Plumbers, Gasfitters and Drainlayers Board

JURY v JOBLIN

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2025/3)

Summary

Lukas Joblin, Certifying Drainlayer, was charged with carrying out drainlaying in a negligent or incompetent manner and carrying out sanitary plumbing and drainlaying without an authorisation and therefore contrary to an enactment. The charges related to the pre-floor and pre-line plumbing for sanitary appliances and the installation of a circulatory hot water system, water heater, foul water drains, and a septic system at a new-build residential property.

Mr Joblin pleaded guilty to the charges.

The Board considered Mr Joblin's offending was moderately serious due to the defects with the drainlaying and his failure to ensure he was properly authorised while undertaking the work. The Board considered there were a number of mitigating factors in the case including Mr Joblin's guilty plea, cooperation, and lack of previous disciplinary history. Mr Joblin was also remorseful and had expressed the wish to remediate and complete the work.

The Board ordered Mr Joblin to pay a fine $2,800 and $7,900 towards costs.

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

BETWEEN **MEGAN JURY**

Investigator

AND **LUKAS JOBLIN**
Certifying Drainlayer, of Warkworth/Puhinui

Registered Person

DECISION OF THE BOARD
23 JUNE 2025

Hearing:	Held via audio-visual link on 7 May 2025
Members sitting:	Martin de Gouw (Chair), Selwyn Hikuroa, Beth Healy, Sue Simons, Ming-chun Wu
Counsel:	Sean McCusker for the investigator Mr Joblin was self-represented
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 7 May 2025, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing to consider a complaint by Peter Richards against Lukas Joblin, Certifying Drainlayer. The complaint related to sanitary plumbing and drainlaying undertaken at residential premises in Whangaripo.

Guilty plea

2. On 1 April 2025, Mr Joblin pleaded guilty to charges of carrying out drainlaying in a negligent or incompetent manner and carrying out sanitary plumbing and drainlaying in a manner contrary to an enactment. Mr Joblin also signed an agreed summary of facts, the material parts of which were as follows:

    a. Mr Joblin is a registered and licensed Certifying Drainlayer. He also holds authorisations to do gasfitting and sanitary plumbing under supervision. Mr Joblin is the director of his own plumbing, gasfitting, and drainlaying company.

    b. In March 2021, Mr Richards engaged Mr Joblin's company to carry out sanitary plumbing and drainlaying at a new-build residential property in Whangaripo.

    c. The work was carried out between 2021 and 2023 and involved the installation of:

        i. pre-floor and pre-line plumbing for basins, toilets, showers, a laundry, a kitchen sink

        ii. a hot water circulatory system and hot water heater

        iii. foul water drains and a Biocycle septic system which included a dispersal field.

    d. This work came within the definitions of sanitary plumbing in section 6 of the Plumbers, Gasfitters, and Drainlayers Act 2006 (**Act**) and drainlaying in section 4 of the Act.

    e. In July 2023, Mr Richards made a complaint to the Board about the work carried out at the property and Ms Jury was appointed to investigate the complaint. As part of the investigation, Sam Wood, a technical advisor engaged by the Board, identified the following compliance issues with the drainlaying work:

        i. the dispersal field dripper lines were laid without mulch cover resulting in insufficient evaporation and transpiration of effluent in breach of clause G13.3.4(b) of the New Zealand Building Code (**Code**)

ii. the Biocycle system dispersal field was not installed in accordance with the design specifications resulting in the system not disposing of effluent at the rate required in breach of clauses G13.3.4(a) and (d) of the Code

iii. a 25mm lateral riser main was installed on the ground in a kinked manner increasing the likelihood of blockage or leakage in breach of clause G13.3.4(f) of the Code

iv. there was inadequate support for a sand filter pipe in the septic system resulting in the PVC riser pipe breaking increasing the likelihood of a leak in breach of clause G13.3.4(f).

f. Mr Wood assessed the work as posing a moderate risk of harm to person or property. In his opinion, the most significant health and safety issue related to the septic tank and associated system because it would not work as it should have resulting in insufficient facilities for sanitation. This could, in turn, result in the building becoming insanitary in terms of section 123 of the Building Act 2004. However, as the property was incomplete and uninhabited, Mr Wood considered there was no immediate risk.

g. Only persons who are authorised to do sanitary plumbing under section 8 of the Act may do or assist in doing sanitary plumbing and only those who are authorised to do drainlaying under section 10 of the Act may do or assist in doing drainlaying.

h. Between 1 April 2022 and 18 April 2023, Mr Joblin did not hold a current practicing licence to carry out drainlaying. Nor did he hold an authorisation to carry out sanitary plumbing between 1 April 2022 and 30 May 2023. Mr Joblin therefore undertook sanitary plumbing and drainlaying when he was not authorised to do such work.

i. By doing sanitary plumbing and drainlaying work when he was not authorised, Mr Joblin breached sections 8 and 10 of the Act and therefore carried out sanitary plumbing and drainlaying in a manner contrary to an enactment.

3. The Board was satisfied that the facts in the agreed summary of facts meant that Mr Joblin had committed disciplinary offences under section 89(a)(i) and 89(a)(ii) of the Act.

Penalty and costs submissions

4. On behalf of the investigator, Mr McCusker submitted that it was well established that the purposes of professional disciplinary proceedings were to ensure public protection and maintenance of proper industry standards including through both general and/or specific deterrence. He submitted that the purpose was not to punish

the relevant professional. Other principles that were relevant were the need to ensure rehabilitation where appropriate, the importance of treating registered persons consistently where possible, and the need to impose the least severe penalty appropriate to ensure the relevant principles and purposes of disciplinary proceedings were met in any given case.

5. Mr McCusker submitted that Mr Joblin's offending was moderately serious. His drainlaying work had posed a moderate risk of harm to persons or property. However, while the defects meant the septic tank and associated system did not work as it should which risked rendering the building insanitary under the Building Act, it was accepted there was no immediate risk as the property was incomplete and uninhabited. Mr Joblin had also carried out sanitary plumbing and drainlaying work during periods when he did not hold the necessary authorisations. In the circumstances, Mr McCusker submitted that a fine with a starting point of $4,000 - $4,500 was appropriate.

6. Mr McCusker referred the Board to its previous decisions in the cases of *Broughton v Dodd*, 2020/1, *Thomas v Nahu*, 2018/10, and *Thomas v Huband*, 2020/19. In *Dodd*, Mr Dodd pleaded guilty to carrying out drainlaying in a negligent or incompetent manner and causing drainlaying to be carried out in a manner contrary to enactment in relation to the installation of a wastewater system. The Board considered that Mr Dodd's offending was moderately serious and adopted a starting point fine of $4,000. Mr McCusker submitted that Mr Joblin's offending was more serious than in the *Dodd* case because the defects were more extensive and he also undertook work without an authorisation justifying a higher starting point of $4,500.

7. In *Nahu*, Mr Nahu pleaded guilty to causing drainlaying work to be carried out in a negligent or incompetent manner and in breach of an enactment. The work involved the laying of wastewater and stormwater drains and connecting them to the public sewer pipes. The work was defective in a number of ways. In addition, Mr Nahu refused to identify the people who had helped him carry out the work. The Board considered that the number and nature of the defects meant Mr Nahu's offending was serious and an end point fine of $3,550 was imposed. Mr McCusker submitted that the extent of the defects and lack of authorisation meant Mr Joblin's offending was more serious than that in *Nahu*.

8. Finally, in *Huband*, Mr Huband pleaded guilty to negligent or incompetent drainlaying in respect of the installation of an aerated wastewater system where the effluent field was too small. The Board considered the offending was moderately serious and adopted a starting point fine of $3,000. Mr McCusker submitted that the defects with Mr Joblin's work were more extensive than in *Huband* and Mr Huband had been authorised when he carried out the work meaning Mr Joblin's case was more serious.

9. Mr McCusker submitted that the investigator was not aware of any aggravating factors personal to Mr Joblin. He also acknowledged that a discount was available to recognise Mr Joblin's guilty plea, cooperation throughout the proceedings, and lack of previous disciplinary history.

10. Mr McCusker submitted that under section 107 of the Act, the Board could require Mr Joblin to pay a reasonable sum towards the costs and expenses of the investigation, prosecution, and hearing. He 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 whether costs should be ordered and in what amount. Mr McCusker submitted that the investigator sought an order for costs and acknowledged that it was open to the Board to reduce the amount to reflect the mitigating factors in the case.

11. Finally, Mr McCusker addressed Mr Joblin's application for name suppression. He submitted that the Board would be aware that the usual principle that applied in respect of name suppression in disciplinary proceedings was that the applicant had to show specific adverse consequences which would justify an exception to the principle of open justice. He submitted that a risk to personal and professional reputation was an ordinary consequence of disciplinary proceedings and Mr Joblin had not established anything exceptional that would justify granting name suppression in his case.

12. In his submissions on penalty, Mr Joblin submitted that the penalty should be training and upskilling as this would make him a better practitioner and would avoid any repeat of his offending. He submitted that his offending was minor as some of the work was incomplete. In addition, he submitted that the completed work had been passed by council inspectors.

13. In terms of remediating the work, Mr Joblin submitted that he had spoken to the client numerous times about doing so as he wanted to complete the work to a high standard and in accordance with the consented plans. He submitted that he always intended to make good the work and to complete any unfinished work to the highest standard. He submitted that he was currently upskilling and working on communicating better with customers.

14. Mr Joblin described his personal circumstances, which were challenging, and provided the Board with information about his financial situation. Mr Joblin submitted that he sought name suppression as he was concerned that publication of his name would greatly affect his business and impact on his income. He was also concerned that his reputation would be harmed in his local community.

15. Mr Joblin submitted that he had been in the industry for nearly 30 years and had family who were also practitioners. He submitted that he had been taught to always maintain a high level of workmanship and have a good work ethic. He submitted that

he prided himself on providing his clients with the highest possible standards of work and this was the first time in his career a complaint had been made against him.

Decision on penalty

16. 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.

17. Having considered the parties' submissions and the facts of the case, the Board accepted the investigator's submission that Mr Joblin's offending was moderately serious. There had been a number of defects with the work and Mr Joblin had not held current authorisations allowing him to do either sanitary plumbing or drainlaying. The Board found it particularly disappointing that a practitioner with Mr Joblin's years' of experience would carry out restricted work without the necessary authorisations and would allow his authorisations to lapse for as long as they had.

18. The Board found there were no aggravating factors in the case and Mr Joblin was entitled to credit for his guilty plea, cooperation, and lack of previous disciplinary offending. The Board also accepted that Mr Joblin was remorseful and had expressed the wish to remediate and complete the work at the property.

19. The Board considered that a fine was the appropriate penalty and adopted a starting point of $4,000. Recognising the mitigating factors in this case, the Board reduced the fine to $2,800.

20. The Board considered whether to order Mr Joblin to complete a course of training as part of his penalty. However, recognising that suppliers of wastewater systems provide training on the installation of their systems, the Board declined to make any training order. Instead, the Board wished to make it clear to Mr Joblin that he should ensure he is always fully trained on any products he uses and installs.

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 $22,645.55.

22. The Board accepted that Mr Joblin's guilty plea and cooperation had helped to keep the costs down. The Board also recognised the impact that this case had had on Mr

Joblin financially through separate civil proceedings. The Board therefore determined that he should pay $7,900 towards costs which was around 35% of the total costs.

Name suppression

23. The Board accepted that an order for name suppression requires particular disadvantage on the part of the practitioner such that it outweighs the normal presumption of open justice. While the Board understood Mr Joblin's reasons for requesting name suppression, it accepted the investigator's submission that reputational damage was a normal consequence of disciplinary offending. The Board declined Mr Joblin's application.

Publication

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

25. Being satisfied that Mr Joblin was guilty of disciplinary offences under sections 89(a)(i) and 89(a)(ii) of the Act, the Board made the following orders:

    a. Pursuant to section 106(1)(f) of the Act, Mr Joblin pay a fine of $2,800.

    b. Pursuant to section 107 of the Act, Mr Joblin pay $7,900 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 Joblin be published on the register.

Appeal

26. If Mr Joblin 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 23 June 2025

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board