Plumbers, Gasfitters and Drainlayers Board

DUNCAN v STEWART

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2026/6)

Summary

Daniel Stewart, Certifying Plumber, Gasfitter (suspended) was charged with carrying out sanitary plumbing and gasfitting when unauthorised, carrying out non-compliant sanitary plumbing and gasfitting, and being guilty of improper conduct in issuing a gas certificate when not authorised to do so. The charge related to the installation of a gas hot water heater at a residential property in Auckland/Tāmaki Makaurau.

Mr Stewart did not engage in the hearing so the matter proceeded by way of formal proof.

The investigator alleged that Mr Stewart had installed a gas water heater at the property between August and December 2024. The work involved both restricted sanitary plumbing and gasfitting work. At the time, Mr Stewart did not hold a current practising licence as a certifying plumber, and his gasfitter registration was suspended as a result of previous disciplinary offending. The investigator also alleged that both the plumbing and gasfitting work were non-compliant and that Mr Stewart had issued a gas certificate for the installation despite his gasfitter registration being suspended and not being a certifying gasfitter.

The Board considered evidence from the investigator and a technical advisor and was satisfied that the charges against Mr Stewart were made out.

The investigator sought the cancellation of Mr Stewart's registrations. They considered that Mr Stewart's conduct in carrying out restricted work when unauthorised, in part because of previous disciplinary orders and again issuing a gas certificate when he knew he could not lawfully do so, showed a complete disregard for his professional responsibilities. This was particularly so given the previous suspension of Mr Stewart's gasfitter registration was to ensure he completed a competence programme in gasfitting.

The Board considered Mr Stewart's offending was very high in terms of seriousness and considered his conduct was cynical and raised questions both as to his competence and fitness to practice. The Board considered that cancellation was required in the interests of the public, and ordered Mr Stewart's certifying plumber and gasfitter registrations were

cancelled and a six-year period imposed before he could apply to re-register. Mr Stewart was also ordered to pay $9,500 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 **DANIEL EDWARD STEWART**
Certifying Plumber, Gasfitter (suspended) of Auckland/Tāmaki Makaurau

Registered Person

DECISION OF THE BOARD
14 OCTOBER 2026

Hearing:	Held in Wellington/Te Whanganui-a-Tara on 22 July 2026
Members sitting:	Martin de Gouw (Chair), Jason O'Connor, Selwyn Hikuroa, Ian Olan, James Smith
Counsel:	Elena Mok for the investigator
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 22 July 2026, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing to consider a complaint by Amandip Kaur against Daniel Stewart, Certifying Plumber, Gasfitter (suspended). The complaint related to sanitary plumbing and gasfitting work carried out at a residential property in Auckland/Tāmaki Makaurau in 2024.

Charge

2. By Notice of Disciplinary Charges dated 23 February 2026, Mr Stewart was charged with the following offences:

    a. carrying out sanitary plumbing in a manner contrary to an enactment, which is a disciplinary offence under section 89(a)(ii) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (**Act**) (**charge one**)

    b. carrying out gasfitting in a manner contrary to an enactment, which is a disciplinary offence under section 89(a)(ii) of the Act (**charge two**), and

    c. engaging in improper conduct in performing gasfitting work, which is a disciplinary offence under section 89(i) of the Act (**charge three**).

Formal proof hearing

3. On behalf of the investigator, Ms Mok sought to have the hearing proceed by way of formal proof. She submitted that Mr Stewart had engaged only intermittently during the investigation and had not engaged at all with the disciplinary hearing and had not filed any evidence.

4. The Board confirmed that Mr Stewart had been provided with all the documentation relating to the hearing, including the time and date of the hearing and how to attend.

5. Being satisfied that Mr Stewart 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

6. Ms Mok submitted that the Board had to be satisfied on the balance of probabilities that Mr Stewart had committed disciplinary offences before it could exercise its disciplinary powers. She submitted that the Board could be satisfied on the basis of the evidence filed from the investigator, Ms Duncan, and technical advisor, Nicholas Fleckney, that the charges against Mr Stewart were proved to the requisite standard.

7. Ms Mok submitted that, following notification from Mercury Energy that Mr Stewart had issued a gas certificate, the Board contacted the property owner Amandip Kaur, who subsequently made a complaint to the Board.

8. In relation to charge one, Ms Mok submitted that Ms Kaur's evidence was that she engaged Mr Stewart to install a gas water heater at her property and the work had taken place between August and December 2024. Mr Fleckney's evidence was that this work involved the installation of plumbing pipework and was therefore sanitary plumbing as defined in the Act

9. Ms Mok submitted that the evidence of Ms Kaur that it was Mr Stewart that had carried out the work was supported by the gas certificate he had issued. In addition, Mr Stewart had confirmed that he had done the work on the phone to Ms Duncan during the investigation. Ms Mok submitted that under section 8 of the Act, only authorised people may carry out sanitary plumbing. While accepting that Mr Stewart was a registered certifying plumber at the time, she submitted he did not hold a current practising licence and had therefore carried out sanitary plumbing unauthorised and in breach of the Act.

10. Ms Mok submitted that Mr Stewart had further breached the Act because the sanitary plumbing was defective. Mr Fleckney considered the lagging used on the water supply pipe was not UV stable and was incomplete in places. In addition, the polybutylene pipe used was not UV stable and was not adequately protected. Both of these things were contrary to clause G12.3.7(b) of the Building Code (**Code**) and therefore in breach of the Building Act 2004.

11. In relation to charge two, Ms Mok submitted that the gasfitting work Mr Stewart carried out at Ms Kaur's was contrary to an enactment in two ways. First, it was unauthorised, and secondly, it was defective.

12. Ms Mok submitted that Mr Fleckney's evidence was that the installation of the heater and associated pipework was gasfitting as defined in the Act. Ms Duncan's evidence was that at the time he carried out the work, Mr Stewart's gasfitter registration was suspended meaning he was not authorised to do gasfitting at that time. In addition, Mr Fleckney's evidence was that the pipe used by Mr Stewart was not UV stable and parts had been left exposed and that these things were contrary to clauses G10.3.1(a) and G10.3.3 of the Code and sections 4.5.2 and 4.5.4 of AS/NZS 5601.1:2013, the mandatory gas installation standard (**Standard**). This also meant the gasfitter work was in breach of the Gas (Safety and Measurement) Regulations 2010. For these reasons, Ms Mok submitted the evidence established that Mr Stewart had carried out gasfitting in breach of an enactment in two ways and charge two was proved.

13. Finally, in relation to charge three, Ms Mok submitted that two aspects of Mr Stewart's conduct reached the threshold of being improper. First, Mr Stewart had carried out gasfitting at a time when his gasfitter registration was suspended. That suspension was as a result of previous disciplinary offending. Ms Mok submitted that Mr Stewart had participated in the previous proceedings and could therefore not claim to be unaware of the suspension. Despite this, he had proceeded to carry out the gasfitting at Ms Kaur's shortly after the suspension was imposed.

14. Ms Mok submitted that Mr Stewart's conduct in issuing a gas certificate for the work at Ms Kaur's was also improper. Gas certificates can only be issued by certifying gasfitters or those otherwise authorised to do so. Ms Mok submitted that Mr Stewart was not, and had never been authorised to issue gas certificates and had previously been prosecuted for having done so without authority. She submitted that he had therefore issued the certificate to Ms Kaur fully aware that he was not permitted to do so. She submitted that this reflected adversely on Mr Stewart's fitness to be registered and charge three was proved.

Summary of evidence – Catriona Duncan

15. The first witness was the investigator, Catriona Duncan. The Board considered Ms Duncan's evidence contained in a written statement dated 12 May 2026.

16. Ms Duncan stated that Ms Kaur engaged Mr Stewart to install a gas water heater in or around August 2024. Mr Stewart completed the work in December 2024. Ms Kaur did not obtain a written quote for the work and paid for it in cash. Ms Duncan said Ms Kaur was not aware at the time that Mr Stewart was unlicensed. Over the following two months, Ms Kaur attempted to contact Mr Stewart to obtain a certificate for the installation and, in February 2025, a gas certificate was left in her mailbox.

17. Ms Kaur provided a copy of the gas certificate to her power company, Mercury Limited. Mercury checked the public register on the Board's website and identified that the practitioner who had signed the certificate was unlicensed. Mercury rejected the certificate and advised Ms Kaur to engage a new gasfitter. Mercury also notified the Board that gasfitting work appeared to have been carried out by an unlicensed person. Ms Kaur subsequently made a formal complaint to the Board about the work carried out by Mr Stewart.

18. Ms Duncan stated that she had been appointed in March 2025 to investigate Ms Kaur's complaint. She checked the Board's practitioner database and confirmed that Mr Stewart was a registered certifying plumber but had not held a practising licence since March 2021. She also found that Mr Stewart had been registered as a (then) tradesman gasfitter, now gasfitter, but his registration had been suspended by the Board on 23 August 2024. She stated that Mr Stewart had never been registered as a certifying gasfitter nor had he been otherwise authorised to certify gasfitting work.

19. Ms Duncan stated that the Board's disciplinary decision recorded that Mr Stewart had been found guilty of carrying out unlicensed sanitary plumbing and gasfitting, negligent or incompetent gasfitting, and improper conduct for issuing a gas certificate despite not being a certifying gasfitter. The Board had ordered that his gasfitting registration be suspended until he completed a competence programme in gasfitting. As part of her investigation, Ms Duncan confirmed that Mr Stewart had not completed the competence programme.

20. As part of her investigation, Ms Duncan stated she contacted Mr Stewart who confirmed that he had installed the water heater at the property and knew he did not hold any licences at the time. Mr Stewart also accepted issuing a gas certificate for the work. With regard to the defects with the work, Mr Stewart felt the lagging on the pipes was sufficient and that the pipes were well covered apart from a small section that was in the shade. He told Ms Duncan the gas supply at the property was plugged off at the time he carried out the work, but he had tested it with a manometer, and it was sound.

21. Ms Duncan stated that Nicholas Fleckney, a certifying plumber, certifying gasfitter, and certifying drainlayer, and a technical assessor for the Board reviewed the technical information gathered in relation to her investigation and his findings were covered in his statement.

Summary of evidence – Nicholas Fleckney

22. The next witness for the investigator was Nicholas Fleckney. The Board considered Mr Fleckney's evidence contained in a written statement dated 18 June 2026.

23. Mr Fleckney stated that in mid-2025, he was contacted to undertake a peer review of a technical assessment completed by another technical advisor to the Board. He stated that a peer review involved a review of the technical advisor's report and all the information relied on when preparing the report.

24. Mr Fleckney stated that, as a result of his review of the technical report, he was satisfied that the work carried out at the property involved sanitary plumbing and gasfitting as defined in the Act. Specifically, the work involved installing a gas water heater and associated gas and plumbing pipework connected to the exterior of the building.

25. Mr Fleckney stated that he agreed with the first technical advisor's view that both the plumbing work and the gasfitting work were not compliant. The water pipework was polybutylene, and the gas pipework was multilayered non-PVC pipe. He stated that these materials on their own do not provide adequate protection from environmental conditions. While he did not consider there was any immediate health and safety risk, the pipework could succumb to UV exposure over time and would deteriorate, split and peel. However, he stated that this would take many years.

Consideration of liability

26. The Board considered the charges against Mr Stewart and the evidence put forward by the investigator.

27. Considering charge one, the Board accepted that the evidence established that the work met the definition of sanitary plumbing in the Act, that Mr Stewart was a registered certifying plumber, and that he had carried out the work. The Board

accepted that Mr Stewart did not hold a current practising licence at the time he carried out the work at the property and that this was in breach of section 8 of Act making his conduct contrary to an enactment. The Board also accepted the evidence of Mr Fleckney that the lagging installed by Mr Stewart on the water pipes was not UV stable and in some sections was incomplete. In addition, the pipe he had used was polybutylene which was also not UV stable. Both of these things were contrary to the Code. The Board was therefore satisfied that Mr Stewart's conduct in doing sanitary plumbing unlicensed and contrary to the Code meant charge one was made out.

28. The Board next considered charge two and whether Mr Stewart was guilty of carrying out gasfitting contrary to an enactment. The Board was satisfied that the evidence established that the work was gasfitting as defined in the Act and that Mr Stewart had been responsible for carrying it out. The Board was equally satisfied that Mr Stewart had not been authorised to carry out gasfitting at the time but considered this aspect of the charge was covered by charge three so made no finding against him in this respect. The Board accepted the evidence of Mr Fleckney that the pipe used for the gas pipework was not UV stable and that sections of the pipework had been left exposed, contrary to the Standard and the Code. The Board concluded that charge two was made out in respect of the non-compliant work.

29. Finally, turning to charge three, the Board considered whether Mr Stewart's conduct had been improper in relation to him doing gasfitting in breach of a suspension order on his gasfitter registration, and by issuing a gas certificate when not authorised to do so.

30. The Board accepted the evidence of the investigator that at the time Mr Stewart carried out the gasfitting work at the property, his gasfitter registration had been suspended as a result of disciplinary action. That suspension was in place until Mr Stewart completed a competence programme in gasfitting which he had not done at the time of carrying out the work at Ms Kaur's. The Board considered Mr Stewart's conduct in doing so was improper.

31. The Board also accepted that Mr Stewart had issued a gas certificate for the installation at a time when he was both unauthorised to do so because he was not a certifying gasfitter, and when his gasfitting registration was suspended in part in recognition of him previously issuing a gas certificate when not authorised to do so. The Board considered that this was also improper conduct on Mr Stewart's part.

32. The Board concluded that charge three was also made out.

Summary of investigator's submissions on penalty

33. Ms Mok submitted that the purposes of disciplinary proceedings were not to punish but to ensure public protection and maintenance of proper industry standards through both specific and general deterrence. She submitted that other principles

relevant to the assessment of penalty included the need to ensure rehabilitation, consistency with other decisions of the Board and be the least severe penalty appropriate to achieve the relevant principles and purposes of the proceedings in this case.

34. Ms Mok submitted that Mr Stewart's conduct was highly serious. He was aware that he could not carry out sanitary plumbing or gasfitting without proper authorisation. He also knew that he did not have a practising licence for plumbing and that his gasfitter registration was suspended as a result of disciplinary orders for previous unauthorised work. Ms Mok submitted that, despite this, he proceeded to carry out both sanitary plumbing and gasfitting work at Ms Kaur's property, the work was defective, and Mr Stewart issued a certificate for the work when he was not authorised to do so, conduct for which he had also been previously disciplined.

35. Ms Mok submitted that cancellation of Mr Stewart's plumbing and gasfitting registrations was warranted as his course of conduct showed a complete disregard for his professional obligations, the licensing regime, and the Board's disciplinary process. She submitted that a lesser penalty would be ineffective in protecting the public or maintaining industry standards. She submitted that in light of Mr Stewart's disregard for a previous suspension order, the Board could have no confidence he would comply with any further suspension order. She submitted that this view was further strengthened by Mr Stewart's failure to engage in the disciplinary process and his failure to complete the competence programme the Board had previously ordered.

36. Ms Mok referred the Board to Mr Stewart's previous case, *Cannell v Stewart* (2024/15), which she submitted was factually similar. Mr Stewart carried out plumbing and gasfitting work at a restaurant. He did not hold practising licences in either trade at the time and had not held a gasfitting licence since 1996. The work was defective, though the defects were compliance-related rather than matters of safety. In addition, Mr Stewart issued a gas certificate for the work certifying it was safe and compliant. The Board considered Mr Stewart's conduct was highly serious as he knew he was not authorised and was not permitted to issue gas certificates. The Board was particularly concerned that Mr Stewart had not been carrying out gasfitting for 28 years meaning his skills and knowledge were potentially lacking and could pose a risk to the public. As previously noted, Mr Stewart's gasfitter registration was suspended until he completed a competence programme, and he was also fined and ordered to pay costs.

37. Ms Mok submitted that Mr Stewart's offending in the present case was more serious. Mr Stewart carried out two types of restricted work while unauthorised but did so in breach of a suspension order in respect of his gasfitting. The work was defective and Mr Stewart again issued a gas certificate he could not lawfully issue. She submitted that a significant penalty was warranted.

38. Ms Mok also referred the Board to the recent case of *Radovich v Sen* (2025/10) which she submitted shared some similarities with the current case. In *Sen*, Mr Sen's certifying gasfitter registration was cancelled for lying to an investigator in an investigation into a complaint about unauthorised gasfitting where Mr Sen had provided a pre-signed gas certificate to the unauthorised person. Mr Sen's conduct in that case was considered to be improper.

39. Ms Mok submitted that Mr Stewart could not rely on an unblemished disciplinary history, having previously been found to have work unauthorised and issued a gas certificate he could not issue. Despite being suspended for that offending, Mr Stewart engaged in similar offending showing a complete disregard for his professional obligations or the disciplinary orders.

40. Ms Mok submitted that the Board could require Mr Stewart to pay a contribution to the costs of the investigation, prosecution, and hearing under section 107 of the Act. The usual starting point for an order of costs in disciplinary proceedings was half of the actual costs, though the decision to order costs and the amount were matters for the Board to determine in its discretion. Ms Mok submitted that Mr Stewart's failure to engage in the hearing had put the investigator to the full costs of preparing and filing evidence in support of the charge. In addition, there was no information before the Board that Mr Stewart was unable to pay a contribution towards the costs.

Consideration of penalty

41. 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.

42. The Board considered Mr Stewart's offending was very high in terms of seriousness. His conduct in carrying out further unauthorised work and certifying it, this time in breach of a suspension order the Board had imposed in the interests of protecting the public, was cynical and highly improper. It reflected very poorly on Mr Stewart and was the kind of conduct that was damaging to all practitioners. There were no mitigating factors personal to Mr Stewart, and the Board considered his previous offending and failure to engage in the present case were aggravating factors.

43. The Board determined that both of Mr Stewart's registrations should be cancelled and imposed a period of six years before he could apply to be re-registered. However, the Board was clear that Mr Stewart would have to be able to satisfy it that he was both competent and a fit and proper person if he wished to apply to be re-registered in the future.

Costs

44. The Board was provided with a schedule of estimated costs for the investigation, prosecution, and hearing amounting to $15,995.69.

45. The Board accepted that under section 107 of the Act it could require Mr Stewart to pay a reasonable sum towards costs. Given Mr Stewart's disregard for the disciplinary process, the Board ordered him to pay $9,500 towards costs, which was around 60% of total costs.

Publication

46. The Board determined that details of Mr Stewart's disciplinary orders should be recorded on the public register in the usual way. Any other publication should be at the discretion of the Registrar of Plumbers, Gasfitters, and Drainlayers.

Board orders

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

    i. Pursuant to section 106(1)(a)(i) and (iii) of the Act, Mr Stewart's certifying plumber and gasfitter registrations are cancelled with immediate effect and he cannot apply to be re-registered for a period of six years.

    ii. Pursuant to section 107 of the Act, Mr Stewart pay $9,500 towards the costs of the investigation, prosecution, and hearing.

48. In accordance with section 74(1)(c)(viii) of the Act, the Board orders the Registrar to publish the details of the action taken against Mr Stewart on the register of plumbers, gasfitters, and drainlayers.

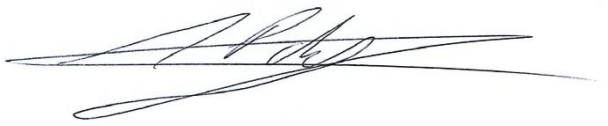
Appeal

49. If Mr Stewart 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 14 October 2026

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board