

Hamilton City Council – Staff Feedback

Proposed Regulations to Support a Self-Certification Scheme for Plumbers and Drainlayers

Ministry of Business, Innovation and Employment

9 October 2025

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this staff feedback is primarily aligned with the priority of **A green city**.

Council Approval and Reference

This staff feedback was approved by Hamilton City Council's Chief Executive on 9 October 2025.

Feedback # 818

It should be noted that the following feedback is from staff at Hamilton City Council and does not, therefore, necessarily represent the views of the Council itself.

Introduction

1. Hamilton City Council staff welcome the opportunity to provide feedback to the Ministry of Business, Innovation and Employment's **Proposed Regulations to Support a Self-Certification Scheme for Plumbers and Drainlayers**.
2. The feedback from Hamilton City Council staff to the Ministry of Business, Innovation and Employment's key questions is outlined in the attached official feedback form.

Further Information and Opportunity to Discuss our Feedback

3. Should the Ministry of Business, Innovation and Employment require clarification of the feedback from Hamilton City Council staff, or additional information, please contact **Alister Arcus** (Principal Building Advisor – Regulatory Services) on **07 838 6681** or email Alister.Arcus@hcc.govt.nz in the first instance.
4. Hamilton City Council representatives would welcome the opportunity to discuss the content of this feedback in more detail with the Ministry of Business, Innovation and Employment.

Yours faithfully



Lance Vervoort

CHIEF EXECUTIVE

Hamilton City Council
Garden Place, Private Bag 3010, Hamilton

-  [@hamiltoncitycouncil](https://www.facebook.com/hamiltoncitycouncil)
-  07 838 6699
-  hamilton.govt.nz

Proposed regulations to support a self-certification scheme for plumbers and drainlayers

The Ministry of Business, Innovation and Employment (MBIE) would like your feedback on the *Proposed regulations to support a self-certification scheme for plumbers and drainlayers*.

Please provide your feedback by **5pm, 10 October 2025**.

When completing this submission form, please provide comments and supporting explanations for your reasoning where relevant. Your feedback provides valuable information and informs decisions about the proposals.

We appreciate your time and effort taken to respond to this consultation.

Instructions

To make a submission you will need to:

1. Fill out your name, email address, phone number and organisation. If you are representing an organisation, please provide a brief description of your organisation and its aims, and ensure you have the authority to represent its views.
2. Fill out your responses to the questions in the targeted engagement document that was attached to the covering email. You can answer any or all of the questions in the document. Where possible, please provide us with evidence to support your views. Examples can include references to independent research or facts and figures.
3. If your submission has any confidential information:
 - i. Please state this in the email accompanying your submission and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (Official Information Act) that you believe apply. MBIE will take such declarations into account and will consult with submitters when responding to requests under the Official Information Act.
 - ii. Indicate this on the front of your submission (e.g. the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
 - iii. Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 1993 also applies.
4. Submit your feedback:
 - i. As a Microsoft Word document by email to **building@mbie.govt.nz** with the subject line - Plumbers and Drainlayers Regulations – September/October 2025
 - ii. By mailing your submission to:

Consultation: Proposed regulations to support a self-certification scheme for plumbers and drainlayers
Ministry of Business, Innovation and Employment
PO Box 1473, Wellington 6140
New Zealand

Submitter information

MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the section below, it will be used to help MBIE understand how different sectors view the proposals and options for requiring and achieving minimum onshore fuel stockholding. Any information you provide will be stored securely.

Your name, email address, phone number and organisation

Name: Alister Arcus

Email address: Alister.Arcus@hcc.govt.nz

Phone number: 07 838 6681

Organisation: Hamilton City Council

- The Privacy Act 1993 applies to submissions. Please tick the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.
- MBIE may upload submissions and potentially a summary of submissions to its website, www.mbie.govt.nz. If you do not want your submission or a summary of your submission to be placed on either of these websites, please tick the box and type an explanation below:

I do not want my submission placed on MBIE's website because... [insert reasoning here]

Please check if your submission contains confidential information

- I would like my submission (or identifiable parts of my submission) to be kept confidential, and have stated my reasons and ground under section 9 of the Official Information Act that I believe apply, for consideration by MBIE.

Proposed definitions for simple plumbing and simple drainlaying

Options have been identified to define simple plumbing and simple drain laying for residential dwellings.

Refer to pages 2 – 4 of the targeted engagement document to answer the questions in this section.

1. Do you agree with the proposed definitions? If not, why? What would you change?

Yes Yes, with changes No Not sure/No preference

Please explain your views.

While the intent behind defining “simple plumbing” and “simple drain laying” is understood, we do not agree with the proposed definitions in their current form. They are too broad, and they risk including work that may still carry significant complexity or compliance risk.

Key Concerns Include:

1. Overly Simplified Risk Assessment

The definitions rely heavily on fixture unit (FU) limits and storey count, which do not fully capture the complexity of plumbing and drainage systems. For example, a three-storey dwelling with 40 FU may still involve intricate design and installation challenges, especially in tight urban developments.

2. Insufficient Consideration of Site-Specific Factors

The definitions do not account for variables such as soil conditions, water pressure, or existing infrastructure, which can significantly affect the complexity and risk of plumbing and drain laying work.

3. Ambiguity in “Single System” Definition

The term “single plumbing/drainage system” is vague and could be misinterpreted in cases involving minor dwellings, sleepouts, or accessory buildings connected to the same system.

4. Exclusion of Certain Risk Indicators

While uncontrolled heating systems and on-site wastewater systems are excluded, other risk-prone installations (e.g. backflow prevention, greywater reuse systems, Fire Ratings through residential fire cells and drainage cross connections between sewer and stormwater) are not clearly addressed.

5. Potential for Misuse or Misinterpretation

Without robust guidance and oversight, there is a risk that practitioners may incorrectly classify complex work as “simple”, leading to non-compliant installations and increased liability for homeowners and councils. For example, ensuring that all plumbing and drainage is carried out in accordance with the approved building consent. If work differs from the consent, it would be considered as illegal building work.

Suggested Changes:

- Introduce a risk matrix or checklist to help BCAs and practitioners assess whether work truly qualifies as “simple”.
- Provide clearer examples and exclusions in the regulations and supporting guidance to reduce ambiguity.

In summary, the definitions need to be more precise and risk-sensitive to ensure the scheme is safe, consistent, and trusted by all stakeholders.

Potential impacts for plumbers, drainlayers, BCAs, homeowners and the Board

The proposed scheme involves changes to how plumbing and drainlaying work is certified, inspected and managed. This section seeks your views on potential impacts for industry participants.

Refer to pages 4 – 5 of the targeted engagement document to answer the questions in this section.

Efficiency and reduced building costs are part of the objectives of the definitions. What impacts will the definitions have on the time and the costs of building?

Please explain your views.

While the proposed definitions aim to improve efficiency and reduce building costs, in practice, these changes may have the opposite effect. The additional certification, inspection, and management requirements for plumbing and drain laying work will likely increase the workload and compliance burden for practitioners. These costs, whether in time, administration, or direct fees, will ultimately be passed on to property owners.

Rather than streamlining processes, the scheme may introduce new layers of oversight that slow down project timelines and increase costs. For sole traders and small businesses, this could be particularly challenging, as they often lack the capacity to absorb additional regulatory overhead.

In short, while the intent is to reduce costs, the practical outcome may be increased costs for homeowners and reduced efficiency for industry participants.

Do you agree with the potential impacts? If not, why? Are there any other potential impacts on industry participants?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

While the proposed regulations outline several expected benefits, such as reduced inspections, faster build times, and cost savings, we do not agree that these impacts will be uniformly positive or sufficient to justify the risks introduced by the scheme.

Key Concerns:

1. Reduced Quality and Oversight

The shift away from BCA inspections may reduce the quality assurance mechanisms currently embedded in the system. Without independent oversight, the risk of non-compliant or substandard installations increases.

2. Insufficient Supervision and Experience

We understand that around 20% of plumbers and drainlayers are certifying practitioners, meaning 80% are not currently qualified to supervise or self-certify. This ratio currently results in a lack of adequate oversight within the industry, especially as the scheme shifts the oversight away from BCAs.

3. Loss of Educational Role of BCAs

BCAs play a crucial role in educating the industry through inspections and feedback. This informal but vital quality assurance mechanism helps maintain high standards and supports continuous improvement. Its removal could erode industry knowledge and practice.

4. Product Monitoring and Compliance Risks

Without BCA involvement, product use and compliance with B2 durability requirements may not be adequately monitored. There is a real risk that testing may not be carried out, increasing the likelihood

of leaking stacks, incorrect venting, and sewer gases entering buildings due to poor installation. Incorrect grades could also lead to blockages and system failures.

5. Technical Knowledge Gaps

In a complex and changing environment, plumbers and drain layers struggle to stay up to date and maintain currency with codes and standards. Without external checks, noncompliant installations may become more frequent, especially in areas like venting and drainage gradients.

6. Operational Risks for Drainlayers

Drainlayers have raised valid concerns about the requirement to wait for inspections with drains left open. This poses a critical risk, particularly in unstable soil conditions or during adverse weather events, where open trenches are vulnerable to collapse, flooding, or contamination. From a health and safety perspective, it is essential that drains be covered as soon as possible after installation to protect both the integrity of the work and the safety of workers.

Delays caused by waiting for inspectors to arrive, especially within a fixed inspection window, can create unnecessary risk and inefficiency. If the proposed scheme reduces BCA involvement but does not provide a timely and reliable alternative for inspection or verification, these risks may be exacerbated. Consideration should be given to alternative models that allow for rapid verification or conditional covering, particularly for high-risk or time-sensitive installations. This could include remote verification tools, photographic evidence protocols, or a hybrid inspection model that prioritises safety without compromising compliance.

7. Phased Rollout Recommendation

To ensure the scheme is implemented safely and effectively, we recommend a phased rollout. This could begin with small-scale, low-risk projects, such as granny flats or minor dwellings, where the scope of work is more contained and easier to monitor. Over a period of three years, the scheme could be evaluated and refined based on real-world outcomes, audit results, and industry feedback. Only after this testing phase should the scheme be expanded to cover more complex or higher-risk work. This approach would allow the industry to build confidence in the system while safeguarding quality and compliance.

Additional impacts to consider:

- Consumer protection and industry confusion leads to reduced confidence in the regulatory system.
- Increased liability and insurance costs for practitioners.
- Potential for underreporting or misclassification of complex work as “simple” to avoid inspections.

In summary, the proposed impacts are overly optimistic and do not adequately account for the risks to quality, safety, and industry capability. A more cautious and phased approach, with stronger safeguards and continued BCA involvement, would be more appropriate.

For plumbers and drainlayers – what proportion of plumbing work, and drainlaying work on residential buildings that you undertake would you be able to self-certify under this definition?

Please explain your views.

N/A

For BCAs – what proportion of plumbing and drainlaying work on residential buildings that you grant consents for could be self-certified under this definition?

Please explain your views.

We estimate that approximately 15% to 20% of plumbing and drain laying work on residential buildings could potentially meet the proposed definition for self-certification. However, without clearer definitions, this remains an indicative estimate only.

Whether to allow self-certification of simple plumbing and simple drainlaying work on commercial buildings

The proposed scheme currently applies to residential dwellings. This section seeks your views on whether it should also apply to commercial buildings.

Refer to pages 5 – 7 of the targeted engagement document to answer the questions in this section.

Do you think the plumbing and drainlaying self-certification scheme should include commercial buildings? Please explain why

Yes No Not sure

Please explain your views.

We do not support extending the self-certification scheme to commercial buildings at this stage. While the proposals paper outlines potential benefits, the risks in commercial plumbing and drainlaying are significantly higher and more complex than in residential settings.

Key Concerns:

- Higher Risk Profile – Commercial buildings often involve greater occupancy, public access, and shared infrastructure.
- Complexity of Systems – Specified systems like backflow prevention and pumped drainage require specialist oversight.
- Reduced Consumer Protection – Implied warranties under the Building Act do not apply to commercial buildings.
- Dispute Resolution Challenges – Shared systems and multiple stakeholders make disputes more complex.

Recommendation:

If commercial buildings are to be considered in future, a separate and more stringent framework should be developed, including tighter eligibility criteria, mandatory audits, and enhanced consumer protections. Until such safeguards are in place, the scheme should remain limited to residential dwellings.

Do you agree with the proposed definitions for commercial buildings? If not, why? What would you change?

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

While the proposed definitions for “simple plumbing” and “simple drainlaying” in commercial buildings attempt to mirror the residential criteria, we do not agree that they are sufficient to manage the complexity and risk inherent in commercial environments.

Key Concerns:

1. Oversimplification of Risk and Ambiguity in Classification

Commercial buildings often involve higher occupancy, public access, and interconnected systems across tenancies. Even with exclusions, the proposed definitions do not adequately account for the operational and hygiene risks if plumbing or drainage systems fail.

There is significant ambiguity in the classification of “simple” commercial work. For example, the definition includes buildings up to 3 storeys with up to 40 fixture units, but this does not reflect the functional diversity of commercial buildings. For example, a small café and a medical clinic may both meet the fixture unit threshold but have vastly different plumbing risks.

2. Exclusion Criteria May Be Difficult to Enforce

While the definitions exclude specified systems (e.g. backflow prevention, sprinklers, Fire Rating, drainage cross connections between sewer and stormwater), enforcement relies on accurate declarations and plan reviews. Without BCA inspections, there is a risk that complex systems may be misclassified or overlooked.

3. Lack of Consumer Protection

As noted in the proposed regulations, implied warranties under section 362I of the Building Act do not apply to commercial buildings. This leaves commercial property owners with limited recourse if self-certified work is defective.

4. Insufficient Safeguards for Public Health

Commercial plumbing failures can have public health consequences, especially in food service, healthcare, or hospitality settings. These environments require a higher level of assurance than the proposed definitions provide.

Suggested Changes:

- Retain BCA inspection requirements for all commercial plumbing and drainlaying work.
- If commercial self-certification is considered in future, develop stricter eligibility criteria, mandatory audits, and enhanced oversight mechanisms.
- Include functional use categories in the definition (e.g. retail, office, hospitality) to better assess risk.

In summary, the proposed definitions for commercial buildings are not robust enough to ensure safety, compliance, and public confidence. The scheme should remain limited to residential dwellings until stronger safeguards are in place.

For plumbers and drainlayers – what proportion of plumbing work, and drainlaying work on commercial buildings that you undertake would you be able to self-certify under this definition?

Please explain your views.

NA

For BCAs – what proportion of plumbing and drainlaying work on commercial buildings that you grant consents for could be self-certified under this definition?

Please explain your views.

We do not consider any commercial plumbing or drainlaying work suitable for self-certification under the current definitions. The complexity and risk profile of commercial buildings require continued BCA oversight. This proposal is a future concept and not appropriate for implementation at this stage.

Scope of eligibility criteria to be able to self-certify

This section seeks your views on the proposed areas the eligibility criteria will cover for plumbers and drainlayers who apply to self-certify their work.

Refer to pages 7 – 8 of the targeted engagement document to answer the questions in this section.

Do you agree with the areas the eligibility criteria should cover? Please explain why.

Yes, I agree I agree in part No, I don't agree Not sure/no preference

Please explain your views.

We support the intent of the proposed eligibility criteria as outlined in the consultation document. The areas identified, such as licensing status, experience, compliance history, and ongoing professional development, are all critical components for ensuring that only competent and accountable practitioners are permitted to self-certify their work.

However, we believe the criteria could be strengthened in the following ways:

1. Clearer Thresholds for Experience

The proposal mentions “sufficient experience” but does not define what constitutes this. A minimum number of years in practice, or a portfolio of certified work, should be specified to ensure consistency across applicants.

2. Stronger Emphasis on Compliance History

While past disciplinary actions are considered, there should be a mandatory exclusion period following any serious non-compliance before a practitioner can apply to self-certify. This would reinforce public trust in the scheme.

3. Ongoing Auditing and Review

Eligibility should not be a one-off assessment. There should be a mechanism for periodic review or audit of self-certifiers to ensure continued compliance and quality of work.

4. Local Authority Collaboration

Councils should be involved in the vetting process or have access to a centralised register of self-certifiers. This would support enforcement and allow for better coordination between regulators and local authorities.

5. Consumer Protection Safeguards

The criteria should include requirements for insurance or liability coverage to protect homeowners in the event of defective work.

6. Fit and Proper Person Test

Applicants should be subject to a fit and proper person assessment, including checks for disciplinary history, criminal convictions, and professional conduct. This is essential to ensure trust and accountability in a self-certification model.

In summary, while the proposed areas are broadly appropriate, refining the criteria with more specific thresholds and safeguards will help ensure the scheme is robust, credible, and delivers safe outcomes for the public.

What specific requirements would help the Board determine whether a plumber or drainlayer has adequate technical competency and knowledge to self-certify their work, and why?

1. Minimum Licensing Level and Experience Threshold

Applicants should hold a current full certifying license and have a minimum of five years of post-qualification experience. This ensures they have sufficient practical exposure to a range of scenarios and have demonstrated consistent compliance with the Building Code over time.

2. Completion of a Self-Certification Endorsement Programme

Applicants must complete a targeted training module or endorsement programme covering Building Code compliance, risk management, quality assurance processes, and legal responsibilities. This ensures they understand the broader implications of self-certification, including accountability and consumer protection.

3. Demonstrated Track Record of Compliance

Applicants should provide evidence of a low rate of inspection failures or non-compliance notices over the past 24 months. A proven history of compliant work is a strong indicator of technical competency and reliability.

4. Auditable Quality Assurance Systems

Applicants must operate under a documented quality assurance system that includes internal checks, record-keeping of completed work, and procedures for identifying and correcting defects. This supports transparency and enables post-certification auditing by PGDB or MBIE to maintain public confidence.

5. Mandatory Participation in Ongoing CPD (Continuing Professional Development)

The current CPD system for plumbers and drainlayers is not fit-for-purpose. It sets low expectations, lacks accountability, and does not effectively ensure that practitioners remain competent or up to date with regulatory and technical changes.

To support a robust and credible self-certification scheme, MBIE should replace the existing CPD model with a performance-linked CPD and retraining framework, including but not limited to:

- Mandatory annual CPD with verified participation.
- Retraining for poor performance, triggered by complaints or audit failures.
- Suspension of endorsement if retraining is not completed.
- Structured remedial modules focused on areas of concern.
- Audit-triggered CPD to address identified non-compliance.
- Capacity review to ensure training availability, especially regionally.

Why These Requirements Matter

These criteria ensure only competent and accountable practitioners are trusted with self-certification. They balance efficiency with safeguards that protect public safety, uphold building standards, and maintain confidence in the regulatory system. Without strong entry criteria and oversight, the risk of defects, reduced consumer trust, and reputational harm to the sector increases.

What specific requirements do you think would help determine whether a plumber or drainlayer has adequate quality assurance process to self-certify their work, and why?

Please explain your views.

To ensure plumbers and drainlayers can safely self-certify their work, they should meet the following quality assurance standards:

1. Written QA System

A documented process for planning, checking, fixing, and recording work. This supports consistency and enables auditing.

2. Regular Internal Reviews

Practitioners should routinely check their own work or have it peer-reviewed to catch issues early.

3. Digital Record Keeping

Use of tools like site photos, checklists, and job logs to provide clear evidence of work completed.

4. Professional Indemnity Insurance

Ensures financial accountability and protects consumers if something goes wrong.

5. Random Audits

Practitioners must agree to random checks by MBIE or PGDB to verify quality systems are working.

6. CPD Focused on QA and Compliance

Ongoing training should include modules on quality assurance, regulatory updates, and risk management.

7. Initial Peer Endorsement

When first joining the scheme, a senior practitioner should vouch for the applicant's ability to manage quality.

Why This Matters

These requirements help ensure self-certifying practitioners meet the same standards as those subject to council inspections. They protect public safety, uphold building quality, and maintain trust in the regulatory system.

What specific requirements would demonstrate a plumber or drainlayer has adequate business and administration systems in place to support self-certification, and why?

Please explain your views.

To support safe and reliable self-certification, plumbers and drainlayers should also meet the following business and administrative criteria:

1. Minimum Experience

At least 5 years of licensed practice to demonstrate sustained competence.

2. Portfolio of Past Work

Examples of compliant installations to show practical understanding of standards.

3. Formal Assessment and Interview

A short test or interview to confirm knowledge of codes, standards, and responsibilities.

4. Recent CPD Participation

Evidence of ongoing learning, including updates to regulations and new technologies.

5. Supervisor Endorsement

A reference from a trusted industry professional to confirm readiness.

6. Clean Compliance Record

No serious disciplinary actions in the past 3 years.

Why This Matters

These criteria ensure only skilled, experienced, and responsible practitioners are endorsed to self-certify. They support public safety and confidence in the system.

How many plumbers and drainlayers might you expect to apply to be endorsed as able to self-certify? Please provide any data and/or reasoning to support your estimate

Please explain your views.

Given the recent legislative change requiring 80% of inspections to be completed within three days of booking, and considering Hamilton City's unique operational context, we estimate that approximately 10% of licensed plumbers and drainlayers may apply for endorsement to self-certify in the initial phase of the scheme.

This lower uptake estimate is based on the following factors:

1. High Inspection Responsiveness

Hamilton City Council already meets inspection demand efficiently due to our dedicated plumbing and drainage inspection team and compact geographic coverage. This reduces the incentive for practitioners to seek self-certification purely for scheduling convenience.

2. Strong Industry Relationships

Our productive and collaborative relationship with the plumbing and drainage sector means practitioners generally experience minimal delays or friction in the current inspection process.

3. Confidence in Council Systems

Many practitioners value the independent verification provided by council inspections and may be cautious about assuming full responsibility under a self-certification model, especially in its early stages.

4. Regulatory Adjustment Period

As with any new regulatory framework, uptake is likely to be gradual while practitioners assess the risks, benefits, and administrative requirements of endorsement.

While uptake may increase over time as confidence in the scheme grows, initial adoption in Hamilton is expected to be modest due to the effectiveness of existing systems and the high level of service already provided.

Content of the Certificate of Compliance

This section seeks your views on the proposed requirements for Certificates of Compliance (CoCs) for self-certified plumbing and drainlaying work.

Refer to pages 8 – 10 of the targeted engagement document to answer the questions in this section.

Will the proposed contents of a Certificate of Compliance achieve the objectives? If not, why?

Yes No Not sure

Please explain your views.

Yes, the proposed contents of the Certificate of Compliance (CoC) are broadly aligned with MBIE's objectives. However, we strongly recommend removing the requirement to include as-built plans.

Including as-builts creates a risk that practitioners may certify work that differs from the approved building consent, which could result in illegal plumbing installations.

The proposed CoC is otherwise strong, with clear identification of work, practitioner accountability, safety declarations, and legal signatures.

In summary, we generally agree with the proposed contents, but the inclusion of as-built plans must be removed to ensure compliance with the approved building consent.

What supporting documents should be attached to the Certificate of Compliance?

Please explain your views.

To ensure the Certificate of Compliance (CoC) is clear, verifiable, and supports both regulatory and consumer needs, we recommend the following:

Submitted to the BCA:

- Certificate of Compliance (CoC) only.
- This should confirm that the plumbing or drainlaying work was completed in accordance with the approved building consent.

Supplied to the Homeowner:

- Photographic evidence of key stages of installation, especially for work that will be concealed.
- Product specifications and installation manuals for any proprietary systems or components used.
- Inspection checklists or QA records completed by the practitioner.
- Copy of the building consent and approved plans to confirm what was approved.
- Evidence of practitioner's endorsement status (e.g., registration number, endorsement date).
- Summary of the CoC, including practitioner details and confirmation of compliance.

Important Clarification:

We do not support including as-built drawings or schematics. These may conflict with the approved consent and risk legitimising illegal plumbing work. The CoC must confirm that the work matches the consented plans, not post-installation changes.

This approach ensures the BCA receives what it needs for compliance, while homeowners are given useful documentation for future reference, without undermining the integrity of the consent process.