



## Fellow Practitioner Issue 262 Dated 10 July 2015

### TABLE OF CONTENTS

- PGD Board Registration and Licensing Consultation
- The Submission in Brief

### IN OTHER NEWS

#### Is the Board Undermining their own Credibility?

There is nothing the Federation would like more than to have fairness and equality in plumbing gasfitting and drainlaying regulations and legislation and have it imposed by an INDUSTRY Board, appointed by the industry, and supported by the Government.

It seems the Federation has been forced into a situation of criticising some of the actions of the PGD Board as there is very little dialogue between the two organisations.

Issues that could be resolved by dialogue becomes public and industry knowledge because there is NO other avenue open to us.

It is now five years since the former Registrar broke off communication by way of regular meetings with the Federation.

We really need to ask why

### PGD Board Registration and Licensing Consultation

As you know the Plumbers Gasfitters and Drainlayers Board is carrying out a review of the minimum standards, and terms and conditions of the registration and licensing of plumbers, gasfitters and drainlayers.

The Federation has prepared a 17 page response to the consultation which can be found at [www.plumbers.co.nz](http://www.plumbers.co.nz) Plumbers and Gasfitting Forum, Fellow-practitioners-update, PGD-board-registration-and-licensing-consultation.

Submissions are required by the PGD Board by 15 July 2015. If you don't respond then the Board will take that as being supportive of their views.

We urge EVERY tradesperson in the industry to respond to the consultation. If you don't want to write a response individually, then read the Federation's submission and if you are supportive of the views expressed, then simply send the following response to the Board.

*"I have read the Federation's submission on the Board's Registration and Licensing consultation and fully support the Federation's submission."*

If you agree with some of what we've written feel free to add those bits in to what you want to say yourself. ***The overwhelming message we want to get out there is that YOU NEED TO HAVE A VOICE, and you won't if you don't put in a submission. Don't leave it to everyone else! You have a responsibility to shape the type of industry that you work in!***

### The Submission in Brief

#### Should there be an additional "journeyman" class of registration introduced?

Yes there should be. The journeyman qualification is one way of recognising the effort these people have put in to completing their apprenticeship in the industry and encouraging them to stay legal. The industry needs to retain skilled people and giving them an incentive and further chances to gain experience and qualifications is one way of doing that. In addition the Journeyman class would allow for the regulation of partially qualified individuals and eliminates the current situation where supervisors are responsible to regulate exemptions under supervision.

nearly everything the PGD Board does is by forced action? When was the last time there was a voluntary compliance action by the industry?

We know the Government has frameworks they want everyone to work to and all their frameworks seem to link to whatever their master plan is.

This is what we are told about the Governments Occupational Regulation Policy Framework:

*The Government has a policy framework for occupational regulation, which aims to ensure that certain occupational groups are regulated in order to protect the public from the risks of an occupation being carried out incompetently or recklessly.*

*While the regulation of occupations imposes costs and reduces flexibility, it can also provide assurances that competent people who have the necessary skills are available to carry out work: and that these people have sufficiently trained and meet the required industry, sector or government standards*

That is the master plan, the end product of what they want.

So the policy framework provides assurances that competent people who have the necessary skills are available to carry out work - no mention of how this is done, for example through force and coercion or through education and

One prerequisite the Federation supports to become a Journeyman would be that the individual has completed an apprenticeship in the trade to which they apply for journeyman status.

### **Should the work that people are permitted to do under the “exemption under supervision” provisions be restricted?**

The Federation feels exemptions under supervision should be for specific tasks and yes there should be restrictions placed on these exemptions. These should be stringently policed. Any exemption under supervision should be under the supervision of a person in the same organisation or on a service contract basis which the PGD Board can review.

### **Should there be other registration classes for people wanting to undertake just a limited range of plumbing, gasfitting or drainlaying work?**

The Federations believes it is not in the best interests of the industry or in the interests of the safety of the public to have registration classes for a limited range of issues. The creation of such classes would impose additional enforcement costs on registered people in the industry. These costs are already excessive.

### **Should there be one or two classes of registration for qualified tradespeople?**

The Federation is a strong believer of only one class of registration being Registered Plumber, Registered Gasfitter and Registered Drainlayer. The one class of registration would require a longer apprenticeship to around 10,000 hours. One registration class supported by the introduction of the Journeyman class would make for a strong knowledge and skill base with limited supervision issues to deal with, unlike the current system.

### **Are the current registration class names appropriate?**

The current registration class names are not appropriate and never have been. They are misleading and confusing. Members of the public only want to know if a person is authorised to do the work. One class name is required and that is “Registered”

### **Should there be terms and conditions of registration?**

There should **NOT** be terms and conditions of registration. This is simply a veiled attempt to impose more regulation on the industry. Most of the issues mentioned in the consultation document already have provisions for their enforcement in the PGD Act 2006. The PGD Board appears to be wanting to legislate itself more power.

If such terms and conditions were imposed the tradespeople would again be expected to fund the policing of the extra terms and conditions and in saying that, to what extent would the extra enforcement action go? If it was a term and condition of registration would it mean the removal of the tradespersons name from the register thus removing their qualifications. Would they need to re-qualify?

training.

Could better outcomes be achieved by cooperating with the industry rather than imposing restrictive, and costly regulation on them?

In reality tradespeople in the industry want the industry to do well because after all it is our livelihoods. The better the industry does the more prosperous it is.

Part of the statement above states *"and that these people have sufficiently trained and meet the required industry, sector or government standards"* - a very profound statement which implies the training is available to achieve the statement - but is it?

Apprentice training is a 17 week assessment structure with very little, if any, actual instruction on the skills and knowledge needed.

The onus for "hands on skills" has been laid on the tradespeople who are busy working trying to make a living. This leaves a situation where they either don't take on an apprentice or the apprentice has to fend for themselves.

It seems economic restraints on the tradespeople are not taken into account when it comes to training. Tradespeople are expected to keep on giving in time and money.

In fact they are not expected to keep on giving

If terms and conditions were imposed on registration would there be a need for annual licensing because in effect they would become the same.

### **Should the certifying examination be part of a NZQA qualification?**

The Federation supports the certifying examination being part of NZQA but emphasizes there should only be one qualification that of "Registered." The Federation feels the current exam and first time registration fees/costs are placing a barrier to entry into the industry.

### **What changes (if any) should be made to the CPD scheme?**

The current Continued Professional Development (CPD) scheme in our opinion has no credibility and does not achieve its perceived purpose.

The existing CPD Scheme is a total failure and does nothing to encourage tradespeople to improve their skills. The Federation believes a competence programme achieves its purpose by ensuring the correct information is being supplied and monitored by the governing body.

The PGD Board should be able to accurately assess each individual, class of registration and the industry as a whole. The Federation feels competence programs should be split into three key areas of importance:

- Disciplinary Competence Programmes
- General Competence
- Compulsory Competence Programmes

By splitting the competence programmes into the three key areas the system will allow practitioners and the Board to identify an individual's area of deficiency that can be rectified without delay and is not restrictive. The system will also give the Board a transparent path to achieving the outcome of an industry that is up skilling on a frequent basis with relevant and current information.

Individuals know what is best for them and should be left to control their training. The PGD Board's function is to monitor the training and deal with people who fail to achieve expectations of training and up skilling.

### **What changes (if any) should be made to the supervision requirements?**

The Federation believes the current supervision requirements deregulate a section of the industry and takes away personal responsibility from those who are supervised. The introduction of the Journeyman class would assist in the tightening up of responsibilities of all tradespeople for their work.

Supervision is more than being held accountable if anything goes wrong and at the moment that is all that is achieved by the current

they are regulated to keep on giving. Perhaps this is the reason the numbers and skill levels are dropping in the industry.

There appears to be a huge gap between the Government's Occupational Regulation Policy Framework and reality.

Perhaps the PGD Board are the meat in the sandwich between Government Policy and reality but good leadership and governance of the Board would lessen the impact on the industry.

Sure we know the Board has to take into account Government policy but it seems the Board have lost their independence and have simply become a consumer protection Board for the Government.

Has the leadership of the Board over the years taken the Board in the wrong direction to such an extent that it has lost its credibility and independence?

For over a decade, in our opinion, the Board has been forcing the industry in the same direction and nothing is improving - in fact it could be argued that the situation is worsening.

Band aids have been placed on gushing wounds and now they are coming unstuck.

Does anyone on the Board actually know what is correct any more? Who is going to stand up and correct the situation?

So many mistakes have

supervision requirements. Supervision requirements should only be met by people employed in the same organisation or by way of a contract of service that the PGD Board can hold on file.

### **Exemptions**

The Federation sees problems around Exemptions in that the manner in which the PGD Act has been interpreted means people with exemptions are not held accountable in any way. The Federation is a firm believer that people should be qualified and are accountable for their own work.

The Federation believes educating people and picking them up if they are failing is a far better way of protecting the public than allowing partially qualified people to operate in the industry.

### **Exemption under training**

When does a trainee cease to be a trainee? Does it have to be formalised training that the trainee is participating in? This needs clarification.

### **Exemption for householders**

The Minister of Building and Housing can allow exemptions for householders but the Federation does not see how this is an advantage to the industry. How does it protect the public now and in the future? What it does mean is the industry is regulated through registration and licensing but the public is not.

Why regulate an industry of highly skilled tradespeople but yet give an exemption to members of the public - it's just hypocritical.

### **Exemption for sanitary plumbing, gasfitting and drainlaying under supervision**

Exemptions deregulate some of the industry in that the Board has no authority to discipline or impose fees or levies on the exemption holder. The manner in which these sections are applied by the PGD Board results in the Supervisor taking all the responsibility for the exemption holder including the payment of fees. The legality of the PGD Board imposing fees on the supervisor is, in our opinion, questionable.

### **Duration of practicing licenses**

The PGD Act has the provision for a 5 year license but the industry still has a one year license imposed on it which was not the intent of the PGD Act. It is the Federation's opinion that annual licensing is oppressive to the industry. It does nothing for the protection of the public and imposes costs and terms and conditions that are not necessary on an annual basis. The Federation believes it should be a two year license at the very minimum but 5 years would be preferable.

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

Section 32 of the PGD Act 2006 needs clarification based on the

been identified that it must place into question the accuracy of the information coming from the Board.

We have no doubt some information will be correct but the perception is there is a lot that is not. The 8,100 plus mistakes in the Public Register is a prime example. What effect will that have on the figures reported on in the annual report or is there another set of figures the Board use to report on?

As an industry what and who can we believe and trust?

If there is no dialogue and common purpose then what hope is there of the regulation of the industry being anything more than a dogmatic system that is not supported by those it imposes on.

Is it time for the Board to stand up for the industry and help move it forward or are we going to continue on the downward spiral?

Are this Board brave enough to stop, look both backwards and forwards and try to embrace industry enough to bring them in to the fold. After all said and done WE ALL HAVE A COMMON PURPOSE. The Board want the health and safety of the public to be safeguarded, and practitioners want their customers to be safe and receive the best service they can give.

It's time for the Board to be brave – as George

intent of the PGD Act. The Federation believes the application of Section 32 by the PGD Board is wrong and is not in accordance with the general objectives and intentions of the PGD Act. 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 PGD Act and have legislated themselves power and have made the scheme mandatory.

### **Linking licensing to ongoing competence, knowledge and skills**

The Federation does not believe ongoing competence, knowledge and skills should be linked to relicensing. The monitoring systems should be in place by the PGD Board to access what is needed by individual tradespeople as everyone is different, and anything that all tradespeople or classes of tradespeople need to know should be mandatory.

### **Registration and licensing of tradespeople in general**

The Federation is not happy that Registration is being handed to people who have never done apprenticeships or passed relevant exams and yet other applicants with vast overseas experience and who have done apprenticeships are denied registration

### **PGD Federation General View**

The regulations supporting registration and licensing, we believe, have been misused and have not adhered to the intent of the PGD Act. The PGD Boards over the past decade have used the regulations supporting registration and licensing as a tool to force the tradespeople working in the industry into submission to comply with the direction supported by a few in the industry, not necessarily tradespeople.

It is the Federation's opinion the PGD Board has continually attempted to increase its powers with regard to registration and licensing. Discipline and prosecutions seem to have been used as measurements of success - however the Federation believes they are measurements of failure.

The Federation believes the PGD Board are creating a lot of the issues by the manner in which they impose regulations on the industry. This seems to be by way of force and coercion. Registration and licensing terms and conditions play a critical part in the relationship between the tradespeople and the PGD Board. The relationship is currently one of mistrust.

The Federation's view is that registration and licensing and their terms and conditions need changes to improve the regulation of the industry but what needs major change is the manner in which terms and conditions are implemented.

In addition there are issues with training and qualifications which need urgent attention and that link directly to the issues faced by the industry.

Bernard Shaw said – “I never thought much of the courage of a lion tamer. Inside the cage he is at least safe from people>”

#### Lost

Has anyone seen the June 2015 edition of the PGD Board "The Quarterly Advisor"

This is the quarterly report that keeps Government and industry stakeholders updated.

If the Board is having trouble finding things to write about the Federation doesn't mind helping out.

#### What to do now?

This is your chance to show the world that the Federation is more than a “couple of malcontents” as our detractors love to label us, so we urge you to put in a submission or simply send the following message to the Board at [submissions@pgdb.co.nz](mailto:submissions@pgdb.co.nz)

*"I have read the Federations submission on the Boards Registration and Licensing consultation and fully support the Federations submission"*

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