Plumbers, Gasfitters and Drainlayers Board

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Clerk of the Committee

Transport and Infrastructure Committee

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Submission to the Transport and Infrastructure Committee on the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill

The Plumbers, Gasfitters and Drainlayers Board (**Board**) welcome the opportunity to submit on the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill (the **Bill**). The Board was established in 1913 and currently operates under the Plumbers, Gasfitters, and Drainlayers Act 2006 (the **Act**). The Board is responsible for protecting the health and safety of the public by ensuring the competency of people who carry out sanitary plumbing, gasfitting, and drainlaying. This submission reflects the Board's role in ensuring that the regulatory framework for plumbers, gasfitters, and drainlayers support high standards of workmanship, public protection, and industry compliance.

The Bill introduces a significant shift in regulatory practice by allowing plumbers and drainlayers to self-certify work within a defined scope (**scheme**). While this change has the potential to reduce delays and improve efficiency, its success depends on strong compliance oversight, clear accountability, and robust mechanisms for public protection. The Board is well-placed to manage these functions but requires legislative clarity and adequate powers to ensure effective monitoring, remediation, and confidence in the new scheme.

Executive summary

The Board supports the intent of the Bill to streamline building processes and empower qualified plumbers and drainlayers through self-certification, consistent with approaches already in place for gasfitting and electrical work. However, the success of the scheme and public confidence in it depends on getting the fundamentals right and ensuring the Board has adequate powers to act as an effective gatekeeper.

The Board notes that several key operational details remain unresolved and should be considered by the Committee. The Board's submission outlines these critical issues to ensure the framework is robust, trusted, and sustainable. These include:

a. Safeguarding public health and safety as the primary objective of the scheme.

b. Ensuring clarity and consistency in the scope of self-certifiable work and how the scheme aligns with other building consent changes.

c. Addressing practical challenges such as insurance, liability, and the opt-in nature of the scheme.

d. Introducing an annual declaration at licence renewal to confirm ongoing compliance with endorsement criteria.

e. Providing the Board with the powers and resources necessary to act as an effective gatekeeper, including strong audit and compliance tools.

f. Establishing a fair funding model and a statutory review mechanism to monitor effectiveness and alignment with wider reforms.

g. The Board is committed to working with the Government to implement the scheme successfully providing there are sufficient tools for oversight needed to ensure public protection.

Key topics

Public protection and safety

The Board's key statutory purpose, as set out in section 3(a) of the Act is to protect the health and safety of the public by ensuring the competency of its practitioners. This principle must remain at the heart of any regulatory change, including the proposed self-certification scheme. It is not only statutory but operational. The Board's ability to protect public health and safety depends on having clear, enforceable mechanisms under this scheme.

While self-certification for gasfitting and electrical work is fundamentally safety-focused, the proposed scheme for plumbing and drainlaying would be primarily compliance-focused, centred on adherence to the Building Code and consent requirements. This distinction is significant, as compliance with the Code does not always guarantee safety outcomes, and this risk should be acknowledged in the legislative framework. It should be clearly communicated throughout the building and construction sector, so that confidence in the regulatory system is maintained even as the regulatory approach shifts.

Eligibility criteria for endorsement must be rigorous, requiring not only technical competence but also clear evidence of adequate insurance and liability cover. The Board is not an expert in liability law and does not have the regulatory remit or capacity to verify insurance arrangements for every practitioner. Instead, the scheme will have to rely on a level of trust and good faith in practitioners (and, where relevant, their employers) to maintain adequate cover and understand their liability. This is especially critical for work in residential settings, where the impact of faulty plumbing or drainlaying can extend beyond the immediate property to neighbouring residences.

The Board oversees individual plumbers, gasfitters, and drainlayers, not the companies they may work for. However, a significant proportion of practitioners who will be eligible to self-certify are employed by such companies. In these cases, it will be the responsibility of the practitioner to ensure the employer has the appropriate insurance coverage for the self-certified work being undertaken. This distinction between employed and self-employed practitioners introduces practical

challenges that could affect scheme uptake and compliance, which will need to be resolved through implementation now, rather than policy development.

For employed practitioners, self-certification raises practical questions:

a. Will the employer's insurance policy explicitly cover self-certified work?

b. Is coverage continuous if the practitioner changes jobs or if the policy lapses?

c. How is liability allocated between employer and employee in the event of a claim?

Overall, this approach is consistent with the Board's role as a competency regulator, rather than an insurance or liability authority. The Board (or any similar occupational licensing regimes) does not have the resources or tools to verify these arrangements comprehensively. The Board's focus remains on ensuring practitioners are competent and that the public can have confidence in the safety and quality of plumbing and drainlaying work. It is important that the Select Committee is aware of these practical realities and the reliance on good faith within the scheme.

The public must have confidence that practitioners are competent and appropriately insured, and that the Board has the necessary powers to enforce these standards. To mitigate these risks, an annual declaration should be allowed at licence renewal, requiring practitioners to confirm they continue to meet endorsement criteria, including insurance coverage. The Board's ability to act as a true gatekeeper and uphold its statutory purposes is contingent on having clear, enforceable mechanisms for eligibility, ongoing education, and accountability.

Recommendation:

a. Amend the Bill to include a mandatory annual declaration at licence renewal requiring practitioners to confirm ongoing compliance with endorsement requirements, including insurance coverage.

Opt-in nature of the scheme and consistency across trades

Consistency in regulatory frameworks and broad participation are essential for the successful rollout and ongoing effectiveness of the proposed self-certification scheme. Currently, the Bill applies only to plumbing and drainlaying, while gasfitting remains under a separate regulatory regime governed by the Gas (Safety and Measurement) Regulations 2010. The safety of the gas supply and gas installations is primarily managed by WorkSafe, with the Board responsible for the competency of people who carry out gasfitting work. This dual oversight introduces complexity for practitioners who work across multiple trades, requiring them to navigate different compliance regimes, reporting requirements, and regulatory expectations. This complexity is compounded by the absence of clear policy on how these regimes will interact. Such divergence can lead to confusion for practitioners and the public and may result in regulatory duplication and gaps in compliance and accountability.

Gasfitting certification requires both a Certificates of Compliance (CoCs) and Gas Safety Certificates (GSCs), operating on a mandatory basis for all certifying gasfitters. In contrast, the proposed self-certification scheme for plumbing and drainlaying is voluntary with an opt-in component. It also requires a CoC from the practitioner but is focused on compliance with the consent requirements rather than direct safety certification. This difference in approach is significant: all gasfitting work must be certified, with additional requirements for high-risk work such as lodging certificates on the

WorkSafe database. In contrast, plumbing and drainlaying self-certification is focused on compliance with building consents and the Building Code rather than direct safety certification.

An opt-in model for plumbing and drainlaying may limit practitioner uptake and create challenges for oversight. If participation is low, the intended benefits of efficiency and streamlined processes may not be realised. More critically, inconsistent participation could result in a patchwork approach with uneven compliance monitoring, and a lack of clarity for practitioners, Building Consent Authorities (BCAs), and the public about who is responsible for what. This confusion between BCA responsibilities and the Board's role risks undermining the goal of a robust, trusted regulatory scheme. The Board does not have the resources to actively drive participation or manage fragmented compliance. Without mechanisms to encourage broad uptake, the scheme may fail to deliver its intended benefits.

The lack of alignment is compounded by other changes being introduced through building consent reforms, such as proposals to enable more granny flats to be built under different criteria and processes. Between a voluntary self-certification scheme for plumbers and drainlayers, an existing separate mandatory system for gasfitting, and new consent pathways for minor dwellings, practitioners, and the public face a confusing landscape. Without clear integration and communication, these overlapping schemes risk creating uncertainty and compliance gaps.

Gasfitting self-certification already applies across the trade, providing consistency and comprehensive oversight. The Board considers that, over time, there is merit in exploring a pathway for integrating gasfitting self-certification under the Board's remit. This would create a single, coherent framework for all three regulated trades, reduce duplication, and improve regulatory alignment. A unified approach will enhance clarity, reduce administrative burden, and strengthen public confidence in the safety and compliance of plumbing, gasfitting, and drainlaying work.

Recommendation:

a. Highlight the importance of broad uptake in the scheme and recommend that future policy development include mechanisms to encourage or require default participation with limited opt-out provisions.

b. Highlight the need for a pathway toward regulatory alignment across plumbing, gasfitting and drainlaying self-certification, reducing duplication and improving clarity, and recommend this be considered in future legislative reviews.

Compliance monitoring and auditing

A core responsibility of the Board under the proposed scheme is to ensure that practitioners maintain high standards of competency and compliance. Effective oversight requires not only the ability to monitor practitioner performance, but also the authority to intervene and remediate when issues arise. The Board's ability to act as an effective gatekeeper depends on having all proactive oversight tools at its disposal, not just reactive disciplinary processes.

Limitations of current audit powers

Under section 87AJ of the Bill, the Board is granted powers to conduct desktop audits of certificates of compliance. However, there is no explicit authority for the Board to conduct in-person audits or require corrective action when faults are identified. The only pathway for escalation is through the

complaints and disciplinary process, which is reactive and often resource intensive. This limitation restricts the Board's ability to proactively support practitioners, address non-compliance, and protect public safety. These principles should be the focus of any new scheme that is being rolled out to regulated practitioners to ensure compliance, support, and proper public protection.

The Board believes that audit powers should be expanded to allow for the ability to conduct in-person audits, when necessary, access to premises and records, and the ability to issue remedial directions with defined compliance timeframes. Non-compliance with such directions should be treated as a disciplinary offence, with suspension powers available in cases of serious risk. These changes would enable the Board to take a more educative and remedial approach, rather than relying solely on punitive measures through discipline.

In addition, the Board should have the explicit authority to audit an endorsed plumber or drainlayer against the eligibility criteria not just at the point of application but throughout the life of the endorsement. This is necessary as an endorsement will be a multi-year authorisation, and ongoing compliance cannot be assumed. As with other audits, the Board should have the power to require practitioners to undertake corrective action if they no longer meet the eligibility requirements. Failure to comply with such directions should constitute a disciplinary offence, with suspension powers available in cases of serious risk to public safety.

Competence review

Sections 53–56 of the current Act provides the Board with important tools to review practitioner competence, require completion of competence programmes, and suspend licences until competence is demonstrated. However, while the Board can enforce compliance with a requirement to complete a competence programme, it does not have the power to compel a practitioner to participate in a competence review itself. This gap is not theoretical; it has already resulted in enforcement failure. The Board has encountered a case where a practitioner refused to undergo a competence review, leaving the Board unable to enforce its order and forced to revoke it.

This lack of compulsion undermines the Board's ability to act as an effective gatekeeper and to uphold public protection. The Board has repeatedly sought this power through submissions to MBIE, including as part of the section 187 review of the Act, but without success to date. The Board considers that the Bill presents an important opportunity to address this regulatory gap.

Empowering the Board to require compliance with a competence review is essential—not only for oversight of practitioners' competency, but also to support the new responsibilities that plumbers and drainlayers will assume under the self-certification regime. This Bill provides an opportunity to close this loophole. This recommendation is also in the Board's submission on the Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Bill.

Recommendations:

a. Amend the Bill to authorise in-person audits, compel access to premises and records, and issue remedial directions with compliance timeframes. Define non-compliance as a disciplinary offence with suspension available where risk is high.

b. Amend the Bill to provide for audit powers that include verification of ongoing compliance with eligibility criteria and authorise the Board to issue remedial action.

c. Amend the Bill to provide the Board with explicit authority to compel compliance with a competence review, including attendance, production of records, and practical assessments; create a specific offence for refusal; and allow immediate suspension of endorsements or licences until completion, with consequences aligned in section 111 of the Act.

Funding model

A fair and transparent funding model is essential for the credibility and sustainability of the self-certification scheme. The funding model is not just a financial issue—it directly affects practitioner uptake and, by extension, the success of the scheme. Under the Bill, the Board will set the fee and levy amounts for endorsement application, renewal, and its new ongoing auditing function. However, there is concern that practitioners and, by extension, the public will be required to fully bear these costs. This shift in financial responsibility could have a direct impact on practitioner participation and the overall uptake of the regime.

Current funding constraints

The Board is funded solely through practitioner fees and levies calculated on a strict cost-recovery basis under the Plumbers, Gasfitters and Drainlayers Act 2006. It cannot cross-subsidise activities or use reserves for purposes outside its statutory functions. As self-certification was not previously a legislated function, the Board could not lawfully fund or initiate work to support the scheme until legislative changes were made or interim funding was secured.

Funding to commence implementation was only received in the week of 15 December 2025, significantly later than anticipated. This delay has compressed the timeframe for critical work, including building the self-certification register, modifying practitioner databases, and establishing auditing and compliance systems. Our IT provider has advised that, even with funding now available, the proposed 30 June 2026 commencement date remains challenging. The late release of funds means the Board has lost valuable lead-in time, increasing the risk that systems will not be fully operational by the deadline. While the Board is committed to delivering the scheme, these constraints highlight the importance of realistic timeframes and adequate resourcing. Without these, the credibility and effectiveness of the scheme and public confidence in it could be compromised.

Cost burden and public interest

Currently, BCAs recover inspection costs through fees and levies as part of the building consent process. The Bill proposes to transfer these responsibilities and associated costs to practitioners and the Board, primarily through the section 143A levy. While the Board will determine the levy amount, it is important to consider whether practitioners should be solely responsible for funding the scheme, especially given the public interest in safe and compliant building work. Given the public interest in safe and compliant building work, it is reasonable to consider whether costs should be shared rather than borne entirely by practitioners

If the cost burden is too high, it may discourage practitioners from participating in the self-certification regime, undermining the intended benefits of efficiency and streamlined processes. Any increased cost on the practitioner or business will be passed on to the consumer, affecting affordability and potentially public perception of the scheme. The Board considers it would **be appropriate to** further explore whether some or all of the scheme's costs could be met through the existing Building Levy, rather than being passed entirely to practitioners. Bill does not currently

provide for alternative funding mechanisms, creating a risk that cost pressures will undermine participation.

Recommendation:

a. Amend the Bill to require that the funding model for endorsement and auditing under the self-certification scheme is fair, transparent, and proportionate including a provision for the Minister to review whether some or all scheme costs could be funded through the Building Levy, to reduce the financial burden on practitioners and the public.

Scope of self-certifiable work

The Bill provides for the scope of self-certifiable work to be set through regulations, with decisions still pending. Defining scope correctly is fundamental to public protection and practitioner confidence, as ambiguity could lead to compliance failures or disputes. While the submission cannot comment on the specific content of those regulations, the Board emphasizes that getting this scope right is critical to the success of the framework.

Defining the scope in regulations offers greater flexibility to adapt over time as industry practices evolve. However, this flexibility must be balanced with robust consultation and review processes to ensure decisions are practical and well-informed. The Board strongly recommends that it be actively engaged throughout these processes, both during the final development of the regulations and after the scheme begins implementation, to provide feedback based on real-world experience. The Board's statutory role as the regulator positions it as a critical stakeholder in defining and reviewing scope. Active engagement is essential to ensure decisions are practical and aligned with safety outcomes.

While initial scope decisions may focus on straightforward residential work, the Board notes that a broader scope over time could deliver significant benefits. For example, expanding to include certain Schedule 1 exemptions or light commercial work could further improve uptake and consistency by reducing regulatory fragmentation and simplifying processes for practitioners and consumers. A narrow scope risks limiting participation and creating fragmented compliance, whereas a broader scope supported by clear eligibility criteria and robust oversight would promote consistency and confidence across the sector.

Clear definitions of work with transparent rationale are essential for maintaining public confidence and ensuring plumbers and drainlayers understand their obligations under the scheme. Everyone must understand what is and is not included within self-certifiable work to maintain confidence in the scheme, uphold compliance and public safety standards, and avoid ambiguity that could lead to issues or disputes. The rationale for these decisions should be communicated openly to support consistent application and trust across the professions and sector as whole.

Transition timeframes and ongoing review

The transition lead in time for the proposed scheme is extremely tight, with implementation intended by 30 June 2026. The proposed timeframe creates significant operational risk, as the Board must build new systems, processes, and education programmes while ensuring public protection. While the Board can and will deliver to this timeframe pending receiving implementation funding through the Building Levy, it will focus on setting minimum standards for endorsement, building the

CoC register and audit function, and delivering education and guidance for practitioners and the public. The Committee should note that the compressed timeframe limits the ability to test systems, engage with practitioners, and ensure readiness for compliance monitoring. Additional time for implementation would provide greater surety of public protection and improve practitioner uptake into the scheme.

Given the unknowns and questions around uptake and usability of the proposed scheme, the Board recommends introducing a statutory review mechanism of the legislation to ensure the framework remains effective and trusted. This could be achieved by amending section 187 of the Plumbers, Gasfitters and Drainlayers Act to require a review at intervals of no more than five years, consistent with section 158 of the Electricity Act. Reviews would assess the framework as a whole and alignment with wider building reforms. A statutory review mechanism is critical to assess whether the scheme is achieving its objectives and to make adjustments based on real-world experience.

Recommendation:

a. Consider a later commencement date for the Bill to allow additional time for implementation, education, and system development, strengthening public protection and improving practitioner uptake.
b. Amend the Act to include a statutory review at intervals of no more than five years, assessing uptake, compliance outcomes, and alignment with wider building reforms for the regime overall.

Recommendations

1. **Clarify and align scope:** Ensure the scope of self-certifiable work is clearly defined and consistently applied across all regulated trades.
2. **Encourage broad participation:** Consider making self-certification mandatory for certified plumbers and drainlayers or introduce mechanisms to drive uptake.
3. **Require an annual declaration**: Require endorsed practitioners to confirm ongoing compliance with endorsement criteria at licence renewal.
4. **Strengthen oversight powers:** Expand the Board's audit and correction powers to include in-person audits, access to premises and records, and remedial directions with enforceable timeframes.
5. **Ensure a fair funding model:** Explore options for partial funding through the Building Levy to reduce burden on practitioners and consumers.
6. **Adjust transition timeframe:** Consider a later commencement date to allow additional time for implementation and education.
7. **Introduce a statutory review mechanism:** Amend the Act to require a review at intervals of no more than five years, assessing uptake, compliance outcomes, and alignment with wider building reforms.

The Board's statutory purpose is to protect public health and safety, and this submission reflects its commitment to ensuring that the proposed regime achieves this objective. The Board supports the objectives of the Bill and is committed to working with the Government to ensure its successful

implementation. However, the targeted recommendations would enable the Board to truly act as the gatekeeper envisaged by the Government, protecting public health and safety while delivering the efficiency gains promised by self-certification. Under the current design and compressed commencement timeframe, the Committee should note that the scheme will rely heavily on practitioner good faith unless the Board is given the time to build robust processes and adequate powers to verify compliance and intervene when necessary and time.

The Board urges the Committee to consider these recommendations to ensure the scheme is robust, trusted, and sustainable. Additional implementation time and a statutory review mechanism will provide greater certainty, improve uptake, and safeguard public confidence.

The Board welcomes the opportunity to appear before the Committee to speak to this submission and provide further insight into the operational realities of implementing the scheme.

Nāku noa, nā



Martin de Gouw

Chair