

TABLE OF CONTENTS

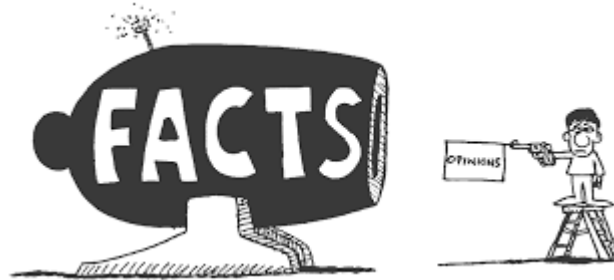
- [Ombudsman’s Opinion on Continuing Professional Development Complaint.](#)
- [General Background](#)
- [Fact One](#)
- [Fact Two](#)
- [Fact Three](#)
- [Fact Four](#)
- [Fact Five](#)
- [Fact Six](#)
- [Fact Seven](#)
- [Conclusion](#)

IN OTHER NEWS

Forced Compliance

The Ombudsman’s just tossed a rock into a lake with his opinion, and that ripple effect is going to be increased through the continued forced compliance of the industry. The Government, the Regulation Review Committee, the Social Services Committee, the Minister of Building and Housing, Dr Nick Smith, the Ministry of Business Innovation and Employment, the Office of the Auditor General, the Ombudsman Professor Ron Paterson and the Plumbers Gasfitters and Drainlayers Board all seem to be on the same page - **FORCED**

**Ombudsman’s Opinion on Continuing Professional Development Complaint.**



The Federation has been notified by the Ombudsman’s “**Early Resolution Team**” that the long awaited opinion on the Federation’s complaint, made 18 months ago to the Ombudsman regarding Continuing Professional Development, has been released and can be found at

<http://www.ombudsman.parliament.nz/resources-and-publications/opinions/ombudsman-act-opinions>

We realise our response to the report is lengthy however we believe it contains information you need to know so please read on to get the facts that affect you.

**General Background**

In August 2013, the Federation complained to the Ombudsman on a number of matters relating to the Plumbers Gasfitters and Drainlayers Board’s introduction of a requirement that tradesmen, subject to the Board’s jurisdiction as a condition of being re-licensed each year, obtain specified CPD course points by attending courses approved by (“*accredited by*”) the Board or by “*self directed learning*”.

The Federation submitted that the Notices Gazetted by the Board regarding Continuing Professional Development;

- *Are not in accordance with the general objects and intentions of the statute under which they are made in that they have consulted and implemented a mechanism namely a points scheme called Continuing Professional Development (CPD) and have applied section 32 to that scheme. They have instituted an extra step in the competence based licensing intent of the Act and have legislated*

## COMPLIANCE.

They were all warned in the Auditor General's report in 2010 that forced compliance would not be successful and that is proving to be true.

So what are some of the issues they are imposing on us?

CPD is fresh on our minds - where the industry is expected to:

- bear the cost of developing courses,
- then they are required to pay for their accreditation to the Board,
- then they are required to pay to attend the course,
- then they pay to have someone at the Board assess that they have purchased enough points
- Then they pay for someone at the Board to issue a competency based licence.

The tradespeople are forced to purchase the points or they don't get issued with a practicing license knowing full well that the next day they may make a mistake and be deemed incompetent by the Board.

In the mean time training that is identified and required by businesses is suffering as business can't afford to develop their own training to help their business prosper as well as buy points on the

themselves power.

*The scheme is not a competence programme but a mechanism. The Federation believes the Board has implemented the CPD point's scheme that takes away the application of Section 32 of Plumbers Gasfitters and Drainlayers Act. Section 32 has not been applied in the manner in which it was intended and does not match the purpose of the Act. The Federation asserts the Board does not have the statutory right to authorise itself power in this manner.*

- *In that they appear to trespass unduly on personal rights and liberties as personal interests such as employment and income can potentially be considered rights or liberties capable of being trespassed on, the Federation asserts the manner in which CPD has been implemented do exactly that.*

*The application of section 32 to a mechanism rather than to a competence programme removes the protection afforded by section 32 with regard to cost. The Board has no control over costs that can be imposed on practitioners as a result of the mandatory nature of the implementation. These costs are market driven and the resulting risk is the burden of the practitioners who are forced to obtain CPD points in order to obtain a practicing licence.*

- *Appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made where the manner in which CPD have been implemented is an abuse of the powers inferred on the Board and as a result the Board has not instigated a robust, efficient regime to best monitor what matters are necessary to meet the needs of the Plumbers Gasfitters and Drainlayers Act 2006 and to help ensure delivery of maximum benefits at minimum cost. The Board has legislated themselves authority at a cost to practitioners.*

After 18 months Professor Paterson has formed the opinion that:

- *it was reasonably open to the Board to conclude that the Gazette Notices promulgating CPD requirements for tradesmen were valid;*

- *the Board had consulted adequately with tradesmen about its proposals to require tradesmen to complete the CPD courses each year; and*

- *it was reasonably open to the Board to conclude the CPD courses were "necessary" and did not "impose undue costs" on tradesmen in terms of the 2006 Act.*

Everyone is entitled to an opinion and the public have paid Professor Paterson in his capacity as Ombudsman to give his. We note he has used the term "reasonably" which must be the new catch phrase and we wonder if the Plumbers Gasfitters and Drainlayers Board "Dealing with Unreasonable Behaviour" policy will apply.

Board's Scheme.

The Board simply doesn't have any control over relevant training. They are at the mercy of what providers want to develop.

Even if the Board was to identify a training need that was necessary for all the industry to know they have no way of getting it to the industry without the aid of the industry or a provider and if the course was developed they would then need to make the training mandatory.

Tradespeople have had a prosecution levy imposed on them for prosecuting non registered people for the protection of the public.

They are then expected to report the non registered people in the knowledge that every three years the fees increase to meet the Board's ever increasing costs, some of which are a direct result in the increased prosecution activity.

The industry is expected to fund the Board's activities in the knowledge that they have no industry representation on the Board and the representation they have outside the Board is excluded.

Added to this is the knowledge that they fund a legal section larger than most small law firms to advise and support the

As everyone has an opinion the Federation felt it necessary to supply the facts so you, as a member of the industry affected by the Board's decisions, can accept or reject the Ombudsman's opinion.

Section 32 of the Plumbers Gasfitters and Drainlayers Act 2006 is the main point of contention. Section 32 of the Act describes principles the Board must be guided by when prescribing registration and licensing requirements and is as follows:

***Principles guiding prescribing of registration and licensing matters***

*In prescribing matters under sections 28 and 30, the Board must be guided by the following principles:*

*(a) the matters must be necessary to—*

*(i) protect the health or safety of members of the public; or*

*(ii) promote the prevention of damage to property; or*

*(iii) promote the competency of persons who do, or assist in doing, sanitary plumbing, gasfitting, or drainlaying; or*

*(iv) carry out, give effect to, or provide for a matter that is incidental to, or consequential on, the matters relating to subparagraph (i), (ii), or (iii); and*

*(b) the matters may not unnecessarily restrict the registration or licensing of persons as plumbers, gasfitters, or drainlayers; and*

*(c) the matters may not impose undue costs on plumbers, gasfitters, or drainlayers, or on the public.*

**Fact One**

During the consultation process the Board issued a consultation document and also a document entitled "***The Board's consideration of Section 32 principles in relation to the proposed CPD scheme***".

This document was misleading in our opinion, and places into question if the consultation was in fact relevant.

The considerations appeared sub titled in the document like this:

- ***s32(a)(i) – the proposed CPD scheme must be necessary to protect the health and safety of members of the public.....***

- ***s32(a)(ii) – the proposed CPD scheme must be necessary to promote the prevention of damage to property.....***

- ***s32(a)(iii) – the proposed CPD scheme must be necessary to promote the competency of persons who do, or assist in doing, sanitary plumbing, gasfitting or drainlaying.....***

Board's activities.

The industry now has the knowledge that they have nowhere to go to have the Board held accountable as they have been abandoned by all the government agencies and committees that should be holding the Board and Minister accountable.

If the industry wants to take legal action it is with the knowledge they will have to pay for their complaint to be submitted and then they will have to pay for the Board's lawyers to defend the Board.

The industry is forced to accept the Board can do wrong and act unlawfully only for the Government to change the law retrospectively to cover for them. The industry is forced to take the hit financially and morally.

The industry is forced to pay millions of dollars every year for a Board that has no measurement of its performance based against the purpose of the Act it enforces.

A tradesman is expected to spend six to seven years to get to the stage of being a certifier only to have to prove his competence every year by buying points, to pay for the protection of the public from non registered people, to pay for a Board which is not representative of their wishes and all for a wage which on average is 9.3% below the national

- s32(a)(iv) – **the proposed CPD scheme** must be necessary to carry out, give effect to, or provide for a matter that is incidental to, or consequential on, the matters relating to subparagraph (i), (ii) or (iii).....

- s32(b) – **the proposed CPD scheme** may not unnecessarily restrict the registration or licensing of persons as plumbers, gasfitters and drainlayers.....

- s32(c) – **the proposed CPD scheme** may not impose undue costs on plumbers, gasfitters, or drainlayers, or on the public.....

As can be clearly seen the Board have applied section 32 to **the proposed CPD scheme**. This is nothing more than a misleading document. Refer to section 32 above and you will notice the section states:

(a) **the matters** must be necessary to.....

(b) **the matters** may not unnecessarily.....

(c) **the matters** may not impose.....

The telling difference being, the Board has replaced "**the matters**" with "**the proposed CPD Scheme**". The Board have applied section 32 to "the proposed scheme" to justify the purpose of the Act which is:

*The purposes of this Act are—*

(a) *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*

(b) *to regulate persons who carry out sanitary plumbing, gasfitting, and drainlaying.*

It is well known that most sections (if not all) are there to meet the purpose of the Act. The Board have applied section 32 for the protection etc of the public.

## Fact Two

Section 32 was instituted into the Act for the Protection of the tradespeople. The following passage is from the Plumbers, Gasfitters and Drainlayers Bill as reported by the Commerce Committee and appears in the Commentary.

*"We were concerned by the introduction of licensing requirements for tradespeople in the later years of their profession, who after thirty or forty years of plying their trade will be required to pass competency tests. In the event that there are no outstanding or*

average wage or in real terms taking into account forced compliance costs 14.1% below the national average wage.

Why is it so difficult to institute a regulatory regime that is industry friendly?

#### Just Sneak it Through

Did you notice the new Gazette notice the Board snuck through.

#### **Plumbers, Gasfitters, and Drainlayers (Fees and Disciplinary Levy) Amendment Notice 2015**

#### **5. Paragraph 5 of Schedule amended (exemption under supervision)**

Replace paragraph 5 of the Schedule with: **“(5) Notification of supervision under section 19, 21 or 25—An authorised person who supervises a person or persons working under a section 19, 21 or 25 exemption must pay the relevant fee(s) for each such person:**

*Notification of supervision under schedule 19 exemption \$101.00*

*Notification of supervision under schedule 21 exemption \$101.00*

*Notification of supervision under schedule 25 exemption \$101.00*

The previous paragraph 5

*obvious complaints against these practitioners, we ask that the Board gives special consideration to how they deal with renewal of ongoing licenses in these cases”*

There were obvious concerns about what the Board could impose on the industry with regard to competency and licensing conditions. We know the Board have done nothing about this which is costing the industry experienced people.

The Commentary went on to say this with regard to section 32:

*“Principles for prescribing registration and licensing matters” We recommend the inclusion of new clause 83A setting out principles to guide the Board in setting classes of registration and competency standards, as we are concerned that the bill as introduced gives the Board too much power in this respect. This is the same approach we took in our recommended amendments to the Energy Safety Review Bill.*

*The guiding principles are as follows:*

*The prescribed matters must be necessary to protect the health and safety of members of the public or promote the prevention of damage to property:*

*The prescribed matters may not unnecessarily restrict the registration of persons as plumbers, gasfitters, or drainlayers:*

*The prescribed matters may not impose undue costs on plumbers, gasfitters, or drainlayers or on the public”*

This section of the commentary rightly states the committee’s concerns regarding the powers given to the Board. The committee realised the matters to deal with competency and licensing had to be restricted and monitored for the protection of the tradespeople and as such was the intent of section 32 of the Act.

The statement *“We recommend the inclusion of new clause 83A setting out principles to guide the Board in setting **classes of registration and competency standards**.....”* sums it up. So when setting **competency standards** section 32 gets applied to the **matters** for the protection of the tradesperson not for the protection of the public.

Above we mentioned the Board had rewritten section 32 in their consultation by excluding the term “matters” and including the term “the proposed CDP Scheme”. We will now demonstrate the relevance of this.

The Board have stated, for example, *“s32(a)(iii) – the proposed CPD scheme must be necessary to promote the competency of persons who do, or assist in doing, sanitary plumbing, gasfitting or drainlaying”* the Act states the “Matters must be necessary to



read

*(5) Exemption under supervision application- An individual who applies for an exemption under supervision must pay the relevant fee(s):*

*Sanitary plumbing under supervision (section 19)  
\$101.00*

*Gasfitting under supervision (section 21)  
\$101.00*

*Drainlaying under supervision (section 25)  
\$101.00*

In the Explanatory Note it states:

*This amendment was prescribed by the board on 13 January 2015. It amends the description of the fees at paragraph 5 of the Schedule to accurately reflect how the fees are administered; it does not alter the amount of the fees. Sector consultation was undertaken before the principal notice was made. There has been no consultation on this amendment as there is no change to the amount of the fees or their administration.*

Looks like we have gone from an Exemption under supervision application where an individual who applies for an exemption under supervision must pay the relevant fee(s) to a Notification of supervision under section 19, 21 or 25 where the responsibility has moved to an authorised person who supervises a person

promote the competency of persons who do, or assist in doing, sanitary plumbing, gasfitting or drainlaying.”

So what are **the matters**? Matter is defined as substance, material, subject, topic, theme – so it is clearly seen that when dealing with competency standards, as recommended by the committee in its commentary, the matters are the content of the courses/training. So in this case **the content must be necessary** to promote the competency etc.

The Board have applied the section 32 to the scheme for the protection of the public where section 32 is for the protection of the tradespeople to prevent from happening exactly what **IS** happening - the accreditation and application of courses that are not necessary or possibly not even relevant. Course such as “*Hearing Conversations*”, “*Clan Labs*”, “*Demonstrate knowledge of health and fitness for civil infrastructure personnel*”.

Under the Board’s application of section 32 these course are necessary. The Federation believes these courses are not necessary to show competence as a plumber gasfitter or drainlayers. They may be “nice to know” but are **not** necessary but under the Board’s CPD scheme and in line with the Office of the Ombudsman decision they are deemed necessary.

When “necessary” is looked at in the manner the Board has interpreted it “*the proposed CPD scheme must be necessary to protect the health and safety of members of the public*” then yes, it is necessary to support the intentions of the Act. However if looked at in the context of section 32 providing protection to tradespeople in the industry as intended by the Act, it takes on a totally different meaning.

We have already discussed why section 32 was included in the Act and that was for the protection of the tradespeople in the industry so “necessary” now takes on a protective meaning, in that the matter must be necessary for that tradesperson to know for them to remain competent in their relevant trade, and in saying that the matters must relate to protecting the health or safety of members of the public; or promote the prevention of damage to property; or promote the competency of persons who do, or assist in doing, sanitary plumbing, gasfitting, or drainlaying; or carry out, give effect to, or provide for a matter that is incidental to, or consequential on, the matters relating to subparagraph (i), (ii), or (iii) ; and the matters may not unnecessarily restrict the registration or licensing of persons as plumbers, gasfitters, or drainlayers; and the matters may not impose undue costs on plumbers, gasfitters, or drainlayers, or on the public. This is so “non-relevant” matters can’t be imposed on the industry.

The Board have made the “CPD Scheme” a term and condition of licensing and it is compulsory for all tradespeople relicensing. The

or persons working under a section 19, 21 or 25 exemption must pay the relevant fee(s) for each such person.

Looks like the Board believes it is not important enough to consult on but important enough to issue the notice in the year that a total review of fees and levies is to take place. It places into question the motives behind this one.

More cover your arse without letting the industry know.

#### What's in the wind?

You may or may not have noticed that eight of the appointments on the Plumbers Gasfitters and Drainlayers Board expire within 13 months with the remaining two expiring in about 18 months.

We noticed the most recent appointments have been for a short term of 12 months.

Is this an indication there is something in the wind with regard to the review of the Act?

Perhaps this is because of the development of a wider occupational regulatory framework for the building sector?

While the Government pisses around doing their reviews we waste our money running the Plumbers Gasfitters and Drainlayers Board.

Here's a suggestion –

Regulation Reviews Committee had this to say:

*We note that section 32(a) does not prevent the board offering other courses to practitioners which it considers would be useful for them. However, in our view, such courses cannot be included in a system that is compulsory as a condition on licensing.*

The Federation submits that CPD must be as a result of a demonstrated need. We have expressed this view multiple times to the Minister (both Maurice Williamson and Nick Smith), and the Board themselves.

### Fact Three

The Board had two rounds of consultation. During October and November 2011, the Board consulted on a proposal to replace the existing CPD scheme with a new self-directed CPD scheme. At that time the Board stated that if the consultation process identified a better option than the scheme it was proposing, it would consult a second time.

The Board received 444 submissions in relation to the then proposed scheme. The majority of the submissions **did not** support the proposal. The Board decided not to proceed with its proposal.

In March 2012 the Board conducted a second round of consultation with a revised scheme where they received 148 submissions. 125 of those submissions **did not** support the proposed scheme. The Board went on to implement that scheme. This is the consultation where their consultation documents referring to section 32 were altered.

### Fact Four

Throughout the report the Ombudsman had referred to the Board's CPD Scheme as that is what was consulted on, but paragraph 36 of Professor Paterson's opinion shows what the truth is.

*36. So long as the CPD courses are within the section 32 "principles", in my opinion the Board is able to require tradesmen to complete "competence programmes" in the form of CPD courses as a pre-condition to being re-licensed each year. Section 30(1)(e)(iii) authorises this, and the Federation accepts that is the case.*

In this paragraph he has referred to "CPD courses" and the section 32 principles being applied to them. He is not referring to a CPD Scheme, "a mechanism", he is referring to "the matters" – the course which the tradesperson competency is so reliant on. The difference is mechanism/scheme vs. matters.

### Fact Five

The Board have removed the protection intended by the Act and

how about the Board suspend our fees and operate off the reserves they have accumulated just in case the industry is absorbed into some other grand scheme where the money in reserves could also be absorbed?

#### From the Plumbers Forum

*In response to last week's Fellow Practitioner*

*I like this idea of an industry Board that gives some sort of leadership and would cover apprentices through to business owners.*

*Is it achievable? I would imagine if the Federation and the Master Plumbers could sit around a table that would be a start - there needs to be a will to see change.*

*I think the grass roots people in these industries are ready for change, but there are some people that won't want to see it as their jobs and very reason for being could be at risk.*

*How realistic is it that the Federation and Master Plumbers could sit at the same table - it sounds like some things are being worked on in tandem now - can this be extended?*

\*\*\*\*\*

*Hi guys, from the 'Fellow Practitioner' today (The Plumbers, Gasfitters and Drainlayers Act 2006 (the Act) does not allow*

have regulated themselves **more power** which is what section 32 was supposed to prevent.

We have already discussed the term "matters" and conclude it is the content of the courses or training. What the Board have made a term and condition of licensing is a mechanism without any of the controls of section 32.

This is evidenced in the Board's own consideration of section 32 where they state:

*"A scheme of the type discussed would be a mechanism to improve the competency of tradespeople"*

What is also notable is that the consideration addresses and attempts to justify the "CPD Scheme" not the "matter". For the sake of analysis we ask that you remove section 32 from the equation for the time being and ask what changes in the Act? You will find the Act could have operated without section 32 and the Board would have had the same powers if not more.

Section 31 would have operated without reference to section 32 and so would have section 55 and other sections referred to by the Board. The Board have applied section 32 to issues which Parliament have already given them the power and resources to impose on the industry. The issues were justified when the Act was legislated. For example:

- **"s32 (a) (i) – the proposed CPD scheme must be necessary to protect the health and safety of members of the public"** Protecting the health and safety of members of the public is the purpose of the Act and has been justified by the legislating of the Act. It does not need to be justified by section 32 or the CPD scheme.

- **s32 (a) (iii) – the proposed CPD scheme must be necessary to promote the competency of persons who do, or assist in doing, sanitary plumbing, gasfitting or drainlaying.** Section 31 gives the Board the power to impose minimum standards to achieve that result and has been legislated as such. Section 32 does not need to justify that which is already legislated.

So it must be agreed that the Act could have progressed without section 32. If we now put section 32 back into the equation as considered by the Board, we note they have applied section 32 to a mechanism and not the matters to do with competency. They have gazetted themselves power over and above that intended by the Act and have removed protection from the industry which was obviously intended by the Act.

#### Fact Six

The written opinion given by Professor Paterson contains a huge



***the Board to consider the impact of its decisions on the supply of tradespeople)***

*What kind of statement it that?*

*With the amount of `over regulation` that we have to work within we are forced into an industry based on **FEAR**.*

*Has anyone noticed that when we go about our normal work duties we are constantly aware of the Board's tactics of finding fault, which leads to nag away at our confidence hence possible mistakes which in the past would not have existed, cheers.*

**Letters to the Editor**

**Dear Editor**

I am disgusted that we as an industry have fallen so far behind the national average for wages.

Are we becoming an industry of the haves and have not's?

It seems to be it's the business owners who employ staff that are having the most to say about the industry.

For example Master Plumbers, (an employer's organisation) supported CPD in its current form and look what that has got us.

They have also supported the new NZQA qualifications which I believe are taking the industry down a slippery

amount of rhetoric outlining the torrid history of CPD which clouds the issue. The old CPD schemes were failures and even under the 1976 Act were proven to be unlawfully imposed on gasfitters.

The proposals by the Board were rejected. Such a history lesson on the failures takes the emphasis away from the facts that:

- The Federation has never debated the Boards right to impose a competence programme on the industry but more the manner in which it has been imposed and the reasons.
- In simple terms the complaint focused on the application of section 32 and if it has been applied wrong we submit the Gazette notices are invalid.
- Necessary up skilling has never been debated but what is being imposed on the industry is. How many of the courses deemed necessary by the Board are in fact necessary to prove competence?

## **Fact Seven**

The Federation submitted that some CPD courses (most) accredited by the Board are not within the guiding principles of section 32 and the costs incurred were unnecessary.

Professor Paterson in his opinion stated:

*"In my opinion, the nature and scope of CPD courses is properly a matter for the Board as regulator to determine. An Ombudsman or Court is not well equipped to weigh the fine details of courses prescribed by a regulator as a pre-condition of issuance of a practising licence. The Federation provided insufficient information for me to conclude that the Board has acted unreasonably or unlawfully in mandating particular CPD courses"*

This is a simple way round addressing the issue of who holds the Board accountable for its actions or for not applying the principles of section 32 to the "Matters" (being the courses). It would be reasonable to expect this 18 month investigation would have looked at what section 32 was applied to. If it was applied to a mechanism it was simply wrong and if it was applied to the matters as intended by the Act did it meet the threshold required?

The Federation is of the opinion that if there is **no demonstrated need for a CPD course then it is unnecessary and the cost cannot be justified**. The Ombudsman wants the industry to trust in the professionalism of the Board. The same Board that unlawfully implemented CPD under the 1976 Act, the Board that unlawfully took millions of dollars from the industry, the Board that are non representative of the industry and the Board that have cut off communication with part of the industry because they have a different opinion.

slope.

They seem to side with the Board for the self interest of their organisation and then claim they represent a huge proportion of the industry.

I support the Federation in its move to get us some real industry representation.

**Ed:**

It seems to us it is about leadership.

The Government by way of the minister isn't proving any type of leadership as he is simply ignoring the needs of the industry and claiming his Board is doing a good job.

This is the Board that expect the industry to up skill above and beyond the minimum standard and prove competence every year when that board have only just reached a minimum standard themselves.

The industry has been left to the mercy of the Government appointed Board. There is no industry representation on the Board. Sure they have plumber's gasfitters and drainlayers but they don't represent the industry as they are part of a consumer protection Board not an industry Board.

The Minister has failed to build bridges with the industry and likewise with the Chairman of the

The Board's interpretation of the application of section 32 leaves the industry in the position of having no say as to the costs incurred. For example the Board accredits a course, and by their interpretation and that of the Ombudsman it then becomes necessary for tradespeople to prove their competence. The cost of that course may be restrictive for a lot of tradespeople.

An estimated 222,000 hours is wasted on the current CPD scheme each year in the name of proving competence.

The Federation has often questioned the real costs of CPD and believe the Board have gone too far. The Federation asked the Board for the costs under the Official Information Act. Some questions and responses are as follows:

• **What is the cost to the applicant for CPD Course Accreditation?** *"There is no cost to the applicant"*

• **What are the Board's Cost to Accredite a course?** *"The cost of accrediting a course is not accounted for separately to other costs and therefore that information is not held by the Board. Your request is therefore refused under section 18(g) of the Official Information Act 1982"*

• **How much did course providers pay for accreditation and re-accreditation last financial year?** *"There is no cost to course providers for accreditation and re-accreditation of courses."*

Most of these answers disgust the Federation. The Board forces practitioners to buy CPD points by attending courses that are not a demonstrated need, and also pay for training providers, (many of whom charge for courses) to have their courses accredited or reaccredited to the Board.

When the CPD scheme started there was a charge of around \$250.00 to training providers to register or have a course accredited - and now there is nothing for them to pay. The Board claim the costs associated with accredited or re-accrediting courses are not accounted for separately from other costs, so here we have a critical "Term and Condition" of licensing, which must not impose undue cost on the industry and it is not accounted for. (Sound familiar? Haven't we been here before?) So what cost \$250.00 now costs nothing? How did they come up with the \$250 cost in the first place, presumably they did some research on the time it takes to accredit a course - so why is that information not to hand now?

Last year 255 new courses were accredited at no cost to training providers, but at a cost, based on previous cost figures, of \$63,750.00 to the practitioners. Tradespeople are paying twice - once through licence fees and once through their time and money when attending.

Board. The leadership hasn't been provided to win the industry over. We have a situation now where democracy is being abused.

Look at the situation where the Minister and Board have free reign, no one holds them accountable except for the Federation. In a democracy the Opposition holds the sitting Government accountable and in our case the Federation holds the Board accountable.

Without that accountability function you end up with a dictatorship.

It may not seem the Federation is achieving much but it is doing what it can to hold that dictatorship accountable.

It would be nice to have a Board that provided leadership that the industry could look to for inspiration instead of what we have where the leadership is a dictatorship that directs the secretariat to impose its will on the industry in the name of consumer protection.

There is more than one way to protect the public and the leadership of the Board have chosen Enforced Compliance instead of voluntary compliance. The outcome is the Boards responsibility.

### The Seven Deadly Sins

The seven facts outlined

Last year 181 existing courses were reaccredited at a cost of \$45,250.00 to practitioners, but yet again there is no cost to training providers to re-accredit. **The Federation believes the Board is now using industry money to buy training providers' support for the CPD Scheme rather than monitoring and reviewing competency.**

483 courses and the Board claimed there are no course accreditation expiry dates; however course accreditation is periodically reviewed. This contradicts what's on their website which states:

*"Note: From the date of acceptance a course is issued accreditation for two years"*

What we do know is that to re-accredit 483 courses there would be a cost of \$120,750.00 annually (based on the Board's accounting from prior years). This is paid from tradespeople fees. The tradespeople must still incur the course fees.

The Federation maintains the stance that matters to do with CPD should be "identified, necessary and affordable". We believe the Board stopped charging for accreditation due to the poor uptake of courses and training organisations pulling out. It should be noted that 57.34% of the courses are OSH related.

The Board's Consultation on the costs did not include any cost figures but was simply a statement.

## Conclusion

**Fact One** - the Board have consulted using misleading information.

**Fact two** - Section 32 was instituted into the Act for the protection of the tradespeople.

**Fact three** – 85% of the people who submitted to the second round of consultation did not support the CPD scheme.

**Fact four** – The Ombudsman agrees section 32 must be applied to CPD courses.

**Fact five** - The Board have removed the protection intended by the Act and have regulated themselves more power which is what section 32 was supposed to prevent.

**Fact six** – History has been used to cloud the issues on this NEW CPD scheme.

**Fact seven** - The Federation submitted that some CPD courses (most) accredited by the Board are not within the guiding principles of section 32 and the cost incurred were unnecessary.

in our main article on the Ombudsman's opinion relating to CPD got us thinking about the motives behind the Board's thinking and actions.

We don't know why they do the things they do, but we believe the seven facts outlined in the main article put the Board on par with the list of seven things that are considered the worst things to do.

1. Greed - Wanting too much of something.
2. Gluttony - Similar to greed, but gluttony is the action of taking too much of something in.
3. Lust - The need to fulfil unspiritual desires (not just sexual desires, but this is usually what lust is associated with.)
4. Envy - Jealousy; wanting to have what someone has.
5. Sloth - Being too slow or lazy at doing something.
6. Wrath - Vindictive anger; angry revenge.
7. Pride - Being too self-satisfied

So what can we say about Professor Paterson's opinion – well he must live with it, but we feel the facts speak louder than his opinion. As an industry we now have to accept the last bastion for fairness has placed its reputation on the line and sided with the Board.

The Government has stepped in before to cover for the Board when the Board have got it wrong and the Federation questions if this is a similar case.

The Federation has outlined the seven main facts for you to read in conjunction with the Ombudsman's decision. In this case **you** get to be the judge. Our future actions will be dependent on your interpretation of the Ombudsman's opinion matched against the facts outlined by the Federation.

In the end what we want as an organisation is to have meaningful upskilling – the whole thing isn't rocket science. The Board receive a number of complaints each year – let them examine those and if there is a problem in one particular area – then have a training scheme that addresses that the following year. The changes in the gas certification scheme cried out for a compulsory upskilling course – but did the Board make it compulsory for all gasfitters – NO. They were left to stumble around in the dark guessing about the different classes. Any changes in legislation or codes should signal some upskilling. Does this make sense to you? It certainly makes sense to us – and we can't for the life of us see why it doesn't make sense to the Minister and the Board.

You are receiving this email as a member of PGDF or because you signed up online.

[Edit your subscription](#) | [Unsubscribe instantly](#)

Plumbers Gasfitters and  
Drainlayers Federation 3  
Jupiter Grove Trentham  
Upper Hutt 5018 Ph (04)  
5277977 Mob  
0276564811 Fax (04)  
5277978  
[information@pgdf.co.nz](mailto:information@pgdf.co.nz)