Plumbers, Gasfitters and Drainlayers Board

DUNCAN v HURLING

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2025/13)

Summary

Alan Hurling, Certifying Plumber, Certifying Gasfitter, Certifying Drainlayer, was charged with causing sanitary plumbing and drainlaying work to be carried out in a negligent or incompetent manner, employing, directing, or permitting unauthorised people to do sanitary plumbing and drainlaying, and failing to comply with a term or condition of his licences in relation to the supervision of trainees in their first 12 months. The charges related to the sanitary plumbing and drainlaying at a residential property in Wāiuku.

Mr Hurling did not engage in the hearing so the matter proceeded by way of formal proof.

The Board found all of the charges to be made out, though did not find all of the defects alleged with the work established.

The Board considered Mr Hurling's offending was serious as it involved multiple charges, sanitary plumbing and drainlaying work, two unauthorised people carrying out restricted work, and the failure to supervise trainees properly. The Board considered there were no aggravating factors in the case and recognised that Mr Hurling had no previous disciplinary history, although declined to give this any weight in light of his non-engagement.

The Board ordered Mr Hurling to pay a fine of $6,000, complete training on supervision at his own cost in order to renew his practicing licences in the 2027-2028 licensing year, and pay $11,487.50 towards costs.

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

BETWEEN **CATRIONA DUNCAN**

Investigator

AND **ALAN ARTHUR HURLING**
Certifying Plumber, Certifying Gasfitter, Certifying Drainlayer of Auckland | Tāmaki Makaurau

Registered Person

DECISION OF THE BOARD
24 FEBRUARY 2026

Hearing:	Held on 26 November 2026
Members sitting:	Martin De Gouw (Chair), Beth Healy, James Smith, Jason O'Connor, Ming-chun Wu
Counsel:	Elena Mok for the investigator
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 26 November 2025, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing to consider a complaint by Deepak Purusram against Alan Hurling, Certifying Plumber, Certifying Gasfitter, Certifying Drainlayer. The complaint related to work carried out by Mr Hurling's employees at a property in Waiuku.

Charge

2. By Notice of Disciplinary Charges dated 20 May 2025, Mr Hurling was charged with the following offences:

    a. causing drainlaying to be carried out in a negligent or incompetent manner, which is a disciplinary offence under section 89(a)(i) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (**Act**) (**charge one**)

    b. causing sanitary plumbing to be carried out in a negligent or incompetent manner, which is a disciplinary offence under section 89(a)(i) of the Act (**charge two**)

    c. employing, directing, or permitting unauthorised persons to carry out sanitary plumbing and/or drainlaying, which is a disciplinary offence under section 89(g) of the Act (**charge three**)

    d. failing to comply with a term or condition of his licence, which is a disciplinary offence under section 89(c) of the Act (**charge four**).

Formal proof hearing

3. On behalf of the investigator, Ms Mok sought to have the hearing proceed by way of formal proof. She submitted that, despite some initial contact, Mr Hurling had not engaged with the disciplinary hearing process and had not filed any evidence or otherwise acknowledged the hearing in any way.

4. The Board confirmed that Mr Hurling had been provided with all the documentation relating to the hearing, including the time and date of the hearing and how to attend. Being satisfied that he was aware of the hearing but was not in attendance, the Board determined that the hearing could proceed by way of formal proof.

Summary of investigator's opening submissions

5. Ms Mok began by submitting that the Board would need to be satisfied on the balance of probabilities that Mr Hurling was guilty of a disciplinary offence before it could use its disciplinary powers. She submitted that the investigator's evidence would establish that the charges were proved to the required standard.

Charge one

6. Ms Mok submitted that charge one alleged that Mr Hurling caused drainlaying work to be carried out at the property involving the installation of a wastewater system, stormwater system, stormwater storage tanks and driveway cesspits. She submitted there were various issues with the work meaning it was carried out negligently or incompetently.

7. Ms Mok submitted that Mr Purusram would give evidence that he engaged Mr Hurling's company in 2022 to carry out sanitary plumbing and drainlaying work at the property. Mr Hurling had personally attended the property to discuss the work and it had been carried out between June and September 2022 by employees of Mr Hurling's company. She submitted that evidence to be provided by Ms Duncan would show that Mr Hurling accepted that his employees had completed the work. The evidence of the technical advisor, Hamish Alexander, would confirm that the drainlaying work described came within the definition of drainlaying in the Act and Ms Mok submitted that the evidence would therefore prove that Mr Hurling caused drainlaying work to be carried out.

8. Ms Mok submitted that Mr Alexander's evidence was that the drainlaying work breached the New Zealand Building Code (**Code**) in a number of ways. Mr Alexander assessed the defects as posing a low risk to health and safety as the drainage leaks could lead to the growth of toxic mould if the property was not properly dried out. During the investigation, Mr Hurling disagreed with Mr Alexander's view that aspects of the drainlaying work were non-compliant, saying that the work had been 'signed off' by the Council inspector. However, Ms Mok submitted that Mr Hurling never provided any documentation to support this claim and Mr Purusram did not receive a Code Compliance Certificate. Ms Mok submitted that Mr Alexander's evidence as to the defects should therefore be preferred.

9. Ms Mok submitted that the evidence would therefore establish that charge one was made out.

Charge two

10. In relation to charge two, Ms Mok submitted that Mr Hurling caused sanitary plumbing to be carried out at the property and that work involved the installation of two hot water cylinders, toilets, vanity basins, kitchen sinks, showers, a bath, hose tap, laundry tubs, and a pressure pump. She submitted that work was negligent or incompetent.

11. Ms Mok submitted that Mr Purusram's evidence was that Mr Hurling's company completed the sanitary plumbing work at the property and this was confirmed in an email from Mr Hurling to the Board. Mr Alexander's evidence would confirm that the work came within the definition of sanitary plumbing in the Act. Ms Mok submitted that the plumbing work included connecting up the washing machine. Mr Hurling

disputed that this was carried out by his employees, but Mr Purusram's evidence would show that Mr Hurling did admit to him that they had connected the washing machine. Mr Alexander's evidence would also establish that the sanitary plumbing work was defective in a number of ways and posed a moderate risk to health and safety.

12. During the investigation Mr Hurling did dispute some of the defects with the sanitary plumbing work but accepted some other defects. Ultimately, as with the drainlaying work, Mr Hurling relied on the work all having passed the final Council inspection. Mr Purusram had provided a pre-line inspection report from the Council but no further inspection was carried out and he did not provide a final Code Compliance Certificate. Ms Mok submitted that Mr Alexander's evidence as to the compliance of the sanitary plumbing work was therefore to be preferred and the evidence established that charge two was made out.

Charge three

13. Ms Mok submitted that charge three alleged that Mr Hurling employed, directed or permitted unauthorised people to carry out sanitary plumbing and/or drainlaying at the property. Two of Mr Hurling's employees that carried out the work were not licensed and did not hold any other form of authorisation to carry out sanitary plumbing or drainlaying work at the time. She submitted that these people therefore carried out restricted work when they were not authorised to do so.

14. Ms Mok submitted that it was not in doubt that these people had carried out the work at the property. This had been confirmed by Mr Hurling in correspondence with the Board. Mr Purusram also stated that he was at the property almost every day while the work was being carried out and remembered seeing someone with the same first name as one of Mr Hurling's employees with another tradesman whose name he did not know. The licensing history for both men provided by Ms Duncan showed that neither was authorised to do sanitary plumbing or drainlaying at the relevant time. While accepting that the two employees did become authorised to carry out sanitary plumbing and drainlaying in August 2022, Ms Mok submitted that Mr Purusram's evidence supported that some work had been carried out before this time. She submitted that Mr Hurling had also implicitly accepted his employees were not authorised for a period of time in respect to the complaint, stating it was due to a delay with paperwork.

15. Ms Mok submitted that the evidence would therefore establish that charge three was made out.

Charge four

16. Ms Mok submitted that charge four alleged that Mr Hurling failed to properly supervise his employees once they did become authorised to carry out sanitary

plumbing and drainlaying work as required under his licences as a certifying plumber and certifying drainlayer.

17. Ms Mok submitted that from August 2022 onwards, it was accepted that Mr Hurling's employees did hold valid trainee authorisations allowing them to do sanitary plumbing and drainlaying. Both employees were authorised to do this work under Mr Hurling's supervision. However, she submitted that it was a term or condition of Mr Hurling's licences under the Plumbers, Gasfitters, and Drainlayers Board (Plumbing Registration and Licensing) Notice 2016 and Plumbers, Gasfitters, and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2016 that any trainees under his supervision could only work in his direct presence for the first 12 months of holding an authorisation. Ms Mok submitted that that did not happen in this case.

18. Ms Mok submitted that Mr Purusram's evidence was that he was at the property almost every day while the work was carried out and he rarely saw Mr Hurling on site. His evidence would be that Mr Hurling was only on site for the Council inspection or when he was asked to come to site by Mr Purusram. During the investigation Mr Hurling had been asked on two occasions to provide details of his supervision arrangements with the two employees concerned but had failed to respond.

19. Ms Mok submitted that the evidence supported that Mr Hurling had not complied with his direct supervision obligations in relation to his employees and charge four was therefore made out.

Summary of evidence of Deepak Purusram

20. The first witness was the complainant Deepak Purusram. The Board considered Mr Purusram's evidence contained in a signed statement dated 29 September 2025.

21. Mr Purusram stated that he was the owner of the property and he had engaged Mr Hurling's company to carry out sanitary plumbing and drainlaying work between June and September 2022. Mr Purusram stated that he had initially hired another plumber and drainlayer to do the work but had been dissatisfied with their standard of work. He said the electrician working at the property had recommended Mr Hurling and he had met with Mr Hurling at the property to review what was required and hand over copies of the Council plans.

22. In June 2022, Mr Purusram received quotes from Mr Hurling for the work. The quote for the sanitary plumbing, which involved the installation of two hot water cylinders, toilets, vanity basins, kitchen sinks, dishwashers, showers, a bath, hose tap, laundry tubs, and a pressure pump, came to $16,608. The quote for the drainlaying, which involved stormwater and wastewater drainage, came to $23,736. Mr Purusram stated he accepted both quotes. In July and September 2022, Mr Purusram paid Mr Hurling for the work.

23. Mr Purusram stated that he was at the property almost every day the work was carried out for most of the day. He recalled seeing someone who he knew by his first name at the property and he would attend with another tradesman, whose name Mr Purusram had forgotten. He stated that they worked alone during this time. One other person would sometimes attend the property and Mr Purusram had seen him do the hot water cylinder connection. Mr Hurling was rarely on site and Mr Purusram stated he never saw him carry out any work at the property. Mr Hurling came for the Council inspection and whenever Mr Purusram asked him to come to the site.

24. Mr Purusram stated he first became aware of problems with the plumbing and drainlaying around October 2022. In November 2022, he engaged another plumbing company to carry out a site inspection and they provided a report which Mr Purusram provided to the investigator. Mr Purusram also provided the investigator with a building report he commissioned in December 2022 and a CCTV pipe report which he commissioned in January 2023.

25. Mr Purusram stated that he tried to resolve the issues around remedial work with Mr Hurling and he initially agreed to pay for any remedial work needed. However, Mr Purusram stated that he had never received any money from Mr Hurling and on 10 January 2023 he made his complaint to the Board and subsequently engaged another company to carry out some of the remedial work.

Summary of evidence – Mark McIntosh

26. The second witness was Mark McIntosh. The Board considered Mr McIntosh's evidence contained in a signed statement dated 16 September 2025.

27. Mr McIntosh stated that he was a Certifying Plumber, Certifying Gasfitter, and Certifying Drainlayer. In January 2023, his company had been contacted in relation to plumbing at the property. An employee had attended the property to inspect a leak on the washing machine, and found the connection to the machine had not been set up properly and needed replacing. A few days later, another employee of the company returned to the property and removed the existing plumbing on the washing machine and replaced it with an appropriate proprietary vented trap that allowed a proper connection with the washing machine.

28. Mr McIntosh was able to provide photographs of the leaking washing machine taken at the property.

Summary of evidence – Catriona Duncan

29. The next person to give evidence was the investigator, Catriona Duncan. The Board considered Ms Duncan's evidence contained in a signed statement dated 17 September 2025.

30. Ms Duncan described the complaint received from Mr Purusram and how she was appointed in July 2023 to complete the investigation into his complaint. Ms Duncan confirmed that Mr Hurling had been a licensed Certifying Plumber and Certifying Drainlayer at the time the work was carried out at the property, but that the three employees who carried out the work were not authorised. She stated that two of those employees did become authorised under trainee limited certificates in plumbing and drainlaying on 2 and 15 August 2022. She stated that Mr Hurling was the supervisor for both employees' authorisations and it was a term or condition of Mr Hurling's licences that both of them could only work in his direct presence or the presence of a nominated supervisor for their first 12 months. The third employee also held no authorisation to carry out sanitary plumbing or drainlaying work, but Mr Hurling advised that he had only been engaged as a labourer at the site offering general assistance and driving the digger.

31. Ms Duncan stated that in response to the complaint, Mr Hurling had advised that his employees had not been responsible for installing and connecting the washing machine that had leaked. They had only installed the tub in the laundry. Ms Duncan sought a response to the from Mr Purusram who advised that Mr Hurling's employees had installed the washing machine and provided a text exchange at the time of the work where this was confirmed by Mr Hurling.

32. Ms Duncan described the investigation into Mr Purusram's complaint including that as part of that investigation, Mr Purusram was asked the dates when Mr Hurling's employees were at the property. He confirmed that while he could not give specific dates, they had been there a number of times from July to the end of August 2022.

Summary of evidence – Hamish Alexander

33. The final witness was Hamish Alexander. The Board considered Mr Alexander's evidence contained in a signed statement dated 22 September 2025.

34. Mr Alexander is a Certifying Plumber, Certifying Gasfitter, and Certifying Drainlayer and is contracted to provide technical advice to the Board.

35. Mr Alexander stated that he was asked to carry out a technical review of the sanitary plumbing and drainlaying work carried out at the property based on the information gathered during the investigation. Mr Alexander confirmed that the work came within the definitions of sanitary plumbing and drainlaying set out in the Act.

36. In relation to the drainlaying work, Mr Alexander identified the following issues with the work:

    a. the stormwater system and rainwater tank had silt and debris within the system contrary to clause E1.3.3(b) of the New Zealand Building Code (**Code**)

b. the presence of silt and debris in the stormwater system and rainwater tank which was used for potable drinking water supplies was contrary to clause G13.3.2(a) and (b) of the Code

c. the stormwater system to the rainwater tank had no access points installed contrary to clause E1.3.3(d) of the Code

d. the stormwater system had been laid with bent pipework contrary to clauses E1.3.3(f) of the Code

e. the bent pipework in the stormwater system indicated that there was inadequate bedding or backfill contrary to clause E1.3.3(f) of the Code

f. the stormwater system was leaking contrary to clause E1.3.3(c) of the Code

g. no protection was installed on the stormwater outfall to prevent debris and silt blocking the outfall contrary to clause E1.3.3(e) of the Code

h. the sewer system had no access points or rodding eyes installed in breach of clause G13,3,2(d) of the Code.

37. Mr Alexander reached the following views in relation to the sanitary plumbing work carried out at the property:

a. there was no suitable proprietary connection in the plumbing system to allow an adequate connection to the washing machine contrary to clause G13.3.1(a) and (b) of the Code

b. the connection to the washing machine had insufficient venting contrary to clause G13.3.1(c) of the Code

c. the hot water cylinder did not have seismic restraints and timber wedges installed contrary to clause H1.3.4(b) of the Code

d. the pipework running from the hot water cylinder to the tempering valve did not have insulation contrary to clause H1.3.4(b) of the Code

e. there was an inadequate length of copper pipe installed before the tempering valve contrary to clause B2.3.1(c)(i) of the Code

f. the shower waste spigot brush was installed with the incorrect orientation contrary to clause G13.3.1(b) of the Code

g. the bidet toilet seat installation was leaking and had no backflow prevention installed despite being connected to the potable water supply system contrary to clauses G12.3.7(b) and G12.3.2(a) of the Code

h. the water tank supply pump installation was leaking contrary to clause G12.3.7(b) of the Code, and

i. the bath spout installation was leaking contrary to clause G12.3.7(b) of the Code.

38. Mr Alexander concluded that the defects with the drainlaying work presented only a low risk of harm to health and safety. However, the defects with the sanitary plumbing work posed a moderate risk to health and safety. This was because the lack of backflow prevention at the bidet seat meant there was a risk that a cross connection could result in contamination of the potable water supply. In addition, ongoing leaking in the plumbing and drainage system could lead to the growth of toxic mould unless the house was properly dried out and heated.

Board deliberations on penalty

39. The Board began by considering charge one and whether Mr Hurling had caused drainlaying work at the property to be carried out in a negligent or incompetent manner. The Board was satisfied from the evidence of Mr Purusram and the investigator that Mr Hurling's company had been engaged to install a wastewater system and stormwater system at the property, and this work had been carried out by the two named employees of Mr Hurling's company at his direction and under his supervision. The Board was satisfied from the evidence of Mr Alexander that that work was drainlaying as defined in the Act.

40. The Board considered that absence of access points in the stormwater system to rain tank, the bent pipework in the stormwater system, the inadequate bedding or backfill for the stormwater system, and the leaking from the stormwater system were all evidence of poor workmanship and were negligent or incompetent. The Board considered that charge one was made out in respect of these particulars of the charge.

41. The Board considered that the issues with silt and debris in the stormwater system were unavoidable and did not necessarily reflect poor workmanship. Similarly, the Board also considered there was limited risk from the lack of protection on the stormwater outfall and this did not amount to negligent or incompetent work. Finally, the Board was unable to determine from the evidence whether there were access points or rodding eyes on the sewer system. These particulars where therefore not made out

42. Turning to charge two, for the reasons set out above the Board was satisfied that the evidence established that Mr Hurling's company had been engaged to carry out the work in relation to the hot water cylinders, toilets, vanity basins, kitchen, dishwashers, showers, bath, hose tap, laundry tubs and a pressure pump. The Board accepted Mr Alexander's evidence that this work was sanitary plumbing as defined in the Act and the evidence of Mr Purusram and the investigator that the work had

been carried out by the named employees of Mr Hurling's under his direction and supervision.

43. The Board was not satisfied that the connection to the washing machine had insufficient venting, concluding that there was insufficient evidence before it to establish this. However, the Board did consider there was sufficient evidence in respect of all of the other defects alleged with the sanitary plumbing. The Board considered that these defects meant the work was negligent or incompetent and charge two was therefore made out.

44. The Board then considered charge three and whether Mr Hurling was guilty of employing, directing, or permitting unauthorised people to carry out sanitary plumbing and/or drainlaying work. The Board considered there was sufficient evidence provided by Mr Purusram and the investigator to be satisfied on the balance of probabilities that Mr Hurling's two employees did carry out sanitary plumbing and/or drainlaying work between July 2022 and 2 and 15 August 2022 when they became authorised. This meant the two men had carried out restricted work at a time when they were unauthorised and had done so as Mr Hurling's employees and at his direction. Charge three was therefore made out.

45. Finally, turning to charge four, the Board accepted that Mr Hurling's employees did become authorised to carry out sanitary plumbing and drainlaying under trainee limited certificates under Mr Hurling's supervision in August 2022. The Board also accepted the investigator's evidence that, as their supervisor, it was a term or condition of Mr Hurling's plumbing and drainlaying licences that any trainees under his supervision could only work in his direct presence for the first 12 months of holding a limited certificate. The Board was satisfied that the two trainees had carried out restricted work after they became authorised and that they had done so when Mr Hurling was not physically present to supervise them and had not nominated any other registered and licensed certifier or Plumber and Drainlayer to oversee them. For these reasons, the Board was satisfied that charge four was made out.

Summary of investigator's submissions on penalty and costs

46. Ms Mok submitted that the purpose of disciplinary proceedings was not to punish but to ensure public protection and the maintenance of proper industry standards through both specific and general deterrence. She submitted that other principles relevant to assessing penalty were the importance of treating practitioners consistently where possible and the need to impose the least severe penalty appropriate to achieve the purpose of the disciplinary hearing.

47. Ms Mok submitted that Mr Hurling's conduct in allowing negligent or incompetent sanitary plumbing and drainlaying work to be carried out was at the high end of moderately serious. This was because there had been a number of defects with the work and Mr Alexander had assessed that the risks from the defects with the sanitary

plumbing work posed a moderate risk to health and safety. Ms Mok also submitted that Mr Purusram's evidence had been that Mr Hurling refused to pay for any of the work to be remediated.

48. Ms Mok referred the Board to the cases of *Jury v X* (2024/19) and *Jury v Joblin* (2025/3), both of which dealt with negligent or incompetent sanitary plumbing or drainlaying. In *X*, the practitioner who had not held a licence since 2017, pleaded guilty to unauthorised work and carrying out sanitary plumbing in a negligent or incompetent manner. The were a number of defects with the work and the risk from the defects was assessed as high. Given the numerous defects, the Board chose a starting point for the fine of $5,500. Ms Mok submitted that the number of defects with the negligent or incompetent plumbing in Mr Hurling's case may have been higher, but the risk posed by them was moderate. She submitted that a slightly lower starting point fine was therefore appropriate.

49. In *Joblin*, Mr Joblin had pleaded guilty to unauthorised drainlaying and carrying out drainlaying in a negligent or incompetent manner. The Board considered Mr Joblin's offending was moderately serious as it involved a number of defects which were not reflective of his level of experience. The Board adopted a starting point of $4,000 for the fine in his case. Ms Mok submitted that the negligent or incompetent drainlaying in Mr Hurling's case was comparable, but a higher starting point fine was justified given the defective sanitary plumbing as well. She submitted that a starting point fine of $4,500 was appropriate for charges one and two.

50. However, Ms Mok submitted that Mr Hurling faced two other charges. Under the first of these, he had permitted two employees to carry out sanitary plumbing and drainlaying despite not holding authorisations to do this work. Ms Mok submitted that Mr Hurling did not, or rarely, supervised these employees during this time and appears to have been aware they were not authorised having told the Board in response to Mr Purusram's complaint that he was waiting for the paperwork for them. Ms Mok submitted that this offending was moderately serious as it involved two people carrying out two different forms of restricted work and there had been defects with both forms of the work.

51. Ms Mok referred the Board to its previous decision in *Radovich v Hardy* (2024/17), *Cannell v Lee* (2023/13), and *Pidgeon v Whitham* ((2025/5), all of which involved practitioners employing, directing, or permitting unauthorised people to do sanitary plumbing and/or drainlaying. The starting point for the fines in these cases ranged from $3,250 to $5,500. Ms Mok submitted that Mr Hurling's conduct was most similar to that in *Whitham* where Mr Whitham had faced multiple charges, two of which were directly related to the direction and supervision of employees, or lack thereof. The starting point in the *Whitham* case had been $5,500. Ms Mok acknowledged that Mr Whitham had allowed a larger number of people to work without authorisation and there had been reference to the work requiring remediation, though Mr Whitham wasn't charged with negligent or incompetent work. Stepping back, Ms Mok submitted that a comparable if slightly higher starting

point fine was warranted in Mr Hurling's case having regard to the totality of his offending.

52. Finally, Ms Mok submitted that Mr Hurling's conduct in allowing two trainees under his supervision to carry out sanitary plumbing and drainlaying within their first 12 months without him being present to supervise them was a breach of a term or condition of his licences and was relatively serious. This resulted in aspects of the work being defective and she submitted that a starting point fine in the region of $3,500 was appropriate for this charge having regard to previous similar cases.

53. Ms Mok referred the Board to its previous decisions of *Pidgeon v Hall* (2025/2) and *Radovich v Yan* (2023/1) in relation to Mr Hurling's failure to comply with the requirement for a trainee to have direct supervision in their first 12 months. The starting point fines in each case were $3,000 and $2,500 respectively. Ms Mok submitted that Mr Hurling's conduct was more serious than both of these cases as it involved two employees and he had failed to provide any evidence of any kind of supervision practices he had in place. She submitted that a higher starting point fine for this charge was therefore warranted.

54. Ms Mok submitted that, stepping back, any penalty imposed on Mr Hurling had to consider the totality of his offending and could not be disproportionate to the overall seriousness of his conduct. She submitted that having regard in particular to the case of *Whitham*, a starting point fine in the vicinity of $5,500 – $6,000 was appropriate. She submitted that the Board may also wish to consider whether Mr Hurling would benefit from training in relation to his supervision obligations given the apparent lack of robust processes to ensure the oversight of employees and their authorisation status.

55. Ms Mok submitted that the investigator was not aware of any aggravating factors personal to Mr Hurling and no discount was available for cooperation throughout the proceedings as a personal mitigating factor. Ms Mok submitted that Mr Hurling's non-engagement meant the investigator was not aware of any other personal mitigating factors and, while acknowledging that he had no previous disciplinary history, she submitted that this should be accorded no or minimal weight in the circumstances.

56. Ms Mok submitted that under section 107 of the Act, the Board could require Mr Hurling to pay a reasonable sum towards the costs and expenses of the investigation, prosecution, and hearing. She submitted that the starting point for an order of costs was typically half of the costs though it was a matter for the Board in its discretion to determine. The investigator sought an order that Mr Hurling pay a contribution of 50 percent towards costs and submitted that this should not be reduced given he had not meaningfully participated in the proceeding.

Decision on penalty

57. 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, assist with their rehabilitation, and deter them and other practitioners from disciplinary offending.

58. The Board considered that Mr Hurling's offending in this case was serious. There had been four charges, all of which had been made out although the Board accepted that not all of the alleged defects with the work had been proven. However, the work had involved the sanitary plumbing and drainlaying for an entire house and had initially been carried out at the direction of Mr Hurling by two people who were not authorised to do either kind of work. When these people subsequently became authorised part way through the job and were under Mr Hurling's supervisio, he had failed to comply with the important safeguard of ensuring that they only worked in his presence for the first 12 months.

59. The Board acknowledged they were not aware of any aggravating factors personal to Mr Hurling and accepted that he had no previous disciplinary history which was a mitigating factor. However, the Board considered this was offset by his failure to engage in any meaningful way with the investigation, prosecution, and hearing.

60. The Board determined that the appropriate starting point for the fine was $6,000 having regard to the number and nature of charges. The Board declined to make an reduction for the starting point. The Board also determined that Mr Hurling should have to complete training on his obligations as a supervisor at his own cost and that he must do this in order to renew his practising licences in the 2027 – 2028 licensing year.

Costs

61. 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 $22,975.17.

62. There being no grounds to reduce the amount of costs Mr Hurling should pay from the starting point of 50 percent, the Board determined that he should pay $11,487.50 towards costs.

Publication

63. In accordance with the requirements of the Act, the Board ordered that details of the action taken against Mr Hurling 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

64. Being satisfied that Mr Hurling was guilty of disciplinary offences under section 89(a)(i) and 89(g) and 89(c) of the Act, the Board made the following orders:

    a. Pursuant to section 106(1)(f) of the Act, Mr Hurling pay a fine of $6,000.

    b. Pursuant to section 106(1)(e) and 106(2), Mr Hurling must complete training on supervision at his own cost in order to renew his practicing licences in the 2027 – 2028 licensing year.

    c. Pursuant to section 107 of the Act, Mr Hurling pay $11,487.50 towards the costs of the investigation, prosecution, and hearing.

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

Appeal

65. If Mr Hurling 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 24 February 2026

Signed



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Martin De Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board