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IN OTHER NEWS

Licensed Building Practitioners Skills Maintenance requirements set to change

As part of the ongoing changes to regulations relating to the New Zealand building and construction industry, the Ministry of Business, Innovation and Employment (MBIE) has announced changes to the Licensed Building Practitioners (LBP) that will be implemented later in the year.

Apparently the changes are designed to make ongoing professional development for LBP's more relevant and potentially less onerous, whilst ensuring they remain professionally competent.

Under the new scheme LBP's will be required to do compulsory and elective activities. The compulsory activities will involve reading the LBP News section of MBIE's Codeword's newsletter and identifying two examples of on the job training. LBP's will also do elective activities that are



Is Forced Compliance the Only Option?



With the current review of fees and levies and the Plumbers Gasfitters and Drainlayers Act 2006, it is timely to look at other options. The perception is the Plumbers Gasfitters and Drainlayers Board and Government have taken the stance the industry will supply unlimited manpower, budget and time. They have taken the "forced compliance stance" to such an extent that **fixed costs now outweigh the costs of performing the functions** they claim they are tasked with.

So what is forced compliance?

"Forced compliance theory is the idea that authority or some other perceived higher-ranking person can force a lower-ranked individual to make statements or perform acts that violate their better judgment. It focuses on the goal of altering an individual's attitude

relevant to their work and licence class.

It seems to us that this is just the thin end of the wedge for the LBP's.

This week there was an excellent article in the NZ Plumber February/March 2015 issue about Continued Professional Development in our industry.

The article by Joe Grayland, Professional Services Manager at Master Plumbers shows the Plumbers Gasfitters and Drainlayers Board CPD scheme for what it is:

"In the best instances, professional and trade CPD programmes are linked to an ethical or disciplinary process. These programmes are genuinely focussed on upskilling, not just on points gathering. In the worst instances, CPD is little more than a compliance-based training programme that doesn't build capacity in a sector, because its focus is not training but relicensing"

"On its website, the Plumbers Gasfitters and Drainlayers Board says its present regime is "committed to CPD as a valuable tool to assist in maintaining and improving the competence of registered tradespeople, and as a consequence, to protect the health and safety of members of the public".

Here the relationship between public safety and competency is clearly drawn, for which the tool is CPD - but does the

through persuasion and authority"

The Federation believes forced compliance is not the only option available to the Government, and we don't believe the manner in which the Board operates is within the intent of the Act.

The Federation believes that if the Board was operated as a **TRUE** Industry Board the purpose of the Act would be achieved to a far greater extent than it is now. The 2006 Act is already set up for this to occur but forced compliance and a consumer protection role are over ruling logical thinking.

Remember in the Act it states about the Board is made up of 6 persons who are registered, or entitled to be registered as plumbers, gasfitters and drainlayers (2 per trade) and 4 other persons, of whom 1 (but not more than 1) may be a registered person, 1 must be a person whom the Minister considers has appropriate experience in relevant tertiary or vocational education and 2 must be persons whom the Minister considers are able to represent consumer interests.

The current manner in which the Board operates shows that we have 10 people representing consumers' interests and none representing industry needs. So why do we have six to seven qualified trades people on the Board - is it simply for discipline matters? If the six people do not represent the industry then why have them - why not reduce the Board numbers by half? If it is a consumer protection Board, where the needs of the industry don't matter, then anyone can fill a position on the Board. As an industry we could save on 50% of Board related costs and more.

At the moment we have "taxation by regulation" as it is a deliberate choice by the Government for our industry to provide the service without direct financial impact on the Government. The term fiscal illusion comes to mind - this is where the benefits to the public are visible but the true costs are hidden because neither the revenue, nor the expenditure, have to be reflected in Government accounts. There are no performance measures and no one in Government seems to give a shit about our industry.

The tradespeople regulated in the plumbing gasfitting and drainlaying industry are the victims of the fiscal illusion. The Government fail to take into account the total costs and benefits to the public. They seem to be focusing on fiscal costs to government or compliance costs to business or consumers and ignoring less explicit costs.

Where are the incentives for the industry with regard to the decision-making process, education and enforcement to ensure the desired outcome of the Act is feasible? There are no incentives - **we get told we are advantaged by being in a regulated industry but no one can tell us how we are advantaged.** The industry needs to speak up during the review of the Act and the Fees and Levy Review (Regulation Tax Review).

We need **significant change in the manner in which we are**

present system benefit the tradespeople, the industry and the public? I don't think it does, because it has created a 'training trap' that satisfies neither the public's need for safety, nor the tradesperson's need to develop their industry knowledge and trade skills"

The article is well researched and well written so we congratulate Joe for a job well done. It is great to see Master Plumbers have changed their view on the current scheme and are supportive of change.

The article fluently outlines the message the Federation has been pushing for years but the Federation doesn't get paid so we get straight to the point which obviously upsets some people.

In a nut shell the Federation believes the Minister of Building and Housing Dr Nick Smith needs to pull his head out of this rear end and take action in the industry before it's too late.

Not talking to people and using industrial exclusion won't work. This may seem defiant but "no action" is causing major reactions from the industry and the situation will only get worse.

Don't forget CPD was proven to be unlawful for gasfitters under the 1976 Act, it was carried over in the same format to the 2006 Act and was believed to be unlawful, the two proposals from the Board to the industry were rejected and we

regulated and the costs imposed on us. There needs to be improvement in enforcement of non registered people and better oversight of the regulation of the industry and its impact.

There needs to be a stronger emphasis on building monitoring and evaluation strategies into the regulatory process. To achieve better quality regulation it will require progress in a number of areas - the Board and Government will **need the support of the industry**, something they haven't had for a long time due to their self imposed ruling with the iron fist. We all get the message about the health and safety of the public but need incentives, practices and legislation that support change better regulation.

We need an environment where tradespeople in the industry are willing to believe that there can be change for the better and that there are other options rather than just legislative and regulatory answers to every problem.

The significance of problems and the merits of solutions and alternatives need to be looked at before they proceed as a solution and then followed up after the event to ensure it has worked.

The Federation believes forced compliance must go and that will only occur if the Government and Board change tactics - as what they are doing now is failing severely.

We have always been ready to talk to the Board, the Minister and anyone else involved in this industry for the betterment of regulation and legislation. We stand with our door wide open – ready, willing and waiting to discuss change. We turn up to every meeting we are invited – and in the past we have no doubt that we have enabled the Board to tick some of the boxes in terms of meeting with stakeholders, but outside of these formal meetings the Board refuse to meet and regularly communicate. We believe this is not a good tactic on their part as they are ignoring a large chunk of industry from the newest apprentice through to the practitioners who have invested a lifetime in these industries.

No Recognition of the Problem



Did you know the Minister of Building and Housing. Dr Nick Smith has issued over **37 Media Releases since October last year?** The blank space above represents the number of media releases that

pertained to the Plumbing Gasfitting and Drainlaying industry! It also represents changes since the Minister took over the Ministerial role and the Plumbers Gasfitters and Drainlayers Board.

Trust, honesty, integrity, negotiation, mediation, communication and industry needs all appear terms foreign to the Minister and his advisors. Maybe Nick Smith should be the Foreign Affairs Minister?

believe CPD is still unlawful in the manner in which it has been implemented.

The Minister is now faced with BOTH of the major industry organisations singing from the same song sheet with regards to CPD and the pointless “points gathering” programme that the Board currently insist on as a term and condition of licensing. We watch with great interest to see if he will show some leadership in this area and suggest to the PGDB that they have got it wrong.

Reminders

Have your say in the review of the Plumbers Gasfitters and Drainlayers Act 2006.

Have your say in the Fees and Levy Review.

And lastly -

REMEMBER TO GO OUT AND BUY YOUR CPD POINTS AND WHILE YOU ARE DOING IT REMEMBER THE BOARD WILL CLAIM WE ARE SUPPORTIVE OF THE CPD SCHEME BECAUSE WE ARE FORCED TO BUY POINTS TO EARN A LIVING.

Seriously it seems there is no recognition of the issues faced by the industry and there should be, because if the people in the industry have a problem then so does the Board and so does the Government.

The clock is ticking as the problems have been identified and talked about for years but no constructive action has been taken.

Is the Registrar/CEO Leaving?



The last week or so we have heard lots of rumours that the Registrar/CEO Max Pedersen has resigned from the Plumbers Gasfitters and Drainlayers Board. We have been asked what impact that will have on the Federation - the answer is none at all as he didn't communicate with the Federation or do anything for the industry.

We would say don't hold your breath that he is going because looking at the history of his position there have been a lot of dodgy deals.

First we had a Board Member who got told by a politician that the Board was to be sacked, so he created a Registrar/CEO position and stepped into it thus avoiding being fired – you all know the name of this person! The Government then appointed a lawyer to the Chair position on the Board, a lawyer who had written a report on the industry who in turn had employment issues with the Registrar/CEO, who was then removed from the position.

A contractor was appointed to the position who was later appointed to the Board when Max Pedersen was appointed. So when you look at the history of the position don't be surprised if Mr Pedersen is appointed to the Board, or stays on in a temporary position on more money, or is taken on as a contractor for his expertise as a bureaucrat on more money, or takes up some new position that is created and gets paid even more money.

If it is true about Mr Pedersen leaving over the next few weeks you will see the propaganda put out by the Board telling us what a fine job Mr Pedersen has done. All we can say is **BYE**.

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