what is simply opposition from the leadership of that organisation to being regulated generally, and specifically opposition to the requirement that licensed plumbers, gasfitters and drainlayers must undertake continuing professional development"*

#### **Master Plumbers CEO:**

*"I point this out because I do not believe Mr Gordon can rightly claim to represent anyone but at best a handful of people who have in some way agreed to support him"*

Looks like reputation and membership take precedent over the unlawful taking of money from the industry.

This total lack of understanding is putting up barriers that are causing the problems in the industry. There has never been any opposition to being regulated, or to upskilling - but what there has been, is opposition to the manner in which it is done.

Here was a Select Committee investigating a serious issue and one CEO is worried about membership and the other about the reputation of the Board.

make a difference.

Get them to join the Federation at

<http://www.pgdf.co.nz/>

**Draft  
application  
letters will be  
available on  
line in the next  
couple of days.**

## We Need You

# WE NEED YOU!



This protest is for us as an industry. Show these people who call us malcontents, a couple of plumbers, a handful of people and so-forth, that we DO care what is happening and that we WANT change.

We realise there is a fear factor out there, and there is a lot at stake but remember, the Minister of Building and Construction wanted the industry to step up and take responsibility and that is exactly what we are doing. If the Board he appoints wants to stop people from stepping up then we have a real shit fight on our hands.

We've done the hard yards and now it's up to YOU to do the easy part.

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