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IN OTHER NEWS

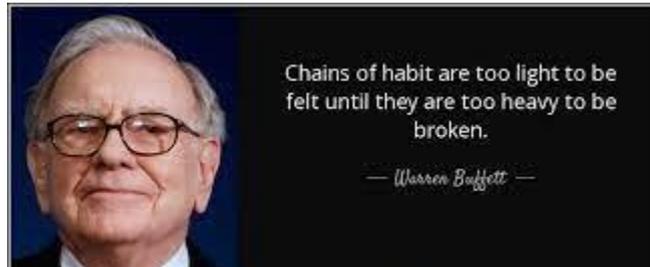
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MAIN COLUMN

There is no pathway to the Certifiers qualification, nothing new only a supervision restriction on the practitioner and obviously when a system is not supported then ways to circumvent the system are looked for, hence registered people now seek the supervision of Certifiers so the registered person can operate in their own business.

The industry is rapidly approaching a time where operational Certifier numbers, that is the number of Certifiers who are still active in the industry, are reducing. The Board's numbers reported in annual reports merely list the numbers on the Register not the number active in the industry that can properly supervise others.

The report eludes to changes to the fit and proper person policy and implies more people may be excluded due to physical and mental conditions.

THE CHAINS THAT BIND US



Did you ever notice that as we get more legislation and regulation imposed on us, we simply accept it and take the added burden? As time goes by and it happens continually it becomes the normal but with anything - if you over burden it, it will break.

The report on the review of the Plumbers Gasfitters and Drainlayers Act 2006 (the Act) has been tabled in Parliament. The report seems to portray the legislation as being a glowing success with only a few minor tweaks required to make it even more efficient. We absolutely disagree with this assertion.

One major fault in the report is that it seems to totally ignore the fact the Act has done absolutely nothing for the competence of the practitioners - which is quite surprising for a one-of-a-kind competency-based act in the construction industry.

We believe the purpose of the Act is failing due to the way the Act is interpreted, and its purpose is only partially being achieved due to the oppressive actions of the Plumbers Gasfitters and Drainlayers Board (the Board), the Ministry of Business Innovation and Employment (MBIE) and the industry training organisation; Skills Organisation (Skills).

We want to emphasise that the practitioners in the industry are not responsible for the problems in, or the regulation of the industry.

The purposes of this Act are—

(a) to protect the health and safety of members of the public by ensuring the competency of persons engaged in the provision of sanitary plumbing, gasfitting, and drainlaying services; and

(b) to regulate persons who carry out sanitary plumbing, gasfitting, and drainlaying.

The current registration system has been developed to allow for people to opt out and remain under supervision for life. It's our opinion the registration system is allowing anti-competitive behaviour and is feeding the black market for trade work.

Continued Professional Development (CPD) is another example of a necessary function that has lost the trust of the industry and is now simply a necessity for annual licensing. If it is something new that is relevant and affordable, and we need to know about as a practitioner then it is good, but the CPD system went down an avenue of needless courses for the collection of points so suppliers and organisations could profit from it, to the current system where it is an attendance system where a rehash of subjects already qualified in is given. It should cover "matters necessary to" and therefore should be part of a feedback loop from the disciplinary process or cover off the introduction of new materials, regulations or standards.

We estimate the half day CPD requirement for 13,199 licence holders has a real cost of over \$7M in lost productivity annually and for what - a tick in the Board's accountability box?

It is absolutely nothing to do with competency because as soon as a practitioner walks out the door and makes a mistake, they are deemed incompetent and not just

In the context of the construction industry this sets the plumbing, gasfitting and drainlaying industry apart from other similar industries as there is no Electricians Act or Builders Act, however there is an Electricity Act 1992 and a Building Act 2004.

The purposes of the Electricity Act are—

(a) to provide for the regulation, supply, and use of electricity in New Zealand; and

(b) [Repealed]

(c) to protect the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; and

(d) to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand; and

(da) to provide for the regulation of fittings and electrical appliances that are, or may be, exported pursuant to an international trade instrument; and

(e) to provide for the regulation of electrical workers.

The purposes of the Building Act are:

(a) to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that—

(i) people who use buildings can do so safely and without endangering their health; and

(ii) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and

(iii) people who use a building can escape from the building if it is on fire; and

(iv) buildings are designed, constructed, and able to be used in ways that promote sustainable development:

(b) to promote the accountability of owners, designers, builders, and building consent authorities who have responsibilities for ensuring that building work complies with the building code.

The purposes of the Electricity and Building Acts are totally different to those imposed by the Plumbers, Gasfitters and Drainlayers Act 2006 (the Act), which focuses on ensuring competency and regulating registered practitioners. This purpose seems to have been ignored in the report, as does the regulation of other persons (the public).

for the offence but in total, where their license could be suspended.

The investigation of the main offenders when it comes to plumbing, gasfitting and drainlaying, being the public and other trades, appears to be an after-thought as there is no real legislation or funding to capture their offending.

Creating criminal offences in the Plumbers Gasfitters and Drainlayers Act simply imposes more risk and restrictions on practitioners trying to protect the health and safety of the public.

Its very disappointing that Labour seems to be following the pathway set by Maurice Williamson, Nick Smith and the National Party where it is all about forced compliance and nothing new will be explored.

## WHAT OF THE FUTURE

The future is any-ones guess as the constant governance, legislative and administration changes to the manner in which the industry is regulated does not allow for any stability or consistency.

There is no incentive to be part of the industry, only cost to operate in it.

The future for the plumbing, gasfitting and drainlaying industry is very bleak as being part of the industry is akin to being sent to a penal colony where you are not there for punishment but being there is the punishment.

The report claims that the Act is working well overall, and it would benefit from some amendments to improve its operation and reflect the experience gained since its implementation. Some disagree and believe the Act and its implementation have totally missed the intention of the Act. The report seems to be very misleading and is not symbolic of fact.

The Act has been implemented and enforced but has failed to get practitioner buy in. The name of the Plumbers Gasfitters and Drainlayers Act 2006 indicates ownership by plumbers, gasfitters and drainlayers (practitioners) and the name of the Plumbers, Gasfitters and Drainlayers Board, has a similar connotation. In particular, the Board's name indicates it is representative of the plumbers, gasfitters and drainlayers but this is far from the truth as practitioners have no representation decided by them on, or by the Board at all.

The Board have gone to great lengths over the last decade to emphasise that they are NOT there for practitioners but are there to protect the public. This seems to be at odds with it being a competency-based act. Success should not be measured by a bureaucratic tick in the box. We are talking about physical hands-on trades where appropriate training and experience is required.

The review wants to decrease the number of practitioners on the Board – presumably because they are not deemed to have the governance skills that officials in MBIE think they need but what is the governance doing to improve practitioner competence? Improving competence is different to enforcing competence.

We ask where the improvements are since the implementation of the Act? If it was such a success should not there be more competent registered practitioners, less discipline issues, more prosecutions of non-registered people and a trust in the Board's actions? We do not see any of that.

Where is the overall benefit of being a practitioner in the plumbing, gasfitting and drainlaying industry? Exposure to the regulation of the industry and in particular the last decade, has shown a system where legislation is manipulated for the benefit of only a few in the industry.

We see a regulatory system that is in continual cover-up mode where the registered practitioners and apprentices are the victims. Try asking how many apprenticeship versions there have been in the last decade, how many re-writes of training material?

You may or may not be aware that the industry has just been through a period where the polytechnics were contracted to perform assessments not to train apprentices. We are still in a system where apprentices are not deemed workplace competent at the end of their apprenticeship as they are still required to be under supervision. This is for life or until they gain the next qualification.

We ask why is so much supervision is now needed – it's simple, the training system is a failure, and the Board's response is to add more

The Federation has worked hard to try and affect change and have had some success but the powers to be have deemed it necessary to exclude us so they can manipulate the system to work for them and their influencers.

Perhaps the industry has reached the limit of the burden it can endure?

#### DONATIONS

Right from its inception the Federation has relied on donations for its survival and the generosity of practitioners has been great.

We believe we have sufficient reserves to sustain the Federations actions so we ask practitioners to cease making donations. We thank all of those who have donated to enable the Federations to keep members informed.

qualifications. There's a recommendation to implement a new qualification "assistant plumber, assistant gasfitter or assistant drainlayer", this is a coverup for the Board allowing 2,500 plus people to work in the industry who are mostly unqualified and yet the real tradespeople are penalised and deemed not competent. Why go through an apprenticeship when you can walk in off the street and be gifted a qualification and have the same rights and responsibilities as an apprentice?

Look at the level 5 qualification that has been hinted at and ask why it is needed? It appears to primarily focus on design and supervision. Are these subjects really to aid in competency or are they more to cover for past implementation of qualifications such as the Certifiers qualification, previously Craftsman Registration.

At the time of its creation there were no complaints about standards of workmanship - in fact we would argue this was a time when training and professionalism in the industry was at an all time high. All apprentices were trained in all aspects of the industries and there was consistent training throughout New Zealand so why introduce another qualification that simply imposed further cost and commitment by those completing an apprenticeship?

At that time those who completed an eight-thousand-hour apprenticeship and passed the Board's registration exam were deemed registered and those who completed a ten-thousand-hour apprenticeship and passed the same courses and exam were deemed Craftsman. The only difference was time served.

It is very alarming that even now the only difference is time and a further exam testing on what people have already qualified in as there is not one standard for Tradesman registration and a higher standard for Certifier in the Building code or standards.

**CONTINUED ON SIDE COLUMN**

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