

BEFORE THE PLUMBERS, GASFITTERS AND DRAINLAYERS BOARD

IN THE MATTER an inquiry pursuant to section 42 of the
Plumbers, Gasfitters and Drainlayers Act
1976

AND

IN THE MATTER of **PAUL BRYNLEY GEE**

AFFIDAVIT OF ANTHONY EDWIN HAMMOND

I **ANTHONY EDWIN HAMMOND**, Gas industry technical advisor and consultant of Lower Hutt swear:

1. I am a director of Hammond Consultancy Services Limited, which was incorporated in 1997 to provide technical and safety services to a number of energy organisations in both the natural gas and LPG sectors. I have been a director of that company since it was incorporated.

QUALIFICATIONS AND EXPERIENCE

2. I have a Bachelor of Science in Chemical Engineering from Aston University, Birmingham, obtained in 1967, and I have been a Chartered Engineer (UK) since 1970. I have been a Member of the UK Institution of Gas Engineers since 1962, and a Member of the New Zealand Institution of Professional Engineers since 1977. I became a Member of the New Zealand Institution of Gas Engineers ("NZIGE") in 1977 and a Life Member in 2005.
3. I worked for British Gas for 22 years before coming to New Zealand in 1976 to join the then Hutt Valley Electric Power and Gas Board as Chief Gas Engineer. This involved responsibility for all technical aspects of the gas supply industry from street reticulation through to inspection of consumers' installations.
4. In 1987 I joined Natural Gas Corporation and held a number of engineering roles in my 10 years with that organisation. I was closely involved in the development of the Gas Act and Gas Regulations that introduced the self-certification process for gasfitting to replace the individual installation inspections as part of the 1992 energy reform programme.
5. I have worked with gas retailers, appliance suppliers and the Plumbers, Gasfitters and Drainlayers Board (the "Board") to help to develop the comprehensive set of controls that are now in place to ensure the safe use of gas. I was closely involved with gasfitter training and competency auditing programmes and was the Gasfitting Examiner for the New Zealand Qualifications Authority from 1986 until 2003.
6. I was involved in the review of a number of New Zealand Standards relating to the Gas Industry and in particular I was chairman of the Standards Committee that reviewed and revised NZS 5261 the Gas Installation Standard in 2003. More recently I have been one of the NZ representatives on the committee developing a joint Australian and NZ Standard for installations.



7. For the past two years I have been a Moderator in gasfitting for the Plumbing, Gasfitting, Drainlaying and Roofing Industry Training Organisation (ITO). Moderation for the ITO involves visits to gasfitting training providers around New Zealand to review trainee assessments.
8. I was registered as a gas inspector under the Plumbers, Gasfitters and Drainlayers Act 1976 ("the 1976 Act") from April 1993 until 31 March 2010. When the Plumbers, Gasfitters and Drainlayers Act 2006 ("the 2006 Act") came fully into force in 2010 the gas inspector category of registration ceased to exist.
9. I was first appointed by the Board as an Investigator under the 1976 Act in 2005. I was appointed as the Board's investigator for 44 separate complaints under the 1976 Act. To date I have been appointed as investigator in respect of four complaints under the new Act. I have also investigated a number of gas incidents for Energy Safety and other energy organisations.

GEE/DARNLEY COMPLAINT

10. I have read the witness statements of Wallace George Gordon dated 9 February 2011 ("the Gordon statement") and Paul Brynley Gee dated 9 February 2011 ("the Gee statement") and I make this affidavit in response to a number of issues raised in those witness statements.
11. On 24 July 2009 I was appointed by the Board as Investigator under section 41(4A) of the 1976 Act in respect of complaint made by Lance Windleburn of the Department of Labour against Paul Gee and John Darnley ("this complaint"). At that time I did not recognise the names of Paul Gee or John Darnley. As I explain below, I subsequently became aware, and now recall, that I had in fact met (on one occasion), and spoken to (on the telephone on two occasions), Mr Darnley. However, I do not recall ever having met or spoken to Mr Gee prior to doing so in the course of investigating this complaint.
12. I first met Mr Darnley to interview him in relation to this complaint on 28 July 2009. I did not recognise his face. However, early on in the interview he said that I might recall that Wyn McIvor and I had interviewed him in relation to his (Mr Darnley's) application for craftsman gasfitter status in 1998. I did not recall that interview, but I did conduct approximately 10 oral technical assessments on behalf of the Board (when I was a member of the Board from 1985 to 1999) as part of the Board's

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process to assess applicants' suitability to be registered as craftsman gasfitters. I have now checked my records, which confirm that Mr McIvor, the Board's Audit Manager and I did meet with Mr Darnley for this purpose on 30 June 1998 at the Board's offices in Lower Hutt.

13. As the investigation of this complaint progressed, I also remembered that I had spoken to Mr Darnley in relation to another complaint I had investigated in Christchurch. The complaint was not against Mr Darnley. I spoke to him on the telephone on 24 June and 13 August 2008 as someone who had information relevant to that complaint.
14. The Gordon statement refers to the fact that I am a member of the NZIGE. The NZIGE is a learned institution for those involved in gas engineering and facilitates the exchange of technical information relating to the gas industry. Since I first became a member in 1977, there have been between 150 and 200 members (the numbers have fallen closer to 120 in recent times). I was the NZIGE Secretary and Treasurer from 1982 to 1988 and its President during 1990 and 1991.
15. The NZIGE holds an annual technical seminar at which technical papers are presented by both members and external technical experts. Until this year the annual general meeting was also held as part of those seminars. Since 1977, NZIGE has also held approximately ten workshops on specific technical matters, which are generally attended by 10-12 members. I have attended two of those workshops. I do not recall ever having met Mr Darnley at any of the annual seminars or the workshops or any other NZIGE gathering. In fact, I did not even realise he was an NZIGE member until I read the motion to dismiss the charges against Mr Gee dated 25 January 2011. The NZIGE also has a committee that meets four or five times a year to manage the affairs of the NZIGE, which includes arranging the annual seminar. I was on that committee from 1983 to 1992. Mr Darnley was never on the committee when I was on it.
16. The Gordon statement refers to Nicholas Hobson. Mr Windleburn, from the Department of Labour in Nelson, told me during my investigation of this complaint, that Mr Hobson, a certifying gasfitter based in Nelson, had been called in by the Police on the recommendation of Tony Smith from Energy Safety to advise on the cause of the incident and the safety of the installation at the Milton Street Fish and Chip Café (one of the installations to which this complaint relates). I therefore spoke to Mr Hobson as part of my investigation on 5 August 2009.

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- 17. I have only met Mr Hobson on one other occasion that I can recall. On 19 December 2006 I interviewed him as someone who had information relevant to a complaint against another gasfitter.
- 18. My previous contacts with Mr Darnley and with Mr Hobson had no relevance to the investigation of this complaint.
- 19. My Investigation Report dated 12 July 2010 in respect of this complaint found there to be substance to the complaint against both Mr Gee and Mr Darnley.
- 20. In respect of Mr Gee, I found there to be substance in relation to Mr Gee's certification (on the Gasfitting Certification Certificate) of the installation at the Milton Street Fish and Chip Café and in respect of his certification, gasfitting and other work at seven other installations. I interviewed Mr Darnley in relation to the Milton Street Fish and Chip Café installation but I did not interview him in relation to the other seven installations (as far as I am aware, he had nothing to do with those installations). The notice of charges against Mr Gee dated 12 August 2010 contains particulars in respect of the Milton Street Fish and Chip Café installation and six of the other seven installations. Mr Darnley will not be called as a witness at the hearing of the charges against Mr Gee.
- 21. In respect of Mr Darnley, I found there to be substance in relation to Mr Darnley's certification, gasfitting and other work at four installations. As far as I am aware Mr Gee had nothing to do with those installations and I did not interview Mr Gee in relation to them. A notice of charges against Mr Darnley contains particulars in respect of those four installations. Mr Gee will not be called as a witness at the hearing of the charges against Mr Darnley.

SWORN at Lower Hutt)
 this 14th day of February)
 2011 before me:)



 A E Hammond

 

BBN WAYNE BATTAH LLB BA PCOD
 Solicitor
LOWER HUTT

A Solicitor of the High Court of New Zealand