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IN OTHER NEWS

The Perfect Storm

You would have heard the term “the Perfect Storm” and about perfect situations so think about this:

Are the Government’s actions creating the Perfect Storm?

The Government have our industry where they want us –

- They have a Board they can blame,
- They have two industry groups without any teeth,
- They don’t pay a cent for the regulation of the industry,
- They can make the industry look as good or as bad as they like because most people believe their stories.
- They can sit back and make all the claims that they are protecting the health and safety of the

While we are waiting



While we are entering what seems to be another inactive period by the Board (not that you could tell), we thought we would look at some of the policies they use to regulate the industry and to ensure forced compliance by practitioners.

General Complaints Policy

So firstly if we do disagree with the Board - who do we go to? They have a General Complaints Policy that doesn’t deal with “General Complaints”, so the only way issues can be dealt with are through official channels like the Ombudsman - which can take years.

If you go to the Minister of Building and Construction you risk getting labelled as malcontents, the Office of the Auditor General can only recommend and aren’t really interested - as where were their processes when the Board were unlawfully taking money from the industry?

This exact issue was bought up with the previous Minister of Building and Construction during a meeting with him and the Board, where Mr Bickers the Previous Chair of the Board sat their smugly and stated to the Minister that if the Board accepted general complaints they would have time to deal with anything else.

The Minister accepted that reason but we believe that statement in its self is an admission the decisions made by the Board are not generally accepted by the industry – why else would there be so many complaints?

Solution:

Bring in accountability and a complaints mechanism for general complaints as was recommended in the Office of the Auditor General’s report in 2010 but was never done. Consideration should be given to external assistance in the complaints process as the Board simply uses industrial exclusion or hides behind other Acts such as the Privacy or Official Information Act to cover its activities. Hence the reason for the employment of so many lawyers since this Board and CEO were appointed.

public because the public will believe them.

- They can have the Board increase enforcement to make the industry look bad to cover the failings of the apprenticeship scheme.

We have seen it all before where the Board increases discipline and prosecutions action so they can justify their existence and all the honest tradespeople fund their activities, but are we at a stage where they are creating a storm of activities opposing their actions.

The actions of the Board backed by the government have already created a situation where people are opting not to re-licence and where they are resisting the Board's every move.

Comments and actions of defiance are getting harsher as the months and years go by.

They longer this situation goes on the more the Board and Government are putting the public at risk.

Tradespeople didn't create this situation, it was the bureaucrats and only they can change the situation before they end up with a perfect storm. The mood of anger is on the increase.

The Elections

The Elections are close and unlike the appointment of the Plumbers Gasfitters and Drainlayers Board we all have the opportunity to have a say about the direction of the country and our industry.

Fit and Proper Person Policy

The Fit and Proper Person Policy is very much an "opinion" based policy and although it should be based on moral and community set standards it is often not, and is left to opinions on the day. People who should be beyond reproach are relied upon to make the decision but in our opinion may often not suitable themselves.

The fit and proper person statements were written into legislation by the government of the day. Yes these are the same people who:

- refuse to provide information to official enquires;
- joke about race;
- openly make misleading statements in parliament;
- charge expenses such as porn, travel, gifts, underwear etc to their parliamentary supplied credit cards;
- allegedly make false returns on official documents;
- abuse the powers entrusted to them by the voters of New Zealand by changing laws to cover people they have appointed

Just what right do they have to deem what is a fit and proper plumber, gasfitter and drainlayer?

The Government implies what they want in the legislation then it's over to the regulators of various industries to write policy and that is where the Plumbers Gasfitters and Drainlayers Board comes in – the people who should be beyond reproach, the ones that:

- unlawfully took millions of dollars from the industry;
- that allowed a gazette notice to be placed enforcing the unlawful taking knowing it to be unlawful;
- went running to the government to get the law changed to cover their collection and expenditure claiming they would be insolvent but knowing they were running at a surplus;
- that allowed an investigator and legal counsel to withhold evidence in a disciplinary hearing without recourse;
- allowed offences to go improperly investigated once they found the wrong person was accused and proven innocent of the offences;
- refused to issue a licence to a practitioner based on the say of a training provider who withheld CPD points because it was in dispute with the practitioner over payment;
- set fees and levies to support their jobs based on assumptions they make and
- who in our opinion have been double dipping with regard to cross subsidisation of fees.

Most people vote for the party that offers them the best deal and we shouldn't be any different.

Attend the meetings in your electorate and ask candidates what they will do for you as a tradesperson in a regulated industry?

Think about what the existing government has done for our industry in the last six years to make it more productive, to make the training better, to make us want to employ more apprentices, to retain experience in the industry and don't accept the answer that we have an industry Board that is responsible for those issues as they follow the government's direction.

So have a good think about what people have helped us, what people have spoken out on our behalf and supported our industry.

Also think about the ones that have opposed us and covered for the wrong doings.

Hey you never know "Planet Key" may be able to pull a rabbit out of the hat and give us some assurances of IMMEDIATE change as waiting is no longer an option after 6 years of their rule.

Think about the facts as you see them.

From the Media

Felix Marwick, Newstalk ZB August 8, 2014, 7:50 am

"More than 100 electoral law breaches have gone un-prosecuted over the

These are the people who stand in judgement of us as to if we are fit and proper people. This is not a complete list of issues and they are not historical issues but events in our current Board's term.

Solution

This is an issue of credibility and trust and this must be earned by the Board and CEO as it doesn't get issued when they are appointed to the relevant positions. Having people who operate with integrity, openness and honesty would be a very good start.

More on polices as time permits.

Board Member Appointments

It has been six months since one of our executive committee members applied for a position on the Plumbers Gasfitters and Drainlayers Board and he has finally received a letter from the Ministry of Business, Innovation & Employment (MBIE) on behalf of the Minister of Building and Construction. The letter advised that the application had not been successful in this instance and that an announcement of the new members on the Plumbers Gasfitters and Drainlayers Board will be published shortly.

This result was expected as the interview attended was before a panel of four, consisting of three people from MBIE and the Chairman of the Plumbers Gasfitters and Drainlayers Board, Mr Peter Jackson. Having the Chairman of the Board on the panel doesn't hold much hope for change as it would be a miracle for him to assist in appointing someone who would challenge him.

The outcome was expected as the Minister told the individual, in person a month ago, that the individual had too much baggage. It seems that being outspoken and holding the Board accountable must be deemed to be "baggage". The Federation wishes any NEW Board members the best of luck.

As for the Federation members who have applied for the Board and have been declined you can put your hand on your heart and say you gave it a go knowing that you can't fix stupid not even with duct tape!

Fees Review

It looks like we may have been wrong when we stated the Fees and Levy Review was going to be held this year. It seems the industry will have even less time to consider the review. The following is from the Board's Business Plan:

The Board prepares an options paper for the 2015 review of fees and levies, for consultation in early 2015.

a. The options for consultation are developed by the Board by 31 December 2014

b. Consultation on options commences by 28 February 2015

past three years - but the government's lawyers are refusing to explain why.

Crown Law won't release its advice to police, about whether to prosecute those cases - and it won't say why the Solicitor-General refused to prosecute former ACT MP John Banks, instead leaving it to a private prosecution.

Also kept secret is the amount of time and money Crown Law spent on looking at the cases. It simply says maintaining legal professional privilege outweighs any public interest in releasing the information".

More "Fit and Proper People" for us to look up to for guidance and to give our vote to for the next 3 years!!

Consultation

Don't forget to get your submission in by 5PM today regarding the Board's Consultation on making the licensed class registration examinations part of proposed new qualifications.

Have your say. It is important to put in a submission even if you agree so the Board can move away from the attitude that no response is a "yes" for them.

Even if you simply tell the Board you agree with the Federation's submission will help.

That doesn't appear to allow much time for consultation and Gazetting of the new notice in time for the 2015 fees and levies.

Here are a couple of other targets:

- 1. An agreed position between regulators on rationalisation is achieved by 31 March 2015. (achieving this target is dependent on the cooperation of the other regulators)*
- 2. Proactively engage in the review of the Plumbers, Gasfitters and Drainlayers Act 2006*

So it looks like the Board will get another 12 months of exorbitant fees and levies from the industry. Amazing how when the Government wants to cover the Board's unlawful actions they can try to rush through legislation in one week, but when it comes to issues that affect the industry they take years.

Continuing Professional Development Complaint

Speaking of years, this week the Federation received a letter from the Ombudsman's Office regarding its complaint about the manner in which the CPD points purchasing scheme was implemented. The letter stated that because of pressure of other work there has not been time for them to draft a provisional opinion for the Ombudsman's consideration. However it has been discussed at length with the Ombudsman who has indicated his likely opinion.

They have set a target of 1 September 2014 to have a draft provisional opinion ready for the Ombudsman. So all we know is that we will get the provisional opinion after that date sometime, but when you are in the second year of waiting time doesn't seem to matter that much.

The complaint deals with the application of Section 32 to the scheme not the ineffectiveness of the scheme, and the fact that it is being used as a scheme to cover for failings in the apprenticeship scheme and training.

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