Plumbers, Gasfitters and Drainlayers Board

ROBINSON v GWYNNE

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2025/6)

Summary

Nicholas Gwynne, Certifying Plumber, Certifying Gasfitter, was charged with carrying out gasfitting in a negligent or incompetent manner in relation to the installation of a gas heater and flue at a property in Tokoroa in 2020. The hearing proceeded by way of formal proof.

The investigator's case was that Mr Gwynne had installed the gas heater in a non-compliant manner and the defects with the installation posed a high risk to persons and property. The investigator rejected Mr Gwynne's claim that the defects with the installation were the result of the work of other practitioners or the tenant removing the heater from the wall.

The Board was satisfied that Mr Gwynne was responsible for the state of the installation of the heater at the property and that it was defective in the ways submitted by the investigator. The Board found there was no evidence to support Mr Gwynne's claim that he was not responsible for the non-compliant state of the installation.

The Board considered Mr Gwynne's offending was serious and, when considered with his previous convictions for similar offences, may represent a systemic competence issue. The defects with the work in this case created a serious risk to both people and the property and Mr Gwynne's failure to engage with the prosecution meant the Board had no explanation for the conduct or understanding of the circumstances of why the installation was installed in the way that it was.

The Board ordered Mr Gwynne's Certifying Gasfitter registration be suspended from 11 November 2025 until he completes appropriate training. He was also ordered to pay $5,997 towards costs.

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

BETWEEN **CHARLIE ROBINSON**

Investigator

AND **NICHOLAS ROBERT GWYNNE**
Certifying Plumber, Certifying Gasfitter, of Putāruru

Registered Person

DECISION OF THE BOARD
11 NOVEMBER 2025

Hearing:	Held in Wellington on 3 September 2025
Members sitting:	Martin de Gouw (Chair), James Smith, Selwyn Hikuroa, Jason O'Connor, Tofa Suafole Gush
Counsel:	Elena Mok for the investigator
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 3 September 2025, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing to consider a complaint by Patricia Teao against Nicholas Gwynne, Certifying Plumber, Certifying Gasfitter.

Charge

2. By Notice of Disciplinary Charges dated 20 May 2025, Mr Gwynne was charged with carrying out gasfitting 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**).

Formal proof hearing

3. On behalf of the investigator, Ms Mok sought to have the hearing proceed by way of formal proof. The Board confirmed that Mr Gwynne had been provided with all the documentation relating to the hearing including the time and date of the hearing and how to attend.

4. Being satisfied that Mr Gwynne 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 submissions

5. Ms Mok submitted that the charge related to a gas installation carried out by Mr Gwynne in 2020. The work involved Mr Gwynne removing an existing Vulcan wall furnace and replacing it with a Rinnai Energy Saver gas heater, connecting the heater to the gas supply, and installing the heater flue. Ms Mok submitted that the work Mr Gwynne carried out was non-compliant and the defects meant the installation posed a high risk of harm.

6. Ms Mok submitted that there was no dispute that Mr Gwynne had carried out the work because he had admitted this during the investigation. Nor was there any dispute that the work was gasfitting. This had been confirmed by the Board's Technical Advisor, Peter Worsnop.

7. Ms Mok submitted that the work was defective. On 7 September 2021, an employee of a trade services company attended the property and observed that the heater had not been secured to the wall, infill panels had not been installed, the heater was too close to the wall, the energy saver flue had been cut too short, and the flue had dislodged inside the wall. The employee did not carry out any remedial work on the installation but advised the property manager.

8. On 22 August 2023, Jayden Norman, a Certifying Gasfitter and employee of the same trade services company, attended the property. He observed that the back spacer kit for the heater had not been installed and it had not been secured to the wall causing

the direct masonry flue kit to slide out and drop down inside the masonry box. Mr Norman provided a temporary fix and notified the property manager, Ms Teao, who subsequently made a complaint to the Board.

9. On 23 May 2024, Mr Worsnop provided a technical assessment of the work carried out at the property by Mr Gwynne. Mr Worsnop identified the following defects which meant the installation did not comply with mandatory gas installation standard AS/NZS5601.1 (**Standard**):

    a. the manufacturer's installation instructions had not been followed for fitting the securing brackets, side rear panels, and top cover

    b. the final gas connection to the heater had been made using multilayer pipe and a connector

    c. the failure to secure the heater to the brickwork fireplace may have caused the heater to move causing unnecessary stress to the pipework and flue componentry risking a gas leak or flue gases escaping before being discharged

    d. if the balanced flue was not installed and sealed correctly it risked having a detrimental effect on the performance of the heater leading to loss of function.

10. Mr Worsnop considered that the risk to people and property from the defects with the installation was high because the disconnected flue would have been discharging combustion products into the home.

11. Given the extent and nature of the defects with the work, Ms Mok submitted that the work was plainly negligent or incompetent. While noting that Mr Gwynne had not engaged with the proceeding, she submitted that he did not appear to dispute that the work was defective. Rather, his response during the investigation had been to say that he was not responsible for the defects and they had been caused by others working on the installation and the tenant of the property.

12. Ms Mok submitted that Mr Gwynne's claims were not supported by any evidence. Other practitioners who had attended the property had not carried out any work on the heater until Mr Norman's temporary repairs in August 2023. Nor had Mr Gwynne provided any evidence to support his claim that the tenant had pulled the heater off the wall. Ms Mok submitted that the evidence of the investigator's witnesses supported the conclusion that the defects were attributable to Mr Gwynne. She submitted that the Board could therefore be satisfied that Mr Gwynne was guilty of carrying out gasfitting in a negligent or incompetent manner which was an offence under section 89(a)(i) of the Act.

Summary of evidence – Jayden Norman

13. The first witness for the investigator was Mr Norman. The Board considered his evidence contained in a written statement dated 1 August 2025.

14. Mr Norman stated that he was a Certifying Plumber and Certifying Gasfitter and at the relevant time worked for the trade services company that attended the property. He stated that on 21 August 2023, the company was contacted and asked to attend the property in relation to a gas installation. Mr Norman stated he attended the next day where he noticed the issues with the heater which he reported to his supervisor. His supervisor informed him of the previous visit by another employee on 7 September 2021.

15. Mr Norman provided the other employee's job card for their September 2021 visit to the property which identified the following:

    a. the heater was not secured to the wall

    b. the heater appeared to be missing the infill panels used to secure the heater

    c. the flue pipe had been dislodged due to the movement of the unsecured heater

    d. the energy saver flue had been cut too short, and

    e. the heater was installed too close to the wall.

16. The employee had not carried out any work on the heater at the time but had informed the property manager. The company did not hear anything further about the heater until two years later in August 2023 when the property manager again contacted the company in respect of the same heater.

17. Mr Norman stated that on 23 August 2023, he had attended the property to service the heater where he identified an error code associated with the flue being dislodged. He noted that the back spacer kit was missing and the heater was not secured to the wall. This had caused the direct flue masonry kit to slide back out and drop down inside the masonry box. He refitted the flue and secured the heater to the wall but advised the tenants to only use the heater if necessary until proper remedial repairs could be completed. He stated he took these temporary steps as it was cold and the heater was the only source of heating for the young family living at the property.

18. Mr Norman stated he contacted the property manager and told her about the issues with the heater, the temporary steps he had taken, and the further work needed to make the heater safe.

Summary of evidence – Peter Worsnop

19. The second witness for the investigator was Mr Worsnop. The Board considered Mr Worsnop's evidence contained in a written statement dated 31 July 2025.

20. Mr Worsnop is a registered and licensed Certifying Plumber and Certifying Gasfitter. He is employed by the Board as a Technical Advisor. Mr Worsnop stated that on 10

April 2024, he was asked to carry out a technical review in relation to the gasfitting work carried out by Mr Gwynne at the property. His review was based on information collected during the investigation.

21. As a result of his review, Mr Worsnop concluded that:

    a. the installation of the heater was gasfitting work as defined in section 5 of the Act

    b. the manufacturer's instructions had not been followed for fitting securing brackets, side rear panels, and top cover contrary to clause 6.2.2 of the Standard

    c. the final connection to the heater had been made using multilayer pipe and a connector contrary to clause 6.6.1 of the Standard

    d. the failure to correctly secure the heater may have caused it to move causing unnecessary stress on the pipework and flue componentry and risking a gas leak or flue gases escaping from the flue terminal contrary to clause 6.2.2 of the Standard

    e. if at any time the balanced flue used for the heater was not correctly installed and sealed it could impact the performance of the heater resulting in loss of correct function contrary to clause 2.6.2 of the Standard.

22. Mr Worsnop stated that based on the defects with the installation and particularly the disconnected flue which would have been discharging combustion products into the property, he concluded that the installation posed a high risk of harm to people and property.

Summary of evidence – Charlie Robinson

23. The final witness was the investigator, Mr Robinson. The Board considered Mr Robinson's evidence contained in a written statement dated 1 August 2025.

24. Mr Robinson stated that he was an investigator contracted to the Board who had been appointed to complete the investigation into Ms Teao's complaint against Mr Gwynne in respect of gasfitting work he had carried out at the property.

25. Mr Robinson described the investigation into Ms Teao's complaint and detailed the information that had been collected during the investigation. He stated that on 16 January 2025, he had finalised his investigation report and recommended that Ms Teao's complaint should be considered by the Board.

Board deliberations

26. Having considered the evidence provided by the investigator, the Board was satisfied that the installation had been carried out by Mr Gwynne in February 2020 and that

work had been gasfitting as defined in the Act. This had not been in dispute between the parties.

27. With regard to the state of the installation, the Board was satisfied that the manner in which it had been installed did not comply with the manufacturer's instructions. Photos of the work clearly showed that the heater had not been secured to the brick fireplace and there was a gap around the heater where panels were missing. The Board was also satisfied from the evidence that the manner in which the gas heater had been connected to the gas supply was non-compliant.

28. The Board accepted that the failure to secure the heater to the fireplace may have caused it to move placing stress on the pipework and flue. The Board also accepted that the balanced flue risked having a detrimental effect on the heater's performance and functionality if it was not correctly installed and sealed. While the Board accepted that both these particulars of the charge had been made out, it did consider that both of these things were consequences of the way in which the heater had been installed rather than defects in their own right.

29. The Board was satisfied that the defects with the work meant the installation was non-compliant and its manner of installation was negligent or incompetent.

30. The Board considered Mr Gwynne's claim that the heater was not how he had installed it in 2020 and was due to the actions of the tenant removing the heater or work carried out by other practitioners. The Board was satisfied that the evidence provided by the investigator established that Mr Gwynne was responsible for the state of the installation. In particular, the Board referred to a job sheet for both Mr Gwynne's initial visit to the property to carry out the installation, and a follow-up visit in September 2021 after the trade services company identified the defects with the installation where he confirmed that the heater was as he had installed it and in working order.

31. Being satisfied that Mr Gwynne was responsible for the installation and it was defective in the ways specified, the Board determined that Mr Gwynne was guilty of carrying out gasfitting in a negligent or incompetent manner.

Summary of investigator's penalty submissions

32. Ms Mok submitted that the purpose of disciplinary proceedings was not to punish but to ensure public protection and maintenance of proper industry standards through both specific and general deterrence. Other principles that were relevant to assessing penalty were the importance of treating practitioners 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 the case.

33. Ms Mok submitted that Mr Gwynne's offending was at the more serious end of spectrum for offending of this kind. That was because the work was defective in

multiple respects and posed a high risk of harm to persons or damage to property. While acknowledging that the risk did not eventuate in this case, Ms Mok submitted that the nature and extent of the issues and the fact that Mr Gwynne failed to identify them on a follow-up visit made the offending more serious.

34. Ms Mok referred the Board to Mr Gwynne's previous disciplinary offending in the case of *Cannell v Gwynne* (2024/10) which involved defects in relation to the installation of a similar gas heater. The Board had imposed a starting point for the fine in that case of $4,000. Ms Mok submitted that the present offending was more serious because of the evidence that flue gases were at risk of entering the living space. For this reason, the present case warranted a higher starting point for any fine. In the case of *Radovich v Gwynne* (2023/9), Mr Gwynne had pleaded guilty to negligent or incompetent gasfitting also involving the installation of a gas heater in a residential property. In that case the wrong flue material had been used, the heater had not been installed correctly, and the manufacturer's instructions had not been followed meaning the heater posed an immediate risk to people and property. The Board adopted a starting point for the fine of $6,000 in that case. Ms Mok submitted that the offending in that case was similar to the present case and a similar level of fine was appropriate if the Board elected to impose a fine.

35. Ms Mok also referred the Board to its previous decisions in the cases of *Radovich v Tan* (2020/26) and *Radovich v Kench* (2022/6). In *Tan*, Mr Tan pleaded guilty to negligent or incompetent gasfitting in relation to the installation of gas water heater that was defective but where the defects were considered to be compliance-related rather than safety matters. The Board adopted a starting point for the fine of $3,000 in that case. In *Kench*, Mr Kench pleaded guilty to negligent or incompetent gasfitting and filing a false or misleading return relating to a gas hot water cylinder. The defects with the work meant there was a risk of incomplete combustion, unsafe levels of carbon monoxide, and the cylinder cupboard overheating. Defects with the flue risked heat from the flue transferring to combustible surfaces. The Board adopted a starting point for the fine of $6,000. Ms Mok submitted that like Mr Kench, Mr Gwynne's work was defective and posed a safety risk justifying a similar starting point for any fine.

36. Ms Mok submitted that Mr Gwynne's previous disciplinary offending was a significant aggravating factor in this case and indicated an underlying competence issue. Ms Mok submitted that Mr Gwynne's lack of engagement with the proceedings meant it was not possible to determine whether there were any mitigating factors in this case.

37. Ms Mok submitted that under section 107 of the Act, in addition to any penalty, the Board could order a registered person to pay a reasonable sum towards the costs and expenses of the investigation, prosecution, and hearing. She submitted that the starting point for such an order was typically half of the costs incurred, though it was a matter for the Board to determine in its discretion. Ms Mok submitted that Mr Gwynne's failure to engage had necessitated the investigator preparing and filing full

evidence to support the charge. She submitted that no evidence was available from Mr Gwynne about his ability to pay a contribution towards costs meaning there was no basis for the Board to depart from the standard costs contribution of 50 per cent.

Board deliberations on penalty

38. 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.

39. The Board considered Mr Gwynne's offending in this case was high in terms of seriousness. The defects with the installation were clear and the potential consequences of those defects and the risk they created was significant. The Board considered that Mr Gwynne's past and present offending, all involving similar installations and all carried out around the same time, suggested a systemic pattern of competence issues and Mr Gwynne's failure to engage with the proceedings left the Board with no ability to determine what his attitude was to the offending or whether there were any explanations or mitigating factors.

40. Given concerns about Mr Gwynne's underlying competence to do gasfitting work, the Board determined that Mr Gwynne's Certifying Gasfitter registration should be suspended until he completes an appropriate course of training or competence programme.

Costs

41. 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 total costs for the investigation, prosecution, and hearing amounting to $11,994.88.

42. There being no grounds to reduce Mr Gwynne's contribution from the starting point, the Board determined he should pay $5,997 towards costs which was around 50 per cent.

Publication

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

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

    i. Pursuant to section 106(1)(b)(ii) of the Act, Mr Gwynne's Certifying Gasfitter registration be suspended with effect from 11 November 2025 until he successfully completes an appropriate course of training in gasfitting or competence programme at his own cost.

    ii. Pursuant to section 107 of the Act, Mr Gwynne pay $5,997 towards the costs of the investigation, prosecution, and hearing.

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

Appeal

45. If Mr Gwynne is dissatisfied with the whole or any part of this decision, 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 11 November 2025

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board