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**COMMENT ON REGULATION REVIEW COMMITTEE ACTION**

We are still astonished the Regulation Review Committee did not even bother to pretend to look at the complaint.

Huge issues identified and their action reeks of a "Circle the Wagons syndrome".

No one seems to care about the resources being used to train people simply to leave the industry.

We just don't see how over 50% of the Registered Certifying and Registered Tradesman classes not being authorised to work in the industry is not a problem.

Do these people not think that what we have now isn't working?

What would be the cost to the industry and economy

**REGULATION REVIEW RESPONSE**



RRC anyway.

On 8th August we received an email from the RRC telling us our response was considered by the Regulation Review Committee on 7 August 2019 and this is what they had to say:

*"The Committee discussed your response at their meeting yesterday. They have nothing further to add to their letter sent to you on 1 August. The complaint is now closed"*

Just to update you this is the response they considered.

**COMPLAINT ABOUT PLUMBERS, GASFITTERS AND DRAINLAYERS REGULATIONS**

Dear Mr Scott

I am in receipt of your letter dated 30 July 2019 informing me the Regulation Review Committee has considered all of our evidence, together with the response received from the Plumbers, Gasfitters and Drainlayers Board and that the Committee has unanimously agreed that the Committee does not intend to progress our complaint further.

This is disappointing but not surprising, given the track record of the Government dealing with issues pertaining to the plumbing, gasfitting and drainlaying industry.

We mentioned last week that the Regulation Review Committee (RRC) had decided not to progress our complaint. We were a bit miffed that we hadn't been given a right of reply to what the Plumbers Gasfitters and Drainlayers Board had claimed, so we sent in a response to the

for all those qualifications not being used in the industry? Imagine the cost of the government's and industry contribution to training at around \$25,000 per apprenticeship just for apprenticeship fees alone. This doesn't take into account wages, time on courses and personal time studying.

As an example we have taken the certifying and tradesman plumber numbers not authorised to work in the industry which is 5,280 people and the figure we come up with is around \$132 Million on fees alone.

So it would seem the current system and qualification regime in the Regulation Review Committees view is working.

We watch as immigrants are allowed in to fill the shortage that we could have solved with proper classes of registration and getting people back into the industry.

Industry standards are at risk with the huge amount of exemption holders, 2,700 and just watch the Plumbers Gasfitters and Drainlayers Boards backed by the Ministry of Business Innovation and Employment scramble and create partial qualifications to accommodate the

We are surprised that we have not been given the right of reply to the Board's submission. We believe this shows the Committee has no real understanding regarding the issues raised by us and have accepted everything the Board has claimed as being true.

The Board has gone to great lengths in its submission to reiterate that what it has been doing is necessary to protect public health and safety, prevent damage to property, and promote the competency of people who do plumbing gasfitting and drainlaying. They in particular mentioned how matters under Section 32 must reflect the purpose of the Plumbers Gasfitters and Drainlayers Act 2006, that of protecting the health and safety of the members of public by ensuring the competency of persons engaged in the provision of sanitary plumbing, gasfitting and drainlaying services and to regulate persons who carry out sanitary plumbing, gasfitting and drainlaying.

This seems to be a huge part of their argument so we draw your attention to the purpose of Section 32 because the Act could have progressed without Section 32. So why was Section 32 included in the Act? The following passage is from the Plumbers, Gasfitters and Drainlayers Bill as reported by the Commerce Committee and appears in the Commentary:

*We were concerned by the introduction of licensing requirements for tradespeople in the later years of their profession, who after thirty or forty years of plying their trade will be required to pass competency tests. In the event that there are no outstanding or obvious complaints against these practitioners, we ask that the Board gives special consideration to how they deal with renewal of ongoing licenses in these cases.*

There were obvious concerns about what the Board could impose on the industry with regard to competency and licensing conditions and unfortunately their concerns have come true.

The Commentary went on to say this with regard to Section 32:

#### ***Principles for prescribing registration and licensing matters***

*We recommend the inclusion of new clause 83A setting out principles to guide the Board in setting classes of registration and competency standards, as we are concerned that the **bill as introduced gives the Board too much power in this respect**. This is the same approach we took in our recommended amendments to the Energy Safety Review Bill. The guiding principles are as follows:*

- *The prescribed matters must be necessary to protect the health and safety of members of the public or promote the prevention of damage to property:*

exemption holders.

Nothing against the exemption holders but it really it is a slap in the face for those in the industry that have done apprenticeships and got their qualifications to have others come in on exemptions and probably get some form of qualification handed to them. The other question is, just what risk will this pose to the public health and safety?

Are we going to see more qualified people leave the industry because of all the issues and that exemption holders may be on the same money as qualified practitioners.

The argument of how we are treated so differently to electricians and builders in terms of licensing is ludicrous.

The decision by the Regulation Review Committee reinforces the fact that the industry doesn't have a say in what is happening to us.

We fund a Board to protect the safety of the public and have no say in what happens to us and have no representation on the Board.

It appears the "Industry" comprises of the cartel of the Board, Master

• *The prescribed matters may not unnecessarily restrict the registration of persons as plumbers, gasfitters, or drainlayers:*

• *The prescribed matters may not impose undue costs on plumbers, gasfitters, or drainlayers or on the public.*

This section of the Commentary rightly states the committee's concerns regarding the powers given to the Board. The committee realised the "matters" to deal with competency and licensing had to be restricted and monitored for the protection of the tradespeople and as such was the intent of the Act. **Section 32 was imposed for the protection of the practitioners not the public and that's how it should be applied by the Board but it isn't. We have never seen a cost benefit analysis for any licensing or registration matters implemented by the Board.**

The Board have also stated the two qualifications have been in place for 43 years but just because a matter has been in place for a long period of time doesn't make it right or even legal. **The Board implemented continuing professional development for gasfitters under the 1976 Act and that was illegal and in place for around a decade. They had in place a business exam for the Certifying qualification and that was in place for several years and was also illegal.**

**They also had fees and levies in place for years which were also illegal and the government had to impose retrospective legislation to make legal that which was illegal so the argument that the two qualifications have been in place is simply a fact and hold no weight as to right or wrong.**

With regard to the two qualifications, the Board have been very deceptive in their wording with regard to Level 5 because there is no level 5 for plumbing gasfitting and drainlaying and there never has been. They only state about training being "pitched at level 5" and talk about "a Level 5 qualification". For the 43 years there hasn't been any training for the qualifications only an Open Polytechnic Correspondence course which was based on board competencies to help prepare people for the Certifying exam.

The Board omitted to tell the Committee that the industry undergoes continuing professional development training annually, which is facilitated by the Board and is only pitched at **one level, not at levels of registration classes.**

For the Board to claim that apprenticeships would get up to 8 years long is scaremongering. It should be noted that a large proportion of the Certifiers in the industry were gifted their certifying status simply because they had done a 10,000 hour (5 year)

Plumbers and Skills.

Other regulated industries get funded by the Government such as builders and electricians and WE pay to have the same say as they have, NONE.

It is sickening to find Section 32 of the Plumbers Gasfitters and Drainlayers Act 2006 being used against the practitioners in the industry when it was intended to be there for the protection of those practitioners.

It's amazing how the government and its supporting organisations all band together to cover for each other.

Perhaps this raises the question as to the need for a Plumbers Gasfitters and Drainlayers Board which is funded by the industry.

If we are getting nothing out of having a Board then why fund it?

What benefit do we have that the electricians and builders don't have?

Mention was made that not everyone wants to be a supervisor in the industry but the Board is stacking the qualifications and offences against practitioners and supervision is a HUGE

apprenticeship. **These people have not undergone any training in design, supervision or management but yet that is what the Board is expecting from people seeking the qualification now. We emphasise again that design, supervision and management do not fall into the definition of sanitary plumbing, gasfitting or drainlaying and so cannot be a condition of registration or licensing.**

The Board's submission also goes to great lengths to emphasise over and over again the protection of the public and yet the Board are the ones that have issued over 2700 exemptions to unqualified people and have also issued Section 52 exemptions for Certifying Gasfitting status to people who have not done apprenticeships or passed the trade exams. The Board approved the Section 52 exemptions and waived the minimum standards because the individuals purported to have qualifications which the Board deemed to be greater than the Certifying Gasfitting qualification.

We believe the individuals were all members of the Institute of Professional Engineers of New Zealand as was the Chairperson of the Board at that time. We fail to see how an engineering qualification can be above a practical hands on trade qualification such as gasfitting. They may be book wise but can they actually apply the hands on skills. The Board have stated the extra two years after an apprenticeship is to allow the practitioner to gain experience and practical learning but yet they have given the top gasfitting qualification to people with **no experience or practical learning.**

The Board in their submission stated:

*The prevalence of tiered occupational authorisation schemes reflects the reality that training alone does not equate to competence. Training provides the basis from which, over time and through practice, a practitioner develops critical experience and judgement. It also allows a practitioner to grow and hone their skills so they can take on more complex and challenging work: work that it would not be safe or appropriate for a newly qualified but inexperienced practitioner to do.*

"Would not be safe or appropriate for a newly qualified but inexperienced practitioner to do" and yet the Board have given away Certifying qualifications to people who do not meet that requirement and make others fight for one exam point to get the same qualification when they have done the apprenticeship and have passed the Trade Registration exam.

If we were to adhere to the Board's actions above would it mean that a person that has Trade Registration as a gasfitter, has years of

issue.

Look at apprenticeships that are now plumbing, gasfitting and drainlaying apprenticeships and some of those apprentices don't have drainlaying supervisors but because the Board implemented the apprenticeship in conjunction with the rest of the cartel it doesn't matter. Is this hypocritical? How can the Board issue a training licence for an apprentice drainlayer when their employer has no drainlaying qualifications?

People being held to account for supervision when they haven't been trained in supervision.

Supervision doesn't come naturally to some people but yet they are expected to know all about it if they want to progress to Certifying Level even if they don't want to supervise or manage. Surely this is a barrier to them progressing in the industry.

We believe a huge proportion of the industry are victims of the two qualification system which is fully supported by the Board, Master Plumbers and Skills. Each of these players has a stake in the outcome of a two tier system. The Board needs to save face with

experience in the industry and also has a Bachelors Degree in Administrative Leadership, could get Certifying qualification and be exempt from the minimum standards?

With regard to the appealing of questions in exams the Board have waffled on about the process for appealing after an exam but haven't really addressed the issue of questions being wrong and ultimately the marking schedule would be wrong. There is no process for a practitioner to appeal a question if they believe it is wrong. It seems that if the Board is of the opinion that the question is right then their opinion rules even in the face of evidence and opinion that prove otherwise.

**The Board have speculated that the great majority of the industry supports two qualifications but we disagree with that. We would say the great SILENT majority think differently.** We say silent majority in that most practitioners do not engage with the Board in their consultation because they are sick of inaction on their submissions and two qualifications is a prime example where the Board asked one question in consultation regarding two qualifications and the industry voted for one qualification but the Board took no action. When the second round of consultation came around the silent majority didn't engage.

The Board have made mention about the numbers of people working in each registration class as at 31 March 2019 but we are more concerned with those that are registered **but not authorised**. The following two tables show figures for Certifying Registration and Tradesman Registration at 2 August 2019

As at 2 August 2019	Certifying Plumber	Certifying Gasfitter	Certifying Drainlayer
Registered	7362	2930	7292
Authorised	3752	1820	2945
Difference	3610	1110	4347
Percentage not Authorised	49.03	37.88	59.61

As at 2 August 2019	Tradesman Plumber	Tradesman Gasfitter	Tradesman Drainlayer
Registered	3557	2011	761
Authorised	1687	742	532
Difference	1670	1269	229
Percentage not Authorised	46.94	63.10	30.09

On average 50.98% of Registered Certifying classes are not authorised to work in the industry and 50.05% of Registered Tradesman classes are not authorised to work in the industry.

The Federation believes that barriers are in place that contribute to these figures and contribute hugely to the skills shortage and to the black market.

Government over it,  
Master Plumbers  
represents employers and  
as such is not in favour of a  
one tier system as many  
employees of their  
members may go into  
business themselves under  
a one tier system, and  
Skills is developing a Level  
5 qualification so it is in  
their interests.

What is it going to take to  
get change to a  
qualification system that  
actually works?

The Regulation Review Committee has made the decision not to look at the complaint in detail but I will say that those of us who have opposed bad regulation and legislation have no guilt for the demise of the industry. The guilt lies with those who have failed to recognise the wrong doing and who failed to take corrective action for the future. We implore you to reconsider your decision in regards to this matter!

(Signed Wal Gordon)

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