Plumbers, Gasfitters and Drainlayers Board

ROBINSON v GAINFORT

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2025/7)

Summary

Grant Gainfort, Certifying Gasfitter, was charged with failing to comply with a term or condition of his registration or licence in relation to the supervision of gasfitting work carried out by a gasfitter. The charge related to the installation of a gas heater in a residential property in Tokoroa in 2020.

Mr Gainfort pleaded guilty to the charge.

The Board considered Mr Gainfort's offending was moderately serious. However, the case was unusual as the Board considered failings on the part of the supervisee's employer who contracted Mr Gainfort to provide the supervision had contributed to the offending. The Board recognised Mr Gainfort had a previous conviction for the same conduct involving the same parties but accepted that the two incidents had happened around the same time. The Board also recognised that there were mitigating factors in the case including Mr Gainfort's guilty plea and cooperation, changes to his practices, remorse, and his wish to have remediated the work.

The Board ordered Mr Gainfort to pay a fine $1,500 and $3,200 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 **GRANT GAINFORT**

Certifying Gasfitter, of Cambridge/Kemureti

Registered Person

DECISION OF THE BOARD
21 OCTOBER 2025

Hearing:	Held via audio-visual link on 3 September 2025
Members sitting:	Martin de Gouw (Chair), Selwyn Hikuroa, Jason O'Connor, James Smith, Tofa Suafole Gush
Counsel:	Elena Mok for the investigator Mr Gainfort was self-represented
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 3 September 2025, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing via audio-visual link to consider a complaint by Patrice Teao against Grant Gainfort, Certifying Gasfitter. The complaint related to gasfitting work carried out at a residential property in Tokoroa in 2020 by a gasfitter under Mr Gainfort's supervision.

Guilty plea

2. On 9 July 2025, Mr Gainfort pleaded guilty to a single charge of failing to comply with a term or condition of his registration or licence in relation to his supervision of the gasfitter who carried out the gasfitting work and signed an agreed summary of facts, the material parts of which were as follows:

    a. Mr Gainfort is a registered and licensed certifying gasfitter.

    b. At the relevant time, Mr Gainfort was the supervisor of a (then) tradesman gasfitter. Under the Plumbers, Gasfitters, and Drainlayers (Gasfitting Registration and Licensing) Notice 2016, as the supervisor Mr Gainfort was responsible for ensuring his supervisee was:

        i. competent to do any gasfitting he carried out

        ii. was adequately supervised while carrying out gasfitting

        iii. complied with all regulations that applied to the gasfitting.

    c. Around February 2020, Mr Gainfort's supervisee attended a property in Tokoroa where he carried out gasfitting work involving the disconnection of an existing wall furnace, replacing it with an energy saver heater, installing the flue for the heater, and connecting the heater to the gas supply. On 4 February 2020, a gas certificate was issued for the work identifying Mr Gainfort as the certifier.

    d. At no time did Mr Gainfort visit the property where the work was carried out to inspect or test the work. His supervision, if any, of the practitioner carrying out the work was inadequate as a number of issues were subsequently identified with the work.

    e. On 7 September 2021, a different practitioner attended the property and noted that the heater was not secured to the wall, infill panels had not been installed, the flue had been cut too short and had dislodged due to the heater moving, and the heater had been installed too close to the wall. This practitioner did not carry out any work on the heater.

f. The following day, on 8 September 2021, Mr Gainfort's supervisee and the original installer, returned to the property. His job notes from the visit stated there were no issues with the flue and the heater was working. The owner said the flue had been blocked but had since been cleared. He wrote that the heater was as he had initially installed it. On another visit to the property after this, a third practitioner installed a flashing to cover the space behind the heater.

g. In 2023, the tenants at the property advised Ms Teao, the property manager, that the heater was displaying an error code. A certifying gasfitter attended the property and found that the back spacer kit was missing and the heater was not secured to the wall. As a result, the flue kit had slid out and fallen down inside the fire box. Ms Teao subsequently made a complaint to the Board.

h. A certifying gasfitter and technical advisor for the Board reviewed the work and found it to be non-compliant in the following ways:

   i. the manufacturer's instructions had not been followed in relation to fitting the securing brackets, side rear panels, and top cover contrary to clause 6.6.6 of the AS/NZS 5601.1:2013 (**Standard**)

   ii. the final gas connection to the heater was made using multilayer pipe and connector contrary to clause 6.6.1 of the Standard

   iii. the failure to secure the heater to the brick fireplace may have caused the heater to move causing unnecessary stress to the gas pipework and flue componentry risking a gas leak or flue gases entering the room contrary to clause 6.2.2 of the Standard

   iv. the balanced flue installed meant air for combustion was drawn from outside and then products of combustion were discharged outside via the terminal flue cowl. If the flue was not correctly installed and sealed it could impact the performance of the heater causing loss of function.

i. The defects with the work were assessed as high risk because the disconnected flue would have been discharging combustion products into the room creating a risk to people and the property

j. Mr Gainfort stated he could not recall being involved with the work and attributed the issues with the installation to the tenants or other gasfitters who worked at the property.

3. The Board was satisfied that the facts in the agreed summary of facts meant that Mr Gainfort had committed a disciplinary offence under section 89(c) of the Act.

Summary of investigator's submissions on penalty, costs, and name suppression

4. On behalf of the investigator, 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.

5. Ms Mok submitted that Mr Gainfort's offending was low to moderate in terms of seriousness. She submitted that he had failed in his obligations as a supervisor as he appeared to be unaware the work was being carried out and had provided no supervision. Even if Mr Gainfort had been involved in supervising the work, the defects indicated that any supervision was inadequate. She submitted that the defects also presented a high risk to safety and had needed to be remediated. She submitted that there were no mitigating factors in relation to the offending.

6. Ms Mok referred the Board to its previous decisions in *Radovich v Sen*, (2020/31), *Radovich v Yan*, (2023/1), and *Pidgeon v Whitehead*, (2024/16), all of which involved supervisors who were unaware their supervisee was carrying out work and therefore failed to provide adequate supervision. In two of the cases, the resulting work had been defective. In *Sen,* where the supervisee carried out sanitary plumbing and drainlaying, the Board adopted a starting point for the fine of $4,000. In *Yan*, which involved sanitary plumbing, the Board adopted a starting point of $2,500. In *Whitehead*, which involved two incidents of unsupervised gasfitting work by the same supervisee, the Board adopted a starting point for the fine of $4,500. In all of the cases the Board noted that the supervisors failed to have proper supervision systems and processes in place.

7. Ms Mok submitted that Mr Gainfort's conduct was more serious than in the *Yan* case because the defects with the work had posed a safety risk meaning that a higher starting point for the fine was warranted. Mr Gainfort's case was less serious than *Whitehead* which involved unsupervised work on two occasions and the supervisee in that case had only been a trainee. Ms Mok submitted that Mr Gainfort's conduct was most comparable with the *Sen* case and for that reason proposed a starting point for the fine for Mr Gainfort in the vicinity of $4,000.

8. Ms Mok submitted that Mr Gainfort had previous disciplinary history in relation to another incident involving the same supervisee where Mr Gainfort had again failed to supervise the work carried out. The work had been defective and Mr Gainfort had issued a gas certificate that was incorrect and had failed to record the work on the Electricity and Gas High-Risk Database. In that case he had been fined $3,150.

9. Ms Mok submitted that Mr Gainfort had pleaded guilty to the present charge at a reasonably early stage and had been cooperative in agreeing and signing a summary of facts. She submitted that the Board may wish to give Mr Gainfort credit for this, but it needed to be balanced against his previous disciplinary offending.

10. Ms Mok submitted that the investigator also sought an order of training or education for Mr Gainfort to assist him to understand his supervision obligations.

11. Ms Mok submitted that under section 107 of the Act, the Board could require Mr Gainfort 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. Ms Mok submitted it was open to the Board to make a reduction to that contribution to recognise that Mr Gainfort's guilty plea had saved the costs of a hearing.

12. In response to Mr Gainfort's application for name suppression, Ms Mok submitted that the principle of open justice meant the starting point was publication. However, she submitted that it was open to the Board to order suppression if it was of the opinion that it was proper to do so having regard to the interests of the person and the public interest.

13. Ms Mok submitted that the investigator opposed Mr Gainfort's name suppression application noting that reputational harm was an ordinary consequence of disciplinary offending. She submitted that Mr Gainfort had not provided any evidence to show that his business would be unduly negatively impacted. His claim was therefore speculative and, she submitted, unlikely particularly as his previous disciplinary conviction was already publicly available. Finally, she submitted that while Mr Gainfort had accepted responsibility in this case, the work concerned had created a risk of serious harm to person and property and his lack of supervision had contributed to that. This was a factor she submitted that the Board should take into account when considering Mr Gainfort's application.

Summary of Mr Gainfort's submissions on penalty, costs, and name suppression

14. Mr Gainfort submitted that the penalty in his case should be a small fine. He submitted that he had failed because he didn't know what work was carried out as he had not been told. He submitted that his conduct was serious as he was supposed to be the certifier for this supervisee on behalf of the supervisee's employer.

15. Mr Gainfort submitted that he would have liked to have been able to remediate the work. He had tried contacting the supervisee but had not been successful and he had never been contacted by the supervisee's employer or the rental company.

16. Mr Gainfort submitted that he was now very careful about who he supervised and always checked the work they did. He also submitted that he had made a number of changes around how he recorded work, using online software with photos and entered all work on the Electricity and Gas High-Risk Database where necessary.

17. Mr Gainfort described his work and personal circumstances, submitting that things were not great at present.

18. Mr Gainfort sought name suppression, submitting that he did not want to lose business or income as a result of this matter. He submitted that he ran his own business and had achieved some great things, he was well respected in his area and people came to him for advice.

19. In closing, Mr Gainfort submitted that the offending had occurred a long time ago when he was first starting out in business and had been trying to please everyone. He submitted that he had been tricked into supervising the supervisee by the employer and had been pressured to sign off their work. He understood why he was in this position and regretted it and wished he had never been in the situation. He submitted that he had not thought that people would be the way the employer had been, and they had taken advantage of him and it had ruined his life.

Decision on penalty

20. 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.

21. Having considered the parties' submissions and the facts of the case, the Board determined that Mr Gainfort's offending was moderately serious. However, the Board considered that this was an unusual case as there had been failings on the part of the supervisee's employer and while this did not excuse Mr Gainfort's failing, it was a contributing factor. The Board recognised that Mr Gainfort had a previous conviction in relation to the same conduct with the same supervisee and employer on another occasion. However, the Board did not consider that this warranted an uplift to any penalty as the current offending had occurred around the same time as the previous offending.

22. In terms of mitigating factors, the Board recognised that Mr Gainfort had pleaded guilty and cooperated throughout the proceedings. He was also remorseful and had made changes to his practices to ensure there would be no repeat of the conduct going forward. The Board also accepted that Mr Gainfort had been willing to remediate the work when he learnt about it on receipt of Ms Teao's complaint.

23. The Board considered that a fine was the appropriate penalty and adopted a starting point of $4,000. Recognising the mitigating factors and the unusual nature of this case, the Board reduced the fine to $1,500. The Board declined to make a training order, recognising both that supervision had been covered at length in the Board's continuing professional development programme over recent years and Mr Gainfort has advised he had already changed his practices.

Costs

24. 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 of the charge, and the hearing. The Board was provided with a schedule of estimated costs for the investigation, prosecution and hearing amounting to $8,019.88.

25. The Board recognised Mr Gainfort's guilty plea had avoided the costs of a full defended hearing and determined that he should pay $3,200 towards costs which was around 40% of the total costs.

Name suppression

26. The Board acknowledged that the test when exercising its power to make suppression orders was guided by weighing the particular interests of the person seeking suppression against the principle of open justice and the right of the public to know if a practitioner had disciplinary convictions.

27. While the Board understood Mr Gainfort's concerns and reasons for seeking name suppression in this case, it did not consider that those concerns were unusual or reached the threshold necessary to order name suppression. The Board recognised that Mr Gainfort already had a previous conviction that was publicly available and that the work in this case had created a serious risk. The Board also considered that the limited publication that would occur would show that the conviction related to work carried out by another practitioner under his supervision some years ago rather than more recently or as a result of work carried out by Mr Gainfort himself. The application was therefore declined.

Publication

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

29. Being satisfied that Mr Gainfort 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 Gainfort pay a fine of $1,500.

    b. Pursuant to section 107 of the Act, Mr Gainfort pay $3,200 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 Gainfort be published on the register.

Appeal

30. If Mr Gainfort 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 21 October 2025

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board