Plumbers,
Gasfitters and
Drainlayers Board

# RADOVICH v CHRISTOPHER WATKINS

## Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2024/20)

## Summary

Christopher Watkins, Certifying Gasfitter, was charged with failing to comply with a term or condition of his licence relating to supervision. The charge related to residential gasfitting work carried out by Mr Watkins' supervisee in Auckland/Tāmaki Makaurau.

Mr Watkins pleaded guilty to the charge.

The Board considered Mr Watkins' offending was low in terms of seriousness. While the defects with the work carried out by Mr Watkins' supervisee had been numerous and serious, Mr Watkins had wrongly believed he was no longer their supervisor and had therefore not been in a position to carry out his supervision responsibilities. While Mr Watkins could, and should have taken steps to remove the supervisee from his supervision, the Board accepted that the particular circumstances of this case meant his failure to do so was understandable and therefore less blameworthy.

The Board found there were no aggravating factors in the case and Mr Watkins was entitled to credit for his guilty plea, cooperation, lack of any previous disciplinary offending, remorse, and the steps he had taken on becoming aware of the complaint.

The Board ordered Mr Watkins to pay a fine $650 and $3,000 towards costs.

**IN THE MATTER OF** a disciplinary hearing pursuant to section 101 of the Plumbers, Gasfitters, and Drainlayers Act 2006

**BETWEEN** **WAYNE RADOVICH**

**Investigator**

**AND** **CHRISTOPHER WATKINS**
Certifying Gasfitter, of Waikouaiti

**Registered Person**

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# DECISION OF THE BOARD
## 16 January 2025

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| Hearing: | Held on the papers on 17 October 2024 |
| Members sitting: | Diana Kuhtz-Covich (Chair), Martin de Gouw, James Smith, Selwyn Hikuroa, Sue Simons |
| Counsel: | Madeleine Purcell for the investigator<br>Mr Watkins was self-represented |
| Legal advisor: | Juliet Philpott |

## Disciplinary hearing

1. On 17 October 2024, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing on the papers to consider a complaint by Garry Cruickshank against Christopher Watkins, Certifying Gasfitter. The complaint related to gasfitting undertaken by Mr Watkins' supervisee at residential premises in Tāmaki Makaurau/Auckland.

## Guilty plea

2. On 31 July 2024, Mr Watkins pleaded guilty to a charge of failing to comply with a term or condition of his licence in relation to supervision and signed an agreed summary of facts, the material parts of which were as follows:

    a. Mr Watkins is a registered certifying gasfitter. At the time of the events concerned, Mr Watkins held a current practising licence.

    b. From 1 April 2021 until 31 March 2022, Mr Watkins was the gasfitting supervisor for his son, Mathew Watkins, who was a registered and licensed tradesman gasfitter.

    c. Around July 2021, Mr Watkins had a conversation with Mathew during which Mathew agreed to apply for his certifying gasfitter registration. Mr Watkins did not hear from Mathew again and assumed he had become registered. He therefore believed Mathew no longer required supervision from July 2021 onwards. Mr Watkins accepts he did not notify the Board at the time that he was no longer supervising Mathew, but said this was because he was unwell.

    d. Mathew did not obtain his certifying gasfitter registration and licence until June 2022. Because Mr Watkins had not advised the Board in writing that he was no longer supervising Mathew after July 2021, he remained his supervisor until 1 April 2022.

    e. On 4 September 2021, Mathew carried out gasfitting work at a residential property in New Lynn, Auckland/Tāmaki Makaurau. The work involved the installation of gas pipes and appliances in two different buildings at the property. Mathew did not make Mr Watkins aware that he was doing this work and Mr Watkins therefore did not take any steps to ensure Mathew was competent to carry out this work.

    f. On 21 March 2023, Garry Cruickshank, a Senior Specialist at Auckland Council, visited the property following a complaint that the garage had been converted to sleeping accommodation. Mr Cruickshank identified significant compliance issues with the work in the converted garage which he identified as being unsafe and presenting a high risk to the health and safety of the occupants of the

property. Mr Cruickshank obtained a copy of the Gas Safety Certificate for the work which was dated 4 September 2021 and had been signed by Mathew Watkins.

g. Mr Cruickshank, a Certifying Gasfitter, identified the following issues with the work carried out at the property:

   i. the LPG changeover valve connected to the gas cylinders supplying all the appliances on the property delivered inadequate pressure, which was contrary to clause G11.3.1 of the New Zealand Building Code (Code)

   ii. a flueless gas appliance was installed in a bedroom or room used for sleeping, which was contrary to clause 6.2.3 of AS/NZS 5061.1:2013 (**Standard**)

   iii. no test point was installed on the cooktop, which was contrary to clause 5.11.4 of the Standard

   iv. the PE-X pipe for the cooktop:

      A. was too small to provide adequate flow or pressure, which was contrary to clause 5.2.4 of the Standard

      B. the underground section of the pipe was not buried at minimum depth or protected, which was contrary to clause 5.4.3 of the Standard

      C. was run around the outside of one of the buildings on the ground over gravel, which was contrary to clauses 5.3.3, 5.3.7, 5.4.4, and 5.4.6 of the Standard

      D. was unsupported and not protected from the risk of physical damage and sunlight, which was contrary to clause 5.3.17 of the Standard

      E. was too close to other services, which was contrary to clause 5.4.12 of the Standard

   v. the gas cylinder for the cooktop in the garage was incorrectly labelled 'Natural Gas' when it was connected to LPG, which was contrary to clause 6.1.1 of the Standard.

h. Between 22 March 2023 and 26 April 2023, Mathew returned to the property and attempted to remediate the defects with the work. He remediated some, but not all of the compliance issues. Again, Mathew did not make Mr Watkins aware that he was doing this work and Mr Watkins did not attend the property at any stage or provide any supervision of Mathew while the work was carried out.

i. On 26 April 2023, Mr Cruickshank returned to the property and identified further compliance issues with the gasfitting work. On 1 May 2023, he made a complaint to the Board.

j. Hamish Alexander, a Certifying Gasfitter and technical advisor to the Board, identified the following issues with the work carried out at the property in addition to the issues identified by Mr Cruickshank:

   i. a parallel thread was used at the 20mm – 15mm male female connection on the auto changeover regulator where a tapered thread should have been used, which was contrary to clause 4.4 of the Standard

   ii. no label was affixed to the gas cylinders for the cooktop identifying the proprietary piping system used, which was contrary to clause 4.5.4 of the Standard

   iii. there was no means of isolation between the two buildings on the property, no means of isolation at the cooktop to facilitate maintenance, and no label for the valve as the valve was not installed, which was contrary to clauses 2.4.2 and 5.2.10 of the Standard

   iv. the gas connection on the cooktop had no suitable means of disconnection as it was hard piped to the appliance, which was contrary to clauses 2.6.7 and 5.3.9 of the Standard and G11.3.4 of the Code

   v. the pipework for the cooktop passed through the exterior wall of the building and was not sealed to prevent the entry of gas into the building and compromised the integrity of the vapour/weathertightness barrier, which was contrary to clause 5.3.9 of the Standard

   vi. the installation could not be commissioned as there was no test point on the cooktop, which was contrary to clause 2.6.8 of the Standard

   vii. the galvanised pipework clip was in contract with the PE-X elbow, which was contrary to clause 5.5.2 of the Standard.

k. Mr Alexander assessed the risk associated with the gasfitting work as high. The non-compliant aspects of the work in relation to the cooktop risked incomplete combustion and the release carbon monoxide. As the cooktop was installed in a sleeping space, it was highly likely to cause significant harm. Mr Alexander considered that the work was unsafe contrary to clause G11.2 of the Code and regulation 9 of the Gas (Safety and Measurement) Regulations 2010 (**Regulations**).

l. Under the Plumbers, Gasfitters, and Drainlayers Board (Gasfitting Registration and Licensing) Notice 2016 (**Notice**), it was a requirement of Mr Watkins' licence that

he ensure that gasfitting undertaken by any person under his supervision was performed competently, appropriate safety measures were in place while the work was carried out, and the work complied with the Regulations and the Code.

m. Because of the work carried out by Mathew was non-compliant in the ways identified, Mr Watkins had breached the requirements of his licence in relation to the supervision of Mathew carrying out the work.

3. The Board was satisfied that the facts in the agreed summary of facts meant that Mr Watkins had committed a disciplinary offence under section 89(c) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (**Act**).

## Penalty and costs submissions

4. On behalf of the investigator, Ms Purcell submitted that the principles and purposes of disciplinary proceedings were well established. They were to protect the public and to maintain proper industry standards. She submitted that the principles that were relevant to the assessment of penalty in disciplinary proceedings were the need to ensure rehabilitation, the importance of treating practitioners consistently where possible, and the need to impose the least severe penalty appropriate to ensure the principles and purposes of the disciplinary proceeding were met.

5. Ms Purcell submitted that Mr Watkins' offending was at the lower end of moderately serious. She submitted that appropriate supervision was fundamental to ensuring that gasfitting work was carried out safely. There had been no supervision of Mathew in this case and the defects with his work meant the installation was unsafe. She submitted that the non-compliant aspects of the installation of the cooktop in a sleeping space was particularly concerning. Incomplete combustion of the gas could have produced carbon monoxide which could have poisoned any person using the space.

6. Notwithstanding the risk caused by the non-compliant work, Ms Purcell accepted that Mr Watkins' culpability was relatively low. He had wrongly but honestly believed that he was no longer supervising Mathew based on the conversation they had had in July 2021. However, Mathew did not register as a certifying gasfitter at that time and Mr Watkins did not take steps to notify the Board that his supervision of Mathew had ended. As a result, he remained responsible for Mathew's work.

7. Ms Purcell referred the Board to its previous decisions in the cases of *Radovich v Kumar* (2022/10), *Radovich v Sen* (2020/31), and *Radovich v Yan* (2023/1) all of which involved practitioners who failed to comply with terms or conditions of their licences in relation to supervision. Mr Kumar was found guilty in relation to a supervisee who carried out non-compliant gasfitting without his knowledge. Mr Kumar wrongly thought he was supervising the person for their training only and had not had proper systems and processes in place to manage his supervision of their work. The Board

adopted a starting point for the fine in his case of $2,500. Mr Sen was found guilty in similar circumstances when a supervisee carried out non-compliant sanitary plumbing and drainlaying work without his knowledge. Again, Mr Sen had not had any systems or processes in place to manage his supervisee's work. The starting point for the fine in his case was $4,000. Finally, Mr Yan pleaded guilty after his supervisee had carried out sanitary plumbing without his knowledge or permission. The Board adopted a starting point for the fine of $2,500.

8. Ms Purcell submitted that the cases referred to were similar to Mr Watkins' as they all involved a one-off failure to supervise due to a lack of appropriate supervision systems and processes. The supervisors in each case had not been aware the work was being carried out and had failed to provide any supervision. All the cases had resulted in defective work being carried out, though Ms Purcell submitted that the defects in the referenced cases were considerably less serious than in the current case.

9. Ms Purcell submitted that the seriousness of the defects with the work in this case meant that a higher starting point for the fine in the *Kumar* or *Yan* cases was warranted. She submitted that a fine with a starting point similar to the *Sen* case in the range of $4,000 to $4,500 was appropriate. She submitted that no order for training was sought as there was no evidence that Mr Watkins had any issue with understanding his obligations as a supervisor.

10. Ms Purcell submitted that the investigator was not aware of any personal aggravating factors in the case and a discount was available to the fine to reflect Mr Watkins' guilty plea, cooperating in the proceedings, and lack of previous disciplinary history.

11. Ms Purcell submitted that under section 107 of the Act, the Board could require Mr Watkins to pay a contribution towards the costs and expenses of the investigation, prosecution, and hearing. She submitted that the usual starting point for an order of costs was half of the costs and acknowledged that Mr Watkins may be entitled to a reduction from this point to recognise his guilty plea and cooperation.

12. In his submissions on penalty, Mr Watkins submitted that a penalty of a fine of $1,000 would be appropriate. He submitted that he had no knowledge of the work and therefore no ability to supervise it being carried out. He submitted that a higher fine would cause financial hardship for himself and his family.

13. Mr Watkins submitted that he was aware that he should have removed Mathew from his supervision once he became qualified and eligible to obtain his certifying registration. He submitted that it had been agreed that Mathew would become registered and obtain his licence as a certifier before the work in this case was carried out. Mr Watkins submitted that the fact that he was still Mathew's supervisor

"on paper" was reduced because he did not know he was doing the job or any work at that time and so had no option to supervise it.

14. Mr Watkins submitted that he removed Mathew from his supervision as soon as he became aware of this case. He submitted that he had had a very frank conversation with Mathew and expressed his disappointment at the standard of work in this case. He had reminded him of his responsibilities as a gasfitter particularly now that Mathew was a certifier and reinforced the importance of maintaining the standards that he and Mathew's teachers had spent years training him in.

15. Mr Watkins submitted that he has not renewed his own licence and is no longer carrying out gasfitting. Mr Watkins submitted that he had worked in the industry for 20 years and had never had any issues. Mr Watkins also described his personal circumstances to the Board.

16. In closing, Mr Watkins submitted that Mathew was well-trained, qualified, and eligible to get his certifying gasfitter registration at the time he had done the work in this case. He accepted that he had "dropped the ball" but explained that he had been unwell at the time and had trusted Mathew to get his licence as they had agreed. He submitted he was astonished at the number of errors and terrible quality of the work in this case. As a father and a teacher, he submitted, he was mortified.

## Decision on penalty

17. When it comes to imposing penalties in disciplinary cases, the Board's primary considerations are the need to protect the health and safety of the public and maintain industry standards. Any disciplinary penalty should aim to ensure the competency of a practitioner by holding them to account for their offending, assist with their rehabilitation, and deter them and other practitioners from disciplinary offending.

18. Having considered the parties' submissions and the facts of the case, the Board determined that Mr Watkins' offending was low in terms of seriousness. While acknowledging the number and seriousness of the defects with the work Mathew had carried out, the Board recognised that the circumstances of this case were unusual. The family relationship between Mathew and Mr Watkins would have meant that the supervision relationship was different to normal supervision relationships. Mr Watkins would have had more reason to believe that Mathew would go ahead and obtain his certifier registration as they had discussed. Had Mathew done so, Mr Watkins' supervision of him would have ended automatically once his tradesman registration was superseded by his certifier registration. While recognising that Mr Watkins did still have an obligation to notify the Board that he was no longer supervising Mathew, the Board considered that his failure to do so in this case was more understandable and less blameworthy.

19. The Board found there were no aggravating factors in the case and Mr Watkins was entitled to credit for his guilty plea, cooperation, and lack of previous disciplinary offending. Mr Watkins was also clearly remorseful and had taken action to address the situation as soon as he became aware that he remained Mathew's supervisor.

20. The Board considered that the appropriate penalty was a fine and that the unusual circumstances of this case warranted a starting point of $1,000. Taking into account the mitigating factors in Mr Watkins' favour, the Board reduced the fine to $650.

## Costs

21. Section 107 of the Act provides that, in addition to any penalty imposed, the Board may order a registered person to pay a reasonable sum towards the costs and expenses incidental to the investigation of the complaint, prosecution, and hearing. The Board was provided with a schedule of estimated costs for the investigation, prosecution and hearing amounting to $10,291.10.

22. The Board accepted that Mr Watkins' guilty plea and cooperation had helped to keep the costs down and that a further discount was appropriate to recognise his financial circumstances. The Board determined that he should pay $3,000 towards costs which was around 30% of the total costs.

## Publication

23. In accordance with the requirements of the Act, the Board ordered that details of the action taken against Mr Watkins should be recorded on the register of plumbers, gasfitters, and drainlayers in the usual way. Any other publication of the Board's orders would be at the discretion of the Registrar of Plumbers, Gasfitters and Drainlayers.

## Board orders

24. Being satisfied that Mr Watkins was guilty of a disciplinary offence under section 89(c) of the Act, the Board made the following orders:

    a. Pursuant to section 106(1)(f) of the Act, Mr Watkins pay a fine of $650.

    b. Pursuant to section 107 of the Act, Mr Watkins pay $3,000 towards the costs of the investigation, prosecution, and hearing.

    c. Pursuant to section 74(1)(c)(viii) of the Act, details of the Board's orders in respect of Mr Watkins be published on the register.

## Appeal

25. If Mr Watkins is dissatisfied with the whole or any part of this decision or these orders, he may appeal to the District Court under section 162(1)(f) of the Act. Any appeal must be brought within 20 working days from the date on which this formal written decision is received, or within any other timeframe the District Court may allow.

**Dated** 16 January 2025

**Signed**



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Diana Kuhtz-Covich
Chair
Plumbers, Gasfitters and Drainlayers Board