

2025

"Limitless Innovation, Lasting Sustainability"

AHSCA



The Association of
Hydraulic Services Consultants Australia

NEW ZEALAND

Thursday 13th February 2025

Agenda:

- NZ update and years activities
- General Business

AHSCA



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Hydraulic Services Consultants Australia

NEW ZEALAND

2025

"Limitless Innovation, Lasting Sustainability"



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www.nz.ahsca.org.nz

Introducing our 2025 Executive Committee Team!

We are always looking for more committee members so please
get in touch if you are interested?

Nick Fleckney - President / Chairman

Technical Director - Hydraulics/Public Health at Mott MacDonald



One of Nick's favorite past times (along with collecting Warriors jerseys!) is working with and engaging with industry people to help educate, pass on knowledge, hopefully all for the betterment of the hydraulic and plumbing industries of New Zealand especially the younger generations coming through.

Nick is also a Registered Engineering Association(REA), Registered Certifying Plumber, Gasfitter and Drainlayer and Accredited Backflow tester and Surveyor.

Link up on LinkedIn with me if you haven't already!

Francisco Yanez - Membership / Sponsors

Hydraulic Technical Director with TMO and over 16 years of experience with a demonstrated history of working in the construction industry.

Skilled in Project Leadership, Mentoring, Business Development, Management, Building Services, Revit, Revitzo Microsoft Excel, Customer Service, Engineering, and Strategic Planning.

Strong administrative professional with a Bachelor of Science (BS) focused in Materials and Process Engineering from University of Waikato



Gurpreet Singh Sokhi (Guru) - Treasurer / Event Organisation

With over 12 years of dedicated service in the plumbing and gas fitting realm of New Zealand, I currently lead a passionate team at HSC Limited.



At HSC, I am dedicated to delivering comprehensive engineering solutions, rooted in quality, sustainability, and utmost empathy towards every project.

My professional journey spans a diverse portfolio, including large-scale commercial ventures along with residential projects. Through close collaboration with major players in the construction industry, I've built a robust network of relationships.

Within my expertise, I excel in guiding projects from start to finish with effective project management strategies, fostering long-term client partnerships, proficiently handling financial aspects and budgets, and staying informed about the latest construction regulations and industry developments.

Tia Marshall - Secretary / Web & Social Media

An experienced Architectural Technician with 10 years of expertise in architectural, structural, and hydraulic drafting, as well as BIM coordination. In recent years, I have specialised in hydraulic BIM modeling, working with Flow Consulting in Hamilton.

Working closely with our in-house consultants, contractors, and clients, I contribute to large commercial and residential projects by producing precise, highly detailed models for effective coordination. My clear, well-structured drawings ensure smooth installation and assist contractors in executing projects efficiently.

Before transitioning to my current role, I spent 15 years as a qualified graphic designer, gaining extensive experience in both commercial and in-house design. This background has allowed me to contribute to website design, e-letters, advertisements, and various graphic design needs for my workplace and AHSCA-NZ.



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We are looking for more committee members!

- Codes and Standards liaison
- Lower South Island rep
- Technical Excellence developer
- Committee Members

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Code of Operations



Proposed Membership Classifications

3.2 CLASSIFICATIONS

3.2.1 Life Member: (Voting Member)

A most esteemed member of the Association who has been a financial member of the association for no less than 10 consecutive years and meets the Life Member criteria detailed further in these Articles.

3.2.2 Fellow Member: (Voting Member)

Most qualified and acceptable, having a minimum of 20 years' experience in the Industry in a recognized professional capacity. This experience shall entail the full spectrum of design, documentation, administration or development of Plumbing Hydraulic Systems for buildings. A Fellow Member must also be a financial member for no less than 10 consecutive years.

3.2.3 Member: (Voting Member)

Having a minimum of 6 years' experience in the industry as acceptable in a recognized professional capacity. This experience shall entail the full spectrum of design, development, documentation, administration of Plumbing Hydraulic Services systems for buildings within projects.

3.2.4 Associate Member: (Non-Voting Member)

Qualified but not fully acceptable. Hydraulic Services Designers, in the Plumbing Hydraulic Systems for Building Industry having a minimum of 2 years and up to 6 years' experience.

3.2.5 Affiliate Member: (Non-Voting Member)

Not qualified but acceptable. Affiliate Membership is reserved for student applicants, design draftspersons and those applicants entering the profession that do not meet the minimum requirements for other membership categories.

3.2.6 Authority & Regulatory Member: (Non-Voting Member)

Not qualified but acceptable. Representative of Water Board, Government Body, Authority or Council involved in the Plumbing Hydraulic Systems for Building Industry. In addition to the above the committee may endow membership to any person, or representative of any organization or body, beyond the plumbing industry, whose interest is to advance the profession of the AHSCA.

3.2.7 Corporate Sponsor Member: (Non-Voting Member)

A representative body or an organisation continually presenting to the Plumbing Hydraulic Systems Industry a philosophy to advance the Industry. Executive Committee shall prepare Corporate Sponsor agreements for each financial year. At the expiration date of such agreement, the membership is automatically withdrawn.

3.2.8 Commercial Plumbing Affiliate: (Non-Voting Member)

A Commercial Plumbing Affiliate category is a limited category of 10 members. Each applicant shall be invited by the board of Directors and approved by the members at an Annual General Meeting. Executive Committee shall prepare the terms and conditions of such membership for each financial year. At the expiration date of such agreement (annually), the membership is automatically withdrawn. Once a member has been approved for this category, it is not necessary to make subsequent submission to the members at an Annual General Meeting subject to the approval of the Board of Directors.

3.2.9 Commercial Plumbing Inspector: (Non-Voting Member)

The Executive Committee may approve a Commercial Plumbing Inspector member subject to a minimum of 6 years' experience in inspection all facets of large commercial plumbing installations.

The applicant must have been employed for a period of at least 6 years by a company recognised by the Plumbing Industry Commission to undertake Authority inspections.

The applicant must be a licensed plumber in the relevant classes of plumbing with the Plumbing Industry Commission and be able to demonstrate proficient and detailed report writing.

3.2.10 Honorary Member: (Non-Voting Member)

The Executive Committee may approve an Honorary Membership for persons or organisations that have assisted the Association.

Current

Associate Member*
Member**
Student Member***

Minimum 2 years, up to 6 year's experience in Hydraulic Service Design Industry.
Minimum 6 years experience in Hydraulic Service Design Industry.
Less than 2 years experience in Hydraulic Service Design Industry.

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PRODUCER STATEMENTS NOT JUST RUBBER STAMPING

In a recent judgment, the Court of Appeal upheld potential criminal liability for producer statements. Read on to find out how this impacts the construction industry.

AUTHOR: JONATHAN FORSEY, DUNCAN COTTERILL

The Court of Appeal has confirmed that issuing producer statements is 'building work' under the Building Act 2004. Authors of producer statements now have the potential to be criminally liable under section 40 of the Building Act 2004.

How this decision came about
In 2021, Tauranga District Court laid charges against Bruce Cameron, an engineer who issued producer statements in connection with a residential subdivision and Bella Vista Homes development near Tauranga known as The Lakes. His role involved on-site construction monitoring, testing, and giving instructions and directions to building contractors.

Mr Cameron and The Engineer Ltd (TEL), an engineering company engaged by the principal, were convicted of carrying out non-compliant building work. The basis for the charges was that they had provided the Council with producer statements (PS4s) relating to restricted building work carried out at the site which did not accurately reflect what had been done.

The District Court found Mr Cameron and TEL liable under Section 40 of the Building Act (Building work not to be carried out without consent) for issuing producer statements following or resulting from construction monitoring.

They appealed their convictions, which were quashed by the High Court in 2022. Conflicting authority prompted the Solicitor-General to seek clarification with the Court of Appeal*.

The Court of Appeal was referred the following question of law (arising from *Cancian v Tauranga City Council* [2022] NZHC 556):

"Was the Court correct to find that the issue of producer statements (following or as a result of construction monitoring) in relation to non-compliant building work does not give rise to liability under s 40 of the Building Act 2004?"

The answer depends on the interpretation of 'building work' as it appears in that provision – a point of law. The Court of Appeal responded: "No."

The Court of Appeal noted that producer statements do not have a legislative basis but are routinely issued and relied upon in the construction industry.

WHAT THIS DECISION MEANS FOR THE INDUSTRY

The Court of Appeal held that parties issuing producer statements are doing more than giving an opinion. The Court held they reflect the work the author has carried out to express the opinion and confirms the author has reasonable grounds for belief in compliance.

This means authors of producer statements must take care to ensure they can point to the reasonableness of their grounds for belief. It highlights the importance of keeping records of on-site monitoring, particularly at key stages. Authors should carefully consider whether they have all the necessary information available to them when statements are signed off – something

that can be difficult in practice where there are acute pressures.

It seems unlikely the decision will lead to a sudden surge in criminal prosecutions. However, it is a useful summary of the significance of producer statements in the consenting process, despite their having no formal statutory framework.

While producer statements currently have no legislative basis, they are a routine part of the construction industry and relied upon by many. This decision highlights that they are not a rubber-stamping exercise, and this emphasises the importance of getting them right, as the sanctions for getting them wrong now go beyond civil or disciplinary liability.

Example of a producer statement construction review (PS4) form. The Court of Appeal has accepted that issuing producer statements amounts to carrying out 'building work' for the purposes of the Building Act 2004.

"The Act does not provide for producer statements, unlike its predecessor the Building Act 1991. But they are commonly used to advise building consent authorities about construction work that has been carried out in the course of implementing building consents."

"Their provision by suitably qualified persons may be accepted by building consent authorities as an accurate representation of work that has been carried out and as giving reasonable assurance the work has been carried out in accordance with the building consent and the building code."

"This process enables building consent authorities to reduce the cost and delays that would be incurred if they carried out their regulatory functions under the Act using only their own employees."

Whilst having no statutory basis, producer statements are usually issued in standard form and regularly issued and relied upon in the construction industry. The Court accepted that the issuing of producer statements amounts to carrying out 'building work' for the purposes of the Building Act 2004.

The Court also held that: "We conclude that although it is not a statutory document, a producer statement is a standard document with well understood content and purpose, intended to contain reasonable statements of professional opinion that the building works to which they relate have been completed in accordance with the building consent and the building code."

The Court concluded that the work necessary for producer statements fell within the definition of 'sitework'.

*Solicitor-General's Reference (NO 1 OF 2022) [2024] NZCA 514 [11 October 2024]



ABOUT THE AUTHOR:
Jonathan Forsey, Special Counsel – Litigation and Dispute Resolution,
Duncan Cotterill

Jonathan regularly advises clients on construction contracts issues, retentions and compliance issues, contracting, delay, variations, insurance and regulatory matters, as well as contract and negligence issues. He has been a board member and secretary of the Society of Construction Law New Zealand since 2018.



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Years Activities = Busy!

Please provide suggestions for our 2025 award categories by the end of March.



Peter Downey is the first recipient of the inaugural Peter Downey Award, the supreme award of the Association of Hydraulic Services Consultants Australia-New Zealand (AHSCA-NZ), presented at their very first New Zealand awards night in Auckland this November.

"It is only fitting this supreme award is named after Peter as a recognition of his outstanding services and dedication to the hydraulic and plumbing industry in New Zealand," says New Zealand president Nick Fleckney. "Although now retired, Peter's legacy continues and through this award will be remembered for generations to come."

Other awards on the night went to Flow Consulting and Tia Marshall. "Thanks to everyone who attended, especially the sponsors," says Nick. "We're now planning for an even bigger 2025 awards night – watch this space!"



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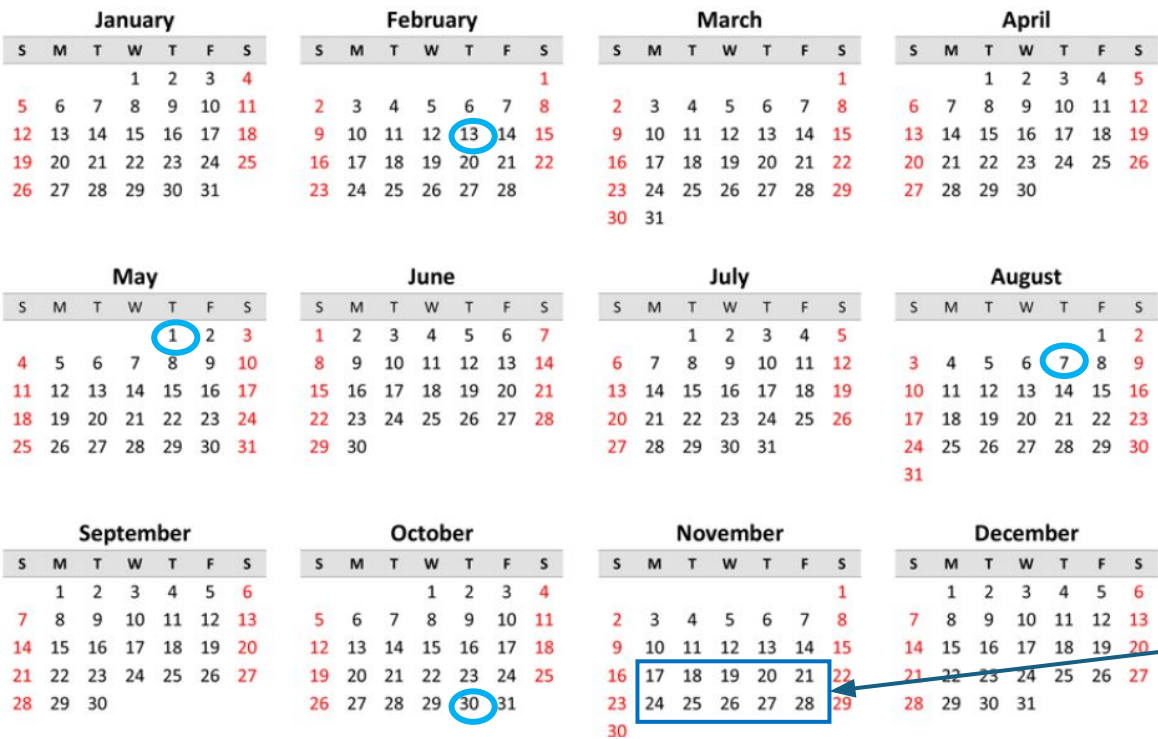
BRANDS

Next Meeting

2025 Calendar

In between these meetings will be our sponsor arranged seminars, local functions and executive committee meetings.

Monthly Updates via our website comms to be provided from hereon in.



Tentative weeks for Awards function

Invitations to attend our sponsors events will be sent in due course.

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A HUGE THANK YOU!
TO OUR SPONSORS

*for their ongoing support
in 2025*

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