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IN OTHER NEWS

Third of quake repairs non-compliant: MBIE



Surprise! Surprise! A survey from the Ministry of Business, Innovation and Employment has found structural repairs carried out through Canterbury home-repair programmes are often not up to scratch.

Apparently inspectors found, of the 90 homes randomly checked in the process, only 35 were fully compliant,

A Mistake in Law.



Remember Flip Flop Williamson defended the Plumbers Gasfitters and Drainlayers Board when they took money from the industry unlawfully saying it was a "Mistake in Law"? He

went on to put in retrospective legislation to make it all legal - well it looks like another issue may have been identified that places supervisors in a very awkward position.

Here's the situation, an apprentice finishes their time and obtains the NZQA Certificate in plumbing, gasfitting or drainlaying (National Certificate) - licensing time rolls around and they haven't yet passed their registration exam – they apply and become an “exemption under supervision” worker.

Here is the problem - they go from a situation where they can operate without direct supervision as a trainee license holder to one where they must be under direct supervision as a exemption under supervision holder for a period of 2 years. (Direct Supervision means within eyesight or earshot of their supervisor, and applies to an apprentice during his first year of his apprenticeship, and for an exemption holder the first two years of having the exemption).

So, just to re-iterate – an apprentice services four years and gains National Certificate, year 5 rolls around and he/she hasn't passed their exam and so applies and becomes an exemption holder and must be treated, in terms of supervision, THE SAME AS A FIRST YEAR APPRENTICE. This has implications on what they are worth wages wise and certainly how an employer can use them. It has implications for the employer if they do not provide the adequate level of supervision – things like your insurance could be affected, not to mention the risk you put yourself at if inadequate supervision is not in place.

while 32 were not and another 23 had minor defects.

So far there has been no mention of disciplinary action against any trades people and there likely won't be as this is a Government run project and that would just make them look incompetent.

MBIE's building general manager Adrian Regnault said the level of non-compliance was disappointing and large workloads could be a cause.

So next time you make a mistake and the Board has a go at you - simply use "being busy" as a defence and see how far it gets you.

You may recognise the name as it's believed this is the same Adrian Regnault who advised Maurice Williamson on all things plumbing gasfitting and drainlaying when he was Minister so the regulation of industries is no stranger to Mr Regnault.

Earthquake Commission Chief Executive Ian Simpson said homes would be made compliant at no expense

This is what the Board's Plumbers, Gasfitters and Drainlayers Board (Plumbing Registration and Licensing) Notice 2010 states regarding plumbing:

(7) A certifying plumber must ensure that, during the first year of holding a limited certificate, a trainee plumber is at all times working in the presence of the supervising certifying plumber or a licensed plumber who is supervised by the same certifying plumber.

(8) A certifying plumber must ensure that, during the first two years of working under an exemption pursuant to section 19 of the Act, the exempt person is at all times working in the presence of the certifying plumber supervising them or a licensed plumber who is supervised by the same certifying plumber or a person authorised pursuant to section 18 of the Act.

The gazette notices are similar for gasfitting and drainlaying. If you are a supervisor you need to be aware that an individual in these circumstances goes from direct supervision to being supervised at the end of their apprenticeship to being under direct supervision as an exemption holder. We are very confident this is a mistake as we don't think the Board would do something like this on purpose.

We know of one individual who is having to fight an insurance company to prove an employee wasn't required to be under direct supervision.

Know Your Insurance



It's everyone's worst nightmare when something goes wrong, an accident occurs and the other party's insurance company chases you for money. If you don't have insurance you are in for a battle but if you do

have public liability insurance you fall back on it - but what happens if they reject your claim?

What happens if it was an employee who just didn't do what they were trained to do and the insurance company says you failed in your "duty of care" because you didn't have direct supervision of them.

to customers. So we can only presume we, as the tax payer, will foot the bill.

So where was Fletcher's QA in all of this?

So when looking at comparisons you may want to look at the punishments for not putting on a cylinder strap compared to the punishment for not re-piling a house properly.

If fairness and equality were to be put in place by the Government then this situation would be the subject of a full enquiry, but I think we all know nothing will happen because it is big business and the government who have not paid due diligence to the work done.

This seems very much a case of do the work as quickly as possible for the contracted price to maximise the profit margin. Who sets those margins?

Tradespeople have had the prices dictated to them right from the start of the rebuild but they will be the ones who get the blame.

So is it the tradespeople to blame or the

What if you found you had to issue a hot works permit to yourself to have insurance? What if you found the actions or lack of actions by your employee caused your insurance company to reject your claim? What if you found you were being chased for hundreds of thousands or even a million dollars?

Not a nice situation to be in. We have spoken to a lot of business owners in the industry and they are shocked at the lengths being taken by this Plumber's insurance company to avoid payment.

This story may help you avoid a costly situation or even your business and livelihood. The situation started when a client telephoned stating they had a leaking pipe.

They later telephoned stating they had found the leak which was a pin hole in a copper pipe. They had exposed the area of pipe. The task was given to an exemption holder who had completed his apprenticeship, obtained the NZQA Certificate in plumbing, had over 5 years experience in the industry and who was waiting to sit the Plumbing Gasfitting and Drainlaying Board Registration exam.

All safety equipment was available to him and he had passed the relevant unit standards for this type of work. He had performed the task of brazing copper pipes in walls before. On this day he chose to ignore his training and accidentally set fire to the house causing substantial damage.

The plumber's insurance company investigated the incident and rejected his public liability claim stating the plumber had sent the exemption holder without supervision, the exemption holder had failed to remove loose building paper, did not use a protective layer of fireproofing, did not have a fire extinguisher at hand and failed to complete a hot works permit which it appears was a requirement for welding which was in the insurance policy.

In a nut shell the insurance company has deemed the plumber's business did not take reasonable precautions to prevent the fire.

To us and the plumber this raises a number of questions:

- If the worker had qualified in an aspect of his work and did not apply his training can the business be held accountable?
- If the equipment required to do the work safely was available to the worker and he chose not to use it then can the business be held

bureaucrats for setting unrealistic targets? Is this another case of liability vs. fault?

One Man's view

I have just finished reading your latest newsletter and having read most of them over the last 2-3 yearsthe whole issue is still stuck in the mud on the Somme & politics. Steps forward and then knock backsmany steps backward.

Fairness, what is right, what is moral have no merit or are worth any points.

Creating advantage by any means is justified and is glorified, it doesn't have to be right it just has to make sense and align with the created advantage, if the advantage is a fallacy then we spin the advantage highlighting and emphasising the advantage so the advantage concept takes on a life and becomes the buzz words and the through guile, cunning, immoral means to make appear normal therefore the perception of change must be real.

This is how a new order is created. Your values and your organisations value

accountable?

- What is the purpose of the hot works permit if the tradesperson or business issues it to themselves?

- The investigator informed the business owner not to talk to anyone unless it was cleared through him when it is now obvious the investigator's primary function was to protect the interests of the insurance company.

- Is the issuing of hot works permits common practice in the industry? We know it is in commercial work but what about routine maintenance? Are you required to issue a hot works permit to give you public liability cover?

- Are the hot works permit requirements the same for brazing as they are for welding?

- Should insurance companies have a duty of care to remind business owners of issues such as hot permits as it is only one section of an 80 page policy document in this case?

- What is the worth of Public Liability insurance if it doesn't cover the actions or inactions of your employees?

An absolute nightmare situation that has the potential to close a productive business leaving ten families without income.

How long are we liable for?



While we are on the subject of insurance, how long can a tradesperson be held liable and what needs to be proved?

Have the Christchurch earthquakes left insurance

companies in such a bad state financially that they need to scrape back every dollar they can? It would seem so because we know of another case where an insurance company is claiming a tradesman installed a bathroom over nine years ago and that a brass barrel nipple has been leaking ever since then. It is claimed it has gone undetected for nine years and has damaged three rooms.

and ethos I believe in as being right, just and fair and good for one and good for all.

But in the game of politics those values and Ethos are sentiments and trash sentiments at that, because they blunt the drive for change and advantage.

The advantage of course must fall to the favoured few.....if you hold the power you have advantage. If you have advantage then you own advantages including the patent. All else becomes resources.

The new world global order commenced at the end of the second world war. It is so well advanced that they are now in a position to move the world's populations to the places where they want the world's population to live. Cuts down on infrastructure required and concentrates the usage of that infrastructure.

You and I, the tax payer, through the govt, will pay for that infrastructure as the government will oversee it and pay for it with our taxes and they will be well looked after.

The corporate world are

No sign of mould, no sign of water, no sign of swollen floors, no wet walls, no dripping noise, nothing for over nine years and now all of a sudden it has damaged three rooms, a bathroom and kitchen cupboards. The insurance company is claiming against the plumber who installed a new bathroom over nine years ago, stating the barrel nipple has been leaking since it was installed.

So how long is a tradesperson liable? It seems this is very much a case of the insurance company blaming the tradesperson and then the tradesperson having to prove their innocence and how do they do that?

Was it the same nipple that was installed originally? Had any other tradesperson removed the nipple and tap at some stage? Had the homeowner removed the tap and nipple at some stage? Did anyone heavy fall on the tap at any stage? Was there an earthquake that moved the tap/nipple? Did the house move putting strain on the tap and nipple? Why wasn't the damage noticed earlier? Was all the damage caused by the leaking nipple?

The big question is **how does the accused tradesperson prove it wasn't their fault?**

Look at fault vs. liability :

- Is this a legit claim vs. ploy for settlement?
- If you are found to be at fault are you liable?
- But hey what if you're not at fault?
- The burden of proof alone costs time and money.

What is going to be the future liability placed on tradespeople and what will be the cost of covering the liability? Do we need to increase our prices now to enable us to cover future liability costs. With regulation and liability we are rapidly approaching \$150.00 to \$200.00 an hour and that's not unreasonable when you look at lawyers, architects and engineers whom we constantly get compared to.

Plumbers Gasfitters and Drainlayers Board Roadshows

The PGDB roadshows are continuing around the country – we encourage you to attend, ask questions and voice your opinion. The

the rulers and they pay to
get the govt leaders
elected who have been
briefed on their role in
making the changes
(Advantage) come about

We are about to enter
into a new age of serfdom
where we don't own
anything and cannot use
anything, hunt anything
or grow anything unless
it is paid for and purchased
from the approved
corporate business
Advantage.

So do you see what I
mean about your values
and ethos as being trashy
sentiments. You need to
do a 180 degree direction
change, join them and
screw the customers and
whoever else and just
make money - create your
own advantage

Board assure us nothing is set in stone as they want to get your
feedback on the proposals that came out of the consultation
document.

We attended the Lower Hutt Roadshow and found the discussions
interesting - and the Board willing to engage with those present. We
weren't 100% convinced with the answers we were given on cost
increases, but we certainly feel that there is a change and a
willingness to engage with industry.

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