



## COVERSHEET

<b>Minister</b>	Hon Poto Williams	<b>Portfolio</b>	Building and Construction
<b>Title of Cabinet paper</b>	<b>Plumbers, Gasfitters, and Drainlayers Act 2006: Statutory Review</b>	<b>Date to be published</b>	5 May 2021

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
17 March 2021	Plumbers, Gasfitters, and Drainlayers Act 2006: Statutory Review	Office of the Minister for Building and Construction
17 March 2021	Plumbers, Gasfitters, and Drainlayers Act 2006: Statutory Review – Minute of Decision DEV-21-MIN-0038	Cabinet Office

**Note:** the Ministry of Business, Innovation and Employment's *Statutory Review Report of the Plumbers, Gasfitters, and Drainlayers Act 2006* was published in March 2021 and is available at <https://www.mbie.govt.nz/dmsdocument/13715-statutory-review-report-of-plumbers-gasfitters-and-drainlayers-act-2006>

### 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 to protect the confidentiality of advice tendered by ministers and officials.



# Cabinet Economic Development Committee

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### Plumbers, Gasfitters, and Drainlayers Act 2006: Statutory Review

**Portfolio**                      **Building and Construction**

On 17 March 2021, the Cabinet Economic Development Committee:

#### Background

- 1        **noted** that a statutory review has been undertaken in accordance with section 187 of the Plumbers, Gasfitters, and Drainlayers Act 2006 (the Act) to consider whether any amendments to the Act are required to improve its operation;
- 2        **noted** that the *Statutory Review Report on the Plumbers, Gasfitters, and Drainlayers Act 2006* (the Report), attached at Annex One to the paper under DEV-21-SUB-0038, is the report required to be prepared under section 187 of the Act;
- 3        **noted** that the Report's key focus areas covered:
  - 3.1        exemptions;
  - 3.2        supervision quality;
  - 3.3        self-certification;
  - 3.4        definitions;
  - 3.5        complaints, disputes and prosecution;
  - 3.6        the composition of the Plumbers, Gasfitters, and Drainlayers Board (the Board);
  - 3.7        the 'fit and proper persons' test;
- 4        **noted** that there is a statutory requirement under section 187(2) of the Act to present the Report to the House of Representatives;
- 5        **noted** that the paper under DEV-21-SUB-0038 categorises the proposed changes to address issues identified in each of the focus areas into four groups of work:
  - 5.1        minor and technical changes to legislation;
  - 5.2        non-legislative changes;

5.3 changes already being progressed through other legislative amendments;

5.4 changes that require further work;

- 6 **noted** that the Minister for Building and Construction (the Minister) is seeking Cabinet agreement to progress the minor and technical changes to legislation recommended through the Report;

### **Definitions (minor and technical proposals)**

- 7 **noted** that amendments to the ‘drain’ and ‘drainlaying’ definitions under the Act are already being progressed through the Regulatory Systems Amendment Bill (No 3) [DEV-19-MIN-0190], and that the Minister will explore including the above amendments in a proposed Building and Construction Sector Occupational Regulation Bill;
- 8 **agreed** to remove the exemption currently provided under section 15 of the Act that allows householders and their family members to do sanitary plumbing in premises that fall within a local authority area that has been specified by the Minister;
- 9 **agreed** to remove the Minister’s power, currently provided under section 16 of the Act, to designate areas as areas where sanitary plumbing may be done by any person;
- 10 **agreed** to remove the exemptions currently provided by sections 19, 21 and 25 of the Act that allow an unlicensed person to do or assist with sanitary plumbing, gasfitting or drainlaying respectively, under the supervision of person with the appropriate licence;
- 11 **agreed** to amend the Act to provide that the replacement of LPG cylinder O rings is not restricted gasfitting work;
- 12 **agreed** to amend the Act to provide that work on temporary connections, for the purposes of testing products, is not restricted gasfitting work;
- 13 **agreed** to amend the Act to clarify that the work that is not restricted under section 6(2)(d) relates to repairing or replacing compression washer taps, ballock valves, plugs, and bench-mounted taps;

### **Complaints, discipline and prosecution (minor and technical proposals)**

- 14 **agreed** to amend the Act to remove the barrier to the Registrar being able to make a complaint under Part 3 of the Act;
- 15 **agreed** to amend the Act to include an exception to the existing requirement under Schedule 1, Clause 3 so that the Board can have a quorum of three members for the purpose of hearing a disciplinary matter;
- 16 **agreed** to amend the duty to notify a change in address under section 76(1) of the Act from three months to one month;
- 17 **agreed** to amend the Act to update the powers available to Board for the purposes of conducting a hearing, to remove reference to the Commissions of Inquiry Act 1908 and refer instead to equivalent powers in the Inquiries Act 2013;

**Plumbers, Gasfitters, and Drainlayers Board composition (minor and technical proposal)**

- 18 **agreed** to amend the Act so that the Board is comprised of:
- 18.1 three registered and licensed tradespeople, made up of one person from each of the plumbing, gasfitting, and drainlaying trades;
  - 18.2 one additional registered tradesperson from any of the plumbing, gasfitting or drainlaying trades;
  - 18.3 two people whom the Minister considers are able to represent the interests of consumers;
  - 18.4 one person whom the Minister considers are able to represent other skills the PGD Board requires;
  - 18.5 three additional people from paragraph 18.2 or paragraph 18.4 above as the Minister considers fit;

**Future work to progress the Report's recommendations**

- 19 **noted** that the Ministry of Business, Innovation, and Employment will consider self-certification as part of wider work to improve the consenting system;
- 20 **noted** that the Ministry of Business, Innovation and Employment will progress further work to review the complaints, discipline, infringements and prosecution regime for plumbers, gasfitters and drainlayers;
- 21 **noted** that the Ministry of Business, Innovation and Employment will undertake further work to create a clear demarcation between restricted sanitary plumbing and other water reticulation activities that share the same water source;

**Next steps**

- 22 **invited** the Minister to report back to Cabinet with a communications plan;
- 23 **agreed** that the Report be tabled in the House of Representatives as soon as practicable;
- 24 **authorised** the Minister to issue drafting instructions to the Parliamentary Counsel Office to draft legislation giving effect to the policy proposals in paragraphs 8 to 18.5 above;
- 25 **authorised** the Minister authority to make decisions on minor and technical matters that arise during drafting, that are consistent with the policy decisions in the paper under DEV-21-SUB-0038;
- 26 **noted** that the Minister intends to report back to the Cabinet Legislation Committee to seek approval for introduction of the Building and Construction Sector Occupational Regulation Bill in February 2022;

Janine Harvey  
Committee Secretary

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**Present:**

Hon Grant Robertson (Chair)  
Hon Dr Megan Woods  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Poto Williams  
Hon Damien O'Connor  
Hon Stuart Nash  
Hon Kris Faafoi  
Hon Dr David Clark  
Hon Dr Ayesha Verrall  
Hon Meka Whaitiri  
Hon Phil Twyford  
Rino Tirikatene, MP  
Dr Deborah Russell, MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for DEV

**Hard-copy distribution:**

Minister for Building and Construction