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IN OTHER NEWS

MORE IMPOSITIONS

Continued from the main column where we are looking at what is expected of registered practitioners.

Because the Board have failed to implement regulation procedures on non registered people they expect registered practitioners to supervise unqualified people. The Board has allowed over 2,500 exemption holders operate in the industry!

Practitioners are expected to accept the decisions of the Minister when they appoint Board members and any other decisions regarding the regulation of the industry.

Likewise practitioners are expected to support the regulation of the industry without questioning the Board or the Minister. Consultation is generally stacked in the favour of the Regulator's ideas.

Practitioners are expected to accept the decisions of

PROTECTION OF THE PUBLIC



The restriction on the right to practise as a plumber, gasfitter or drainlayer and the provision for registration of only those practitioners who are properly qualified have a primary focus on the protection of the public.

The financial cost of working in the regulated industry falls on registered practitioners but that isn't the only cost. The number of issues affecting practitioners has increased enormously over the last few decades to a point where we question the benefits of working in a regulated industry.

The courts have ruled that the Plumbers Gasfitters and Drainlayers Board (the Board) are a Registered Charity with a charitable purpose, a decision which we have to accept.

They ruled that the Board must exist for the benefit of the public. It's claimed there is a clear public benefit in the Board's regulation of the plumbing, gasfitting and drainlaying industries and the section of the public affected constituted a sufficient section of the public.

A court decision stated the Board's functions may increase public confidence and thereby provide a flow-on benefit to practitioners. But those benefits are purely collateral and incidental consequences inherent within a system of registration. The provision of those benefits is not THE purpose of registration.

This means any benefit to registered practitioners is not a prescribed benefit but more the scraps after everyone else's benefits take priority over practitioners.

the Board simply because the courts see them as a specialist Board appointed for their specialist skills. If practitioners wish to appeal the Board's decision the Board look at the appeal themselves in the first instance and make a ruling.

If the practitioner is not happy with the Board's ruling they are expected to pay for legal representation and go through the court system and are also expected to pay the Board's legal costs which are funded by practitioner's annual fees.

Practitioners have no say in how the Board spends the money practitioners pay. The legislation seems to back for instance any overseas trip they feel they want to go on.

Of course there is the expectation practitioners take on apprentices knowing that they don't qualify as workplace competent at the end of their apprenticeship. They still require supervision and that supervision will fall on the qualified practitioners.

Practitioners are compelled to attend continued professional development (CPD) knowing that it is mostly a rehash of subjects the practitioners have already qualified in. New subjects are minimal.

Practitioners are expected to get their work right first time all the time or face the wrath of the Board or Energy Safety.

Practitioners are expected

It was held in court, a court decision that if the Board were established for the benefit of those working within the industries, it could be expected that s137 Functions of the Board, Plumbers Gasfitters and Drainlayers Act 2006 (the Act) would have made provision for those benefits. The Federation interprets this to mean the Board are not required to do anything that benefits practitioners.

This is where section 32 of the Act was brought into play - to protect registered practitioners as it was believed the Act gave the Board too much power. Section 32 is the Principles guiding prescribing of registration and licensing matters.

So in prescribing matters under section 28 Classes of Registration and 30 Other registration and licensing matters, the Board must be guided by the principles that the matters must be necessary to protect 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 above.

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.

Section 32 was supposedly to protect registered practitioners but by way of an Official Information Act request the Federation asked for information regarding the Board's formal interpretation of the words necessary, promote, undue cost and reasonable cost as they relate to the Act.

The Board's response in part was:

"Turning to the second part of your request, the Board does not hold any information in which it has interpreted those specific words and phrases separately and divorced from any context and nor is it willing to do so...."

So the chances of section 32 being applied by the Board as was intended are very slim in our opinion

There is a second section which could be seen as protection for practitioners, in a broad sense, and that is section 34 Notices published under sections 28 and 30 must be approved by Minister.

The Board must submit to the Minister any proposed notice designating classes of registration or providing for the prescription of minimum standards of registration and requirements for competent and safe work places.

The Board must, before publishing a notice under section 28 or 30, submit the proposed notice for the approval of the Minister. The

to accept the Board has applied the principles of Section 32 of the Plumbers Gasfitters and Drainlayers Act 2006 when making decisions regarding registration and licensing matters.

Practitioners are expected to accept the Skills Organisation is expending funds allocated to apprentices appropriately and are getting value for money. They are also expected to accept changes to training without consultation.

Practitioners are also expected to pay penalties imposed if an apprentice does not attend a scheduled course and yet there is no penalty on Skills if they cancel courses, or delay them. On one hand the government is saying stay at home if you are sick and on the other hand if you don't go on your course you pay the penalty of \$345.00.

Practitioners are expected to believe that the Ministry Of Business Innovation and Employment (MBIE) are providing suitable and accurate advice on all things plumbing, gasfitting and drainlaying to the Minister.

It's about perceptions, what's fair, what's necessary and trust, but the Board and Government are not alone in what is expected of practitioners.

The public expects practitioners to get it right first time every time and if it's not right the cost is on us. This doesn't happen to doctors as if they don't get it

Minister must, as soon as practicable after receiving a proposed notice under by written notice to the Board, approve it; or decline to approve it.

If the Minister declines to approve a proposed notice, the Minister must indicate the grounds on which he or she declines to approve it; and the Minister may direct the Board to prepare and submit a revised proposed notice; and the Board must, as soon as practicable after receiving a direction submit a revised proposed notice. A proposed notice may be published under section 28 or 30 only after it is approved by the Minister.

We believe it is the responsibility of the Minister to be abreast of what is occurring in the industry to ensure section 32 has been applied appropriately but we haven't seen evidence of that since the Act was enacted. We know that the reason for reviewing the Act was to ensure it was operating effectively and appropriately.

There is no doubt the public need to be protected by way of regulation but more importantly they need to be protected from themselves.

Looking at the burden imposed on registered people there doesn't appear to be any benefit for practitioners. We know that the Board and the ITO form working groups and industry liaison groups, but they select who goes on them and exclude others. This isn't industry representation or consultation - but selective inclusion and exclusion.

In general, meetings and consultation are held to benefit from group dynamics. Points raised by one trigger consideration and subsequent suggestions by others. To have clone attendees you simply end up with duplicate ideas.

A decade ago the Federation asked if a Plumbers Gasfitters and Drainlayers Board was necessary and a Master Plumbers executive stated that if the Board didn't exist then Master Plumbers would lose their influence. That may well be the case but an additional question now would be what has that influence achieved for practitioners?

Maurice Williamson refused to listen to the Federation and told us to work constructively with the Board. The Federation has tried this with varying success, but in more recent times we have simply had exclusion tactics used on us. It seems that working constructively is interpreted by the Board and others as doing things their way. Look at where that has got the industry.

You can wrap any regulated industry up in decorative paper and put a nice ribbon on it but that doesn't mean it's effective. The partial regulation of our industry is probably effective for the minor parts it's actually regulating, such as practitioner discipline, but the rest is fuelling black market activity, anti competitive behaviour and poor training.

right first time they have a second or third go and we still pay for it.

Practitioners are expected to do free quotes.

Practitioners are expected to be on call 24 hours a day, 7 days a week.

The list just keeps on going of what is expected of practitioners but who is looking after the interests of the practitioners?

We hear all the claims about representation of practitioners but its more about organisations looking after their own self interests.

What happens if practitioners turn their back on the regulation of the industry? Simply put millions spent on training will have been wasted and the protection of the public will fail.

This is not the practitioners fault and any failures lie squarely with the Board and Government. When was the last time anyone spoke constructively with the practitioners?

Is a situation where a practitioner not being able to apply their trade unsupervised at the completion of their apprenticeship providing a safe environment for the public? Not being able to apply your skills unsupervised is not what being a practitioner is about.

It seems that to meet the needs or wants of those who hold influence or monopolies in the industry the Board has been enacting new qualifications classes which has a huge impact on the majority of practitioners and does very little if anything for the protection of the public.

There is no argument about the purpose of the Act but more about the manner in which the industry is regulated. We do not see any fairness at all for the majority of practitioners and if there is no fairness then how can anyone expect practitioners to voluntarily comply with the regulation of the industry.

The last decade or so has seen a lot imposed on practitioners and a lot is expected of them so read the side column for more on that subject.

MORE IMPOSITIONS

The last 45 years has seen more costs and requirements imposed on practitioners. What is expected of practitioners has escalated to a very disturbing level which has permitted others to clip the ticket for their self interest.

Practitioners are expected to maintain industry standards while everyone imposes more on them.

This article gives a few examples of what is expected of practitioners.

Practitioners are expected to 100% fund the regulation of the industry as well as fund the policing of the public should they choose to do their own plumbing gasfitting and drainlaying without authority.

Practitioners have to provide the majority of the training for apprentices now because the polytechnics and ITO don't provide it to a sufficient level.

Continued in the side column

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