



COVERSHEET

Minister	Hon Chris Penk	Portfolio	Building and Construction
Title of Cabinet paper	Regulations Relating to the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill	Date to be published	15 July 2026

List of documents that have been proactively released

Date	Title	Author
2 June 2026	Regulations Relating to the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill	Office of the Minister for Building and Construction
2 June 2026	Minute of decision: Regulations Relating to the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill LEG-26-MIN-0114 Minute	Cabinet Office
4 May 2026	Supplementary Analysis Report: Broadening the scope of the plumbers and drainlayers self-certification scheme	MBIE

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for reason of Confidential advice to Government.

In Confidence

Office of the Minister for Building and Construction

Cabinet Legislation Committee

Regulations relating to the Building and Construction Sector (Self-certification by plumbers and Drainlayers) Amendment Bill

Proposal

1. This paper seeks authorisation for submission of the Plumbers, Gasfitters, and Drainlayers (Self-certification and Certificate of Compliance Information) Regulations 2026 (the self-certification regulations) and the Building (Forms) Amendment Regulations 2026 (the forms amendment regulations) to the Executive Council of 8 June 2026.

Policy

Regulations are required to implement self-certification by plumbers and drainlayers

2. The Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill (the Bill) is expected to receive Royal assent on or around 2 June 2026.
3. The self-certification of plumbers and drainlayers scheme is intended to make building easier and more affordable, supporting the Going for Housing Growth programme.
4. The Bill provides for regulations to:
 - a. define self-certifiable plumbing and drainlaying, and
 - b. prescribe the contents of the Certificate of Compliance that self-certifying plumbers and drainlayers will be required to issue.
5. Additionally, consequential amendments to the Building (Forms) Regulations 2004 will be made to support operationalisation of the self-certification scheme.

The definition of 'self-certifiable plumbing' and 'self-certifiable drainlaying'

6. Regulations will be required under the Plumbers, Gasfitters, and Drainlayers Act 2006 (the PGD Act), as amended by the Bill, to implement the Bill by defining the work that can be self-certified.
7. Cabinet has agreed to, for the purpose of defining self-certifiable plumbing and self-certifiable drainlaying, the criteria set out in Appendix One to the paper under ECO-26-SUB-0041 [ECO-26-MIN-0041 refers]. As a result of consulting on the self-certification regulations, I recommend some minor changes to the criteria set out in Appendix One to the paper under ECO-26-SUB-0041:
 - a. Rather than require self-certifiable plumbing to not penetrate a firewall, the draft regulations require that self-certifiable plumbing not penetrate a "fire separation".

This will ensure self-certifiable plumbing will not penetrate any fire separations, including firewalls and floors.

- b. I have also not included requirements for drainlaying work that “is not within a shared tenancy wall including in a wall space between two shared tenancy walls” and drainlaying work that “does not penetrate a firewall” in the regulations. These requirements are unnecessary as all self-certifiable drainlaying work will be “in ground” and would therefore not take place within or between a wall or penetrate a fire separation.

The contents of the Certificate of Compliance (CoC)

8. On 15 December 2025, Cabinet agreed that the regulations contain, for the purpose of prescribing the information that must be included in a CoC, the information set out in Appendix Two to the paper under EXP-25-SUB-0124 [*EXP-25-MIN-0124* refers].
9. A CoC will be required to be issued by the self-certifying plumber or drainlayer and lodged on the public register, that will be established by the Plumbers, Gasfitters, and Drainlaying Board (PGD Board), within 10 working days after completion of the self-certified plumbing or drainlaying work.
10. Approved self-certifying plumbers and drainlayers are required to issue a CoC for any work they self-certify. The CoC will act as a traceable record of the completed self-certified work, assuring building owners and regulators that the work was carried out by licensed plumbers and drainlayers in compliance with the building consent.
11. The self-certification regulations prescribe the information that must be included in a CoC to give effect to this decision.

Amendments to the Building (Forms) Regulations 2004 are also required to operationalise the scheme

12. On 15 December 2025, Cabinet agreed to amend the Building (Forms) Regulations 2004 to support the operational requirements of the self-certification by plumbers and drainlayers scheme [*EXP-25-MIN-0124* refers].
13. This will mean, for a Code Compliance Certificate (CCC), a CoC must be attached to the application for a CCC. This will be required for all self-certified plumbing and drainlaying work to demonstrate that the work is consistent with the building consent. It is also intended that building owners will inform building consent authorities (BCAs) of any work intended to be self-certified at the consent application stage and that BCAs list all work to be self-certified on the approved building consent.
14. The forms amendment regulations will give effect to Cabinet’s decisions to require the CoC to be attached to the CCC application.
15. Form 2 of Schedule 2 of the Building (Forms) Regulations 2004 will also be amended to update a minor outdated reference to “relevant compliance document(s)” with a reference to acceptable solution(s) or verification method(s) to align with the Building Act 2004.

Timing and 28-day rule

16. The self-certification regulations and the forms amendment regulations can only be considered and made by the Executive Council and be Gazetted on the day after the Amendment Bill receives Royal assent which is expected on or around 2 June 2026. I am seeking decisions from Cabinet Legislation Committee before this date so the regulations can be made at the next available meeting of the Executive Council after this date, which is scheduled for 8 June 2026.
17. This is necessary to provide the PGD Board assurance about the scope of self-certifiable plumbing and drainlaying work and the content of the CoCs so that they can progress critical implementation work to enable the scheme to go live ahead of the General Election.
18. The date on which the regulations come into force is less urgent. For this reason, I am not seeking a waiver for the 28-day rule and both sets of regulations will commence on 7 July 2026.
19. Although the Cabinet Legislation Committee will be considering this paper before the Bill has received Royal assent, neither myself nor the Governor-General will be exercising our powers under the revised Act until the amending Bill, including the provisions empowering the making of the regulations, is in force. If for any reason Royal assent is delayed, then the exercise of these powers will also be delayed accordingly.

Compliance

20. The self-certification regulations and forms amendment regulations comply with:
 - a. the principles of the Treaty of Waitangi;
 - b. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - c. the principles and guidelines set out in the Privacy Act 2020;
 - d. relevant international standards and obligations;
 - e. the Legislation Guidelines (2021 edition), maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

21. I do not consider there are any grounds for the Regulations Review Committee to draw the self-certification regulations and the forms amendment regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

22. The self-certification regulations and forms amendment regulations are certified by the Parliamentary Counsel Office as being in order for submission to Cabinet on 8 June 2026, provided that:
- a. the regulations are made on the recommendation of the Minister for Building and Construction,
 - b. the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill and the Minister of Building and Construction's Amendment paper No 578 are agreed to and reported back from the committee of the whole House stage and no other changes are made to the provisions empowering the making of these regulations; and
 - c. provided that the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill receives Royal assent at least one day before the regulations are made.

Implementation

23. There is a risk the implementation of the scheme will be delayed if the Amendment Bill has not received Royal assent in the week of 2 June 2026. This may mean there will be no plumbers or drainlayers endorsed to self-certify their work before the General Election.

Impact Analysis

24. A Supplementary Assessment Report (SAR) (attached as **Annex one**) has been prepared due to the scope of the regulations now extending beyond the initial exemption from Regulatory Impact requirements in relation to the plumbers and drainlayers self-certification scheme.
25. A Quality Assurance Panel from the Ministry of Business, Innovation and Employment (MBIE) has reviewed the SAR prepared by MBIE titled *Broadening the scope of the plumbers and drainlayers self-certification scheme* on 1 May 2026.
26. The Panel consider that the information and impact analysis summarised in the SAR **partially meets** the Quality Assurance criteria.
27. The constrained consultation process on this specific option addressed by the SAR (as opposed to the wider consultation undertaken on the original proposal), significantly limits the ability of the SAR to assess likely impacts on behaviour and outcomes. This results in significant uncertainty about the extent to which self-certification will be taken up by practitioners, and the potential negative consequences of the proposal (for instance in terms of increased non-compliant works and increases in litigation as a result). Additional consultation would be likely to improve information about these outcomes but would be unlikely to be definitive as consulted parties would still be speculating on likely actions and outcomes of a yet untested regime. The Panel

recommend careful monitoring of the regime to ensure that it is operating as intended and potentially including a review clause after a few years of operation.

Publicity

28. I intend to work with officials to ensure relevant stakeholders are notified when the regulations come into force.
29. MBIE will notify BCAs of the changes so they can update relevant building forms.

Proactive Release

30. I intend to proactively release a copy of this paper, subject to redactions as appropriate within 30 business days of decisions being confirmed by Cabinet. The paper will be published on MBIE's website.

Consultation

31. MBIE has consulted the PGD Board on self-certification regulations as the Board will be responsible for managing aspects of the scheme. The draft regulations were shared in accordance with CO (19) 2: Attorney-General's Protocol for Release of Draft Government Legislation outside the Crown.

Recommendations

The Minister for Building and Construction recommends that the Committee:

- 1 **note** that on 15 December 2025, Cabinet agreed [EXP-25-MIN-0124 refers]:
 - 1.1 that the regulations contain, for the purpose of defining self-certifiable plumbing and self-certifiable drainlaying, the criteria set out in Appendix One to the paper under EXP-25-SUB-0124;
 - 1.2 that the regulations contain, for the purpose of prescribing the information that must be included in a Certificate of Compliance (CoC), the information set out in Appendix Two to the paper under EXP-25-SUB-0124;
 - 1.3 to amend the Building (Forms) Regulations 2004 to support the operational requirements of the self-certification by plumbers and drainlayers scheme;
- 2 **note** that on 7 April 2026, Cabinet agreed [ECO-26-MIN-0041 refers]:
 - 2.1 to rescind the decision referred to in paragraph 1.1 above; and
 - 2.2 that the regulations contain, for the purpose of defining self-certifiable plumbing and self-certifiable drainlaying, the criteria set out in Appendix One to the paper under ECO-26-SUB-0041;
- 3 **amend** for “self-certifiable plumbing”, the requirement in Appendix One to the paper under ECO-26-SUB-0041 so that instead of there being a requirement for “does not penetrate a firewall”, there is a requirement for “does not penetrate a fire separation”;

I N C O N F I D E N C E

- 4 **note** that Plumbers, Gasfitters, and Drainlayers (Self-certification and Certificate of Compliance Information) Regulations 2026 (the self-certification regulations) will give effect to the decision referred to in recommendations 1.2 and three above;
- 5 **note** that Building (Forms) Amendment Regulations 2026 (the forms amendment regulations) will give effect to the decision referred to in recommendation 1.3 above;
- 6 **agree** that the forms amendment regulations will replace an outdated reference to “relevant compliance document(s)” in the Building (Forms) Regulations 2004 with a reference to acceptable solution(s) or verification method(s);
- 7 **authorise** the submission to the Executive Council on 8 June 2026 of the self-certification regulations and the forms amendment regulations following Royal assent of the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill (the Bill);
- 8 **note** that the self-certification regulations and forms amendment regulations will come into force 28 days after Gazettal, provided the Bill receives Royal assent before 8 June 2026.

Authorised for lodgement

Hon Chris Penk

Minister for Building and Construction

Annex one: Supplementary Analysis Report: Broadening the scope of the plumbers and drainlayers self-certification scheme