Plumbers, Gasfitters and Drainlayers Board

ROBINSON v FLEMING

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2026/2)

Summary

Joe Fleming, Certifying Plumber, Certifying Gasfitter, was charged with negligent or incompetent gasfitting in relation to work in a commercial kitchen in Auckland | Tāmaki Makaurau.

Mr Fleming pleaded guilty to the charge.

The Board considered Mr Fleming's offending was low in terms of seriousness and accepted there were no aggravating factors in the case. The Board recognised that Mr Fleming's guilty plea, cooperation throughout, and lack of previous disciplinary history were mitigating factors in his favour.

The Board ordered Mr Fleming to pay a fine of $500, complete training on the certification of gasfitting work, and pay $3,800 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 **JOE ANTHONY FLEMING**
Certifying Plumber, Certifying Gasfitter, of Auckland | Tāmaki Makaurau

Registered Person

DECISION OF THE BOARD
5 MAY 2026

Hearing:	Held on 12 February 2026
Members sitting:	Martin De Gouw (Chair), Beth Healy, James Smith, Jason O'Connor, Tofa Suafole Gush
Counsel:	Sean McCusker for the investigator Mr Fleming was self-represented
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 12 February 2026, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing on the papers to consider a complaint by Aneri Nathu against Joe Fleming, Certifying Plumber, Certifying Gasfitter. The complaint related to gasfitting work carried out at a property in Auckland | Tāmaki Makaurau.

Guilty plea

2. On 6 November 2025, Mr Fleming pleaded guilty to a single charge of carrying out gasfitting in a negligent or incompetent manner and signed an agreed summary of facts, the material parts of which were as follows:

    a. Mr Fleming is a registered and licensed Certifying Plumber and Certifying Gasfitter, and the director of a plumbing company.

    b. On or around October 2021, Mr Fleming was engaged by a company to install gas pipework and appliances in a commercial kitchen in Auckland. Mr Fleming carried out the work between October and December 2021 and carried out remedial work at the property in December 2023.

    c. The work was defined as gasfitting under section 5 of the Plumbers, Gasfitters, and Drainlayers Act 2006 (**Act**).

    d. In April 2024, the director of the company which had hired Mr Fleming made a complaint to the Board and Mr Robinson completed an investigation into the matter.

    e. During the investigation, a technical advisor engaged by the Board identified a number of compliance issues with Mr Fleming's work, including:

        i. the pipework was undersized based on the delivery pressure the LPG system was designed for and did not comply with the manufacturer's instructions, in breach of clauses 2.4.2(a) and 2.6.2 of AS/NZS 5601.1: 2013 (**Standard**)

        ii. the appliance was not properly commissioned, in breach of clause 2.6.8 of the Standard,

    f. The technical advisor considered that the potential risk from the non-compliant gasfitting work was high as incomplete combustion could occur if the demand from the gas appliance exceeded the gas supply. This could result in the production of carbon monoxide. However, he noted that in the absence of any carbon monoxide testing and mechanical exhaust flow rates, the risk to people and property was low.

g. Mr Fleming had issued two gasfitting certificates for the work which differed in their classification of the risk of the work.

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

Summary of investigator's submissions on penalty

4. Mr McCusker submitted that the purpose of disciplinary proceedings was not to punish but to ensure public protection and the maintenance of proper industry standards through both specific and general deterrence. She submitted that other principles relevant to assessing penalty were the importance of treating practitioners consistently where possible and the need to impose the least severe penalty appropriate to achieve the purpose of the disciplinary proceeding.

5. Mr McCusker submitted that Mr Fleming's offending was low to moderate in seriousness. He had carried out gasfitting work over a number of months in 2021 which involved undersized pipework based on the delivery pressure the system was designed for, and she submitted there was no evidence remedial work he carried out in April 2023 addressed this issue. The defect with the work had the potential to result in the production of carbon monoxide which posed a significant risk of harm. In addition, Mr Fleming issued two gas certificates of compliance with differing risk classifications and no indication which certificate was correct.

6. While noting that none of the cases involved undersized pipework as the only or predominant feature of the negligent gasfitting, Mr McCusker referred the Board to its previous decisions in *Radovich v Tan* (2020/26), *Pidgeon v Hall* (2023/5), and *Radovich v Mills* (2021/11). In *Tan*, Mr Tan pleaded guilty to negligent or incompetent gasfitting in relation to the installation of a gas water heater with compliance-related defects. The Board considered Mr Tan's offending was low to moderate in terms of seriousness and adopted a starting point for the fine of $3,000. In *Hall*, Mr Hall pleaded guilty to negligent or incompetent gasfitting in a restaurant where a gas pipe was left unclipped and ran along the floor exposing it to the risk of damage. The Board considered Mr Hall's offending was low in terms of seriousness and adopted a starting point of $1,700 for the fine in his case. Finally, in *Mills* Mr Mills was found guilty of negligent or incompetent gasfitting in a caravan involving a number of defects including undersized piping. The Board considered Mr Mills' offending was moderately serious and adopted a starting point for the fine of $4,500.

7. Mr McCusker submitted that Mr Fleming's case was broadly similar to the *Tan* case, though the defects in Mr Tan's case had been compliance-related rather than causing a safety risk as in Mr Fleming's case. She submitted a higher starting point for the fine in Mr Fleming's case was therefore appropriate. Mr McCusker submitted that Mr Fleming's offending was more serious than in *Hall*, but less serious than in *Mills*. Having regard to the comparable cases and the facts in the present case, Mr

McCusker submitted that an appropriate starting point for the fine in this case was $3,000 – $3,500.

8. Mr McCusker submitted that the investigator was not aware of any personal aggravating factors in the case and recognised that Mr Fleming was entitled to credit for his guilty plea, cooperation throughout the proceeding, and lack of any disciplinary history.

9. Mr McCusker submitted that under section 107 of the Act, the Board could require Mr Fleming 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. The investigator acknowledged that it was open to the Board to reduce the amount of costs ordered to reflect the mitigating factors in the case.

Summary of Mr Fleming's submissions on penalty and name suppression

10. In terms of penalty, Mr Fleming submitted that the complainant had dropped the complaint as he had remediated the issue and settled the matter with them. He submitted the issue had been very minor and low risk and that no penalty should be imposed, or only a small fine.

11. Mr Fleming described his personal circumstances for the Board and asked the Board to consider name suppression. He submitted that he was a business owner and did not want publication of his name to impact on his livelihood or damage his good reputation.

12. Mr Fleming submitted that he had been in the industry for 20 years and had never had a single complaint against him. He submitted that he felt he had been made a scapegoat in this case.

Summary of investigator's response on name suppression

13. Mr McCusker submitted that under section 113 of the Act, it was open to the Board to make an order prohibiting publication of Mr Fleming's name or identifying details.

14. Mr McCusker referred to the legal authorities addressing name suppression which identified the test as being one of weighing public interest and open justice principles against the interests of the person applying for name suppression. Mr McCusker also referred to previous Board cases where the Board had ordered name suppression only where it considered that the potential consequences for the practitioner went beyond the ordinary stress and anxiety experienced when found guilty of disciplinary offences.

15. Mr McCusker submitted it was ultimately a matter for the Board whether the factors identified by Mr Fleming met the high threshold for granting name suppression in this case.

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 imposed by the Board aims to ensure the competency of the practitioner by holding them to account, assist with their rehabilitation, and deter them and other practitioners from disciplinary offending.

17. The Board considered that Mr Fleming's offending in this case was low given the absence of any information relating to carbon monoxide levels. The Board considered that there were no aggravating factors personal to Mr Fleming and acknowledged that he had pleaded guilty, cooperating throughout, and had no previous disciplinary history. The Board also recognised that Mr Fleming had remediated the work.

18. The Board determined that the appropriate starting point for the fine was $700 and reduced this to $500 to recognised the mitigating factors in the case. The Board also ordered Mr Fleming to undertake some training in the certification of gasfitting work.

Costs

19. 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 recognised that any costs not paid by the practitioner had to be borne by all registered and licensed practitioners.

20. The Board was provided with a schedule of estimated costs for the investigation, prosecution, and hearing in this case amounting to $9,704.40.

21. The Board accepted that Mr Fleming's guilty plea and cooperation had assisted in keeping the costs of this matter down and ordered that he pay $3,800 towards costs, which was around 40 percent of the total costs.

Name suppression

22. The Board accepted that it had authority under section 113 to grant suppression orders, including in respect of Mr Fleming's identity. The Board also accepted that the test for granting name suppression was to weigh the interests of the person seeking it and their particular circumstances against the wider public interest in knowing the identities of practitioners who had been found guilty of disciplinary offences.

23. In this case the Board considered that Mr Fleming's concerns were the ordinary concerns of any person who has committed a disciplinary offence and did not reach the threshold of justifying a grant of name suppression. The application was therefore declined.

Publication

24. In accordance with the requirements of the Act, the Board ordered that details of the action taken against Mr Fleming 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 Fleming was guilty of a disciplinary offence under section 89(a)(i) of the Act, the Board made the following orders:

    a. Pursuant to section 106(1)(f) of the Act, Mr Fleming pay a fine of $500.

    b. Pursuant to sections 106(1)(e) and 106(2)(b), within three months of the date of this decision Mr Fleming complete a course of training on the certification of gasfitting work at his own expense.

    c. Pursuant to section 107 of the Act, Mr Fleming pay $3,800 towards the costs of the investigation, prosecution, and hearing.

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

Appeal

26. If Mr Fleming 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 5 May 2026

Signed



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Martin De Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board