Plumbers,
Gasfitters and
Drainlayers Board

PIDGEON v HALL

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2025/2)

Summary

Philip Hall, Certifying Drainlayer, was charged with failing to comply with a term or condition of his licence relating to the supervision of a trainee requiring direct presence supervision. Mr Hall had nominated a Drainlayer to provide supervision of the trainee on his behalf but failed to check that the supervision was adequate, and the trainee was allowed to carry out drainlaying without the Drainlayer being present.

Mr Hall pleaded guilty to the charge.

The Board considered Mr Hall's offending was moderately serious as it involved the supervision of a trainee in their first year of work and the trainee working out of town. There were no aggravating factors in the case and the Board recognised that Mr Hall had pleaded guilty, cooperated throughout the proceedings, and had no previous disciplinary history.

The Board ordered Mr Hall to pay a fine $2,250 and $5,000 towards costs.

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

BETWEEN **MICHAEL PIDGEON**

Investigator

AND **PHILIP HALL**
Certifying Drainlayer, of Auckland/Tāmaki Makaurau

Registered Person

DECISION OF THE BOARD
12 May 2025

Hearing:	Held in Wellington/Te Whanganui-a-Tara on 26 March 2025 on the papers
Members sitting:	Martin de Gouw (Chair) Diana Kuhtz-Covich, Selwyn Hikuroa, Beth Healy, Tofa Suafole Gush
Counsel:	Abigail Stuart for the investigator Mr Hall was self-represented
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 26 March 2025, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing on the papers to consider a complaint by Allan and Patricia MacAulay against Philip Hall, Certifying Drainlayer. The complaint related to drainlaying undertaken at residential premises in Whakatāne.

Guilty plea

2. On 31 January 2025, Mr Hall pleaded guilty to a charge of failing to comply with a term or condition of his licence and signed an agreed summary of facts, the material parts of which were as follows:

    a. Mr Hall is a registered and licensed Certifying Drainlayer.

    b. On 24 January 2024, the MacAulays engaged a company to replace the drains at their property running between the house and a septic tank. One of the employees of the company was a trainee drainlayer who was under Mr Hall's supervision. The trainee was in their first 12 months of holding a limited certificate trainee authorisation.

    c. Between 24 January and 2 April 2024, the trainee worked at the MacAulay's property removing the existing drains and laying new ones.

    d. Under the Plumbers, Gasfitters, and Drainlayers Board (Drainlaying Registration and Licensing) Notice 2016, it was a term or condition of Mr Hall's licence that he must ensure that all people working under his supervision were adequately supervised while carrying out drainlaying. For the trainee, adequate supervision meant Mr Hall was required to ensure they worked only his direct presence for their first 12 months or in the presence of another certifying drainlayer or Drainlayer he had nominated to provide supervision on his behalf.

    e. Mr Hall was not present when the trainee carried out the work at the MacAulay's property. However, he had nominated another Drainlayer to provide supervision of his trainee on his behalf. The trainee was not allowed to carry out drainlaying work when not in the direct presence of that Drainlayer.

    f. Mr Hall therefore breached a term or condition of his licence by not ensuring the supervision of the trainee was adequate as they were allowed to do drainlaying when not in the direct presence of the nominated Drainlayer.

3. The Board was satisfied that the facts in the agreed summary of facts meant that Mr Hall 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 Stuart submitted that the principles and purposes of disciplinary proceedings were well established. They were to protect the public and 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 Stuart submitted that Mr Hall's offending was low in terms of seriousness. She submitted that the supervision of trainees was directly relevant to the objectives of the Act which included protecting public health and safety. While Mr Hall had nominated a Drainlayer to supervise his trainee, he had not ensured that that person understood that the trainee required direct presence supervision. Nor did he check that the trainee was receiving the required level of supervision despite the work taking place over several months.

6. Ms Stuart submitted that the appropriate penalty in this case was a fine with a starting point in the vicinity of $2,000. She submitted that this starting point was consistent with a number of the Board's previous decisions where practitioners had pleading guilty to charges of failing to comply with a term or condition of their licence in relation to supervision.

7. In the case of *Radovich v Yan*, 2023/1, Mr Yan failed to supervise a trainee requiring direct presence supervision while carrying out sanitary plumbing. The Board adopted a starting point of $2,500 for the fine in that case. In *Radovich v Kumar*, 2022/10, Mr Kumar's supervisee carried out gasfitting work without his knowledge including working on live gas which his authorisation did not allow him to do. Mr Kumar had believed he was only supervising for the supervisee's training course and had told him he was not allowed to do gasfitting work. The Board adopted a starting point for the fine of $2,500 in that case. Finally, in *Thomas v Sharp*, 2022/11, Mr Sharp directed two trainees to carry out sanitary plumbing, one of whom required direct presence supervision. The trainees carried out the work over a two-week period and Mr Sharp only visited the property on four occasions. The Board adopted a starting point of $3,000.

8. Ms Stuart submitted that the offending in *Yan* and *Kumar* was more serious than Mr Hall's case as the practitioners in those cases did not have sufficient systems or processes in place to manage their supervisees. The offending in *Sharp* was also more serious because Mr Sharp knew his supervisees were carrying out the work and he was responsible for supervising them. Ms Stuart submitted that Mr Hall had taken steps to nominate a Drainlayer to supervise his trainee and this justified a lower

starting point for the fine in this case. She submitted that Mr Hall's failing had been that he had not ensured the supervision was adequate.

9. Ms Stuart submitted that the investigator was not aware of any aggravating factors personal to Mr Hall and acknowledged that discounts were available to reflect his guilty plea, cooperation during the proceedings, and lack of previous disciplinary history.

10. Ms Stuart submitted that under section 107 of the Act, the Board could require Mr Hall 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 Hall may be entitled to a reduction from this point to recognise his guilty plea and cooperation.

11. No penalty submissions were received from Mr Hall.

Decision on penalty

12. 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.

13. Having considered the facts of the case and the investigator's submissions, the Board determined that Mr Hall's conduct was moderately serious. The case involved a failure to provide direct presence supervision of a trainee in their first year of working and a trainee working out of town. The Board considered that both of these factors were concerning and increased the seriousness of the conduct in this case.

14. The Board found there were no aggravating factors in the case and Mr Hall was entitled to credit for his guilty plea, cooperation, and lack of previous disciplinary offending. Without hearing from Mr Hall, the Board was not able to determine whether there may have been any other mitigating factors in his favour such as remorse, changes to his supervision practices, or proactively undertaking relevant training.

15. The Board considered that a fine was the appropriate penalty and adopted a starting point of $3,000. Recognising Mr Hall's guilty plea, cooperation, and unblemished record, the Board reduced the fine to $2,250.

Costs

16. 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 $12,521.

17. Recognising that Mr Hall's guilty plea and cooperation had helped to keep the costs down, the Board determined that he should pay $5,000 towards costs which was around 40% of the total costs.

Publication

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

19. Being satisfied that Mr Hall 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 Hall pay a fine of $2,250.

    b. Pursuant to section 107 of the Act, Mr Hall pay $5,000 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 Hall be published on the register.

Appeal

20. If Mr Hall is dissatisfied with the whole or any part of this decision or these orders, he can 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 12 May 2025

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board