Plumbers, Gasfitters and Drainlayers Board

DUNCAN v TILYARD and TILYARD

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2025/9)

Summary

Joshua Tilyard, Certifying Plumber, Certifying Gasfitter, Certifying Drainlayer, was charged with employing, directing, or permitting an unauthorised person to carry out sanitary plumbing. The charge related to the sub-floor pipe out and fit-off plumbing of 77 units at a property in Mangere in 2022.

Troy Tilyard, Plumber, Restricted Gasfitter, was charged with carrying out sanitary plumbing without a current licence and therefore in a manner contrary to an enactment. The charge related to carrying out sanitary plumbing at the Mangere property in 2024.

Both practitioners pleaded guilty to the charges.

The Board considered Joshua Tilyard's offending was moderately serious as it had involved three people who were all unauthorised in different ways. The Board considered that this indicated a systemic failing in the circumstances. The Board recognised there were no aggravating factors in this case and Joshua Tilyard was entitled to credit for his guilty plea and cooperation, lack of previous offending, changes to his practices, and remorse. He was ordered to pay a fine of $2,800 and $2,700 towards costs.

The Board considered Troy Tilyard's offending was also moderately serious though, at the lower end of that scale. It had been a number of years since he had last held a licence and he had not only carried out sanitary plumbing work while unlicensed but had supervised others carrying out sanitary plumbing as well. The Board accepted there were no aggravating factors in this case and Troy Tilyard was entitled to credit for his guilty plea and cooperation, lack of previous offending, and remorse. He was ordered to pay a fine $1,400 and $2,700 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 **JOSHUA TILYARD**

Certifying Plumber, Certifying Gasfitter, Certifying Drainlayer, of Pukekohe

AND **TROY TILYARD**

Plumber, Restricted Gasfitter, of Pukekohe

Registered Persons

DECISION OF THE BOARD
11 November 2025

Hearing:	Held on the papers on 3 September 2025
Members sitting:	Martin de Gouw (Chair), Selwyn Hikuroa, Jason O'Connor, James Smith, Beth Healy
Counsel:	Sean McCusker for the investigator Helen Twomey for the Tilyards
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 3 September 2025, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing on the papers to consider a complaint by Sara McKee against Joshua Tilyard, Certifying Plumber, Certifying Gasfitter, Certifying Drainlayer, and Troy Tilyard, Plumber, Restricted Gasfitter. The complaint related to sanitary plumbing work carried out on 77 units at a property in Mangere (**Property**).

Guilty pleas

2. On 3 June 2025, Joshua Tilyard pleaded guilty to a charge of employing, directing, or permitting an unauthorised person to do sanitary plumbing. On the same day, Troy Tilyard pleaded guilty to a charge of carrying out sanitary plumbing while unauthorised and therefore contrary to the Plumbers, Gasfitters, and Drainlayers Act 2006 (**Act**). Both men signed agreed summaries of facts, the material parts of which were as follows:

    a. Joshua Tilyard is a registered and licensed certifying plumber, certifying gasfitter, and certifying drainlayer. He is also the director of a plumbing and drainage company.

    b. Troy Tilyard is a registered and licensed plumber and restricted gasfitter. At the relevant time he was employed by Joshua Tilyard's company. From 1 April 2016 to 2 April 2022, Troy Tilyard was not working in the industry. On 3 April 2022, he began working for Joshua Tilyard's company in a project management role. In December 2023, Joshua Tilyard believed he had renewed his plumbing licence and on 7 January 2024 he began carrying out sanitary plumbing work for the company.

    c. On 8 June 2022, Joshua Tilyard's company undertook sanitary plumbing and drainlaying work at the Property. The work consisted of the subfloor pipe out and fit-off of 77 units.

    d. On 24 January 2024, Ms McKee of Total Risk Management conducted a compliance visit to the Property on behalf of the Board. Ms McKee spoke to a number of people at the Property who advised her that Troy Tilyard was the supervisor on site and between 7 and 30 January 2024, he supervised sanitary plumbing work when Joshua Tilyard was not on site. Ms McKee subsequently made a complaint to the Board.

    e. During the investigation of Ms McKee's complaint, Joshua Tilyard confirmed that Troy Tilyard was a supervisor on site on 20 and 22 February 2024 and that neither he, nor the other employee held active authorisations to do sanitary plumbing at the time. In relation to the employee that required direct presence

supervision to carry out sanitary plumbing, Joshua Tilyard stated that his understanding of their authorisation had been incorrect.

f. As the director of the company, Joshua Tilyard employed, directed or permitted Troy Tilyard, the unauthorised employee, and the employee who was not properly supervised to carry out sanitary plumbing when they were not authorised to do so.

g. By carrying out sanitary plumbing when not authorised, Troy Tilyard carried out sanitary plumbing in breach of the Act.

3. The Board was satisfied that the facts in the agreed summary of facts meant that Joshua Tilyard had committed a disciplinary offence under section 89(g) of the Act and Troy Tilyard had committed a disciplinary offence under section 89(a)(ii) of the Act.

Summary of investigator's submissions on penalty and costs for Joshua Tilyard

4. On behalf of the investigator, Mr McCusker submitted that the purposes of disciplinary proceedings were to ensure public protection and maintenance of proper industry standards. Other principles that were relevant to assessing penalty 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 relevant principles and purposes of disciplinary proceedings were met in the case.

5. Mr McCusker submitted that Joshua Tilyard's offending was moderately serious. He submitted that it was important from a public protection standpoint that people who carry out sanitary plumbing are appropriately authorised to do so. He submitted it was equally as important that employers ensure those carrying out sanitary plumbing on their behalf were properly licensed and, where required, appropriately supervised.

6. Noting the penalties imposed in similar cases, Mr McCusker submitted that a fine with a starting point of $4,000 should be imposed in this case. He submitted that was appropriate given the significance of the offending in terms of public protection and the fact that three employees were involved who lacked authorisations, all for different reasons.

7. Mr McCusker referred the Board to its previous decisions in *Pidgeon v O'Flaherty*, (2023/17), *Cannell v Lee*, (2023/13), and *Radovich v Barnett*, (2021/26), all of which involved unauthorised employees carrying out sanitary plumbing. In *O'Flaherty*, the offending involved two unauthorised employees, and the Board adopted a starting point for the fine of $4,000. *Lee* also involved two employees, but Mr Lee had

believed one of them was authorised. The starting point for the fine in that case was $3,250. Finally, in *Barnett*, one employee required direct presence supervision which was not provided, and a second employee was unauthorised, which Mr Barnett knew. The Board adopted a starting point for the fine of $3,500 in that case.

8. Mr McCusker submitted that the investigator was not aware of any aggravating factors personal to Joshua Tilyard and recognised that he was entitled to a discount for his guilty plea, cooperation with the proceeding, and lack of previous disciplinary history.

9. Mr McCusker 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. He 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. Mr McCusker submitted that the investigator sought a contribution towards cost in this case and recognised that it was open to the Board to reduce the amount of any costs to reflect the mitigating factors. Finally, Mr McCusker noted that the investigation and prosecution of Joshua Tilyard had been conducted in parallel with that of Troy Tilyard.

Summary of Joshua Tilyard's submissions on penalty and costs

10. On behalf of Joshua Tilyard, Ms Twomey submitted that the most appropriate penalty available to the Board in this case was a fine under section 106(1)(f) of the Act. She submitted that, as noted by the investigator, there was a need to treat practitioners consistently where possible and to impose the least severe penalty appropriate.

11. Ms Twomey submitted that Joshua Tilyard's conduct in this case was low to moderate in terms of seriousness. She submitted that the conduct only involved one property and there had been genuine confusion in relation to all three of the employees involved.

12. Regarding Troy Tilyard, Ms Twomey submitted that he had held a licence until 31 March 2016 but had not been working in the industry from 1 April 2016 until 2 April 2022. From 3 April 2022 until the end of December 2023, he had been employed as a project manager by Joshua Tilyard's company at which time he advised that he wished to obtain a licence and return to plumbing work. Joshua Tilyard's company paid for a licence in December 2023 with the intention that Troy Tilyard would commence plumbing work on 7 January 2024. However, Troy Tilyard did not complete all of the requirements necessary to obtain a licence. Neither he, not Joshua Tilyard's company were aware that his licence had not been renewed when he commenced plumbing work in January 2024. She submitted that Troy Tilyard therefore only carried out and supervised plumbing without a licence for a very short

period until 30 January 2024 and only supervised when Joshua Tilyard was not able to do so.

13. One of the other unauthorised employees had previously held a licence and had some experience and training as a plumber. Joshua Tilyard's company had paid for a licence for this employee from 1 April 2023, but the employee had also failed to complete all of the requirements for the licensing process. The company did not receive any reminders about the employee's licence and Joshua Tilyard was not aware the employee had not renewed their licence.

14. Finally, with regard to the last employee, Ms Twomey submitted that he had also previously held a licence in the past and was an experienced plumber having been in the industry for eight years. Joshua Tilyard had misunderstood the correct type of licence to get for him and had obtained an exemption rather than a (then) journeyman plumber licence. As such, the employee was required to work only in his presence due to the nature of his authorisation and Joshua Tilyard acknowledged that had not always occurred. Had the correct licence been obtained, the employee would have been correctly supervised by Joshua Tilyard's regular site visits.

15. Ms Twomey submitted that Joshua Tilyard accepted he had failed to check that Troy Tilyard and the other unauthorised employee had in fact renewed their licences and had allowed them to work without them. However, Ms Twomey submitted that this was an administrative oversight and while the company had followed up with both employee, Joshua Tilyard had failed to view their physical licences. Joshua Tilyard also accepted that the third employee had been on the wrong authorisation, and he had been allowed to work without confirming that his authorisation was correct and/or the requirements of the authorisation were being met. Again, she submitted that this was an administrative oversight.

16. Ms Twomey submitted that there had been no defects or compliance issues with any of the work carried out by the employees.

17. In relation to determining the starting point for the fine, Ms Twomey referred the Board to its previous decision in *Radovich v Wong*, (2024/8), and *Pidgeon v D McDonald* (2022/20). Both cases involved practitioners employing, directing, or permitting unauthorised people to carry out sanitary plumbing where the employer had wrongly believed that they held current licences or had the correct qualifications. In both cases, the Board adopted a starting point for the fine of $3,000 and Ms Twomey submitted that, consistent with these cases, $3,000 was the appropriate starting point in this case.

18. Ms Twomey submitted that there were no aggravating factors in this case warranting an uplift to the penalty and that Joshua Tilyard was entitled to some reduction in light of his cooperation with the investigation and lack of previous disciplinary history. Ms Twomey submitted that Joshua Tilyard had also taken full responsibility

for his actions and accepted the charges against him, had pleaded guilty, was remorseful, had taken immediate steps to rectify the issues on becoming aware of them, and had proactively reviewed the company's processes and made changes to ensure the error would not occur again in the future. In light of all of these factors, Ms Twomey submitted that a 35% reduction should be made to the starting fine which was consistent with a number of other referenced Board cases.

19. Ms Twomey submitted that Joshua Tilyard accepted that he could be required to pay a contribution towards costs and expenses and that the starting point for such an order was typically 50%. Ms Twomey also considered that a reduction to the starting point was justified to recognise Joshua Tilyard's guilty plea and cooperation. Finally, she submitted that any order to pay costs should be split equally with Troy Tilyard.

Decision on penalty for Joshua Tilyard

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 Joshua Tilyard's offending was moderately serious given that it involved three employees. As all were unauthorised for different reasons, the Board considered that this appeared to a systemic failing on Joshua Tilyard's part. The Board accepted that there were no aggravating factors personal to Joshua Tilyard and that he was entitled to credit for a number of mitigating factors including his guilty plea, cooperation, lack of previous offending, remorse, and changes to practices.

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

Summary of investigator's submissions on penalty and costs for Troy Tilyard

23. Mr McCusker submitted that Troy Tilyard's offending was of a low level of seriousness. Mr McCusker submitted that licensing was an important requirement for protecting the public and maintaining industry standards, and in this case, Troy Tilyard had supervised others as well as carried out sanitary plumbing work himself. However, he submitted that Troy Tilyard was a qualified plumber and there had not been any issues with the work carried out. In addition, the period he had been

working without a licence was relatively brief and Troy Tilyard had thought his licence had been renewed.

24. Mr McCusker submitted that a fine with a starting point of $2,000 was appropriate in this case. He referred the Board to its previous decisions in *Winstanley v Goundar* (2018/18), *Radovich v Wilson* (2022/17) and *Thomas v Mason* (2019/6), all of which involved registered plumbers working without holding a current licence. In *Goundar*, Mr Goundar admitted carrying out plumbing at two properties during several months when he had not renewed his practising licence. Mr Goundar was fined $1,500. In *Wilson*, Mr Wilson had been unlicenced for a number of years when he carried out plumbing work at a time when he had already been charged with carrying out unauthorised sanitary plumbing in another case. Mr Wilson was fined $2,500. Finally, in *Mason*, Mr Mason was unlicensed for a period of two years while operating a plumbing business with a family member. The starting point for the fine in his case was $2,500.

25. Mr McCusker submitted that Troy Tilyard's conduct was most comparable with Mr Goundar's case. In both cases the practitioners were unlicensed for a comparably brief period of time, and both also misunderstood their licensing requirements. Mr McCusker submitted that the offending in *Wilson* was more serious having regard to the length of time he was unlicensed and was also more serious in *Mason* given the length of time he was unlicensed and his apparent disregard for his licensing obligations.

26. Mr McCusker submitted that the investigator was not aware of any aggravating factors personal to Troy Tilyard, and a discount was available to recognise his guilty plea, cooperation, and lack of previous disciplinary history.

27. Mr McCusker submitted that the investigator sought a contribution towards costs from Troy Tilyard.

Summary of Troy Tilyard's submissions on penalty and costs

28. Ms Twomey submitted that the seriousness of Troy Tilyard's offending was low. She submitted that he had previously held a licence and was an experienced plumber. Troy Tilyard had contacted the Board about relicensing and had genuinely believed he had fulfilled the requirements, and his licence had been renewed. She submitted that he had not received any reminders to renew his licence between the time he contacted the Board and the visit by Ms McKee and had not been aware his licence was not renewed when he carried out plumbing work in January 2024. Troy Tilyard only carried out work without a licence from 7 to 24 January 2024 and was only supervising others when Joshua Tilyard was unable to. Finally, Ms Twomey submitted there had been no defects or compliance issues with Troy Tilyard's work.

29. Ms Twomey referred the Board to its previous decision in the case of *Thomas v Riddiford* (2022/5) in which Mr Riddiford was found guilty of negligent or incompetent sanitary plumbing and carrying out plumbing without a licence. Mr Riddiford had submitted that he had not been aware his licence had expired. The Board considered Mr Riddiford's offending was low in terms of seriousness and adopted a starting point for the fine of $2,000. Ms Twomey submitted that Troy Tilyard had also been unaware his licence had not been renewed and there had not been any defects with his work. She did not agree with the investigator's submission that Troy Tilyard supervising others carrying out sanitary plumbing was an aggravating factor as this had only happened over a two-and-a-half-week period. She submitted that a lower starting point was therefore appropriate in this case and submitted that it should be $1,500.

30. Ms Twomey submitted that there were no aggravating factors personal to Troy Tilyard. She submitted that the mitigating factors in the case were Troy Tilyard's guilty plea, remorse, and immediate steps to renew his licence on learning he did not hold one. In addition, Ms Twomey submitted that the company had also amended its processes to ensure such an error would not occur again. In all of the circumstances, Ms Twomey submitted that a 35% reduction from the starting fine was appropriate and consistent with the approach taken by the Board in other referenced cases.

31. Ms Twomey submitted that any contribution towards costs the Board required Troy Tilyard should be split 50% with Joshua Tilyard.

Decision on penalty for Troy Tilyard

32. The Board considered that Troy Tilyard's offending was at the lower end of moderately serious given that a practitioner who had not held a practising licence for eight years was supervising and managing sanitary plumbing on a large site. The Board also considered that licensing was a fundamental obligation and accepted that while Troy Tilyard had taken steps to renew his licence, he should have ensured his application had been granted before undertaking any work. The Board accepted that there were no aggravating factors personal to Troy Tilyard and that he was entitled to credit for his guilty plea, cooperation, lack of previous offending, and remorse.

33. The Board considered that the appropriate starting point for the fine in Troy Tilyard's case was $2,000. This was reduced to $1,400 in recognition of the mitigating factors.

Costs

34. 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 $13,522.

35. The Board recognised that the guilty pleas in this case had avoided the costs of a full defended hearing and determined that the appropriate contribution to costs was $6,750 which was around 40% of the total costs. The Board considered that each practitioner should pay half of that sum amounting to $2,700 each.

Publication

36. In accordance with the requirements of the Act, the Board ordered that details of the action taken against the practitioners 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

37. Being satisfied that Joshua Tilyard was guilty of a disciplinary offence under section 89(g) of the Act, the Board made the following orders:

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

    b. Pursuant to section 107 of the Act, Joshua Tilyard pay $2,700 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 Joshua Tilyard be published on the register.

38. Being satisfied that Troy Tilyard was guilty of a disciplinary offence under section 89(a)(ii) of the Act, the Board made the following orders:

    a. Pursuant to section 106(1)(f) of the Act, Troy Tilyard pay a fine of $1,400.

    b. Pursuant to section 107 of the Act, Troy Tilyard pay $2,700 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 Troy Tilyard be published on the register.

Appeal

39. If either practitioner is dissatisfied with the whole or any part of this decision or these orders, they 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