



## Fellow Practitioner Issue 246 Dated 20 March 2015

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### IN OTHER NEWS

#### How Many Visions?

How many visions does the Plumbers Gasfitters and Drainlayers Board have?

Perhaps we have too many and that is what causes so much confusion about what direction the Board takes.

Without even searching we found two visions released in the last three months.

First we have the vision from the Plumbers Gasfitters and Drainlayers Board Strategic Plan 1 April 2015 to 31 March 2018 adopted 18 December 2014.

***The Board is a respected autonomous organisation that contributes to the health and safety of the public by regulating people working in the plumbing, gasfitting and drainlaying trades and by working closely with the regulators of other trades within the construction sector.***

The second vision we have is from the Job Description for the Chief Executive Position released last week where the vision states:

### Board claims an 8% increase in licensing



The Board had this to say in the Quarterly Adviser:

*The number of authorisations issued for the 2014/15 licensing year saw an increase of 8% in comparison to the previous year. Applications processed in the first two weeks of the 2015/16 licensing year saw an increase of 39% in comparison to the year prior.*

Does this mean an **8% decrease in fees and levies** as it is all to do with the Board's fixed costs and economies of scale - so the more people there are the cheaper the fee and levies should be.

For those that didn't know, the Quarterly Adviser is a publication put out by the Board which claims to keep key Government and industry stakeholders updated on the impact that the Board's functions have within the community. They say it's about protecting people, property and ensuring high professional standards in the industry.

Peter Jackson the Chairman of the Plumbers Gasfitters and Drainlayers Board had this to say:

#### **2015 Forward focus**

*It is a privilege to have been reappointed as Chair of the Board for another year. It will be a busy year with a review of practitioner fees, work commencing on a review of registration and licensing requirements, and the MBIE led review of the Plumbers, Gasfitters and Drainlayers Act.*

*One of the principal areas of focus in the Board's review of registration and licensing requirements will be the effectiveness of the current continuing professional development (CPD) and supervision regimes. The Board reviews segments of the regulatory scheme periodically to ensure that the scheme continues to be current and that its benefits are greater than its cost to tradespeople and the public.*

*One of the things that the Board is hoping to see come out of the PGD Act review is a statutory role for building consent authorities in relation to ensuring that plumbing, gasfitting and drainlaying work are only carried out by authorised, competent tradespeople. The positive public health and safety outcomes from this are obvious.*

*MBIE have started consulting on the review of the Act and I urge people to take the opportunity to have input.*

The Federation doesn't seem to remember any of these periodic reviews, but if the Chairman says they happened then we presume everyone will expect us to believe him. But note that work is only **commencing** on a

## Vision and Values

**a. Vision:** *The Plumbers, gasfitters, and Drainlayers Board (PGDB) exists so that, in respect of the provision of sanitary plumbing, gasfitting, and drainlaying services, the health and safety of members of the public is protected without undue cost.*

### **b. Values:**

i. *Fairness*

ii. *Impartiality*

iii. *Transparency*

iv. *Trustworthiness*

One vision seems to be the hard line consumer protection vision of forced compliance and the other a more touchy feely *"we work with others using their trust in us and our fairness, impartiality and transparency to protect the public at a minimal cost"*.

We know the second one does not exist so why is the Board advertising it when the strategic plan says something totally different?

We look at the Advertisement for the Chief Executive position and the position description and if looks like **false and misleading advertising**.

The advertisement states the role purpose as: "This a permanent position requiring financial management and constructive, developmental leadership." (They couldn't even get the grammar right).

The Role Purpose then lists a number of responsibilities.

Out of the one page advertisement and the four page job description the Role of Registrar (the position with all the delegated

review of registration and licensing requirements.

The Fees Review goes ahead because it's about money and their jobs, the MBIE review of the Act commences and will take at least three years and the Board will COMMENCE a review of registration and licensing requirements which will no doubt coincide with the MBIE review.

Do you see the patterns they follow where issues about money get dealt with immediately but the other issues of forced compliance take years to deal with - where the Board creates the problems in a matter of minutes with Gazette Notices and ignores complaints for years claiming they are right, and then eventually they claim to be doing a periodic review.

It just so happens the periodic reviews are on the two issues the Federation believes are still illegal - CPD (in its current form) and Supervision.

## Is the Federation being Charitable



Is the Federation showing charitable intent by not complaining to the Regulations Review Committee, the Ombudsman and the Office of the Auditor General about the Board unlawfully taking money from the industry yet again?

We are referring to the Prosecution Levy and the Discipline Levy which were gazetted as separate levies/fee where the Act requires it to be a Discipline and Prosecution levy. You will note the Board has indicated it is correcting this in this Fees Review. Even though it is being corrected it doesn't take away the fact that **the Board got it wrong again** and they were told by the Federation it was wrong but yet again they ignored the **FREE** advice from the Federation.

So is the Federation showing "charitable intent" - no it has simply lost faith in the Regulations Review Committee, the Ombudsman and the Office of the Auditor General and does not want to waste industry money on forcing another cover up.

## It's Confirmed



The Plumbers Gasfitters and Drainlayers Board are recruiting a new Chief Executive.

This is what was advertised:

### **CHIEF EXECUTIVE**

- *Constructive, insightful leader*
- *Regulatory environment*

power), gets one mention under Role Purpose and that is:

**"Carrying out the responsibilities of the Registrar"**

Think of these issues when making recommendations regarding changes to the Act and the Fees and Levy review.

**Letter to the Editor**

**Dear Editor.**

I thought you may like a copy of a letter I wrote this week.

*Dear Dr Nick Smith*

*I would like to apply for the job as Registrar CEO of the PGDB, I have these attributes to offer.*

*I am incredibly good at ignoring complaints from plumbers, I definitely will not look into them or follow them up at all.*

*I am an expert in avoiding any form of communication, I will not respond to letters, emails, or phone calls. I enjoy participating in highly paid meetings that involve drinking lots of coffee and making decisions about the future of other people. I am particularly good at wrecking the livelihoods of plumbers whenever possible. I am absolutely willing to lie, and I definitely will not take any form of responsibility regarding any decisions I have made. I am also willing to risk the health and safety of the public.*

*My most valuable asset I can offer is the ability to spend the \$250,000.00 salary that is attached to this very demanding role. I will also enjoy going on the overseas trips (which of course I will not be paying for). I am your man when it comes to*

*As a regulator, the Plumbers Gasfitters and Drainlayers Board's (PGDB) purpose is to protect public health and safety in New Zealand by ensuring that plumbers, gasfitters and drainlayers are competent and licenced. Reporting to the Board, the Chief Executive will lead a small and highly competent Wellington based team.*

*You will be a successful executive leader with sound experience in a regulatory environment, or possess the transferable skills related to providing leadership of an occupational licencing organisation. Good appreciation of the government environment combined with sound political judgement is essential.*

*We are looking for a constructive and insightful people leader with excellent relationship management and communication skills and the ability to work well with diverse stakeholders. Sound financial and legal management is essential along with a track record of success in delivering complex services.*

*APPLICATIONS CLOSE: Sunday, 22 March 2015*

*VIEW THE POSITION DESCRIPTION: [www.jacksonstone.co.nz](http://www.jacksonstone.co.nz)*

*REFERENCE: 42560*

**We believe this position has been built up to be something it is not.** Remember it is believed the position was designed by an ex Board Chairman for him to step into to avoid being fired along with the rest of the Board. Obviously he would have wanted to take power with him so let's look at some facts.

We would presume the Plumbers Gasfitters and Drainlayers Board members' remuneration is set based on the responsibilities and authorities given to the Board. Currently the Chief Executive gets paid **\$2,080.00 more weekly than the full time equivalent of a Board member** so effectively two Board members could be employed full time for the same money as the Board is paying for the Chief Executive!

So the Board pays an individual twice as much to take on the Board's delegated authorities which have already had a value set on those responsibilities and authorities.

In saying that, **the Chief Executive position does not exist in the Plumbers Gasfitters and Drainlayers Act 2006 and in fact the Board cannot delegate any authorities to that position under the Act.** The Board may delegate some of its authorities to the position of Registrar under section 140 of the Act which states in part:

**"140 Registrar of Plumbers, Gasfitters, and Drainlayers**

*(1)The Board may appoint a person to be the Registrar of Plumbers, Gasfitters, and Drainlayers.*

*(2)The Board may pay to the Registrar the remuneration that it considers appropriate.*

*(3)The Board may delegate any of the functions or powers of the Board, either generally or specifically, to the Registrar.*

spending other people's money.

*I think I would be perfect for this role, I hold all the attributes that the board values in its team members.*

*I look forward to hearing from you.*

**ED:**

Well what can we say - your skills as listed would certainly back up the Board's forced compliance vision and would aid in the continued waste of industry money.

Your letter certainly seems to sum up the perception of a lot of the industry.

You may have noticed in the Board's Quarterly Adviser they were gloating about prosecutions. They stated:

*The current financial year has seen the Board complete 29 prosecutions for 37 offences. Of these, 94% of the defendants were found guilty. There are currently 15 cases of unauthorised plumbing, 3 cases of unauthorised gasfitting, and 3 cases of unauthorised drainlaying before the District Courts.*

It looks like prosecutions have increased so you can expect an increase in the offences levy as they ran offences at a loss last year. Oh that's right, they are now combining discipline and offences so the surplus in discipline can cover the loss in offences.

(4)No delegation under this section may include any function or power conferred or imposed on the Board by or under sections 28,30 or 142 to 144 or subpart 1 of Part 3.

(5)The Registrar may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the Registrar were the Board....."

So any delegations by the Board must be to the Registrar. A registrar is defined as:

**registrar** | 'rejə, strär | noun an official responsible for keeping a register or official records : *the registrar of births and deaths*. • an official in a college or university who is responsible for keeping student records.

So the Registrar whom the Board can delegate its powers to is the keeper of the Register of Plumbers Gasfitters and Drainlayers. Somehow this position has become a Chief Executive position affording an extra \$100.000 or so a year. So what extra functions is the Registrar performing???

Well it looks like the position provides leadership to the five direct reports and the 11 indirect reports. So we presume as the Board have a Chief Executive that the direct reports are managers/senior staff so there are five supervising 11, and no doubt they are getting paid as managers.

**Think about this when making comment on the fees and levy review that if everyone was to take a step back to the levels they should be at there would be a Board doing more at a cheaper rate than a CE, there would be a Registrar being paid appropriately and supervising a number of Officers being paid appropriately and probably no change for the workers.**

To put it into context of a plumbing gasfitting and drainlaying firm, the Board's structure is the same as having ten owners who employ a Chief Executive to do their job, who in turn employs five managers to do his bidding, and they employ 11 workers between them to do the work and make money for the business. **Sixteen management and eleven workers** - for those in business you know this would never be viable.

The Board should revert back to what works and is affordable by taking out the levels of bureaucracy that have been created by people feathering their own nests and to what the Act intended. If they intended for there to be a Chief Executive they would have stated so and given powers of delegation down to that position, not the Registrar.

Hundreds of thousands of dollars could be saved annually. That's hundreds of thousands of dollars of **OUR MONEY**.

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