

**5 MAY 2011**

**RESUMED [9.03 AM]**

**MR PARKER:** Good morning. We will reconvene this morning, it's just after 9 o'clock thank you.

**MR CORKILL QC:** Mr Chair I think at the moment we are waiting for Mr Neal are we? Are there any other housekeeping or other matters that can be dealt with at the moment?

**MR GORDON:** If you want, to try and speed up time Mr Gee didn't formally produce the exhibits yesterday so we could start running through that.

**MR CORKILL QC:** Mr Gee is happy to do that?

**MR GORDON:** Yep.

**PAUL BRYNLEY GEE (re-sworn)**

**EXAMINATION CONTINUED BY MR GORDON**

Q. Now Mr Gee what we're going to do here is just work our way through the exhibits that you - that were produced yesterday to the Board just to formalise their production. So if you'd like to turn to the tab 16 which is the exhibits and as we just work our way through them I just ask that you explain the relevance of that exhibit please?

A. This is a copy of the - pink copy of the certificate for Hardy Street. If you notice that the 106 and a question mark is on that PG 001. Then on the blue copy, the copy that I retained, there's no address number which shows to me that someone's added to it after I signed it which would make that certificate invalid is per Mr Hammond.

Q. And PG 002?

A. Same situation, just with the quantity columns and quantity columns are empty on the pink - filled in on the pink but empty on the blue.

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Q. And PG 003?

A. My registration number and date of signing are on the pink but is missing from the blue.

Q. And exhibit PG 004/1, that's just a -

A. This was from a jam factory and just - it shows the condition - this is one of the certificates I refused to sign when I left.

Q. And PG 004/2?

A. It's another example of it. Yeah it was filled out for me, pushed in front of me to sign. I refused, so they crossed me out and John Darnley signed it.

Q. PG 004/3?

A. Shows a water heater has been fitted and then deleted. It shows me as the Registered Gasfitter, but my name has been crossed out on the certifier's name. John Darnley's has been put in instead and it shows the Allgas PO Box number.

Q. PG 005?

A. This is the job sheet for Milton Street. First two lines are my handwriting. The next set of handwriting isn't mine, where it says fryer, the type and serial numbers and the mega joule ratings. The pipe size is mine, 25, 20 16, the ticks are mine, and then just the 7.5, 5 minutes and the nil in the left-hand column is mine, but the "leak test" on the right-hand side isn't mine.

Q. And the second page of that one?

A. The second page is - it's basically the pipework I installed up to the bayonets and it stays "install bayonets and test", shows just six hours which is the time I spent there and then just the pipework that was put in inside.

Q. Now, just beside you there you have an exhibit PG 005 A which was the letter from Mr Hobson which was produced yesterday to highlight the 400 millimetres distance from the wall for the fryers is that correct?

A. Yes.

**MR LAURENSEN:** Could I just make a point about - this is being produced?

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**MR GORDON:** That was the one we saw yesterday.

**MR LAURENSEN:** This was Mr Hobson and it says in there and it refers to a statement that he made to me. I accept that I spoke to him, I can't remember if it was exactly that but I've got no problem with it going in. At the end of the day he wasn't called because it was decided he couldn't add anything to Mr Neal from the ESR, but I have got no problems with it going in there.

**EXAMINATION CONTINUED BY MR GORDON**

Q. Now we'll move on to exhibit PG 006, is that the gas certificate for Milton Street?

A. Back in here?

Q. Yes.

A. Sorry. Yes, it is, yep, yep. You can see the quantity column has been changed but that was empty when I signed it. Yeah.

**MR PARKER**

Q. On PG 006 can you just repeat what the point is being made there?

A. I just pointed out that the quantity column has been changed, that was empty when I signed it.

**MR BICKERS**

Q. Are you saying that the type, location, make, model were filled in?

A. Weren't, no, wasn't filled in.

Q. So it's not just the quantity column then?

A. I was just pointing out that it had been changed.

**EXAMINATION CONTINUED BY MR GORDON**

Q. Exhibit PG 007?

A. Is the blue copy for that -

Q. No, no that's the next page over.

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- A. Oh sorry. This is a copy of the pizza oven. I've got quite a bad copy, but I think it's the gasfitter's copy, John Darnley's company but what I noticed with it is that on our copy it doesn't appear that the test results have been filled in.
- Q. And over the page there's another copy which is the gas supplier's copy of the statement document?
- A. Yep it shows again that the test results not filled in.
- Q. And what about the difference in the description of the gasfitting what did you notice there?
- A. There's a line that's been added, yeah. I don't know whether he put two pizza ovens in, but there appears to be a line added.
- Q. And exhibit PG 008?
- A. It shows the configuration of the connection at the - downstream of the regulator, showing the 3/8 valves, and 3/8 tee and with pig tales attached.
- Q. And this is Milton Street?
- A. Yep.
- Q. And is the fittings how you installed in?
- A. No the connection that was in there originally by me was just a brass with pig tales going into it.
- Q. Exhibit PG 009?
- A. Is the Mussel Boys job card. Top half of that isn't my writing but from 2.75 in the burner pressure downwards would be my writing.
- Q. And over the page - and with regard to the - can you just explain the layout?
- A. The original place with the fryer that I installed is indicated in from the edge of the doorway or wall there and that - exactly where that is now is where I believe the Blue Seal hob I think, I think it's a Moffat is now installed.
- Q. And PG 010?
- A. Shows the Moffat hob that I'm on about, shows the wall that is indicated in the drawing and shows the fryer's been moved along the wall probably about a metre and a half.
- Q. And PG 011 and 012?
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- A. This is not how I install chains to restrain cookers or fryers or any movable gas appliance. This is not how I do this, they've put it round the back legs by the look of it.
- Q. PG 013?
- A. Is Greenwood Street, pink copy, I am a hundred percent sure that that cooker has been added after I signed it.
- Q. PG 014?
- A. That's the tee and I'd only seen when I went back to check, there were all these silicon holes to weather proof the holes. I know that's not my work, it doesn't look like my work.
- Q. PG 015?
- A. It's not a very good copy but on my photograph that's in the exhibit I can't see any markings but we've got here photographs I think.
- Q. Now, also beside you there you have PG 015A, B and C which are all - they were produced yesterday?
- A. So PG 015 is a clearer copy in C with the scruff marks. Can we pass -
- Q. You've got - you need those passed up?
- A. Yep. These are photographs I took on the 3rd of August, probably a good four months before Mr Hammond took his photographs.
- Q. Now, you also have there PG 015 D in that pile beside you?
- A. That was Mr Donnelly's initial statement that he e-mailed to me. Yep.
- Q. Do you have those in a pile beside you?
- A. I do. The same one that he confirmed when he was here.
- Q. Exhibit PG 016?
- A. It's a picture - it's another bad copy but it shows the configuration before the altered carpark in the rubber bowling green, the black area is the rubber bowling green to the left-hand side of the building.
- Q. Now, to the left-hand side of you you have exhibits PG 016 A, B, C, D and E?

**MR BICKERS:** You gave us those.

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**MR GORDON:** Oh they were produced yesterday, yep.

**EXAMINATION CONTINUED BY MR GORDON**

A. I haven't got a copy in front of me.

Q. That's fine, just move on, we discussed those yesterday.

**MR CORKILL QC:** Well just confirm that they're documents he obtained and wishes to produce.

**WITNESS:** These are easily obtained from the council files, yeah and just shows what the configuration was on February 05 which is a good year and a half after I installed the 8 Ball cylinders.

**EXAMINATION CONTINUED BY MR GORDON**

Q. Now PG 017?

A. Is another bad copy, but it's as it is now with the new build - I can just see the new building at the bottom left-hand of the right angle and the new carpark.

Q. And PG 018?

A. Shows how it is now. The fence lines - the old fence line indicated there, I think in the other photographs it shows pooling of water there too.

Q. And what about on the wall was there -

A. On the wall there there's a - if you look to the left-hand side of the cabinet, probably about two and a half metres the first sort of post, then you've got a downpipe then a vent pipe by the looks of it, the nearest one is a wooden post with bolts hanging off it. So it lines up exactly where the fence line would have come out and along.

Q. Exhibit PG 019?

A. Is evidence that I fitted a chain to the string of bottles.

Q. And PG 020?

A. Is the same chain, just a better photo.

Q. PG 021?

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- A. Is where the cylinder enclosures been notched to go round the pipe which, you know - yeah it goes around the pipe not behind it. It guess over the pipe.
- Q. Exhibit PG 022?
- A. This is the copy of a letter that when I contested fitting Rinnais within a restricted 1,500 millimetre, I was given this letter along with the next page stapled together.
- Q. And you wanted to mention something about the top of the fax?
- A. Oh the top of the fax you will notice is dated the 20th of August 2003 which would totally tie in to when I was given it, and you will notice it's from Rinnai New Zealand.
- Q. Now, also attached there now is PG 022A?
- A. Yep.
- Q. Was the email you referred to yesterday?
- A. Yep.
- Q. I got in touch with Rinnai just to see if R 1400 kit was still relevant. Apparently they stopped using them two years ago, which would have totally covered when I did the job.
- Q. Now, yesterday when you gave your evidence you mentioned a letter from Westport Holiday Park, do you have that there as PG 022 B?
- A. I do. Yep this is the letter. I sort of like, I felt quite guilty ringing her. She was quite upset. She said she found - she felt herself to be quite hounded by what had happened and I said to her - I asked her if she could turn up and she said she's pretty much over it, she didn't want to get involved any more but she was happy to provide a letter, which she did.

**MR LAURENSEN:** Can I just - I haven't seen that, can I just have a look at this?

**WITNESS:** There's a copy here.

**MR LAURENSEN:** It will be just in terms of weight.

**WITNESS:** I've got the original here.

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**MR LAURENSEN:** (Mr Laurenson refers). Well if I could - first of all I wouldn't accept a lot of what has been said in terms of my conversation with her, but leaving that aside, in terms of weight I'd just like to explain - taking into account too the evidence that Mr Hammond has given in relation too in relation to conversations with Mrs Montgomery, what basically happened is that Mr Hammond as he explained has spoken to Mrs Montgomery some time last year, he then after that made a site visit in January, spoke to her husband. He then told me what he'd found and what he had said and what she had said. I then phoned her in February. She told me a number of things, it says there that she found me rude and things, all I can say is that all I did is I listened to what she had to say, I asked her various questions. I then spoke to Mr Hammond because what she had said was inconsistent with first of all what Mr Gee had said and what Mr Hammond had told me she and her husband had said previously. So given that Mr Hammond had been to the site, spoken to the husband and had spoken to her previously I asked him to then call her back to see if he could get to the bottom of what was the position. You have heard evidence of what happened. He then phoned her and was told by her that when he started making various enquiries she become aggressive and uncooperative and you will see the note too of what she said to him, that was different from what she told me. As a result of that, made the decision that I couldn't be confident that what she was going to say was going to be accurate, so what I decided to do rather than call her was to tell Mr Gordon that we'd spoken to Mrs Montgomery, the she had relevant information but that we did have questions about the accuracy of it. So I was providing him of notice of that so that he could speak to her and if wanted to call her if he felt it appropriate to do so he of course could. And I'd also make the point that as Mr Hammond gave evidence yesterday, what she ultimately told him about what Mr Gee said wasn't favourable to him anyway and that was that she had at no stage said to him - sorry, that he had had no stage said that the windows should be screwed shut. So it's not as if we were trying to cover anything up, it was purely that we

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thought there were real questions about the accuracy so we turned the witness over to Mr Gordon and as a result of that I'd also in terms of weight take note of the fact that she isn't giving evidence now anyway. Other than that I don't have anything to say. It can go in, the Board can put any weight they like on it. It just adds to the background.

**MR CORKILL QC:** I will give the Board a direction about that. The Act is clear that you have wide discretion to admit evidence that might not otherwise be admissible in a Court of law. This document, although I haven't seen it, is apparently an email from a witness, Mrs Montgomery in Westport, it qualifies I suppose as hearsay evidence because she's not here to confirm the evidence here self. You have the ability to receive hearsay evidence, and indeed you have received quite a lot of it already anyway. What is often said about evidence of this kind is that admissibility is one thing and weight is another. So when you look at it, when you consider if, you will need to consider it in the total context of everything we've heard including evidence from Mr Hammond about it, and any evidence which Mr Gee might later give about it. So - and indeed the statement the counsel has just made as to apparent references in it about his involvement. Those are all matters of weight which is proper for you to weigh into the scales when you look into the document. So on that basis you are putting in the document, a statement has been made about it. It becomes an issue of weight.

**MR GORDON:** Yes, that's fine.

**EXAMINATION CONTINUED BY MR GORDON**

Q. Exhibit PG 023?

A. Is a diagram I drew trying to show how being fitted inside the flush box would actually make the job - make the heater nearer the window than - it was a better job to fit the heater on the wall.

Q. Now you wanted to explain regarding the balance flues and force flues?

A. Can I - it's probably easier if I use the whiteboard.

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**MR CORKILL QC:** Have we finished with that Mr Gordon?

**MR GORDON:** Yes, we have.

**WITNESS:** With a balance-type flue it works on gravity - this is just for the layman people here, the gasfitters will know all this, the hot gasses being less dense rise and they rise under their own weight as such. So if we add a wall like this, (indicates) with a window like that, and this being a vent, this would sort of come up almost like cigarette smoke and it would come underneath the window. Now, with the power flues and this is why I used the tech note, and I thought that the biggest supplier of califonts in New Zealand was - had a bit of weight behind them. You've got a wall like this with a unit with an exhaust, now if I fitted it in the flush box it would be further this way, that's what this dotted line is trying to show. It's not fumes as Mr Hammond said. Now from experience these fans, they're quite powerful and they shoot the gasses out and they sort of - they exhaust away from the building. Now I would never go inside the measurement I had from Rinnai, but in theory the nearer that would go to the window, almost the safer it would be, because it blows it away from the building and then it drifts up. Now with Malvern Ave they said that this is predominantly the prevailing wind which would push this back in. But it was on the back side of the house that was facing away from the coast; I would have thought that the prevailing wind wouldn't have come from the hill. So I believe I had a 500 mm clearance, because it was a little bit more, 540, and I thought that it would clear. I did not put it there thinking I'll just stick it there, it's easier. I put it there in good faith. But a balance flue, I think the Reg is dated more for this type of application and I would agree with that.

**MR CORKILL QC:** Perhaps if in the next break we can run a copy of that and it can become part of the record?

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**EXAMINATION CONTINUED BY MR GORDON**

Q. Exhibit PG 024?

A. It's a copy of Powick Street, it's been marked as "park" probably because of my accent.

Q. PG 025?

A. Is a copy of my job sheet that I print off myself and fill out. This is how I keep my records.

Q. PG 026?

A. Is the - shall I do the reverse of the -

Q. Oh yes.

A. That's just what I used, it says a "valve set", I carry a water valve and a gas valve which is what I call a valve set which is marked as "2", because there's two valves but you will notice it says "NC" for one, so there's no charge for one because I only used one valve and that valve I installed on the Infinity 32. The fittings, it says 26 mm pexal elbows, 9; pexal 25 mm doesn't go through the walls, the timber very easily. You can't thread it like half inch, I tried to use more elbows, and the etc" pad would be the fitting to change it into copper to connect onto the existing supply for the existing cylinders.

Q. Now, exhibit PG 026 -

**MR BICKERS**

Q. Mr Gee can I just reconcile PG 025 shows a test date of the 20th of the 7th 04?

A. Yeah.

Q. But PG 024 says the test date is the 20th of the 9th 04?

A. The date on the job sheets would be definite, I would look at my calendar using my cellphone while I'm there, and I think when I transferred it onto the test sheet it's probably a typo, I've copied it down wrong.

Q. So PG 024 is incorrect are you saying?

A. It should say 7, I was there on the 7th.

Q. Okay but you didn't -

A. It's a mistake taking it over.

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- Q. But you didn't submit this though until the 21st of the 10th?
- A. I used to, which is wrong now I understand, I used to try withholding my certificates until they paid just for leverage, a lot of people don't like to pay.
- Q. So that's why it ties in with the invoice day of the 12th of 10th. So you wrote it after you got the invoice?
- A. Yeah, I hadn't noticed that, yeah.

**EXAMINATION CONTINUED BY MR GORDON**

- Q. So exhibit PG 026?
- A. Is the invoice for Craddocks Energy Centre. That was where I would be paid by Craddocks for the job.
- Q. Exhibit PG 027?
- A. This is - this is basically an example of the letter that's totally destroyed my business to be honest. It pretty much ties in with the date there, I could show you my financial records is when my business started to cease and flounder. It went down 30 percent.
- Q. PG 028 might be beside you is the photo produced yesterday of Powick Street? So PG 028.
- A. Yep. It shows the water heater where it was when I got there. As - it wasn't moved by me, it was put in by the plumber I think.
- Q. And PG 029?
- A. If we look at the west elevation it should tie in - you've got where the water heater is now and when I got there I'm pretty sure the cylinders were on that piece that sticks out like a little sort of extension as such, just on there - on the floor - on the ground.

**MR CORKILL QC:** Sorry just pause Mr Gordon to make sure the Board members have got that. Mr Gordon can you hold up the documents that the witness is just talking about?

**MR GORDON:** PG 028, (indicates). It was handed out yesterday apparently. And the other one was 029.

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**MR BICKERS:** Okay thank you.

**MR PARKER:** Can you just highlight what you're talking about regarding the -

**MR CORKILL QC:** Mr Gee should do this.

**EXAMINATION CONTINUED BY MR GORDON**

Q. Can you just highlight - just stand up and show the Board where -

A. On the plan or -

Q. Both. Show them on the photo first where the water heater is?

A. You can just see there, (indicates), like a white square, just by there.

**MS INESON:** Can you turn it around?

**WITNESS:** Sorry, just there. So between - you can see there's like a white area?

**MS INESON:** Yep.

**WITNESS:** That's it's Infinity 32 which I put the seal in the down floor. And then on the west elevation, that would put the Infinity up here, (indicates). And I re-run the pipework from the cylinders that were here, before the extension started.

**MR LAURENSEN:** Can I just see too please?

**WITNESS:** Cylinder here, water heater here, and what I am referring to is that one there. (Indicates).

**EXAMINATION CONTINUED BY MR GORDON**

Q. PG 030, this hasn't been viewed yet, I have just supplied Mr Laurenson with a copy of it. Do you have any objections to that document?

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**MR LAURENSEN:** To what sorry? No.

**EXAMINATION CONTINUED BY MR GORDON**

Q. Just describe that please?

A. It's a data badge off the Infinity 24. When we started getting the late evidence in I drove down to take a photo. You will notice that the serial number says 04, which I have been told by Rinnai is the year, and the 09 is the month. And when you correspond that to my job card which is carried out on 07 apparently I was to have fitted a heater that didn't exist because that was when it made in Japan. And that serial number would tie in with the last Infinity 24 that was sold on the 14th of the 1st 2005, bearing in mind that the heater actually shipped from Japan would go through the usual supply sort of channels.

Q. So just to clarify, that was year of manufacture was 04?

A. Yeah.

Q. The 09 is the month?

A. Yeah.

Q. And the remainder of the serial number is the?

A. The ID number.

Q. The ID, and from Rinnai that's when it's made in Japan?

A. According to Rinnai and according to the badge.

Q. And your job was done in 0?

A. 07.

**MR PARKER**

Q. Can you just - so what is the significance of this piece of paper?

A. This is the serial number of the 24 that I was apparently according to Mr French, which I think he isn't telling truth, that I was meant to have been called in to fit. Now the date on my invoice is 08 month, so I was apparently installing a heater that was two months away from being conceived and built. So I just don't see how that could happen. My invoicing, I only billed the man once, and for that date.

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- Q. So just the relevance of the serial number versus the date you are talking about, you joined these two?
- A. This serial number indicate the heater was built in September, and my job sheet says I did the job in 07, what month is that, that's July.

**EXAMINATION CONTINUED BY MR GORDON**

- Q. So are you saying that Mr French stated yesterday that you installed the Infinity 24, are you saying that's impossible because the 24 wasn't manufactured then?
- A. Yeah.
- Q. It was still two months away from actually being built, is that correct?
- A. Yeah.
- Q. So you are saying Mr French is lying totally?
- A. Well, I can't see how he can make that happen.

**MS INESON**

- Q. How can I see on this piece of paper, this is this one,?
- A. Yeah.
- Q. That is it a Rinnai 24?
- A. There's an in-built rating mega joules per hour, that says 188, and if you look at the top it says "model RAU 2425 W-2K" that would indicate it's a 24. If I was to take the photograph any further away the serial number wouldn't come out.

**MR PARKER.**

- Q. One other question, just to ensure we've got the years right?
- A. Yeah, the 04/09.
- Q. So we are talking about the same year but only talking about a difference of a month?
- A. That's right.

**EXAMINATION CONTINUED BY MR GORDON**

- Q. Exhibit PG 031?
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- A. Invoicing to Ross French from Caltex Westport.
- Q. These were the documents produced yesterday, for invoices?
- A. I got these on the 28th, the same day that Mr Hammond got the other statement from was it Mrs - on the 26th of the 7th 2001, this is - oh the XR 24 was purchased. The original one that I believe is on the original certificate. If you go over the page then - the writing on this isn't mine, it came through on the fax. You will notice then on the 9th of the 10th a 24 was brought in and credited and a 32 was re-sold, which was the one that I believe - well I know I piped out and the serial number corresponds, because the serial number on my job card is 01 and turning the page again, the 7th of the 10th 04 would be when he was billed for my work and then way after I had done anything for him he was sold, in the following January of the following year, the second 24 that he says that I was called in to fit, which I find quite impossible.
- Q. PG 032?
- A. These are electronic copies of the Milton Street cert.
- Q. Which were supplied to the Board yesterday?
- A. Yeah.
- Q. And PG 033?
- A. This is a letter on the 16th of April 20/11, Nick Smith provided - we'd been to sort of reaffirm his initial letter that was dated on the 6th of the 6th of the 6th when I approached him telling him exactly that they were fraudulent certs and someone was going to get hurt. And this is going on by what I was trying to warn about. I'd just like to say now when it talks about the Board in here, I'm referencing the old Board, not the new Board. This is an historic thing and I just wish they'd acted.

**MR CORKILL QC:** Have you seen this?

**MR LAURENSEN:** Just now, yes.

**EXAMINATION CONTINUED BY MR GORDON**

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- Q. Now I just have a - I just wanted to confirm, with the gas bottles for Powick Street, where were the gas bottles situated?
- A. I didn't move them, they were on the - I haven't got the drawing, but on that part that sticks out on the west elevation.
- Q. Ground or?
- A. Oh ground, the bottles were on the ground, yeah.
- Q. And were you shown plans of the alterations?
- A. No, no. Earlier when I said the extension hadn't started, the actual build hadn't started but the building work had started.

**MR CORKILL QC:** Mr Chairman, I think it's agreed that for the moment you will resume your seat and Mr Neal will give his evidence if he's present.

Just before this evidence is led Mr Chair I understand TV 1 propose to attend the hearing, possibly arriving around 10.15. I am inclined to suggest that there be an adjournment when they arrive because they'll have to be apprised of the restrictions that exist in relation to their filming and they will have to be positioned and so on so on, which will take a moment to do and I think it's better that it happens during an adjournment rather than while the Board is sitting. So I just flag that, I understand around 10.15.

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**MR LAURENSEN CALLS****DAVID PETER NEAL (Sworn)****EXAMINATION BY MR LAURENSEN**

Q. Is your full name David Peter Neal?

A. It is.

A. And you have signed a statement in relation to this matter dated 26th of January 2011? There's a copy of it in the bundle in front of you if you have a look there and have a look through it.

A. Yes.

Q. Is that a copy of the statement you signed?

A. It appears to be, yes.

Q. Can you read it please?

A. "I David Peter Neal state: I am a forensic scientist employed by the Environmental Science and Research Limited, ESR, at Kenepuru Drive, Porirua.

On the 10th of April 2009 at the request of the Nelson police I investigated the scene of an explosion which I understand occurred the day before on 9 April 2009 at the Milton Street Fish and Chip Cafe at 136 Milton Street, Nelson. I then prepared a statement dated 1 May 2009 detailing what I found during that investigation, which is attached to this statement. I confirm that my 1st May 2009 statement is true to the best of my knowledge and belief.

Q. And is that statement that you refer to attached to the statement that you are just reading?

A. A copy is attached, yes.

Q. Carry on?

A. During my investigation I took a number of photographs of the scene including the following photographs that are numbered 1 to 17 and attached to this statement.

Q. Just pause there. Now, can you please look at tab 13 in the bundle in front of you and just look through 1 to 17, are they the copies of some of

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- the photos you took and the 17 that you refer to in your statement? Are they the photos you took?
- A. They appear to be, yes.
- Q. Now, just a question Mr Neal, when you arrived at the scene what was your understanding as to whether anything had been moved or anything in relation to the - what you had taken photographs of?
- A. As far as I was aware other than initial investigations, nothing had been moved. What initial investigations the Fire Service conducted I'm not completely sure, but the major items of I suppose you could call them furniture and appliances did not appear to have been moved.
- Q. When you arrived what was - were the police present or who was - what was the scene like, were there people that were allowed in and out or?
- A. The scene had been closed down by the police. It had been cordoned and I arrived with the police officer investigating. So there was no access to the scene because it was a potential crime scene and no-one had been allowed through.
- Q. Carry on reading please from the first bullet point?
- A. "Photograph 1 shows the area between the back of the two gas powered fryers, referred to in my 1st of May 2009 statement, and the wall behind the counter of the shop after the fryers had been moved away from the wall during my investigation. I do not recall there being any form of restraint such as a chain fitted between the gas fryers and the wall, and nothing appears to be visible in the photographs taken at the scene. We did not have to disconnect anything in order to move the gas fryers away from the wall. The back of the left most gas powered fryer, the left gas fryer, is closest to that wall, in the top left corner of the photograph. The yellow pipe, bayonet fitting and flexible gas hose shown in the photograph were connected to the left gas fryer.

Photograph 2, shows a closer view of the electrical sockets and orange plugs which were connected to electric fryers shown in photograph 1.

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Photograph 3 shows a closer view of the yellow pipe, bayonet fitting and flexible gas hose shown in photograph 1, which were connected to the left gas fryer.

Photograph 4 shows inside the front of the left gas fryer. The front cover of that fryer was open when I commenced my investigation.

Photograph 5 shows a closer view of the length of fabric inside the left gas fryer holding the flexible gas hose off the floor, which can also be seen in photograph 4.

Photographs 6 to 9 show the flexible gas hose connected to the left gas fryer after I had removed it.

Photograph 10 shows the area underneath an electric fryer, with the two gas fryers in the top left corner of the photograph - the left gas fryer with its front cover open and the right gas fryer with its front cover closed. The yellow pipe, bayonet fitting and flexible gas hose shown in the photograph were connected to the right gas fryer.

Photograph 11 close a closer view of the yellow pipe, bayonet fitting and flexible gas hose shown in photograph 10, which were connected to the right gas fryer.

Photograph 12 shows another view of the length of fabric inside the left gas fryer holding the flexible gas hose off the floor.

Photograph 13 shows another view inside the front of the left gas fryer.

Photograph 14 shows the area between the back of the row of fryers and the wall behind the counter of the shop before the fryers had been moved away from the wall during my investigation. The two gas fryers are nearest to the front window of the shop.

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Photograph 15 shows a closer view of the area between the back - the area behind the two gas fryers before they were moved away from the wall. The bayonet fit connecting to the left gas fryer is away from the wall and appears to be sitting on top of a white plastic pipe. The bayonet fitting connected to the right gas fryer is below that and appears to be against the wall.

Photograph 16 shows the bayonet fittings and flexible gas hoses connected to the gas fryers after the gas fryers had been moved away from the wall during my investigation. The bayonet fitting and flexible gas hose connected to the left gas fryer is at the top of the photograph. The bayonet fitting connected to the left gas fryer is further away from the wall than that connected to the right gas fryer.

Photograph 17 shows a closer view of the yellow pipe, bayonet fitting and flexible gas hose shown in photograph 1, which were connected to the left gas fryer.

#### **CROSS-EXAMINATION BY MR GORDON**

- Q. Thank you for attending today Mr Neal. Now if you look to number 13, copies of your same photos, if you go to number - Photograph 18, 18 and 19, these were both photographs that were supplied to us, are they photographs that you took?
- A. I don't believe so. Couldn't be a hundred percent sure of 18, but definitely not 19.
- Q. You don't know the person in photo 19?
- A. I don't believe so, no.
- Q. These were photos that were supplied to us by the Investigator that the police had taken or allegedly taken and were taken immediately after the explosion. So we were just trying to clarify whether they were taken before or after your investigation - or your scene examination, as you'll see the cookers are out of the way on photograph 19 and the pipes are
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- disconnected from the hoses, but that wasn't the case when you went into the scene?
- A. I was the person who disconnected the hoses, so no the hoses were attached to the fryers and they were against the wall and to all my knowledge those fryers had not been moved before I arrived.
- Q. And the floor sort of indicated that, we just want to confirm this.
- A. That's correct, the physical evidence indicates that the fryers hadn't been moved.
- Q. How many photos did you take of the scene?
- A. Hold on a second. I took 127 photographs of the scene.
- Q. And who selected these 17 photos pertaining to this?
- A. I was asked to give comment on those 17 photos by Mr Laurenson.
- Q. So you didn't select them, Mr Laurenson selected the photos that we're looking at?
- A. That's correct.
- Q. So the numbering on these I take it, this is not your writing?
- A. The?
- Q. The numbers on each of the photos?
- A. No that's correct, that's not my writing.
- Q. So that will explain why they're not sort of in a logical sequence, they're sort of all over the place?
- A. It could do, yes.
- Q. Now, did you write your own statement or was that written for you?
- A. Which one?
- Q. The one that you've just read?
- A. The statement regarding the photographs was provided to me by Mr Laurenson and I edited it and it is based on my statement of the - that I provided on the 1st of May 2009, as well as phone conversations with Mr Laurenson.
- Q. Now, I just have one question - well sorry, just going back to the photos, so you've supplied I presume a proof sheet or was it actual photos to Mr Laurenson of a hundred plus photos?
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- A. I believe I supplied - I think a disc some time in January this year I believe. I can't recall if I sent all of them, but I imagine I would have.
- Q. That will be fine, it's just we haven't been provided with a full proof sheet, the only photos we've seen are the 17 that were there?
- A. In that case I probably only provided those 17, but to be truthful I cannot remember which photographs I provided. I imagine it came from discussion over photographs, particularly around the pipe that was the I suppose the cause of the explosion, the breached pipe and those photographs 1 to 17 would have been selected for that reason.
- Q. Okay so targeted in that one area?
- A. Those are the best representative photographs that I have of that area, yes.
- Q. Okay that's great. Now I've just got one further question really and that's to do with the explosion itself, you have deemed that to be the source, I just wanted to confirm about the movement of gas, because the majority damage seems to be out the back where the wall has been pushed out --
- A. That's correct.
- Q. -- And I would have thought, because I've seen a few explosions before, that the main concentration of gas would have actually been at the source and the majority of the damage would have sort of been in that area, could you comment on that at all please?
- A. I can indeed. Gas explosions, unlike a high explosive such as dynamite, with a gas explosion what you are doing is you are creating pressure and it's the pressure that does the damage, so by burning the gas you increase the pressure in an area; by burning that gas quite quickly you increase the pressure very quickly. The pressure then builds up within the compartment it's in and it will exploit the weakest area, the weakest link. In this case that happened to be the wall at the back, so there were no doors to stop pressure build up throughout the entire premises, and it's the weak areas that exploded - sorry, that were displaced. The gas concentration often at the source or the leak doesn't correspond with the area of most damage. The area of most damage is to do more with how the pressure affects the structure that it's contained within. Were it a high
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- explosive such as your traditional military explosive such as dynamite, then yes all your damage would be in the area where the explosion originated but with these sorts of gas explosions that's not the case.
- Q. So I can take it then that the back wall has blown and you've said it's left no pressure, so those fryers haven't - they basically haven't moved at all they've just?
- A. I don't believe those fryers would have been moved by the explosion, no.
- Q. Okay, so the pressure's blown out the other side?
- A. The pressure builds within the room and then the weakest area fails. It does happen very quickly and that's why you get an explosion and seemingly immediate movement of walls and windows. However, if you were able to look at it on a relative scale being able to slow everything down, the pressure would build, you'd see windows bow, and then something would fail. So you don't get a massive movement except for things that are affected by the pressure build up, so flat large objects, large surface areas will be affected but something like a bottle sat on a table, because the pressure builds up in the whole room all at once that bottle would stay dead still.
- Q. And I just want to confirm about the scene, so in your opinion there's no reconstruction, no-one had put things back in place, particularly the fryers, no-one had taken them out and gone oh perhaps we should put them back?
- A. Not to my knowledge.
- Q. I just saw there was a couple of photos where things have been moved but perhaps that's when they were trying to secure the area?
- A. It could have been. I do have - I was supplied a copy of the police photographs which were taken on the night of the explosion and that one with the photograph 19, with the Investigator there, is not among them.
- Q. Okay so the police have told you those ones are the ones they took the night of the -
- A. Yes, I got those from the police photographer, the person who would have taken the photographs. We tend to as standard get a copy of the police photographer's photographs.
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Q. So perhaps the photographs that we were provided by the Investigator, he was mistaken of where they actually come from?

A. He's quite correct with where they came from, but those pipes were removed by me so it has to be after my investigation.

**MR CORKILL QC:** Mr Gordon just before we go back to Mr Laurensen, I gather the witness has proofs of all his photos with him, do you wish to see those photos before we move on?

**MR GORDON:** Yes, if possible please.

**MR LAURENSEN:** When you have finished looking at them could I have a look at them too please?

**WITNESS:** If I may, a question was asked earlier about the photographs that were supplied. I have just had a look through my file and found a copy of the email that I was responding to when I sent those 17 photographs and Mr Laurensen asked if I could please send any photographs that I took showing either of the two flexible gas pipes connected to the gas fryers and the wall behind the fryers and the backs of the fryers themselves, so those were why those 17 were chosen, they are of those gas fryers and of the wall behind those gas fryers.

**CROSS-EXAMINATION CONTINUED BY MR GORDON**

Q. So I take it Mr Laurensen must have read a report about the cause of the explosion at that time how would he know?

A. I couldn't say.

**MR CORKILL QC:** That's for Mr Laurensen.

**MR LAURENSEN:** I'm happy to answer that at some stage later, but I'm not the witness here.

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**MR CORKILL QC:** We're probably going to have the adjournment in a minute anyway so if the parties need to look further at them during the break, that's possible as well. Do you have any other questions for this witness' evidence?

**CROSS-EXAMINATION CONTINUED BY MR GORDON**

- Q. Just based on those photos, I'd like you to look under tab 13, and look at photos 15, 16 and 19, I obviously know that 19 is not your photo, now we have a situation particularly in this case where the bayonet's shown in three different locations, three different positions. I just wanted to confirm that the position it's in in photo 15 was the first position that you saw that bayonet in?
- A. That's correct. The photograph 15 was taken before I moved anything away from the wall, as is standard practice.
- Q. So we can take it that the pipe fell down on to the floor as you were pulling it out?
- A. The pipe moved out from the wall as I pulled the fryer away from the wall, yes.
- Q. And if you just look - like to look back at 15, the photo here could just be sort of an illusion, but the pipe seemed to be kinked after the tee which comes to the first bayonet which is closest to us, the pipe just seems to be kinked there, was the pipe kinked or -
- A. I couldn't say for sure, you are right it appears kinked in that photograph, but I couldn't say for sure.

**RE-EXAMINATION BY MR LAURENSEN - nil.**

**MR HARDIE**

- Q. Just a couple thank you, I think you've just answered one just then, but I do have another one, it was suggested earlier that a pipe clip secured the gas pipe to the wall, are you aware of having discovered any pipe clips when you pulled the equipment out that may have fallen through the wall?
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**MR CORKILL QC**

Q. Mr Neal, just while you are finding your position, it's fair to say that yesterday Mr Gordon acting for Mr Gee on the top green diagram indicated that the horizontal gas line was attached by three clips, and you can see three words "clips" up on the screen there?

A. Yes.

Q. I think that's the context of the question you are being asked about.

A. No I don't recall there being any clips, definitely in the area behind the two gas fryers. We didn't move the electric fryer which was further along, but that area behind the two gas fryers, I don't recall any clips and I have nothing in my notes indicating that we had to remove the pipe from the wall.

**MR SIMMISS**

Q. I've got a question Mr Neal, and I know it's not your photos but I'm just trying to get the sequence right in my mind, the explosion took place on the 9th of April and I guess the police secured the area. Photo 19, which isn't yours, was that the gasfitter that secured the area on the night of the 9th? Would you - you can't clarify that for me?

A. I can't clarify that. As far as I know, no-one would have been allowed into the scene.

Q. But they called a gasfitter to ensure the gas area was safe?

A. I'm not sure.

Q. It says in the notes somewhere along the lines?

A. I'm not sure, I do know that the gas bottles outside were disconnected and had been disconnected by the explosion and I can only comment on what normal procedure would be that if you doubt have to go into the scene you wouldn't go into the scene, but you'd have to ask the police officers in charge of the scene.

**MR PARKER**

Q. Can I just turn to photo 16 please, I just want to get some clarity here, photo 16 and the difference between that of photo 15, 16 which shows the

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- left-hand bayonet off the wall, you are saying it was taken off - it came off the wall when you were pulling out the appliances?
- A. I don't believe it came off the wall, I think it slipped from the pipe, but we found no resistance when we rolled the fryers forward.
- Q. So it could have well been not attached to the wall?
- A. Could very well have not been attached to the wall.
- Q. The damage to the pipe there, which is the steel braided pipe which is the left-hand one of the pipes?
- A. That's correct.
- Q. This was not caused by the explosion?
- A. No it would not have been caused by the explosion.
- Q. This was LPG, different to natural gas --
- A. That's correct.
- Q. -- is there anything different in the way therefore the LPG leakage has got an explosive outcome versus say natural gas?
- A. Yes. LPG, or in this case it was handy gas which is propane.
- Q. Some people here may not understand so can you be -
- A. Yeah, so there's natural gas which is the gas that's piped into most homes is methane and that's quite a light gas and that mixes very well with air, so if you have a leak of methane you get quite a nice mix in a compartment and that mixes quite well. With propane, in this case liquid petroleum gas or LPG, that's heavier than air, so as it comes out of the pipe, if you can imagine you've had a pipe full of water and if the pipe leaks the water's going to flow out and down rather than just mixing as you would expect a gas to mix. So in this case the gas being heavier than air would have flowed along the floor in my opinion from that pipe and would have filled an area as if you were filling the room with water, so just slowly from the floor up. With heavier than air gasses they do travel along the floor and to get an explosion a gas has to be within its explosive limits. There is a lower explosive limit, below which is not enough gas to cause an explosion, you may get a small flare of flame but you would not get an explosion and there's an upper explosive limit where beyond that there is too much gas and not enough oxygen to support any continuing
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combustion. Between those two limits, you've got the lower explosive limit and the upper explosive limit, and between those, somewhere in a perfect range is called stoichiometric mix, or an ideal mix, your gas has to be within its explosive limits and find an ignition source before you get an explosion. With a gas that's heavier than air, that gas flows along the floor, in this case, and finds usually something low down as an ignition source, whether that be, as I believe in this case a fridge compressor clicking over and just causing a minor spark or a switch or a timing device activating, all of these sorts of things. In my opinion this explosion was between that explosive limit and that ideal mixture, somewhere between those two limits. For propane I'll just check my notes, but yeah, the explosive limits are between 2.2 and 9.5 or 6 percent in air and the ideal mixture is at about 3.8 percent, or 3.9 in air.

- Q. I can't recall what time of day this was, but could you perhaps run through what you think the sequence of events was, was gas leaking the day before or was this an immediate rupture of say the pipe, the gas leaked and then there was an ignition source?
- A. It's difficult to comment for certain. Information I received said that people had been complaining about smelling gas for a few days, at least, that was some information I was briefed on. The breach in this pipe here would have caused quite a fast leak, quite an immediate leak and I suspect that that breach would have been broken that morning, I believe the fire - the explosion occurred at approximately 9 in the morning, somewhere around there.
- Q. I just have one last question. Would you then, the two are related, do you see that in this situation LPG is considered a more volatile gas perhaps than natural gas then?
- A. Chemically speaking, no methane is more volatile than LPG. But no, in this situation the difference between the two I would say is negligible. If this had been a methane leak it may have just been a light switch or even a high up, like a heater could set is off.
- Q. So the leakage was because of some working of the pipes over a period of time --
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- A. It would seem to be.
- Q. -- become old, it need an ignition source, do you know whether these are intrinsically safe switches or not, or whether they should have been?
- A. Within say for, for example, the fridge?
- Q. Fridge or freezer?
- A. They wouldn't have been intrinsically safe, to make an appliance intrinsically safe would make your appliance worth thousands of dollars because to actually make something intrinsically safe is very difficult.
- Q. Could you just explain what we mean by intrinsically safe?
- A. Something that's intrinsically safe guarantees that the components within that piece of equipment will not go above a certain temperature and that any sparks that have to occur within that equipment occur within a sealed container so that a gaseous atmosphere cannot penetrate it. Intrinsically safe equipment is extremely expensive and extremely specialised.

**QUESTIONS ARISING BY MR GORDON**

- Q. I've got one - there's one photograph in here which is we think is quite relevant and that the Board should possibly view, how would you like to?

**MR CORKILL QC:** Well is the proof useful?

**MR GORDON:** Yes.

**MR CORKILL QC:** Right, Mr Neal would you have any objection to that proof sheet being placed before the Board? You will lose the copy in the meantime, you can presumably run off copies from the CD?

**WITNESS:** I would prefer you took a copy.

**MR CORKILL QC:** Ms Phillips?

**MS PHILLIPS:** Yes.

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**MR CORKILL QC:** Right. Is that acceptable to you Mr Gordon?

**MR GORDON:** Yes that's fine.

**MR CORKILL QC:** Show the witness what you are referring to, and Mr Laurenson.

**QUESTIONS ARISING CONTINUED BY MR GORDON**

Q. This photo here and I'm going to discuss this pipe here coming down on an angle. Now as was just explained to you before, Mr Gee installed the pipe coming down the wall and he said that he installed it across level just by the stainless steel. On that photo, I think it's number 92 is it fair to say that that pipe actually shows it coming down on an angle from where it comes down the wall then comes on an angle rather than straight across?

A. It does, yeah.

Q. It does show that?

A. And the pipes were at floor level behind the fryers.

Q. So it would be fair to say that if someone was actually piping it out there would be no reason for them to come down and go on an angle, you would generally come down and 90 degrees and go across - could be?

A. I don't believe I could comment on that, as a person who has never piped anything out.

**MR CORKILL QC:** Could the Board please just be shown that photo Ms Miller?

**WITNESS:** It's number 92 on there.

(Mr Laurenson refers). (Board members refer).

**MR PARKER:** I think what I'm trying to understand by looking at that photo is the orientation of pipes because obviously the pipe is quite long and I'm trying to understand your interpretation of the pipe compared to say photo 16.

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**MR GORDON:** Well, possibly if you go to -

**MR PARKER:** Sorry - no no, which I sense in picture 16 are pipes that are behind the fryers?

**WITNESS:** That's correct.

**MR PARKER**

Q. Behind the appliances against the wall. The pipe that I see here seems to be a pipe coming down the side of a wall before it goes across the back of the fryer, so it's actually out of the picture, you can't see it in this picture?

A. You can't see the pipe that's in the photograph you are looking at now in any of these photographs it's - if you were, for example, were to look at Photograph 14, from where the photograph is taken, from where the photograph is taken which is right next to the yellow pipe there, the pipes in the photograph on that contact sheet are up and to the right of me as I take that photograph.

Q. So could I ask you, if we start from the right-hand side of this picture here, which is the bottom of say 14?

A. Mmhmm.

Q. Right?

A. (Nods).

Q. And then you were to look against the back of the appliances which is this orientation being offered here, would you draw where you whether you think the pipes run like that, or whether you think this picture shows that the pipes start here and finish off towards the floor?

A. I'm not sure if I quite understand you, however the pipes were not visible from in front - if you were just standing looking at the fryers.

Q. You wouldn't see them?

A. The pipes disappear behind the fryers.

Q. And that is what's being suggested here, but the debate here is actually how they were configured on the wall, and I think what I'm hearing being mentioned is that they started at the high point on the right-hand side and

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- have actually finished if you look behind one of the fryers, almost close to the floor?
- A. They were floor level.
- Q. Which would mean it was starting to drop down at a angle say of 35, 40 degrees, I was just asking by looking at that photo and the photo that's been presented, Exhibit 92, whether that - if you drew it - would you be willing to draw what you think the orientation of those pipes are, compared to what's on the whiteboard?
- A. Other than the pipes behind the gas fryers being at floor level and what happened along behind the electric fryers, because there was a bank of three electric fryers, I did not make note of, and don't believe I could actually help.

**MR HARDIE**

- Q. Just a supplementary question with respect to this I guess debate on the photograph, is it possible - you mentioned there would the weak link with the explosion was at the rear wall, is it possible that that weak link has been moved and caused the pipes to displace and fall down from the proposed original positions?
- A. The pipes would have taken some movement, so it is possible, the pipe was still attached to the wall that moved, so the pipe is now stretched across the alleyway, so there's that extra metre and a half, two metres of movement on the pipes. Whether that's moved the pipe well within the shop itself I couldn't say, but there did not appear to be any sort of other valves, so there was a regulator, no other valves between the regulator on the gas cylinders and the gas fryers, so I'm assuming that the pipe was all connected.
- Q. And just to clarify my first question was regarding pipe clips, there was no indication of any clips?
- A. I have no recall of them and have nothing in my notes regarding pipe clips.
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**QUESTIONS ARISING CONTINUED BY MR GORDON**

- Q. Could you please look at Photograph 10 you can actually just in my copy, I can just faintly see the yellow pipe sort of coming along reasonably level towards the right-hand side of the valve and then it seems it come up on quite an angle - yeah sorry, on the right-hand side of the valve it seems to come up on an angle?
- A. It does appear to. I'll see if there's any that are any clearer. Yes I have a clearer copy here if you want to have a look.
- Q. But it does start to come up on the angle as indicated?
- A. It has quite a, I would say, definite - this is photograph 10, it's just a little bit clearer copy, you can see that it goes down to nearly floor level, probably about half a metre above the floor maybe, just above the blue vinyl you can see that you've got the bayonet fitting and then there's a metal and yellow pipe going directly up from that and then towards the right-hand side of the photograph the pipe curves upwards.

**MR CORKILL QC:** Can the Board retain that copy?

**WITNESS:** If you wish.

**MR PARKER:** Unfortunately our copies in that area are black.

**WITNESS:** In fact if you wish you can have all of them freshly printed.

**MR CORKILL QC:** That might be useful. So we'll produce as a separate bundle the originals of the photos from Mr Neal. PRODUCED AS EXHIBITS - Mr Neal's original photographs

(Witness excused)

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**MR LAURENSEN:** You might like to think about this over morning tea. This exhibit PG 022A that has been produced, this wasn't put to Mr Hammond and I'd seek to recall Mr Hammond to just answer any questions that he has in relation to this. So I make that application.

**ADJOURNED [10.39 AM]**

**RESUMED [10.57 AM]**

**MR CORKILL QC:** Mr Chair, just a couple of housekeeping matters before we move to the cross-examination, the first is that I am advised that the television people have travel difficulties and are not now going to attend the hearing at all. The second matter I just want to confirm that I'll, as I understand it, with the consent of the Board, be leaving the hearing at 12 noon for a fixture that I unfortunately have in the Court of Appeal this afternoon at 2.15. I'll however be available in if advice is needed through the telephone system that is set up in the hearing room. Both Mr Laurenson and Mr Gordon are aware of the fact that I need to leave, there is no objection to that course and so with the Board's consent I will depart at 12 noon. I have asked them both whether there are any procedural issues that might entail my involvement before I leave and I understand there is not.

**PAUL BRYNLEY GEE (re-sworn)**

**CROSS-EXAMINATION BY MR LAURENSEN**

- Q. Mr Gee do you have your statement in front of you at tab 15?
- A. Yep.
- Q. Can you please just look at first of all paragraph 11 and you say there that "as my time progressed with Allgas I had great concerns with the processes and procedures"?
- A. Yeah.
- Q. What - when you are talking about processes and procedures, are you talking about your concerns about their dealings with gas certificates?
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- A. More workmanship and attitude towards safety. More to do with attitudes and to safety and how they conducted their work.
- Q. When was it at Allgas when you first became concerned about their certification processes?
- A. About the time I gave them back, I can't remember the exact figures, about 20 certificates and refused to sign them.
- Q. Look at 18, is that what you are referring to there "Since I became aware that something wasn't right with the certification processes I refused to sign quite a large batch of certificates, this is just before I left"?
- A. Whatever the - yeah, roughly.
- Q. And so at that time what gave rise to that concern, just before you left?
- A. I was getting called to jobs that were potentially lethal. I could run you through a couple of examples if you like?
- Q. Well, you can if you like.
- A. I'd like to. I got - you've got an enclosed combustion area for a fire, if you can imagine there's a solenoid coming in underneath with a standard pilot, the solenoid activates the main burner with a standard pilot sort of - when the solenoid opens it cross-lights and it all fires up. It's got a glass front. Now I walked onto a building site and the builder said to me "are you that moron from Allgas?" I said "what's your problem?" He described it to me, I said "phone your wife straight away, tell her to turn the gas off, it sounds very dangerous". I went there on the way back home from work, I knocked the door, I went in, I said "oh hi, have you turned the gas off?" She said, "yeah I just flicked the switch off at the wall", so she's isolated the solenoid electric and the solenoid is passive, so it doesn't solve anything, the thing is still as it is. I thought oh bugger, so I ran out, sort of walked into the room quickly and this lady's grandkids are playing face height with the glass, you know if this was to explode, and the main burners sort of pip pip pip, puffing, so what's happened is the solenoid's leaking and it's cross-lighting and luckily for the months and months that Darnley and his son-in-law, two totally unqualified untrained supposedly gasfitters had been there to fix a couple of times, this is why the guy was upset, his grandkids are playing in front of it. I literally ran up to the house
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- and turned the gas off as quickly as I could, everyone is sort of oh what's your problem? For a second, if that gas had blown away from the pilot long enough to build up a proper mixture that would have gone off like a shocker, I turned up to Darnley and I said - the man he's not a gasfitter he's a mechanic, and he told me that he's more qualified than me because he was a mechanic and a gasfitter.
- Q. So you were concerned about the workmanship and things, was there anything about - what I was interested in is when did you first start in terms of the certification process, are you saying that that was --
- A. I started -
- Q. -- a concern because they had certified that?
- A. No I'm not, nothing at all had been certified on that job.
- Q. So what I'm asking is when you - you said that there was something wrong with the certifications, this is at paragraph 18, so you refused to sign quite a large batch of certificates, I'm just interested in when you first became aware that there was a problem that you've talked about in that you thought information was being added to the certificates after you'd signed them?
- A. Oh the actual thing of being added would have been just after I left, just after I left.
- Q. Okay. And was that the Supplejack - Supplejack Valley?
- A. Yeah.
- Q. And so that is the - was that also the Haven Road?
- A. No that was another, that was the January after, from memory it was January 05.
- Q. So Supplejack Valley, that's -
- A. I phoned in December and then I followed it up with a letter January 04 I think from memory.
- Q. Just looking at paragraph 23 you say you approached, this is part way down you say "I approached Nick Smith and said the first two lines were blank pertaining to Haven Road".
- A. That was Haven Road.
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- Q. Yes, "I stood firm by my stance of added information since seeing these colour copies". Have a look in tab 12, B 48, which is the letter to might be Nick Smith I think?
- A. Yeah. What was that again?
- Q. 48 in tab 12.
- A. Yeah.
- Q. So first of all you refer there to I'm looking at about halfway down, you say "after I left Allgas", you see that, December 03?
- A. Yeah, "to repair Supplejack", yeah.
- Q. So this is a job where you are -
- A. Shall I tell you why I didn't sign it off?
- Q. Yeah, this is one where you hadn't signed the certificate isn't it?
- A. Yeah. Why I refused? I put - it's a poly block aluminium building, really big gas burners there for the jam factory. Mr Darnley just wanted to put them in, hook up the gas. I wanted a solenoid on the main line and a paddle switch on the fan, so that you could not turn the burners on without the fan being on to give plenty of ventilation. After I left Allgas I got called by Rockgas and they showed - pulled up a cert and said well you can go out there, because I was contracted to them, and I said "I didn't sign that off" and I looked at it and it had no signature on it but it was in my name. So I went out there, the paddle switch was a pressure switch hanging on a bit of wire and the solenoid was wired into a three pin plug, which totally bypassed everything I was trying to do.
- Q. So you had real concerns about that?
- A. Yeah.
- Q. Just down further in your letter you say "around the same time", you see that, this is just down below that?
- A. That would be a mistake, because if you look at the actual letters that I sent in, they would be the year after, and probably because this is January 04 and January 05 I probably got confused.
- Q. Okay. But anyway, but you say "around the same time I was contacted by Allgas to report to a gas leak?
- A. So it would have been a year later.
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- Q. But this refers to the Haven Road one, does it?
- A. Yep.
- Q. So Haven Road, that's one where you are saying that information was added to the certificate after you had signed the certificate, isn't it?
- A. Yep.
- Q. Can you just have a look at that certificate?
- A. Yeah I distinctly remember that the bayonet was two lines down, on the gasfitting work.
- Q. So if you just go to your exhibits bundle tab 16 PG 002?
- A. Yeah.
- Q. That's the Haven Road one that you are referring to?
- A. It is.
- Q. My understanding is that you are saying the concern there was that you had signed it, but that when you signed it the only entry on it was the third line down "Bayonets"?
- A. Yeah.
- Q. The bayonet fittings?
- A. Yeah.
- Q. So you are saying that you are concerned because -
- A. If you remember, when I went to see Nick Smith I had no access to these pink copies, I just had the blue copy.
- Q. Yep.
- A. What I was saying is borne out by the information that's missing in the quantity columns and the different coloured ink because the ink actually runs off I think by memory halfway through the location, it was back to blue.
- Q. If you look over the page you've got the blue copy haven't you, your concern is still apparent there in that you are saying the two lines on the blue copy -
- A. The quantity columns, yeah.
- Q. You are saying that they weren't there when you signed it, only the bayonets?
- A. Only the bayonet, yeah. And my job card reflects that.
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- Q. So this was - this Haven Road incident --
- A. Yeah.
- Q. -- this was by this stage you are concerned that you've had a situation where you say that information's being added after it's been certified by you?
- A. Yeah.
- Q. And so some time after that is when you wrote the letter to Nick Smith isn't it, to Dr Smith?
- A. No, no.
- Q. Well, okay -
- A. No because that was when I wrote a letter to the Board in January 05. I approached Nick Smith in June 06, the year after that, so I tried telling the Board three years in a row, one after the other.
- Q. Yeah, and I can take to you that letter but at the moment I'm just talking about the Haven Road property. If you go back to the - to 48?
- A. 40?
- Q. 48.
- A. Yeah.
- Q. Now, so you have got that, that's tab 12?
- A. Yeah.
- Q. So that's the letter to Dr Smith?
- A. To Dr Smith? No - this is - yeah this is the letter I took to Dr Smith's office, yeah.
- Q. Again this is the Honourable Dr Smith?
- A. Yeah, yeah. Yeah, yeah.
- Q. And you have said further down where you are referring to the addition of the bayonet fittings, that's the Haven Road property?
- A. The addition, yeah.
- Q. And if you just go back to 34?
- A. In 12?
- Q. Yes.
- A. Yeah.
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- Q. Down the bottom there you are referring to the letter to Dr Smith that you sent in May 06?
- A. Not me - oh no, that 06 is wrong.
- Q. Okay well this is - just go back to 30, this is the second voluntary statement that you made --
- A. Yeah.
- Q. -- and provided to Mr Hammond?
- A. Yeah.
- Q. You are saying there that -
- A. The letter to Nick Smith was in June 06.
- Q. So, that's wrong, so it's -
- A. Yeah.
- Q. So it would have been sent in May 2006?
- A. I took it with me to his office.
- Q. Okay, took it to his office. So at that stage in that letter you are setting out to Dr Smith the incidents where you have concerns about information being added --
- A. Being altered.
- Q. -- after?
- A. Yeah.
- Q. And they are the only ones you are aware of at that stage aren't they?
- A. Yeah, yeah
- Q. And the reason you became aware of that, the Haven Road one was because there was a report of a gas leak to Allgas?
- A. That's why they got in touch with me.
- Q. Yeah, so that's - was there a problem with the installation?
- A. See why - the old certs used to, when I was working there all the problems went through the office, when I left people were getting in touch with the certificate person in charge of it, yeah.
- Q. Now, these - the blue certificates, you realise they are the certifier's copies?
- A. Which I got hold of early the next year. I left in the December. I believed - I'm on \$20 an hour working for someone; I'm thinking the office is doing
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- their job, which I don't think they have, and they're keeping their records. And I - what am I meant to do, have an office at home when I'm working for someone?
- Q. No, just - I'll ask the questions. So that the blue copies you are aware, were you, under the Gas Regulations that as the certifier -
- A. Records should be kept.
- Q. For seven years?
- A. Yeah.
- Q. Did you know that at the time?
- A. That records should be kept, yeah, but not personally by me.
- Q. You weren't aware of that?
- A. No I wasn't aware --
- Q. Okay?
- A. -- personally by me, I just thought it was okay for the records to be kept.
- Q. Now, going to your exhibit and I'm just going to refer to the blue copies that you have put in the exhibits, tab 16, exhibit PG 01 and so on. You've got a number of blue copies of the certificates there?
- A. Yeah. Yeah.
- Q. So when did you get the blue copies of the certificates?
- A. Probably the following year some time, you're talking how many years ago was it, nine or ten years? Some time after I left.
- Q. So you left in December 2003?
- A. Yeah.
- Q. And you think it was some time the following year in 2004 that you - what did you do, you went to?
- A. I went in there and asked for copies.
- Q. This is to Allgas?
- A. Yeah.
- Q. And why did you go and ask for them then?
- A. Because I wanted to keep copies because I wasn't working there any more.
- Q. So it was about a year later though you did it was it?
-

- A. No, the following year, you know, December end of the year, beginning of the next year.
- Q. So it was right at the beginning of the next year, so would've been January/February?
- A. I don't know. I couldn't give you - what were you doing that day? Do you remember? I can't remember.
- Q. But you are saying it's early in the following year -
- A. It definitely wasn't more than two years after. It wasn't instant, I couldn't give you a firm date.

**MR PARKER:** Just when we talk about years, could you actually state what the years are please between you and the witness?

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. So we're talking about early in the year 2004 you went to Allgas and asked for?
- A. To the best of my recollection.
- Q. And you asked for what, all -
- A. I just asked them for any paperwork they had that was for me.
- Q. So if you look at PG 006 you can see both the pink and blue copy of the Milton Street certificate?
- A. Yeah.
- Q. So you would have received that at the same time in early 2004?
- A. It was about the time I was trying to get people to look into it, yeah - yeah.
- Q. Okay. So - and you said you just asked for any paperwork that -
- A. I can't remember exactly the words but I asked for things pertaining to what I did there.
- Q. Did you get job sheets or anything like that?
- A. A couple, yeah, not - it wasn't exhaustive, there wasn't one for every job.
- Q. Could you just please go to page 12 of tab 12?
- A. Yeah.
- Q. Now, that's a statement that you made and provided to -
- A. It was written by my lawyer, yeah.
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- Q. In response to a complaint you were giving a response to?
- A. I was trying to get it fixed, yeah.
- Q. So if you just go to page 14, you will see under the heading "Milton Street Fish and Chip Shop" you talk about doing some initial work there, and then at 9 you say "after I left Allgas and a concern arose in respect of another site", is that Haven Road?
- A. Where are we?
- Q. Oh sorry, paragraph 9. Oh, where are you?
- A. You said 14?
- Q. 14 of tab 12.
- A. Here, having reviewed the certificate which has been issued for Milton Street. Am I in the wrong -
- Q. You might be, tab 12 should be the Investigator's documents. My tab 12 page 14 is -
- A. Oh page 14, I'm looking at paragraph 14, yeah.
- Q. So paragraph 9 you are saying - do you see that?
- A. Can I read it?
- Q. Yeah of course.
- A. Yeah.
- Q. So you say there that after you left Allgas a concern arose in respect of another site --
- A. Yeah.
- Q. -- is that another site Haven Road?
- A. Yeah I think so, yeah. That's the one referred to.
- Q. So you've got a copy of the certificate?
- A. Of which certificate? The pink or the blue?
- Q. Well, I don't know you tell - presumably -
- A. I was only allowed at the time copies of the blue which I got. I tried getting them from the Board but they wanted \$25 per copy and I couldn't - I had no way of marrying them together. And when Mr Hammond came to the first interview he brought pink paper with black writing. So I had no way of telling the difference.
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- Q. What I'm talking about here though is at paragraph 9, and you've already told us that early in 2004 you went to Allgas and asked for copies of gas certificates?
- A. Yeah.
- Q. So what I'm saying is it was after that - it was in early 2004 that you got a copy of the Milton Street - the blue copy of Milton Street?
- A. Blue copy, yeah.
- Q. So blue copy 282245?
- A. Yeah.
- Q. And just go over the page, you say at - you see paragraph 10 there?
- A. Yeah.
- Q. You say "At the time that I obtained a copy of the certificate, I also obtained a copy of the job sheet for the work"?
- A. Yeah.
- Q. So the - so once again in early -
- A. I had been trying to tell the Board many times mate.
- Q. I'm not asking about that.
- A. Can we get to the question please cos -
- Q. I'm just making it clear on what you got and when. So at the time, so that's in early 2004 as well as getting the blue copy of the Milton Street certificate, you also got a copy of the job sheet?
- A. Yeah.
- Q. So if you just go to B 28 - 28 of tab 12, so just carry on through that bundle until you get to 28?
- A. Yeah.
- Q. Now, that's the work sheet you are talking about?
- A. Yeah.
- Q. And over the page, the second page of it?
- A. Yeah.
- Q. So in early 2004 you had a copy of the blue certificate for Milton Street --
- A. Yeah.
- Q. -- and this work job sheet as you call it?
- A. Yeah.
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- Q. Now, after you got the - became aware of the problem with Haven Road --
- A. Yeah.
- Q. -- and that you thought that information was being added after you'd signed certificates --
- A. Yeah.
- Q. -- did you then go through the other documents you had and try to work out whether or not there were any other problems with other certificates?
- A. I was very inexperienced with paperwork. I've got, you know, sort of going threw things back and forth like we are now, I'm a plumber, I could probably do a better job now mind, I've had two years of it. And I'm not from Nelson, they are just addresses to me on paper.
- Q. But surely it must have been a real concern to you according to you -
- A. I tried to tell everyone, yes.
- Q. Yeah okay. When in relation to the Haven Road property --
- A. Yeah.
- Q. -- you discovered that some information, two lines of information had been added after you had certified it?
- A. When did I discover this?
- Q. For Haven Road you've told us.
- A. Yeah, I'm saying when are you saying that I discovered it that?
- Q. Well you tell me. It was obviously some time before you wrote the letter to Nick Smith?
- A. You know when you go into work and they give you a pack of papers like that, I knew there was a few that didn't quite add up, so I tried to get it looked into, I was totally ignored. If I'd have seen that and recognised it at that time believe me I would have gone straight round to John and I would have told him, and the Board. But I just didn't pick up on it.
- Q. So -
- A. And I have tried to tell people since, many times.
- Q. You said to me earlier that when you wrote the letter to Dr Smith in May or June of 2006 you referred -
- A. No, I -
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**MR CORKILL QC:** Just listen to the question Mr Gee please.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. You referred in that letter to the installations in respect of which you had concerns about information being added to the certificates after you'd signed them?
- A. Right.
- Q. And so what I'm saying to you is that given that by the time that letter was written to Dr Smith, that you had both the blue copy of the Milton Street certificate and the work sheet which showed, according to you, you had only installed pipework --
- A. Yeah.
- Q. -- why didn't you make reference to that in the letter -
- A. I obviously missed it. I didn't sit down and go through probably 200 - how many sheets of paper would there be? There was about 90 certs, probably 50 job cards. I've got a young family. I'm not a paperwork - I understand the importance of paperwork and - but it's not something I sit down and do for fun. I tried to get Allgas to finance it.
- Q. Just look at page 61 of tab 12 please?
- A. Yep.
- Q. This is a letter that you've written to the Board?
- A. 6th of January, bearing in mind we had Christmas in between and I left Allgas on the 2nd of December I think.
- Q. So it's a letter of the 6th of January 2004 to I think the then Registrar of the Board?
- A. Colleen Singleton, yeah.
- Q. And what you're saying there is you've got some real problems about certificates which are unsigned and not completed in your handwriting?
- A. It wasn't - yep.
- Q. So from at least January 2004 you are saying that you've been very concerned about what people at Allgas have been doing to your certificates?
- A. Yeah.
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- Q. And so once again I'm asking you why when you got the - wait until the question is finished - why when you got the blue certificate for Milton Street which recorded you as certifying the installation of two fryers and you also had the work sheet which you say shows that you had only installed the pipework --
- A. Yeah.
- Q. -- why didn't you bring that to anyone's attention?
- A. Because I missed it, I didn't see it. If I had seen it I would have gone straight to the Board, I would have gone to Nick Smith, I would have gone to the papers, I would have done everything else that I've done for two years. Two years.
- Q. Now, just look at paragraph 23 of your statement, which is tab 16?
- A. See, I don't memorise things like this. 16, page?
- Q. Sorry, I put you wrong. It's tab 15 sorry, of your statement. Paragraph 23, you see that it says "That as a result of the investigation into me I have been supplied copies of the gas certificates issued in my name which was about the time that I realised information had been added"?
- A. Yeah. Beyond that, yeah.
- Q. But it's - that wasn't the first time that, as you've said, you became concerned?
- A. Oh no, no no no, no I had been concerned for a long time.
- Q. Now, could you please go to page 30 of tab 12?
- A. Yep.
- Q. Now, you recognise this as being a statement that you made --
- A. Yeah.
- Q. -- voluntarily and sent, I think, to Mr Hammond?
- A. Yeah.
- Q. Now, if you just have a look please at paragraph 7 on page 33?
- A. Yeah.
- Q. You say there "I have previously stated my concerns about Allgas' practices regarding work"?
- A. Look, the words before that says "I have been presented documents called".
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- Q. Yeah, I am just coming to that. "I have previously stated my concerns about Allgas' practices regarding work undertaken and being signed off. When I was initially spoken to by the investigator I was presented with documents cold --
- A. Yeah.
- Q. -- I expressed the view that perhaps my signature had been forged"?
- A. Perhaps, yeah.
- Q. So before, up until this stage, you hadn't been suggesting that information had been added had you?
- A. I think all we're really - what's the word, establishing here in two different ways I've tried to get it looked into for many years, whether it be the signatures were forged or whether there was things added to it.
- Q. But before - up until this stage though, you had just been saying "I didn't sign it" hadn't you?
- A. How many years ago was it?
- Q. For Milton Street?
- A. How many years ago? I said potentially it could have been forged. I was going to jobs, I was seeing work that I hadn't done, I was looking at the certificates and I was thinking - none of it is in my handwriting and I couldn't work out how this was happening.
- Q. But by the time you had done the second statement --
- A. Yeah.
- Q. -- prior to that you'd already done a first statement through your lawyer hadn't you?
- A. Yeah.
- Q. And so obviously you knew that there was a real concern about what had happened in relation to Milton Street?
- A. I knew as soon as I looked at the paper on the way out.
- Q. So you would have immediately looked at your documents in relation to Milton Street and found that you had the blue copy of the certificate and the worksheet?
- A. I suppose, yeah.
-

- Q. And yet you were never suggesting in the first statement that the information had been added afterwards, had you?
- A. It's just the best of my recollection.
- Q. Now, just back to 7, you've referred to documents presented to you cold, which documents are you saying were presented to you cold?
- A. Is this the first -
- Q. Sorry, going back to paragraph 7 on page 3e?
- A. Yeah, is this -
- Q. This is your second voluntary statement.
- A. What am I - where am I talking about? Is it the first interview when it was cold?
- Q. Sorry, this is the second voluntary statement.
- A. But I must be talking about the first interview.
- Q. So what I - I suppose I'm just asking you which documents are you saying were present to you cold?
- A. Well you get a phone call, you want a meeting, you sit down and, Mr Hammond sat on the other side of the table and he just goes like that (indicates) and asks you to comment on it.
- Q. So are you saying that you were presented - I mean the relevant documents presumably are the blue certificates?
- A. No, no no no, the pinks. The pinks that I had been trying to get hold of since January 05. See it got to the point where I was getting big lawyer bills and I was getting asked to pay \$25 per copy and I couldn't afford it. Which I told them over the phone.
- Q. Well, I suppose I'll just in fairness to you ask you, before you made the second voluntary statement --
- A. Yeah.
- Q. -- prior to that you'd had two interviews with Mr Hammond?
- A. Yeah.
- Q. And you'd provided another statement?
- A. Yeah.
- Q. And I suppose I just ask why is it that it's not until at this stage that you are saying it's not forged but information's been added?
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- A. This says "Perhaps the signature's been forged". I mean I'm a plumber. I - procedures, all this sort of - pipes and fittings no problem.
- Q. Now just can you please go to paragraph 40 of your statement which is tab 15? You say there that - have you got that there?
- A. Yeah.
- Q. So, you recall asking about -
- A. Yeah, when you've had two years to lay awake every night really trying to rack your brains what happened, listening to your wife crying into her pillow because your business is going under because of letters that don't reflect the truth, you tend to think about stuff a lot, you recall stuff. Yeah. I do recall that.
- Q. You recall that - you say Mr Darnley pointed out the pipework box ticked?
- A. There was three of them at the table, you had Mavis, the daughter-in-law, Mr Darnley, I pointed out I said "why isn't there any appliances on this?" They said you're not putting appliances in. He said - he pointed at the pipe box and said "that's what you did isn't it?"
- Q. So you are saying that -
- A. This statement was written quite recently, after I'd had time to think about it.
- Q. Because this is the first time in this statement that you've ever mentioned that Mr Darnley said that to you, isn't it?
- A. Yeah. Yep.
- Q. Is there any reason why you wouldn't have mentioned that before?
- A. I haven't remembered it.
- Q. So at that time you say you asked, were you - did that mean that you particularly remembered that certificate?
- A. Look, I don't know even know if it was that particular certificate, but I definitely asked him at that time, "why is that thing empty, that appliance part empty?", because Mr Hammond referenced another one where it was filled in, but that wasn't my handwriting either. It -it was endemic there.
- Q. So after that did you believe it was acceptable practice because you'd just done -
- A. After that, what, a couple of weeks ago?
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- Q. No no sorry, after Mr Darnley pointed that out to you --
- A. Yeah.
- Q. -- that - that it was okay to just tick the box?
- A. He's the only man I've ever received, up to that point, any training. See I thought he was a time served gasfitter that had 40 years under his belt.
- Q. So presumably after that then are you saying that you thought that that was what you should do, if you only do the pipework just tick the -
- A. As per Mr Darnley, yeah. When I left his employment I questioned everything he told me, but during the time I worked there, why wouldn't - I had no reason to sort of doubt him, especially for the first couple of months.
- Q. So you presumable - did you keep on doing that in certificates where you've -
- A. I couldn't comment mate. I don't know, I'm not going to swear off the top of my head.
- Q. Can you just please look at the Milton Street certificate which is I think 71 in tab 1. Now, I know that you say that the line in the description column wasn't there when you signed it?
- A. Yeah.
- Q. What else - if you go over to the right-hand column information what information in there do you say was on it when you signed it? Was all of that information on there, when I say the right-hand column I'm talking about all the way down to the category, type, regulation down to the date?
- A. Well to the best of my recollection, you are talking 11 years ago.
- Q. So the date under your signature was on it when you signed it?
- A. Well the office - it's not my handwriting.
- Q. I know, but I don't think there'd be any issue with the fact that someone in the office, the practice was to fill out?
- A. Yeah, so how can I comment?
- Q. What I'm asking though is when you signed it, presumably the date would have been on the certificate under your name?
- A. Presumably.
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- Q. So you - when you signed it you are signing it as dated the 26th of June 2003?
- A. Presumably.
- Q. So, presumably that is when you would have signed the certificate 26th of June 2003?
- A. Presumably.
- Q. You are saying though that you had finished your work what, on the 15th of June, is that right?
- A. Yeah it appears that way.
- Q. But given that that date is the 26th of June, doesn't that suggest that although you might have done some testing on the pipework after you installed that on the 15th of June, you have then certified the installation, whatever was there, on the 26th of June 200?
- A. Yeah that's what it appears to be.
- Q. And of course by that time the fryers have been delivered to Milton Street on the 24th?
- A. I wasn't aware of that. I did - all this information is only coming out now. I didn't know then.
- Q. Just still on the Milton Street certificate which is at 71 of bundle 12. Now my understanding is that what you are saying is that all you did was to install the pipework?
- A. Definitely.
- Q. And the bayonet fittings on the wall?
- A. Yes.
- Q. Now, you will recall I took you to it and we discussed the Haven Road property?
- A. Yeah.
- Q. And that one your concern was that all you had certified was the bayonets the bayonet fittings?
- A. I had done the extension to the existing supply.
- Q. But - so if you go to PG, this is tab 16 sorry, and go to PG 002, you see Haven Road one there?
- A. Yeah.
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- Q. So there you've - one of the things you accept you did do there was to install the bayonet fittings?
- A. Yeah.
- Q. And that's recorded there and you've certified it?
- A. Yeah appears to be.
- Q. So at Milton Street you say that you thought it was sufficient to just tick "pipework installed", wouldn't you also though have needed to include a line in description of bayonets?
- A. Not as per John Darnley.
- Q. Why did you do it -
- A. I was working totally under the instruction of John Darnley. I was doing as I was told.
- Q. But just look at PG 002, that appears to be dated, is that some time in June 2003?
- A. 5th it looks like, yeah.
- Q. And you've put -
- A. I haven't put anything.
- Q. Well, bayonet fittings are signed off?
- A. Yeah.
- Q. But why have you, just under pipework and bayonet fittings didn't you ensure that bayonet fittings were included on the Milton Street certificate?
- A. I didn't fill it out.
- Q. But you must take some responsibility surely for --
- A. At the time.
- Q. -- what you're signing?
- A. At the time - I do take full responsibility, I thought I was signing off work that I'd done, I can't help what people put on there after I give the certificates back altogether.
- Q. But all I'm asking, I suppose, is that - if what you say is correct and that all you were certifying was the pipework and bayonet fittings, I'm just asking why you didn't insist when you filled it out?
- A. I didn't insist anything when I worked there, everyone else there insisted that I did things, I didn't get a chance to insist.
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**MR CORKILL QC:** Mr Gee it's very important in this process that we have question and then answer. I know it's hard, but it's partly so that we can record it properly and partly so we can follow what's going on. Just keep on eye on that.

**WITNESS:** Sorry.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. You've heard the evidence of Gwen Morrison?
- A. Yep.
- Q. And you've seen the documents that she produced. Can you just go to page 154 of tab 12 please?
- A. 154, yeah.
- Q. Now, have you had a chance to look through all these documents from 154 through to -
- A. Well, yeah.
- Q. Just generally, at the time that you did the work at Milton Street, can you remember if you saw any of these documents or --
- A. (Shakes head).
- Q. -- can you say whether or not you think you would have seen them?
- A. Not specifically to notice them.
- Q. Can you just have a look at say 154?
- A. Yeah.
- Q. You can see there that seems to be a letter, quote from Mr Darnley dated 16th of June?
- A. Yeah.
- Q. And that's - it's referring to, you can see appliances, two gas fryers supplied by Host Services?
- A. Yeah.
- Q. And it's talking about installing above that fitting two bayonet hoses, test and certify?
- A. Yeah.
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- Q. Would you accept that it's clear from that that t least in Allgas' view --
- A. Yeah.
- Q. -- its contract was always to do the pipework --
- A. Yep.
- Q. -- and then - I'm sorry do you want to add to that?
- A. In Allgas' view, yes --
- Q. That's right.
- A. -- I've never worked for a company where the boss showed the fitters the quote, because if they'd seen how much he was making.
- Q. Yeah, but it's clear, isn't it, that in Allgas' - it's - what it has undertaken to do was not only install the pipework, but once the fryers were there, to connect the fryers up with the bayonet fittings and to certify the entire installation?
- A. In Allgas' view, yeah.
- Q. And you can see just going over - over to page 155 there, cooker hose and bayonet assembly?
- A. Yeah.
- Q. Looks like they were ordering those so they were going to be installed by someone in Allgas?
- A. Someone in Allgas knew about it, yeah.
- Q. Now - So when you - you say that you just did the pipework and fitted the bayonet fittings, you wouldn't want to put a customer to the cost of two gasfitting certificates, would you, unnecessarily?
- A. I didn't sign them.
- Q. No, no. But you'd agree, would you, that Allgas would charge the customer for each certificate?
- A. They charge for gas cases and all sorts of things they didn't use.
- Q. Okay, but just -
- A. So like in terms of what they've done in the past, I'd say they did them for as many certificates as they could.
- Q. Okay so they would charge them \$40 for a certificate?
- A. You're asking me to comment on something I had nothing to do with.
- Q. But you would have known, wouldn't you that -
-



- 
- A. No.
- Q. But you would have known that a customer would have been charged for you doing a gas certificate wouldn't you?
- A. Well I should imagine, but I didn't run the company.
- Q. So when you had completed the - installing the pipework and the bayonet fittings what do you think was going to happen then?
- A. I did as I was told. I was told to go and fit two bayonets in the fish and chip shop. I went and did it.
- Q. But you must have known that two Blue Seal 45 GT fryers were going to be installed?
- A. Might be a re-fit, they might be putting two points there that they might want to hook a fryer up to in six months time when they redevelop the thing into a Cafe. I'm just a fitter mate.
- Q. So you didn't even ask anyone at Allgas what was going in there?
- A. The boss says to you "go to a chip shop; fit two bayonets", you go and fit two bayonets to a chip shop. Especially when you're a fitter. It's what you do as a fitter.
- Q. I would just suggest that surely in that situation before you did your certification --
- A. Yeah.
- Q. -- you would have wanted to check with the office to make sure that nothing else was being done so that you only had to certify once?
- A. No. I would have looked at the potential draw on those two bayonets. Roughly what would have normally gone in there, what they would have been and I would have allowed for that in the pipe size, that's why I took a 25 mm pipe, a 20 mm pipe and I took a 20 mm right up to the bayonets to give it the maximum - maximum amount of gas.
- Q. Now, is it your evidence that you never saw the gas fryers that were ultimately installed in it?
- A. Yep.
- Q. Even though you signed the certificate after they were installed?
- A. Yep. Yep because the test date is the 15th which is the day before the quote was issued, because I couldn't have seen the quote either.
-

- Q. Now, presumably though you are aware now of what a GT 25 gas fryer -
- A. I knew what they were then.
- Q. Yep, you knew what they were then. Just having a look at photographs 12 and 13 in tab 13 please. So you've heard the evidence about where the flexible hoses fitted on these fryers?
- A. Yep.
- Q. And so presumably you knew that - and you'd accept that they're connected underneath the base of the fryers?
- A. That's where the connection point is.
- Q. And that was standard at the time?
- A. I've never seen a fryer fitted any other way.
- Q. So -

**MR BICKERS:** Never heard that. Never heard the answer?

**WITNESS:** I've never seen a fryer fitted in any other way.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. So in your view you've always seen the rubber hoses coming underneath the back of the fryer and up under the base -
- A. I could take you into any kitchen in Nelson, and probably the whole of New Zealand, and walk you round them.

**MR CORKILL QC:** Just a bit of a pause. I'm going to suggest Mr Gee that you move the table back slightly. It's just that it's very hard to hear because you are talking the other way, I know it's not your fault. Just turn it round so that - swing it round so it's facing slightly more this way. If that doesn't work then you might have to move along a bit Mr Laurensen, swap seats with Mr Hammond. It's important that the Board hear you. It's all right, it's not your fault.

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**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. You will be aware that in this case the allegation is that the installation of these gas fryers breached 106.1.1 of the 1996 version of 5261 which provides that gas pipework shall be designed and installed to avoid leakage of gas or damage by corrosion, stress or other means?

A. Yeah.

Q. And you would have heard the evidence from Mr Hammond which suggests that regardless of where the bayonets might have been fitted on the wall -

A. I disagree with that, but yeah.

Q. Okay well I'll finish and you can?

A. Sure.

Q. Given that the hoses have come down and underneath the base of the fryer, then there's always going to be a risk --

A. No not always, no.

Q. -- of the hose being damaged either from lying on the floor or from being scraped against the back edge of the fryer?

A. I disagree with that.

Q. Why do you disagree with that?

A. Because the bayonets are not where I fitted them, I fitted them higher up the wall and cooker hoses come in different lengths. You don't have to fit a 1200 mm length hose to a bayonet. You can put one that's just enough. If I was fitting that I'd probably put a longer nipple and an elbow off that fitting at the back of the pipe and the reference you're going to point out inside that book of regs there, refers to a cooker, not a fryer.

Q. Sorry what -

A. The picture you are going to show me in the book of standards.

Q. Oh no no, I wasn't going to - if you look at. Surely though if you've got hose coming down and then - from whatever height, and then underneath the fryer -

A. Not if it's the right length, it won't touch the floor and if you extend a nipple out of the elbow you can take away the fact it will chaff on the stainless, but I didn't fit those fryers.

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Q. So what are you saying?

A. Do you want me to draw you a picture?

Q. Well just before you do that - of course you can, yeah sure, are you showing how you would have fitted them?

A. If you want.

Q. Okay, sure.

**MR PARKER:** Can I ask, is there any relevance say of putting it on the other diagrams which are already the configuration?

**MR LAURENSEN:** Not as far as I'm concerned, but if you'd like - or any of the Board would like it on that, I'm -

**WITNESS:** If I was fitting the fryer, and the forensic scientist's photograph show that the pipe slopes down, because I think it was moved, I would have come in up higher. I would have fitted it like this, so everything is on the level is straight, secured, wing backs, bayonets facing out to the side. I don't want them facing down and I don't want them facing up because of ingress of material. Now that's your head on picture. To the side you would have a fryer like this, bearing in mind Blue Seal have changed the design of these now, they have allowed for a fitting up high, because they've obviously had a problem with that. And you've got your legs here, sort of in here, if you can see what I mean it would come out. I would put it a longish nipple with a socket on the end and this is your floor level. Now if you get your bayonets the right height up here you can have it sit like that. Now bearing in mind I didn't know where the fryers were going to be fitted, it's the duty of care of the person who fits the fryers. Yeah? So when we put this back with a small sort of, I don't know about a 8, 6 inch chain into a firm fixing here and here (Indicates), this is secured, the only way you can move it out is to unclip it, it doubles as a seismic restraint, that's how I would fit it.

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**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. So can I just - so you've fitted some sort of connection - some sort of fix connection from underneath the fryer?
- A. You've got a three quarter male thread facing downwards, so I'd probably put an M&F 20 mm, this is if I was doing it, a 20 mm by half inch with a nipple to take you out past the tip.
- Q. So this is a hard?
- A. Galvy.
- Q. Yeah.
- A. Galvy pipe.
- Q. Yep.
- A. With a half inch socket, you are out from under the fryer and then up into the bayonet.
- Q. So - you can sit down if you like if you've finished with that. So in order to make it safe so there wasn't any danger of any damage to the flexible pipe --
- A. Yeah.
- Q. -- you had to have something, as you described, coming out from the back of the fryer and having the hose connecting to go that wouldn't you?
- A. It's what I would do.

(Mr Corkill leaves hearing - 11.58 am)

- Q. So presumably, and I know you say you didn't - that you install it and you didn't certify it, but if it was installed so that you just had the hose coming underneath and connecting up underneath with nothing coming out like you describe --
- A. Yeah.
- Q. -- that's going to pose a risk, isn't it?
- A. Yeah, I believe so.
- Q. There isn't going to be any way of preventing the hose from dragging on the ground?
-

- A. On the ground, it wouldn't reach it. If the length of the hose is the right length and the bayonets are up high like I left them, they wouldn't touch the ground.
- Q. Then it wouldn't be able to pull out would it, if it wasn't touching the ground there would be no -
- A. How far do you need to pull it out?
- Q. In order to clean it.
- A. Yep. You would have to pull it out to get to the fitting, they disconnect the plug type fitting.
- Q. But in any event, also you'd have the problem if it's coming underneath and up under the base without your connection you've described, if you move it in and out you're going to have the problem of the hose rubbing up against the back of the fryer?
- A. You'd have that with the other way. Because as soon as you push it back up against the wall the hose is between the wall and the fryer, if you do it the way as in that code.
- Q. Why do you say that you got - that you would put your connection extension on it?
- A. To stop it chaffing on the tin.
- Q. On the?
- A. Tin. The stainless.
- Q. So if you didn't have that then you've got the problem of the hose chaffing on the back tin on the fryer?
- A. That's what I've said, yeah.
- Q. And clearly from those photographs 12 and 13, whoever did install - there's no such connection is there?
- A. No such connection as?
- Q. As you described bringing the connection out from underneath the fryer?
- A. Yeah, and the same as whoever changed the fryer at Havelock have done the same.
- Q. So - but there is a safety problem there, isn't there?
- A. If people go and change things how they're left, yeah I believe so.
- Q. No, what I mean is there a safety concern if you don't bring -
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- A. I've said that three times, yeah.
- Q. Thank you, I just wanted to make it clear. So that I know you say you didn't certify it, but anyone did certify it you'd say wouldn't be doing their job?
- A. How -
- Q. If the rubber hose came under and connected?
- A. Yeah, I didn't certify it.
- Q. Yeah, but anyone who did they would be certifying something that was unsafe wouldn't they?
- A. Yeah.
- Q. Are you sure Mr Gee that you didn't certify this installation when the fryers were there, given it was done on the 26th?
- A. Would it be easier for you Mr Laurensen to write my statement as well? And I can sign that. You've written everyone else's.
- Q. Now - and are you sure - presumably you'd accept that there should have been a restraint fitted?
- A. Every movable appliance over 20 kilograms needs a restraint.
- Q. So those needed a restraint?
- A. They did.
- Q. Okay. Could you please go to paragraph 55 of your statement which is -
- A. What tab?
- Q. 15?
- A. Yeah. Yeah. Yeah.
- Q. Now, this - we're talking about the Mussel Boys Restaurant?
- A. Yeah. Yeah, I just made a comment about five minutes ago about this.
- Q. Sure, yeah.
- A. Yeah yeah.
- Q. Now, you say there at paragraph 55 that you installed a restraint chain in the appropriate manner to prevent tipping and also the hose leading to the fryer was installed in such a way as to not be susceptible to damage?
- A. As per the board, yeah, the drawing board.
- Q. And the restraint chain how did you -
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- A. I always take the screw out of the back and then I replace that screw with a tech screw, you know, like a hex head screw which is a lot more robust and put about 8 inches of chain on that screw and then I put a hook a little bit higher than the connection for the chain so the weight of the chain holds it on the hook and that's how I fit a restraint on all my movable appliances over 20 kilograms.
- Q. So at 55 when you say you fitted the hose in the appropriate manner, you are saying as drawn on there?
- A. Just like that, yeah.
- Q. You fitted a connection to the back of it?
- A. To?
- Q. Underneath have you fitted some sort of connection underneath bringing it underneath?
- A. To the fryer that I installed, yeah.
- Q. And are sure you fitted a restraint?
- A. How many times do you want to ask me? I'm always going to say the same thing. Yeah.
- Q. So the answer is yes?
- A. Ah, yeah.
- Q. Can you please go to page 119 of tab 12?
- A. Yeah.
- Q. It's a letter from your lawyers at the time Fletcher Vautier Moore?
- A. Yeah.
- Q. And you were responding there to a complaint that had been made - or the audits in respect of various installations weren't you?
- A. Yes.
- Q. You had been provided by Mr Hammond I think with copies of the handwritten audit reports and photographs by the auditor?
- A. Not all of them, but we had some, there was quite a few notes and evidence that we didn't get.
- Q. And you will see there it says in the first paragraph, "I apologise for the delay in getting this response to you but as you will doubtless appreciate
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- your report has given risk to a number of issues which have had to be carefully considered and discussed with Mr Gee"?
- A. Yep.
- Q. So obviously before this letter was written your lawyer had discussed the response that was being made carefully with you?
- A. It's lawyer speak for that, yeah. It's how lawyer's write things.
- Q. Now, could you please go to page 102 in the same bundle - in the same tab. And go over the page?
- A. Yeah.
- Q. That's the handwritten special audit report for the Mussel Boys Restaurant?
- A. Yeah.
- Q. And some photographs?
- A. It appears to be, yeah.
- Q. And there's two photographs on 104 and another one on 105?
- A. Yep.
- Q. You had a copy of that and that's what you were responding to --
- A. Yeah.
- Q. -- in the letter wasn't it? So if you go back to page 120 in the same tab?
- A. Yeah.
- Q. And you will see it on paragraph 7 there's a response to -
- A. Yeah.
- Q. Refers to the fact that "the Casey Services audit report", which we've just referred to "identifies that the appliance failed for lack of restraint. The accompanying photograph clearly shows that the unit was restrained by chains in place"?
- A. Can I just read it a moment please?
- Q. Of course, yeah.
- A. Yeah.
- Q. Now, so there's response to two things, one to the suggestion that there was no restraint chain and secondly to the fact that the hose was lying on the ground?
- A. Yeah.
-

- Q. Dealing first with the restraint, go back to - in the same tab 104?
- A. Yeah, where's the statement?
- Q. Sorry what statement?
- A. The one you are referring to.
- Q. Oh 120 is, paragraph 7 is of the Fletcher Vautier Moore letter?
- A. Yeah.
- Q. Now, you will see the photograph at the top of page 104?
- A. Yeah.
- Q. There's a chain there?
- A. Yeah.
- Q. Is that how you fitted the chain?
- A. Never.
- Q. No?
- A. No.
- Q. And what's wrong with that?
- A. It's just round the back legs. But that's - I didn't fit this fryer, this one. The one I put in was where, if you look at page 103 is where the other gas commercial hob is fitted which has a certificate issued for after the time that I fitted the fryer.
- Q. Don't get me wrong, I'm not suggesting that you fitted that chain but what I want to ask you is why at paragraph 7 of your lawyer's letter?
- A. Lawyer's letter yeah.
- Q. That was discussed with you --
- A. Yeah.
- Q. -- is the response simply that the accompanying photograph clearly shows the unit restrained by chains in place?
- A. It just states a fact doesn't it, you can see a chain, it's around the legs.
- Q. But wouldn't you want to respond saying this isn't the chain, it's inappropriate, I would have fitted a different sort of chain?
- A. Not really I'm just telling you there's a chain there and that's it.
- Q. Now, turning then to the point that the hose is on the ground --
- A. Yeah.
- Q. -- you see that and you can see that the -
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- 
- A. Yeah. Can I comment before you start?
- Q. Sure.
- A. Is that okay?
- Q. Yeah.
- A. A hose that length would need a bayonet up on the wall so high so as it wouldn't touch the floor that it would be in a place where the fat could overheat and catch fire. A hose of that length - the hose that I didn't put in.
- Q. But it's being alleged here, isn't it?
- A. Yeah.
- Q. You're being - in the audit report and things it's being alleged that you've done this, isn't it? You know -
- A. Yeah, but on further research, when I had a chance to go through all the certs, when I said a chance to search through the records from to Mr Hammond and it shows quite clearly there's a gas hob right next to it is where the fryer is, then yeah I'm just commenting on the photos you've provided.
- Q. Yeah but you see - if you looking again at 104 --
- A. I am looking.
- Q. -- top photograph?
- A. Yeah.
- Q. Would it be right that you'd say that you'd never install a hose like that?
- A. Pretty much, yeah.
- Q. Because what you are saying is that what you did was that you put a connection from the base of the fryer out the back as shown on the drawing?
- A. Yeah. You can see these photos that we were provided with, we haven't had complete sets of the photos, we just got proven by the forensic scientist, there's a lot of stuff that I've commented on in good faith, cold, and with badly reproduced photographs. I mean I'm looking at it and I can hardly see, there's a lot of blurs to be honest and a bit of chain.
- Q. But you can clearly see?
- A. Not clearly, no -
-

**MR PARKER:** Mr Gee, please you just let me Laurensen finish the question  
Mr Gee, I appreciate your keenness, and the other issue for us is you're both quite familiar with the documents and we need to understand the question, the context, so that we can understand what you're saying in response.

**WITNESS:** Sorry I apologise.

**MR PARKER:** Thank you very much.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. So just looking at that, given that you know that it's being alleged that you installed the fryer in that way, and the hose in that way?

A. Yeah.

Q. And you've told me that in fact you didn't install anything like that?

A. Yeah.

Q. Why in paragraph 7 of the letter from Fletcher Vautier Moore --

A. Yeah.

Q. -- didn't you say that through your lawyer?

A. Because I was just trying to - you are trying to get me remember things that is a long time ago. I have had two years now to research this, the same as Mr Hammond as had to two years to research this. It's quite obvious it's not my work. There is a cooker, a hob, shown in the same position where I fitted a fryer. You are asking me to comment on bad photos served to me cold, I'm just trying to help, that's what I was trying to do with the statements. You not mentioned that these statements were both voluntary. I'm not trying to get to the bottom of it. Any decent Investigator would have known that that hob was fitted after the fryer because the first thing I would have done was as investigator was call all the certs for the place and I would have pulled those certs and I would have seen what went in after I did my work. Then I would have said to the guy is that - excuse me I'm sort of talking to you - is that your work

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Mr Gee? Did you put this in because it looks like there's a - instead of trying to trip me up and trying to make things fit to do me, and I'm talking from experience. So no, I don't know what your question is, it's not been quite clear, I commented on that on a bad photos served to me cold. You are holding me to something that I was trying to do to help. If I knew that I was going to get persecuted for two years at the times of writing those statements, do you think I would have offered those statements? I don't believe I would have.

**MR PARKER:** Mr Laurensen, I'm wondering - it's a bit of a haul, I think it might be timely if we take a bit of a break. Would that be all right with you Mr Gordon?

**MR GORDON:** Yes, that's fine, yep

**MR PARKER:** It's quarter past, I think if you are okay, why don't we call for lunch now.

**MR BICKERS:** Can I just say Mr Chairman to Mr Gordon and Mr Gee, we are trying understand this Mr Gee, some of us have not been involved with this before and we are trying very hard to listen to you and I don't think you should necessarily get upset with the questions. Please try and make sure you explain it to us, we're trying to give you a fair hearing.

**WITNESS:** I understand that.

**MR BICKERS:** But it's quite hard at the moment, we're struggling to hear what you are saying and I understand you are emotional about it, you are getting upset about it, but maybe if we just go and take five and settle down so that we can understand what's going on and can understand you clearly.

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**WITNESS:** I'd just like you to understand the position I'm coming from is that I will be bankrupt soon - I'll be made bankrupt over this. My wife is in bits about it. She's witnessed what I've tried to fix, and how I've tried to fix it and she's witnessed the things that have gone. It's totally affected my family.

**MR BICKERS:** We can understand is that.

**MR PARKER:** Mr Gordon I think we will take a break, have lunch and we will resume at 1 o'clock okay.

**ADJOURNED** [12.16 PM]

**RESUMED** [12.59 AM]

**PAUL BRYNLEY GEE (on former oath)**

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. Just finally on 73 Main Road, the Mussel Boys property, I just ask you in fairness to you have you got any comment on what Mr Hammond said Mr Suisted said to the effect that at the time of the installation there was no - no restraint?

A. I hold no weight in an unsigned statement where people haven't even turned up with notes that probably weren't even put to him to comment on, it could be - I'm not saying it is, but it could be totally made up by Mr Hammond.

Q. So you don't accept what he says -

A. Did you hear what I just said?

Q. Turning to 68 Greenwood Street --

A. On what page?

Q. -- paragraph 65 of your statement tab 5?

A. Paragraph?

Q. 65?

A. Yep.

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- Q. You say there that on the 3rd of August 2010 you visited 68 Greenwood Street to ensure that the appliances were safe?
- A. I did.
- Q. And so what were you going to do if they weren't safe?
- A. I wanted to make sure that they weren't showing any sort of signs of burning on the cabinet and just to make sure things were as Mr Hammond was claiming.
- Q. The cooker, were you going there to ensure that the cooker was safe?
- A. Yeah.
- Q. Would you accept that if it doesn't have a restraining chain on it that it's not safe?
- A. Yep.
- Q. And it didn't have a restraint chain on it when you went back there did it?
- A. When I went back?
- Q. On the 3rd of August last year?
- A. No it didn't, no.
- Q. So you were saying you were going back to make sure it was safe?
- A. I did exactly what Mr Hammond did, I went in, told them it wasn't safe and then left. I didn't want to have to bill them for anything for a job they'd already paid for.
- Q. You've heard the suggestions by Mr Hammond about the bayonet fitting that's fitted in the wall --
- A. Yeah.
- Q. -- on the stud behind the cooker?
- A. Yeah.
- Q. Do you accept that that's unsafe?
- A. I do.
- Q. Did you notice that at the time?
- A. Yeah I commented on it to them.
- Q. You told Mr Donnelly about that as well?
- A. As I've said, the work on the cooker was very rough and that it's not how I would fit it and I suggested he got someone in to repair it. Now, you've got to bear in mind I didn't want to change anything at the scene. I didn't want
-

- to be seen to be tampering with the scene or altering it in any way. If the man under his own steam went and got another fitter under a - you know, under a different sort of flag to get the work done then that was totally up to him and I advised him to do that.
- Q. Could you - just at paragraph 66 of your statement still at tab 15?
- A. Yeah.
- Q. You say that when you were there in August last year --
- A. Yeah.
- Q. -- 2010 you took a photograph near the cooker and you refer to PG 015 which shows some scuffing consistent to a chain swinging and making the black plate?
- A. Pardon what did you say? I took a?
- Q. A photograph.
- A. You said "near" the cooker did you?
- Q. Oh sorry, at the rear, sorry?
- A. Rare.
- Q. Sorry my fault sorry, of the rear of the cooker that shows some scuffing consistent with a chain swinging and marking the back plate on the rear of the cooker?
- A. Yeah.
- Q. So just looking at PG 015, which is tab 16 in the bundle?
- A. Yeah.
- Q. Now, I think you had a better photo of that too didn't you?
- A. Much better one.
- Q. You produced one?
- A. Yeah.
- Q. But anyway it shows - the one you produced is a better version of that one and it shows marks there. Presumably for the marks that are shown, you are saying that that would have been caused by the chain swinging backwards and forwards as it was moved in and out a number of times?
- A. No, I mean they disconnected the chain to fit the cooker, it might have just sort of sat there for a while. You're getting me to comment on work that I didn't do.
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- Q. But in any event, I think you are recall Mr Donnelly pointing out some markings --
- A. Yeah.
- Q. -- which I think he pointed out, I can refer you to his - sorry photograph 29 in tab 13?
- A. Yeah.
- Q. See that?
- A. Yeah.
- Q. And my recollection is that he - that the marks that he was pointing out that he'd thought that could have been made by a chain were the sort of little parallel ones between those two dots -
- A. It's a very bad photo, but yeah.
- Q. But anyway --
- A. Can I just comment please, are these the Investigator's or Mr Donnelly's?
- Q. Mr Donnelly's, yeah. But anyway the markings that he's shown are away from - they're further away from the screw that you've shown in your -
- A. I can only show you a photo and the - I mean if you were to put my photo up against this one it would probably correspond, you've got real bad quality photos to try and compare, I can't comment.
- Q. But anyway where those marks are shown by Mr Donnelly, given that you're saying that the chain might have been over to the right further it's unlikely that the chain would have caused the markings that Mr Donnelly was pointing to?
- A. Well, if something swings on an arc from a focal sort of point, a pivot, they can go in full circle.
- Q. Please look at Document 73 in tab 12, which is the certificate for Greenwood Street. Now you heard Mr Donnelly's evidence to the effect that both the water heater --
- A. Yeah
- Q. -- and the cooker were put in as part of the same renovation that was taking place before they moved into the house?
- A. I'll go with that, yeah.
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- Q. So presumably - and also I don't think there's any dispute is there, that Allgas installed both the water heater and the cooker?
- A. That's to the best of my knowledge .
- Q. So, I mean, you say that you only installed the water heater?
- A. I know that.
- Q. Okay. Surely though you must have been aware that also a cooker was being installed as part of that renovation?
- A. Why? Why would I have been aware that they were having another appliance? I was called in there to install a Bosch water heater to supply hot water. I don't make a point of walking round people's houses and clocking what appliances they've got or what haven't they got. You're not getting it. I'm sent to do a job, I do as I'm told, I come back.
- Q. But in any event --
- A. In what event?
- Q. -- your signature appears on - it's your signature?
- A. I've - I've since - I've gone over this hundreds of times, the only writing on - as far as I am aware on any of these certificates in front of me is my signature.
- Q. Turning then to Motueka High School?
- A. Yeah.
- Q. Would you accept - I know you say that you didn't put the bottles in or the enclosure on, but would you accept that - and I know that you say there was no vehicle access, I'm not asking about that --
- A. No.
- Q. -- but would you accept that if there was vehicle access to where you knew the bottles were going, then because of that they would need some form of protection, such as an enclosure, a metal enclosure or something?
- A. My practice if there was vehicle access is I would put a bollard, that would be my practice.
- Q. So, for instance if there was vehicle access you would expect even if you weren't installing the enclosure that an enclosure would be installed at some stage?
- A. No.
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- Q. You wouldn't?
- A. If you're trying to protect against vehicle access I would use a bollard, because that would protect better from a vehicle.
- Q. Put a what sorry?
- A. A vehicle.
- Q. No, sorry?
- A. A bollard.
- Q. What's a bollard?
- A. Steel sort of pipe, sometimes a metre, or a post, a firm solid protection for the cylinders. Or a fence that's got probably two and a half to three metres clear between it, which is what was at the 8 Ball Unit.
- Q. You've' heard Mr Hammond say that the enclosure that was actually fitted --
- A. Yeah.
- Q. -- was unsafe in that there was insufficient higher level of ventilation, would you agree with that?
- A. The regs state that, I would agree that that's what's in the regs.
- Q. Just in terms of vehicle access, just if you could refer to paragraph 69 of your statement please which is at tab 15?
- A. Paragraph?
- Q. 69?
- A. 69.
- Q. Yep. Are you saying that the cylinders situated at the end of the building in that enclosed area, no vehicle access to the area?
- A. Yep.
- Q. Now, could you turn to page 121 of tab 12 please. Now that's your lawyer's response to the audit in respect of properties including 8 Ball?
- A. Yes.
- Q. And that's over on 121?
- A. Yep.
- Q. And it states there "The stated complaint is in relation to the LPG enclosure ventilation. It is our understanding that units of this nature are in widespread use and it is the generally accepted mode of installation"?
-

- A. Yes.
- Q. "Would you please advise what other units of a similar nature have been inspected and how many of those have been left in a similar state". Now the question there is if it was your position that it never needed any kind of enclosure and there was no vehicle access, why wasn't that stated at that time in response to the suggestion?
- A. Well, the vehicle access wasn't mentioned when it was put a question to me. What was the other part of your question?
- Q. That's fine. Yeah, it was just why -
- A. I can only answer the questions that I'm asked.
- Q. Sorry?
- A. I can only answer the questions that I'm asked.
- Q. Yes of course . I am just going to find the plans that you produced of where the fence was. I think they're produced as PG 016 D and so on. I don't think it will be in there actually what I was going to ask you about is PG 016 E?
- A. I know what's on the bigger plan.
- Q. It's this bigger - now, you might just need, could Mr Gee be shown a copy of that please - actually you've got all of it there?
- A. Yeah yeah.
- Q. Actually first of all if you could go to PG 016 C it, will be one of those ones I think, is there some attached to that? It might be stapled if you just pick up the -
- A. Oh yeah, yeah.
- Q. It's the one where you -
- A. That I've drawn, yep. Yeah, yeah.
- Q. Just looking at that photograph and your drawings, just so I understand it, are you saying that where that dotted line goes across the front of the building?
- A. Sort of running from the existing fence and following the same line --
- Q. Yeah, if you just --
- A. -- as it is on the drawing.
-

- Q. -- see where I'm pointing, I'm pointing to the dotted line at the bottom going along?
- A. Yep. Yep.
- Q. Where did the fence stop do you say when you were there?
- A. Looking at this plan it probably stopped I'd say - it could stop anywhere along there really.
- Q. Can you remember where it stopped when you were there though, did it go right across to the actual fence that you can see in the photograph?
- A. I should imagine that it did, yeah.
- Q. But in -
- A. I haven't drawn it because I didn't want to change the drawing too much.
- Q. Yeah, that's okay, but if you just describe exactly how then the enclosure was or the fenced off area? So a bit came out directly out from the wall -
- A. Well, when you look at this plan --
- Q. Yep?
- A. -- you can see that the fence comes out from the building, it goes across to the left, probably at least as far as the side of the building, then I should imagine there is a gate and then a fenced area that went across. Because if you look at the big plan you can see there's a grass verge along that side of the bowling green, that goes all the way round.

**MR PARKER:** I think this is quite hard for the Board to follow, it might be nice if you can put them all up on the whiteboard so I can actually point to them and what you're -

**WITNESS:** I'm sorry, can I just stand up?

**MR PARKER:** Yeah, absolutely but I just wonder if it's easier -

**WITNESS:** You've got a - this is a concrete pad, (indicates), this up here is the fenced area that I'm on about the enclosure. (Indicates).

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**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. So you are pointing there to the top of the building where the cylinders are?
- A. Now when you compare this photograph to the smaller photograph, the sun is in a different direction, so in the smaller photograph it's this way which casts a shadow on this side of the fence, (indicates), and it looks about the same size shadow as is of the enclosure, roughly on the smaller one, so for the shadow to be the same size with the same angle of the sun it's going to be roughly pretty high. Not as high - I've drawn it to the size of the post in my drawing. And that would go across, I would say, to the edge of the concrete path. Then I'd say they probably had a gate, and then the fence went along here and if you look at this side of the fence you could see faintly there's a grass verge.
- Q. When you say "this side", you are meaning the bottom side of the photograph beside the fence?
- A. The south side of the fence. There's a grass verge there, and I'd say that that grass verge went on three sides of the bowling green and I'd say on the right-hand side that was concrete which was fenced also as per the photographs, the posts, down there, (indicates).

**MS INESON:** Mr Gee I'm sorry, your head's in the road could you now just explain that to me?

**WITNESS:** If you look at the plan --

**MR LAURENSEN:** I just --

**WITNESS:** -- there's a fence there, that line there would run with these across here, this is looking at the building from this angle, so they're the old fence posts there, and you can say see that the intended carpark's here - so and then up here (indicates) the bottles would be situated on this left-hand corner of this building. Now if you compare it to the small photograph, that shadow there is about the same size of the shadow of the building

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roughly, so that says to me that that's a firm fence there, to cast a shadow. And then this one the shadow - the sun is coming from a different direction the shadow is cast on the other side of the building, that shows the shadow there (indicates), because the sun is coming from a different direction. Now I'd say that there was a gate here and a fence line. This is a carpark, an old carpark, and you can see faintly there a grass verge which goes all the way round.

**MS MILLER:** I think David's -

**WITNESS:** I can show him if you like.

**MR LAURENSEN:** That's okay --

**MS MILLER:** He's directing the questions to you.

**WITNESS:** Oh sorry.

**MR LAURENSEN:** I just want to make sure that everyone can see it, that's all. I'm happy with that.

**MR PARKER:** Does he need to mark this up at all for the evidence or is he happy to - or are you happy that he's just speaking to it?

**MR LAURENSEN:** What I'm asking to ask Mr Gee to do is he can maybe with a highlighter just mark on the map where he says the fence was and that will solve everything I think.

**MR PARKER:** While he is doing that, can I ask you, have you already spoken to - you have spoken to this?

**MR LAURENSEN:** Yes.

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**MR PARKER:** So can we get this in context as well, you asked some questions did you not about this?

**MR LAURENSEN:** I think the drawing on this will probably answer the question.

**WITNESS:** That's what's indicating to me - do you need to see this?

**MR LAURENSEN:** Yes please.

**WITNESS:** That's what I'm trying to say, you are talking about a memory from - you know, I was there for one afternoon or one day, ten years ago.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. Okay, thank you, you might want to show the Board. But anyway you have marked on PG 016 E in a blue highlighter where your recollection of the fence is?

A. I am really more going on the photograph as well.

Q. So do you not remember where the fence was?

A. I remember there being a fence.

Q. Just turning to 37 Dommett Street?

A. In? On which page?

Q. Paragraph 9 at tab 12 - sorry my fault, tab 15 it's your statement, I apologise for that.

A. Yeah.

Q. Now, you say there that when you were at Allgas you questioned a number of occasions and installation clearances?

A. Where does it say that?

Q. 79, paragraph 79?

A. Oh 79. Yeah.

Q. So you were particularly concerned were you about the distance between the top of flues of Infinitys?

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- A. No, I was concerned with complying with the Regs. I wasn't concerned with the physical performance of the heater, I was more concerned with the compliance with the regulation.
- Q. And you were aware - what did you think the regulations required?
- A. Then, and now, the regulations require 1500 mm.
- Q. So you are aware of that standard requirement?
- A. Yep. So that's why I ended up getting given the Rinnai clearance.
- Q. You say Mr Darnley provided you with that, is that right?
- A. To the best of my recollection, yes.
- Q. PG 022, tab 16. Tab 16?
- A. Page?
- Q. PG 022, so it's getting near the back.
- A. Yeah.
- Q. So that is a copy of the document that was provided to you by Mr Darnley is it?
- A. Yep.
- Q. And was the next page attached to it?
- A. It was stapled to it, yep.
- Q. Stapled to it. And I think you said that you kept a copy of that because you considered it to be a reference document?
- A. I kept the actual fax that I was given, that was stapled together, those two pieces of paper.
- Q. They were the only copies that you were given?
- A. It was a fax, I had the actual fax, I can produce the actual fax. The actual fax - there's no copies, it's the fax.
- Q. What - when you say the actual fax, is this a copy of the actual fax?
- A. PG 022.
- A. It's got a fax number on it across the top.
- Q. So is that a copy of the actual fax that was provided to you by Mr Darnley?
- A. This?
- Q. PG 022?
- A. No this is a photocopy.
- Q. Yes I'm asking is this a copy of the actual fax?
-

- 
- A. Yeah.
- Q. Okay. And that's the only copy you were ever given?
- A. It was a fax.
- Q. Sorry, yes. That was the only version of that document that you were ever given?
- A. I was given a fax. This is the fax.
- Q. Okay. And you -

**MR PARKER**

- Q. Mr Laurenson I think just - can we just try and help explain to the gentleman what we're trying to do here, do you mind? You can receive a fax off the machine, get it in your hand, I think what Mr Laurenson is asking you, did you receive it like this, the fax itself or is this the copy of the fax that you were given?
- A. I got given the actual fax.
- Q. And this is not it, it is a copy of that fax?
- A. I've probably got it in there, the actual fax.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. And you've drawn attention to the fact that it's got the wording of Rinnai New Zealand and the date of --
- A. Yeah.
- Q. -- is it August 2003?
- A. Yeah.
- Q. Now do you recall when you - when Fletcher Vautier Moore responded?
- A. Yep my lawyer helped me out again, yeah.
- Q. Just looking at page 122 of tab 12?
- A. Yeah.
- Q. And 122A?
- A. Yeah.
- Q. That's what was referred to at paragraph 11 of the letter which is on 121?
- A. Paragraph 11, Dommett Street, enclose from the manufacture, yeah.
- Q. Now, that copy at 122 has no fax -
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- A. Do you want to see the fax mate?
- Q. No I'm just - just wait for the question. I'm just asking where did that document come from? There's no -
- A. It's a photocopy. I hand in the original, you go photocopy it, I don't know, perhaps the office girls did it in the photocopy department, I don't know, I'm not in charge of that.
- Q. And so what you are saying is you gave a copy of what you got at PG 022 to Fletcher Vautier Moore and they copied it and September it?
- A. I don't have no idea to be honest mate, at the end of the day the fax reflects these pages, if you want to see the original of the fax I'll try to dig it out.
- Q. Have you got it there?
- A. Yeah that's what I was saying.
- Q. Yeah if it's there.
- A. Can you go through - the actual original's somewhere.
- Q. Just carry on and we can come back to it.

**MR PARKER:** Mr Laurensen you are agreeing to produce the original?

**MR LAURENSEN:** Well if Mr Gordon can find it.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

- Q. Now what - just the letter itself which is at PG 022?
- A. PG 022?
- Q. Yep. Well just stay where you are on 122 in tab 12 it says the same thing?
- A. Right.
- Q. Now, that in itself, that doesn't refer to anything about reducing vertical clearances?
- A. No, no it doesn't, no. I produced the document as a whole.
- Q. So it's the next page, 122A that you rely upon?
- A. Yep.
- Q. Now, you had concerns, didn't you, about the conduct of Mr Darnley --
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- 
- A. Yeah.
- Q. -- his practices and things?
- A. Totally.
- Q. And - but you are saying that once he handed you this document you were happy to rely -
- A. He didn't write it.
- Q. Just wait. You were happy to rely upon this as allowing a reduction in the clearances from the 1500 referred to in the standard?
- A. Yep, because - because it was produced by Rinnai and not Mr Darnley. If I had a handwritten note from Darnley saying it was fine, I would have put it in the bin.
- Q. Did you ever check with Rinnai?
- A. I did, yeah I phoned them up, they said it was fine and then I had - because everything now has got to be in writing and emails and traceable, because trust is gone from our game now, we're pretty much accused and guilty until proven innocent, I got an email from them saying that it was relevant up until two years ago.
- Q. Is that the one you produced today?
- A. The one from Grant Burke the service manager.
- Q. Yeah, is that when you checked to see if -
- A. No not when I checked, that's when I tried to obtain written proof of a phone call that I knew occurred at the time when I was given the instruction.
- Q. Now, when you installed Rinnais did you look at the instruction manuals?
- A. I always read the manuals on jobs, yeah.
- Q. Are you aware that in the instruction manuals for Rinnais they reproduce the diagram and table -
- A. Yep, no I know the table you're going to point out, yep they do put that in there, yeah.
- Q. I wonder if Mr Gee could be shown a copy of the 2003 standard? So go to page 100 and 101?
- A. Yep.
- Q. You know --
-

A. Yes.

Q. -- that --

A. Yes.

Q. --that is -

A. Yes. Jesus Christ, I'm sorry Chair, I really am, I apologise. We definitely did the right thing earlier, I took time out and took time out. I'm answering the question, I think a sufficient yes is enough. I have seen that, it is in the documents.

**MR PARKER:** I understand. I think it just might help if you don't try and preempt what the question is.

**WITNESS:** I will, I'm sorry, I apologise.

**MR PARKER:** Just let Mr Laurenson finish his question, take a breath and then answer the question, all right? I know it's difficult.

**WITNESS:** I understand I'm sorry, I apologise.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. Now the - at 37 Dommatt Street, the work is certified as having taken place in 2005, if you look at tab 75 of - sorry page 75 of tab 12?

A. Yep.

Q. It's a - the Rinnai in question is a Rinnai 20, do you recall that?

A. Yep.

Q. Now, just bear with me I've got to put this so that there's no doubt about this, you accept, do you, that at this time when this would have been installed during 2005 the instruction manual for the Rinnai 20 that was installed by you contained the diagram and table at page 100 and 101 of the 2003 standard?

A. That dispensation at the time I thought was like a, sort of, overruled that because the dispensation is for the 26 and the 32 and both the water heaters I've installed are quite a bit less than that in rating.

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Q. I'm sorry, you've got to just bear with me. I think you are saying yes, you agree with that, that you do agree that that was in the instruction manual at the time you installed the 20?

A. It's a long time ago but I should imagine.

**MR PARKER:** So the answer to the question is?

**MR LAURENSEN:** Yes it was a long time ago but I imagine.

**WITNESS:** I didn't say yes.

**MR LAURENSEN:** Sorry, so what's your answer then?

**WITNESS:** I should imagine. It was a long time ago.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. Nevertheless you thought that the document at 122A allowed a dispensation from what was in the instruction manual?

A. I didn't just put the unit up on the wall and think I'll just stick it there. I did it in good faith. I kept that document because I'd seen it as a reference document; it came from a reputable califont supplier and going on that document and the witness statements of both customers, it's not a problem. So the - that actual tech note is what I would refer to in the trade, that tech note was right in of itself, the fuels didn't go back in the house. I complied with Part 1 and not the compulsory Part 2 - the mandatory, the Part 2, not being compulsory.

Q. If you could please go to paragraph 81 of your statement at tab 15?

A. What paragraph?

Q. Paragraph 81. Now there you are referring to 37 Dommett Street?

A. Yeah.

Q. And you are saying that you "raised the califont to clear the adjacent lean to roof --

A. Yeah.

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- 
- Q. -- and arranged with the customer to screw shut the window --
- A. Yeah.
- Q. -- as she had painters with scaffolding there within a few days?
- A. That's what she told me.
- Q. Now, why if you thought that it only had to be a clearance of 555 millimetres were you arranging for the customer to screw shut a window?
- A. To be double safe. It was a bedroom, if it was a dining room I probably wouldn't. But as it was a bedroom where people sleep I wanted to be double sure.
- Q. Just if you go to 121 of tab 12?
- A. 120.
- Q. 121, it's the Fletcher Vautier Moore?
- A. Oh yeah, lawyers.
- Q. Paragraph 11?
- A. Yeah.
- Q. You'd agree that there's no mention of -
- A. Again I was just trying to help mate, I was coming forward voluntary. I have had time to research it.
- Q. And you'd accept you never said anything about arranging for the customer to screw it shut in interviews with Mr Hammond?
- A. What?
- Q. You never mentioned to Mr Hammond when he interviewed you that -
- A. There's a lot of - there's quite a few things I told Mr Hammond that he's left out of his notes.
- Q. Are you saying you did tell Mr Hammond that?
- A. Yeah.
- Q. Okay. Well if you just go to tab 4. Paragraph 18 (e) of Mr Hammond's?
- A. 18 (e)?
- Q. (E), that's right. Page 9?
- A. Yeah.
- Q. He says that he interviewed you on the 20th of May 2010?
- A. Yeah.
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- Q. And he says there that "when commenting on the installation at 37 Dommett Street, Westport, Mr Gee referred to a letter from the Australian Gas Association addressed to Rinnai in Victoria relating to clearances around a Rinnai continuous flow water heater and said this showed that the manufacturer allowed reduces clearances"?
- A. You will also notice in the same paragraph that Mr Hammond says there's no validity in New Zealand context and yet I showed him the original fax with "New Zealand" written right across the top, so I mean there's quite a few things missing.
- Q. So, you are saying that -
- A. I showed him the original fax is what I'm saying, with "New Zealand" written right across the top if he took the time to look.
- Q. Going on to 6 Malvern Avenue and if you could just go to page 76 of tab 12 please?
- A. Yep.
- Q. Now that's the gas certificate for it and what we are talking about, isn't it, is a Bosch 25 water heater?
- A. Yep, 20 percent less mega joule rating than the 32.
- Q. But you couldn't have possibly at this stage thought that because you had -
- A. An - sorry.
- Q. Because you had something from Rinnai that that would give you a dispensation in respect of the regulations for a Bosch heater did you?
- A. Have you ever seen the internal structure of a Bosch heater and a Rinnai heater? The only difference is the name on the box. And I've got specifications here if you want to look. They are exactly the same.
- Q. When you came to installing the Bosch heater did you ever think to check with Bosch as to whether or not there was any dispensation for that?
- A. Gas forced out of a flue in the same manner, once it leaves the appliance acts in the same way.
- Q. Can you just please turn to Photograph 8 which is tab 13?
- A. Yep.
- Q. Now, that's a photo of the Bosch heater at Malvern Avenue?
-



- A. Yeah.
- Q. Now, we've heard that the window opens?
- A. Restricted, yep.
- Q. You'd have to agree wouldn't you that there is a real risk that if the window is open products of combustion from the heater will go in the window?
- A. I would argue the point, no I don't think that would be the case. As I drew in my drawing earlier, the gasses act - it's hot air, it gets ejected from the water heater probably to about I'd say about four metres, under force, and then it rises. Now if a window is higher probably say two or three metres higher, it's going to eject out four metres and have more of a chance of drifting up isn't it? In my opinion, this is just my opinion, I would never do it because I've got to literature to back it up, but if that window was directly above that flue it would probably be safer, because the fumes would be ejected out no into the atmosphere and they would drift off. And I just must add, this window that was above it, according to the statement and according to what I remember, had a six inch gap. You'd have to have a hell of a prevailing wind to shove it up that window.
- Q. Now, at 37 Dommett Street, or avenue, as a precaution you arranged you say, for the customer to screw the window shut?
- A. As it was a bedroom.
- Q. Surely if it's - if you need to do that when it's a distance of 1340 millimetres, you'd also want to do that when there's only 500 mm metres?
- A. Did you listen to what I just said? Did you comprehend what I was just saying? I believe that a heater - a window higher - you've got more room for that forced out air to return back. In a smaller distance and I believe that I was complying with the tech note I have, which wasn't for a Bosch, but if I took the guts out of that unit and put it in a Rinnai unit, you wouldn't know. The - I made a judgment call, I believe borne out by it - I've been borne out by it. The customer said it's never been a problem. I distinctly remember ringing Colleen Singleton and I asked her for advice where to turn for any information, advice. She told me to refer to industry providers and industry member. I can only do what I'm told. I can only follow instruction. If my boss gives me something from a reputable firm I can
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only - why would I have kept that original fax? Because I thought it was relevant to my job and I thought it helped me perform my job better. I could have said to this guy "oh that unit mate got to go about 20 metres up the wall, it will cost you a bit extra in the plumbing and gas and all this", I tried to put it as near as I could to his bathroom, he's happy, there's no problem with fumes coming in. I made the call, my call and the tech note have been borne out to comply with Part 1 of the regular which is mandatory. Part of the 2 of the regs, is according to the regs, I'll have a look here, at the beginning - I can't be bothered looking it up, I know what it says, it says Part 1 is mandatory; Part 2 is a way - an acceptable solution for it to conform, it also mentions in there to reference of the regs, it tells you to - I've never seen a document so hard to understand and contradictory, what would you say if I could say I could point out what I think is an error in that document? Would you be interested in any of that? No? Won't bother.

Q. Okay now we'll move on to 5 Powick Street.

A. Yeah.

Q. And could you please go to paragraph 105 in your statement at tab 15. Tab 15, your statement, 105. Now you said that all you did there was to re-run the pipe to the califont that is from an existing supply to an already installed unit, not units?

A. Yep. That's singular.

Q. Yes. Now it's my understanding then that what you are saying that was to re-run the pipework from the existing Rinnai 32 upstairs?

A. No not from it, to it.

Q. Okay to it, from the existing bottles?

A. Yeah. Yep, that's what I'm saying.

Q. And do you say that at that stage the other Rinnai that was getting installed - or has been installed as we see in the photos wasn't there?

A. Has been since installed there. It was still in bits on a Japanese production line when I did the job.

Q. Why was it that you were being asked to re-run existing pipework then, do you know?

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- A. As far as I am aware it was they were building an extension and I - you are talking years, the place where the right-hand wing was being built was where the unit was, which is what Mr French says in his first statement, his second statement totally contradicts his first one.
- Q. Did you actually pull out the old pipework or what did you do?
- A. Pull out the old pipework?
- Q. Well presumably at some stage there was some pipework from the existing Rinnai to the bottles?
- A. As I remember it there was some - there was probably a 20 mm copper pipe cut off and that would have been removed to enable them to start the extension and there was no valve on the unit, so I supplied a disconnection valve on to the Rinnai 32; ran the pipe, as I said before, through the timber framing. You've got to use a lot of elbows - or I mean some people force the pipe and pinch it, but it's not what I do, plenty of elbows then a straight connector then a compression fitting onto the copper.
- Q. Did you do any work on the existing Rinnai 32 at all?
- A. I just told you, I connected a gas valve to it.
- Q. Just looking at paragraph - sorry tab 12, page 77?
- A. Yeah.
- Q. I mean you've listed there the Rinnai 32?
- A. Yeah.
- Q. Isn't this a case where you've just done pipework or -
- A. I am certifying the appliance that I hooked up to.
- Q. Okay?
- A. And let me just - can I just answer something here?
- Q. Of course you can.
- A. The three charges I'm up against with the certificates are totally in my writing, I don't deny anything about them, it's in my writing.
- Q. Could you go to PG 025 please, tab 16.
- A. Yep.
- Q. That's your job sheet for --
- A. Yep.
-

- Q. -- where did you get that from? Is that something you kept in your records?
- A. When I worked for the Gas Board in the UK we used to get given invoices and from memory - and plus the job card I had in Allgas, I tried to reproduce my own documentation to sort of - yeah my own job sheets I'd fill out on site, clock in my materials, my test procedures, usual stuff.
- Q. So if you've always had - you've always kept a copy of this from the time you've done -
- A. I've kept records from the time I left Allgas.
- Q. Were you in every doubt from the time that it was suggested to you that you had installed a new Infinity, were you ever in any doubt that you hadn't done that?
- A. The only doubt I had was I couldn't get where I'd written a 32 and there was a 24 or 20 - there's been so many things mentioned.
- Q. And you can recall that one of the things that the audits picked up and was alleged against you was that you had installed the bottles, the LPG bottles on a wooden deck, do you recall that?
- A. Oh yeah totally. Oh yeah I know where you're going, come on, yeah
- Q. And did you ever have any doubt as to whether or not you had installed those?
- A. I told you. At that time what Mr Hammond said to me in the interview was how do you feel about cylinders being on a combustible surface? And my reply to him was "99 percent of houses in New Zealand are made of timber. And I was going more from the aspect of combustible - now if a house blows over you've got cylinders bolted to a wooden house, the house burns, the house collapses, the cylinders go over. Same as if a deck moves. I didn't see where he was coming from. Mr Hammond is very clever in the way he interviews people.
- Q. Can you please go to tab 12, page 107?

**MR PARKER:** Are you all right Mr Gee?

**WITNESS:** I'm all right. I'll try get it over to be honest, get back on with my life.

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**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. You will see 107 it's a copy of a handwritten audit --

A. Yeah.

Q. -- report it says 5 Park but we know it's -

A. Yeah, yeah.

Q. It was provided to you and your lawyers to comment on?

A. Yeah.

Q. And you've got there the photographs at 108 of the cylinders being put on the deck?

A. Yep.

Q. And if you just look at the audit on page 107 on the top right-hand corner?

A. I can't read it, go on.

Q. It says just under B top right-hand corner, "To relocate the LPG bottle station on a - or at a non-combustible surface"?

A. This is what he's saying or what I'm saying?

Q. No no, this is what the auditor has found.

A. How could he find that? Go on.

Q. Now, so you were provided this to enable you to comment on the suggestion that --

A. Yeah.

Q. -- you had located bottles on the deck?

A. I hadn't located bottles on the deck, but yeah.

Q. And if you could just go to the Fletcher Vautier Moore letter which starts on 119?

A. 15 grand that cost me. Go on. What page?

Q. If you go to 121, tab 12.

A. Yeah.

Q. And then your response through your lawyer to that is at 10 where you say "Our client believes that LPG cylinders are frequently fitted to wooden houses throughout New Zealand"?

A. Which reflects what I just told you, yeah.

Q. But I thought you were saying that you hadn't installed the --

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- A. I hadn't.
- Q. -- bottles on -
- A. I hadn't.
- Q. So why weren't you saying that in your response that it had nothing to do with you?
- A. Because I thought Mr Hammond was coming from the point that the cylinders were left - this is how he worded it to me, the cylinders were left on a deck, that I had worked at the address and I had worked at the address and I had walked away from it and left them on the deck, that's what I thought he was saying.
- Q. Yeah but at the time you got the audit report and responded in this letter Mr Hammond hadn't interviewed you about Powick Street?
- A. Oh he talked to me - well I must have got it from somewhere, where did I get the advice from? Where - who said to me - when is this dated?
- Q. What date?
- A. Yes.
- Q. 15th of March 2010?
- A. Yeah. Basically I believed I was being accused of extending the pipe from the existing cylinders and leaving the cylinders on the deck. So I must have got that from somewhere.
- Q. Would you agree though that - you might disagree with this, but I'll put it to you so you've got a chance to explain because I think we're going to. That it is a safety concern to have LPG cylinders sitting on a combustible surface?
- A. That's yep that's why I didn't put them there. You're ignoring the evidence that the 24 was fitted after I was there. It was fitted to an extension where the cylinders are situated. Now we can talk about how I word things, how I speak, I'm a bloody plumber. I don't go to elocution lessons, I speak like I do. I am a common working man. I work with these (Indicates hand) not that (indicates mouth).

**MR PARKER:** Mr Gee just -

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**WITNESS:** He's pushing my buttons.

**MR PARKER:** Just take a breath.

**CROSS-EXAMINATION CONTINUED BY MR LAURENSEN**

Q. Now, in fairness to you once again and give you a comment on some things Mr French has said?

A. Brilliant, brilliant, go on.

Q. Now, he has said, as you know -

A. In which statement?

Q. Well, at the end of the day take -

A. All of them?

Q. I'm just going on what the evidence was before the Board, that as part of the renovations for his house during 2004 a Rinnai 24 was fitted downstairs and that that also included moving the gas cylinders onto the area where the deck now is?

A. Mhmm.

Q. And then running the pipe from those cylinders to both Rinnais, the existing one the 32 and the new one. And he says that you were the only gasfitter --

A. I am aware of what he said, yeah.

Q. -- that he employed to do any gasfitting in relation to that?

A. Yep.

Q. So I'm just giving you an opportunity to comment on that.

A. Thank you. I can't see how you can put weight in statements that totally contradict each other and - it's just full of contradictions. He's saying things that I believe are untrue. The evidence bears out, the fact that he's saying that he brought me in to fit a 24 and my certificate - and my invoice is for two months before the bloody thing was even made. Now, you draw from that what you will mate, I don't believe the man is telling the truth. And I haven't had a chance to question him and see his face to see whether he's lying. Did he write his statement Mr Laurenson?

Q. Now could you please turn to PG - in tab 16 - sorry tab 12, page 77?

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A. Yeah.

Q. Now, there's a - you've got a test date there of the 20th of September?

A. Yeah, says that, it's a 9, yeah.

Q. So is that when you did the work or -

A. No, the date of the invoice is the date of the 20th of the 7th and what I've done is I've just copied - I have made an admin error, I have put a 9 instead of a 7, probably doing my paperwork late at night, trying to jack it in for the day and go to bed, lot of people do it.

Q. And then you've got a date here certification of the 21st of October 2004?

A. Yeah I used to - I didn't know any better because no-one told me. Sometimes, you know the carrot and the stick, you people say they pay up front, I was working out of town, I couldn't pop round and knock on the door and ask for payment. I held off signing the cert until the man paid me, I didn't realise until the Board pointed that out to me, didn't even dawn on me.

Q. When you finished doing the work, which you say is connecting the new pipework from the bottles to the existing Rinnai 32?

A. Yeah.

Q. Presumably it was operational?

A. It was operational?

Q. The Rinnai 32?

A. They just had water, yeah.

Q. So the hot water would have been used from that time on?

A. I should imagine.

Q. You are aware that it's contrary to the Gas Act to connect up a gas supply when gas fitting's been done on something prior to it being certified?

A. Oh if that's what you have got to do go on, yeah do it mate. I've had enough. I was not aware, no. I thought if I did my job properly, it was tested, this was paperwork. I am a physical person mate. I put things in right. I put things in so they work. When I walk away - so I do a job rights?

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**MR PARKER:** I think it would be timely just to take ten minutes just to have some fresh air and then we will just come back and then Mr Gordon, all right?

**MR GORDON:** Yep, that will be fine.

**ADJOURNED** [2.05 PM]

**RESUMED** [2.15 PM]

**RE-EXAMINATION BY MR GORDON**

Q. Now Mr Gee I've only got a couple of questions because we want to get you out of here as quick as we can. With regard to the two statements made by Mr French, if you look at Mr French's first statement which is under tab 7, if you just want to look at paragraph 2?

A. Yeah.

Q. Now, in there he states that "some time in the late 1990s, 2000 we had a Rinnai Infinity 32 instantaneous gas hot water heater, the first Rinnai Infinity installed to supply hot water upstairs. The first Rinnai Infinity was originally installed on the ground level external wall of the house"?

A. Yeah.

Q. Now, he's contradicted that in his second statement?

A. (Nods).

Q. When you installed the - or connected the gas to the Infinity where was it situated?

A. Where it is now.

Q. Where it is now. Upstairs?

A. Upstairs.

Q. And all you had to do was run the gas pipe line from the existing pipe line through to that Infinity where they had relocated it to?

A. Yeah I extended the pipe line to move the Infinity. And you will notice on my materials list's there's no tees there.

Q. Yes.

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- A. It's just elbows, you know, one long hose, no branches.
- Q. And as you've stated, the Rinnai 24 wasn't there at all?
- A. No.
- Q. And neither was the alteration wasn't there at that stage either was it?
- A. No.
- Q. So what you - the work you did was purely on the old part of the house?
- A. Yeah to make way for the alterations.
- Q. To make way for the alterations?
- A. That's right, that's how I remember.
- Q. And with the photograph you have produced, the Infinity 24 hadn't been manufactured when you did your work?
- A. No.
- Q. Now, Mr Laurenson has made a - he's gone back to a number of letters which your lawyer had put in, would you like to make comment on the advice you were getting and what was being put in?
- A. Well it's basically a set of letters - it's very hard to be a tradesman trying to express yourself to lawyers. I obviously had the opportunity to read them over after, but you tend to act on a lawyer's advice, they tell you to drop things and add things and I just sort of went with what I thought I was paying for, you know, legal advice.
- Q. And one final question you've alluded a couple of times to the evidence provided by Mr Hammond and notes and things that weren't produced to you, could you comment on that please?
- A. It's quite off putting when you are given deadlines, things come flying in after the dead lines, slanted. If you read through Mr Hammond's notes and his stuff that was said in those meetings are not in it, there's bits he's put in there I didn't see. The one that I sticks in my mind I said a written warning because of my attitude in work, what sane man would say that about himself? Unless it was me to slant the investigation - well that's just my perception of it.

**MR PARKER:** Mr Gee you're are going to find most probably some of these questions are going to be going over some old ground. So just hear the

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questions, take your time and just answer them please. And some of them may be a little repetitive.

**WITNESS:** I understand that. I have got no frustration with the Board.

**MR SIMMISS**

- Q. I am just a little interested and I'd like to step through with you the work practices at Allgas, so that we understand how the processes work, so if you could bear with me. If you can turn to section 12, 160, 161?
- A. Yeah the job sheet, yeah.
- Q. So being a practitioner I sort of understand how the process works, you've got Mr Darnley does the quote which would be going back to the pages there, 154, he lists a work sheet of materials - sorry, if I'm going too fast for you.
- A. Yeah, yeah.
- Q. Now, he - and we've talked about a pick sheet which he obviously gets the gear ready out of his store and tells, I guess, the tradesman what materials he's allowed for on the job, or that is just a picking sheet so that you pick them up, would that be correct?
- A. As I remember it, how I word it, I get told what I'm doing, so I know - I know what's at the cylinders, and I know what I'm putting in. The rest is pipework. At the time we were carrying coils of pipe, so the pipe was just on the van. I had assorted fittings on there as well. If I'm told to go and fit a cylinder station and two bayonets, I'll take a tee, two wing backs, bayonet, the pipes are in the van, couple of fittings, I might take a bit extra just in case to save me coming back, and then I'd return anything I didn't use.
- Q. Sure. So that leaves us, you turn up at work say Monday morning, he says we're going to Milton Street Takeaways today I want you to pipe it out?
- A. Yeah.
- Q. So you've got the idea of what the job is, you are issued with I take it with the job sheet?
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- A. The job sheet, looking at this one, the primary writing is all mine.
- Q. Yep.
- A. So I would have been told where I was going. I used to walk in through the office - not office, a couple of sliding doors, office area with a desk like where the customers used to go as well, it was always busy in the morning so I didn't like to hang around. I'd come in and I'd say "what have I got today", they'd say you are fitting this this this and this. I have got quite a bit of experience in the - you know, the actual practicality of putting it in and I just sort of say "yeah cool", I'd know what type say if it was a Rinnai fire I'd know I'd need a half inch thread to get onto the fitting that comes with it; I'd just put together my own sort of list, I'd go away for a bit while they put it together.
- Q. So in the case of a job like Milton Street Takeaways to pipe it up and pipe size it, you would know that there were gas bottles going in there?
- A. Gas bottles, oh of course there is gas bottles going in.
- Q. Yeah sure. So that's just taken - that's the job brief and that's where you are?
- A. Yeah.
- Q. You've done the job, six hours, you go back to the workshop and obviously put into the office this job sheet?
- A. Yeah
- Q. Now, in the process of this, the gas certificate I noted is filled in on the 15th of the 9th say, for example, I think it was?
- A. Yeah.
- Q. Do the office, and that's obviously in say an office girl's handwriting, she's got details of your gas test pressures and bits of pieces off your work sheet?
- A. Yeah.
- Q. She's quite capable of filling out the job address and everything onto the gas certificate?
- A. I thought that - I thought -
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- Q. Okay, no we'll come to that. So the gas certificate is generated - in your experience at Allgas at what stage of the job, when you have handed this work sheet in?
- A. I have no idea, I have given her the job card, couple of days, the next day, whenever - when I'd go in and ask what work I'd be doing, I'd be given a couple of certs, "sign them", I'd sign them.
- Q. So if we take the job to the next day, you've done the pipe out, you've done the test, you have handed the job sheet in, now theoretically this is still a live job because the gas fryers are not connected so as far as the office is concerned they take a half finished job, put it in an ongoing job folder or whatever they might do, and then they issue another one and you go away and do something else?
- A. Yeah.
- Q. Now, you're saying you didn't go back to this job, you didn't fit the fryers?
- A. No.
- Q. Okay so what I think we're a little bit interested in here is for all intents and purposes you're saying your part of the job finished on the 15th of the 9th when you did the gas test and put in this part of the job?
- A. Yeah.
- Q. Now clearly on the job sheet you're saying somebody else fitted the appliances, that's why the writing is in a different handwriting?
- A. Yeah.
- Q. So that suggests that it's possible somebody else went to the job and connected the fryers?
- A. Yeah.
- Q. At what stage would you have been issued the gas certificate to sign?
- A. On the date I signed it I suppose, the date of the signing that's on there.
- Q. Okay, so it's possible - I'm just trying to get a feel that do they throw a gas certificate in front of you on the 15th of the 9th or the 16th, the next day after you've done the pipework and say sign it?
- A. Not regularly, no. It wasn't - it wasn't - it wouldn't happen - like I'd do the job that day and then the following day I wouldn't be given the certificate for the previous day, I was just -
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**MR PARKER:** John, I'd just prefer that you ask Mr Gee to explain to you what happened, rather than perhaps you lead Mr Gee to what happened. So if you have he got an issue around ask him about the process, can we have Mr Gee explain to us the process?

**MR SIMMISS:** Okay, except I am just trying it arrive at a certain point.

**MR PARKER:** I am happy if you ask him parts about that, but I don't want us to be telling him what we think the answer is.

**MR SIMMISS:** No that's fine. I'm not trying to do that, I'm trying to understand the series of events that happen in a work environment to understand how the process can come about, that's all.

**MR SIMMISS**

Q. So in reality there's a good possibility you don't visit jobs again after you've done a certain stage, it could have been given to somebody else in the company?

A. Totally.

Q. I think that probably ends up where I need to be.

A. Can I just comment, I was more like the donkey work guy, you know, I'm a big fella, I'd be given stuff to carry, then they go round, turn the things on and say look it works, you know.

Q. Without putting words in your mouth, I just wanted to end up with why there was so much different writing on gas certificates and who might have been filling them in under what process that's all.

**MS INESON**

Q. Mr Gee my only question is more or less the same, I am trying to understand the process, and I notice on page 154 there is a quote for Milton Street and it's dated the 16th of June, that's tab 12, number 154, it's

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- dated the 16th of June; when I turn to the gas certificate for that job which is tab 12 number 71 --
- A. Yeah.
- Q. -- I notice you have - somebody has written the 15th of the 6th as the test date?
- A. Yeah.
- Q. Which precedes the quote?
- A. I know.
- Q. Is that usual?
- A. It's very unusual.
- Q. Can you explain in a to me in any way?
- A. I didn't do the quotes, didn't write on the certificate.
- Q. In your experience would it be usual to have a quote actually after the date of the test, and if the stuff was done, I assume 15th of the 6th was when the test was done?
- A. According to that. There's a lot of practices at Allgas that don't add up, that don't make sense --
- Q. Okay, thank you.
- A. -- it's totally out of my hands.
- Q. And if you look a bit further down that page your signature has been done on the 20th of the 6th?
- A. Yeah.
- Q. And that as I understand it is your writing, that 20th of the 6th?
- A. No, the only thing on the majority of the Allgas certificates - the only writing is my signature.
- Q. Okay, but when you signed the document would you have signed - is it usual practice for you to sign it and not sign it on the date that it's dated, I mean if I sign a cheque -
- A. I totally understand what you are saying. At the time - the background at the time when I was working in Allgas, I just moved back to New Zealand with my wife, my new wife, we were on our honeymoon. I was glad to have a job, didn't want to rock the boat. We were saving up for a house. And she got homesick for two weeks and she loved New Zealand and
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didn't want to go home, it was made up, start working for the place, I was doing anything - not anything to fit in, I didn't want to stir any rubbish.

Q. So on what date did you - sorry I know I have it written down somewhere but I can't find it now, what date did you start at Allgas - with Allgas?

A. It's 22nd of February.

Q. Okay so you had been there four months or so?

A. Yeah.

**MR PARKER:** Which year please?

**MS INESON:** 2003. Okay, thank you.

**MR SIMMISS**

Q. Sorry Mr Gee, if I could just ask another supplementary question which I did mean to ask before, were you ever while were at Allgas asked to pre-sign any certificates?

A. Not that I am aware. The ones that I was signing were fully or partially filled out.

**MR PARKER:** Seeing as you have raised that can we get some clarity on that, what do you mean by pre-signed? In that pre-signed before the job is completed?

**MR SIMMISS:** No, I mean pre-signed so the girl can fill in the blanks around what the evidence was given on the job sheet.

**MS INESON:** So signing a blank sheet?

**MR SIMMISS:** In other words, sign three copies because I am filling them in for Milton Street, you know, Haven Street and somewhere else.

**MR PARKER:** So like fill them in in advance?

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**MR SIMMISS:** Yes.

**MR PARKER:** And the answer to that?

**WITNESS:** No.

**MR HARDIE**

Q. Just bear with me please I've got several things and I'm going to step backwards and forwards a little bit. When you became a Craftsman Gasfitter in 1999 what was your understanding of your legislative obligations?

A. In New Zealand?

Q. Yes.

A. All I understood was I had to - I was given my practical paper because my City and Guilds as a gas service engineer and I had a sit a craftsman common paper to pass and get the licence. But anything past that, I thought that was it.

Q. So from a legislative responsibility I am presuming that when working in the UK you would have had your legislative responsibilities?

A. I just left when the code was coming in, and because I worked for the Gas Board we came under the Gas Board code and licence, so I sort of came across from a culture where you had a manager and a supervisor, the boys did the work, you answered to your supervisor, you did what the supervisor asked you too, the supervisor did what the manager asked of him, and it was covered under the legislation of the Gas Board. That's when I was there.

Q. Okay so I'm just trying to get a feel for your understanding of the written side of your obligations?

A. None really.

Q. With respect to - I'll probably jump around a wee bit, it's just the way I've written things down sorry, so just bear with me a wee bit. With regards to 5 Powick Street do you recall leaving the options for bottles to be fitted once you had left?

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- A. Bottles were as I found them and when I left they were as I found them.
- Q. They were still working?
- A. They - they would have had to have disconnected the pipe to shift the heater, they sat there - I ran the pipe and re-connected it so at Powick Street the cylinders didn't move as far as my experience.
- Q. I just have a little bit of difficulty trying to grasp this decking thing that happened later and the supposed temporary blocks of wood that we're supposedly left there for -
- A. It's almost as though they're trying to justify the height of the reg - the height of the regulator.
- Q. With respect to Milton Street, when you got asked to go and do the pipe out, the shop or the building if you like that it was in was it obvious to you that it was a commercial property?
- A. I knew it was a commercial fish and chip shop, yeah.
- Q. And you mentioned that your role there was to fit some bayonets?
- A. Yeah.
- Q. So with respect to fitting those bayonets to positions that you presumably were advised in the plan?
- A. Yeah, I didn't get a plan.
- Q. Sorry?
- A. I wasn't given a plan.
- Q. So if you weren't given a plan how did you know where to fit the bayonets?
- A. The boss told me where he wanted it.
- Q. So was it a verbal plan?
- A. Yeah.
- Q. With respect to, in sticking with the Milton Street thing, I am just to ask if you had some sort of a verbal instruction and you were told to fit some bayonet points in a particular position --
- A. Yeah.
- Q. -- how did you determine as to what size of pipes you were going to fit to those positions in determining the quantity of gas that was going to be required at the end - for the end use?
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- A. Most appliances in a commercial kitchen are pretty similar, you know they sort of - they are in about the same range. The pipe size I probably went a bit overboard there, you can't really put too big a gas pipe in, you know, you put a two foot pipe in - it comes down to putting too small a pipe in.
- Q. Are you able to explain to me the process in which you determined the pipe sizing requirements?
- A. Yeah, I've got a what they call a table that gives you sort of a rating per lineal length and allows for elbows and things like that.
- Q. So what would be the process that you would use? I'm trying to just understand.
- A. To work out?
- Q. To work out what size of pipe you would have used?
- A. I'd sort of look at the - you're not going to get anything bigger than 200 mega joules in a commercial kitchen to an appliance and you work back from there. I would anyway.
- Q. I'll move on from that. The last thing I just wanted to ask was again the 5 Powick Street, Mr French and his obviously recollection of events, do you have any understanding or reason why he would appear to fabricate some of the things said?
- A. I don't want to judge things by area but have you ever worked on the west coast? Have you seen the guy that sold the heaters? They perhaps - perhaps they were talking - perhaps he was forced into selling him another - signing another statement to fit, I don't know. I don't know why people say the things they do.

**MR BICKERS**

- Q. Mr Gee can you turn to tab 12 and can you turn to page 163 please, it's a list of things that were charged to the job?
- A. Yeah.
- Q. So about halfway down we see "hook chain"?
- A. Yeah.
- Q. So that's the hook chain for the bottles --
- A. Yeah.
-

- Q. -- I'm assuming, is that right?
- A. It's in with the sign and the two bottles.
- Q. So that was issued to you?
- A. This piece of paper?
- Q. The hook chain?
- A. No.
- Q. No. So can you help me which -
- A. Oh the - I didn't - that one would have been, yeah for the cylinders.
- Q. Right. Okay. And I see on that - if we just turn the page third from the bottom the same day it says "two gas bayonet hoses"?
- A. Yeah.
- Q. So were those issued to you?
- A. These have been - if this is an issued receipt they have been issued the day after the signature, and three days after they were fitted.
- Q. Well, we were told that they were batched because your time sheet says the 27th, if we go back two payments, it was all done as a batch, so 26, 27 is the batch date rather than the actual date, that's what I understood earlier on?
- A. From what I can read into this it looks like that's the day they probably billed for it, for my labour, for materials, for anything that went out.
- Q. Well, if we go back to our hook chain on the previous page, the date on that looks like it is the 27th?
- A. Right.
- Q. But you said the hook chain was issued to you?
- A. This is the date that they - there's other things on there that I would have needed to have actually put the pipe in on the 27th.
- Q. So the date's not that critical is it?
- A. Well no, I suppose you can say that, yeah.
- Q. I mean as I understand it, like every two weeks or something like that they entered all the stuff into -
- A. I really don't know.
- Q. No, no. But that's what it would appear. So really my question is, so it says two gas cooker bayonet hoses?
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- A. Yeah.
- Q. So what happened to those?
- A. They got put on the fryers.
- Q. Sorry?
- A. They must have got put on the fryers.
- Q. Yeah, but if they were issued to you what did you do with them?
- A. They weren't issued to me. This is - this isn't a copy of what I've booked out, this isn't a copy of what they've supplied to me, this is - as I read this, this is the, I don't know the charge up sheet or what they think they need for the job.
- Q. Yes I understand that. But my - I guess my point is, it's in the middle of a list of stuff that you have apparently got and I'm not quite sure how to separate what you got and what you might think somebody else has got?
- A. I really don't know.
- Q. You don't know. Okay. So if a chain for the fryers was issued it should be in here, shouldn't it?
- A. If it was issued, I suppose, yeah.
- Q. Now, just carrying on with the issue of whoever put the bayonet hoses on to the cookers and installed the cookers, you said you haven't done it, but presumably Allgas would have done a leak test on the whole system?
- A. According to the job sheets they did, yes.
- Q. Yes, according to the job sheet, yeah, okay. I wonder if you - you see on page 165?
- A. Yeah.
- Q. It says that another bayonet hose was issued some time early in 2004?
- A. Yeah.
- Q. Would you have any idea why it would be necessary to issue a replacement bayonet hose to that site?
- A. It's hard for me to say because that's after I left.
- Q. I know you can't attest to it being issued, but I'm just saying would you understand why that might have to be done?
- A. Perhaps the first time - perhaps only one fryer was fitted the first time around?
-

- Q. No we've had two hoses issued -
- A. I - then I don't know, unless they added another appliance, I don't know.
- Q. Okay, all right. Now, can we just get to our Rinnai situation. Did I hear you correctly in saying that the instruction manual for the Rinnais, that's in the box has this table, table 16, this one here?
- A. Yep.
- Q. It has it?
- A. I've seen them in there.
- Q. You've seen it in there?
- A. Yeah.
- Q. Right. Okay. I was curious because I think you said - just correct me if I get this wrong, I think you said Part 1 of this document is compulsory?
- A. Yep.
- Q. And Part 2?
- A. It's just an accepted solution.
- Q. Acceptable solution, all right. Can you open the document, I just want to - let's just go to page 37 and can we go to 1.6.2?
- A. Yeah.
- Q. Can you just read that to me please, the first paragraph?
- A. "Gas appliances and equipment shall be installed in accordance with the manufacturer's appropriate written instructions. Every appliance should comply with 5.2.6.1".
- Q. So that's the mandatory provision?
- A. Yep.
- Q. Manufacturer's written instructions?
- A. Yeah.
- Q. Right. So you've told me that the Rinnai instructions contain table 16?
- A. Right, yep.
- Q. Why did you think that a 2001 letter took precedence over the written instruction?
- A. My reason for that was in that tech note that was referred to me are much higher rated appliances, um, the trade practices - as the rating of an appliance increases so do your distances, so in my way of thinking that if it
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- was okay to have a 32 within 500 mm of an opening window, then it was okay to have a 20, or 24 or anything below that within that distance.
- Q. Forgive me, but isn't that using your opinion to override the standard?
- A. I'd thought I was using a reference document from a manufacturer that - the way I saw it was the exhaust fumes are going to act the same.
- Q. Yes I have understood all of that really really well, I'm just on about - and I understood what you said about the tech note, my point is the tech note as you've described it, is 2001?
- A. Right.
- Q. This is a 2003 standard which takes precedence over the old 1996 standard?
- A. Yeah.
- Q. And you said the compulsory part of the standard is to install according to the manufacturer's instructions?
- A. Yeah.
- Q. The manufacturer's instructions contain table 16 you've said?
- A. What - sorry, go on.
- Q. So, I'm - I am struggling to understand the justification for assuming that you can override the manufacturer's latest instructions by a 2001 tech note?
- A. I just thought it would perform okay. I thought that if -
- Q. That's fine. Okay. Thank you.

**MR PARKER**

- Q. So just to gets some clarity on that, the tech note didn't come with the appliance?
- A. No.
- Q. The schedule of the attachment into the back of the standard came with the appliance?
- A. The table in the -
- Q. The table?
- A. Yeah.
- Q. I think Rinnai, you said, come with those?
-

- A. Yeah.
- Q. So I think the point being made is what - not why did you take the tech note but what made you even think of asking for the tech note?
- A. I didn't ask for the tech note.
- Q. Oh I see.
- A. I was refusing to John Darnley to go within, ironically go within that restricted zone and I was given it to sort of make me do it, no-one held a gun to my head, but -
- Q. So - I'd just like to continue. You had a little drawing in here which shows the vertical line and the flush box and a little power flue --
- A. Yeah.
- Q. -- but the pictures of the Rinnai and I think the Bosch, the flue is effectively flush, isn't it, with the unit? The flue doesn't stick out from the unit, it is flush?
- A. The diagram I did, I was trying to show a flush box is mounted in the wall, the flue is the same to the unit. Now, if you've got a cavity with a flush box in and if you take it out of that flush box and put it on the wall that's what I was trying -
- Q. I understand. So the diagrammatic picture of a little spigot hanging out the front --
- A. Yeah.
- Q. -- representing the flue is just diagrammatic, it's not representative of -
- A. Oh it doesn't stick out.
- Q. Thank you.
- A. No no, no no. I was just trying to show where it was.
- Q. I'd just like to get a bit of a back ground of your experience in the gas industry, so from up to 2003 I think you had been in Nelson most of the time?
- A. No me and the wife were living in a van just driving on our honeymoon for about four months.
- Q. Working as a gasfitter?
- A. Just on our honeymoon.
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- Q. But working as a - but then you were working - when you were working as a craftsman gasfitter from?
- A. Oh I would have to remember. It was in Dunedin for about I think it was a year before I left, if that.
- Q. The year being?
- A. Would have been the year 2000 I left, so 99 to 2001.
- Q. 2000? How much gas work had you done as a craftsman fitter from the time you left New Zealand?
- A. My job down in Dunedin didn't really change, I worked under the craftsman gas fitter for the first three years and the only difference when I passed the exams was I signed the two certificates that Mr Hammond found which I had forgotten about and that was it, I just got the ticket.
- Q. So you did your time, I'll call it that, with a Dunedin craftsman?
- A. Yeah.
- Q. Sat your A and B, I think -
- A. No, just my A is common.
- Q. Okay, and then you were granted in some form to become a craftsman?
- A. I was granted - the - my practical side was granted on my City and Guilds and my New Zealand craftsman was granted on my passing the common paper, yeah.
- Q. Sorry, you've probably mentioned it, when did you become a craftsman? What year?
- A. 99, 98 something like that.
- Q. So from that time on becoming a craftsman and having done your time in Dunedin you would be aware about gas certificates?
- A. I was aware of their existence, yeah.
- Q. And you would be aware that craftsman would be required to sign them off and send them to the Board?
- A. That's what happened to them, yeah.
- Q. And picking up on some questions about regulations, so when you sat your A exam you would have been familiar with the New Zealand environment, what was required, standards 1996?
- A. I worked to them.
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- Q. NSZ 5261?
- A. Yeah.
- Q. Do you think that the gas technology in New Zealand, natural gas or LPG is any different to that in the UK?
- A. There are certain difference, but I mean gas is gas.
- Q. So the principles are much the same?
- A. It's goods to have good ventilation, working pressures maintenance, that sort of stuff.
- Q. But the same laws that might apply, if I mention Boyle's law, Charles's Law you would understand those?
- A. The volume is in relation to the temperature and the pressure inside the vessel.
- Q. So when we move along now to say 2008 or 9 you are working in Nelson in 2003?
- A. I'd just - I had gone back to the UK - when I left Dunedin I went and did a commercial diving course for three months. I worked as a commercial diver for about two years, met my Mrs, she told me she didn't want me doing anything so stupid, so I went back gasfitting.
- Q. I am trying to get a bit of a gauge of your experience and I see in tab 12, 48, where you wrote to "Dear Nick", whom I assume this is Honourable Nick Smith?
- A. Yep.
- Q. It isn't dated particularly but PO Box 317 Nelson?
- A. Yeah.
- Q. And there is a statement here "When I contacted the Board and was told", I'll cut this short, "certificates would cost \$25; as per correspondence from my lawyer, Miss Belinda Greer had stated there were over 1,000 certificates in my name"?
- A. Yeah.
- Q. That's a thousand jobs?
- A. Yeah.
- Q. You're comfortable with that figure?
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A. When I first read it, I thought a thousand while I was working in Nelson, you know, it's probably why I said to Mr Hammond I didn't recall doing that many. But they probably were more referring to the jobs that perhaps I'd been signed of as a registered fitter in Dunedin. I don't know, I really don't know.

Q. Well, I think it's quite important here for a number of reasons because if there's a thousand certificates sitting on your file that have got your name on them, as in they are an agreed signature by yourself?

A. Oh yeah totally, yes, yes. If there's a thousand jobs there with my signature on them I want to see them, totally.

Q. Well, I have heard someone already ask whether you were in the habit of signing, if you like, blanks?

A. No definitely, put hand on hard, definitely.

Q. So let's just assume that you've got a 1,000 certificates with your name on them and that just for the sake of the argument you have done at least some work on them, even if I could accept that someone has come along and added more work?

A. Right.

Q. But you'd have - so I just want to get - so a thousand is quite a lot?

A. If there's a thousand jobs out there with my signature from when I worked at Allgas or anywhere with my signature, because when I was in Dunedin I'm sure Mr Hammond if he'd found more certificates when I was in Dunedin he would have willingly brought them up, yeah - there might be a thousand now, who knows, since I've left, but at the time of that letter being written. They came back to me then and told me it was 89 then Mr Hammond told me it was 95, then he told me it was a hundred. I've had about five figures really.

Q. Yes I think they're the ones that have mostly been isolated, haven't they, in this discussion about special audit so put it like this, no-one's gone back to the whole thousand?

A. When we are talking about - oh no, no no.

Q. I just want to get a feel if you are comfortable that a thousand certificates are in your name?

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- A. I would be very uncomfortable if there's 1,000 when I finished my time working at Allgas.
- Q. Okay if you think a thousand is too much, have you got any idea of how many certificates in your career in New Zealand you would have signed?
- A. Not off the top of my head, no.
- Q. Hundreds? More than a hundred?
- A. There was probably about a hundred when I was at Allgas. If that was - in nine months you could times that is by what, what's it now 2003, by another five or six a week, yeah, happy with a hundred plus, perhaps, I'm really guessing

**MR BICKERS**

- Q. Sorry did you say five or six a week?
- A. No I said when I was about Allgas there was about 89 to 90 in nine months, so I was trying to multiple that by the years from them until now, if you see what I mean?
- Q. 89 to 90 at Allgas?
- A. Plus I did hand back 20 or so. So you'd probably be about, I don't know, a hundred.

**MR PARKER**

- Q. Mr Darnley is a craftsman gasfitter?
- A. Mmm.
- Q. Do you and him have the same view on the quality requirements of being a craftsman gasfitter?
- A. I don't think so.
- Q. You don't think so?
- A. No.
- Q. You think - why don't you think so?
- A. Can I tell you what John said to me once? Is it admissible?
- Q. Well that's hearsay.
- A. Is it admissible?
- Q. I mean, I suppose you are free to express what he said to you.
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- A. Right the job I have been trying to raise with Kern Uren for months now, a guy's got a califont with a ring main central heating radiators coming off it, which is bad practice and I didn't want to do it but I started working on the job, and then John started fitting hot water taps to the ring main. And I turned round to him and said where's the speci for this job? You know, this is dangerous. And he turned round to me and said you don't need the speci, it's all about poker face. It's all about poker face. And I said - I swore and he said you just make out, you know, what you're doing.
- Q. In your time with Allgas were you ever familiar with Casey's?
- A. Casey Services.
- Q. Do you know what Casey's are employed to do in those days?
- A. Casey's the auditing thing.
- Q. Yes, Mr Lamborn was here?
- A. To the best of my recollection he came to my house once for the bi-annual audit.
- Q. What bi-annual?
- A. I can't tell you what year that was.
- Q. No sorry, when you say bi-annual, bi-annual?
- A. We used to get audited every two years by Casey's.
- Q. So Allgas got audited every two years?
- A. I don't know, I don't recall being audited at Allgas at all while I was there.
- Q. But you were audited yourself?
- A. I was after I'd left Allgas.
- Q. Did you pass your audit?
- A. Yeah, two I think.

**MR BICKERS**

- Q. One supplementary, if you just want to go back to those two hoses, did Mr Darnley at any stage talk to you about fitting those hoses? I mean, for example, at the start of the day did he say to you anything at all about connecting up the fryers?
- A. I - I really can't remember what was said. I recall being told to go and fit some bayonets. I really don't remember getting much sort of input.
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- John's way of running it was just get on with it. I think John noticed pretty quick that I knew a little bit more than him. He sort of trusted my -
- Q. Yeah, I guess - I'm just exploring the possibility that if he did the subsequent work that he might have made a comment to you about your work?
- A. Oh after?
- Q. Yeah, after you'd done it?
- A. No, no not that I can recall, no.
- Q. So he didn't, for example, say nice piece of work you did or -
- A. I didn't get many compliments here either.
- Q. So he didn't say that was a stupid place to put the bayonet or anything like that?
- A. No, no.

**MR HARDIE**

- Q. We're talking about the amount of gas wok that you may have done in your previous years which is obviously going on your calculations several hundred is a minimum?
- A. From?
- Q. From Dunedin onwards?
- A. Perhaps, yeah.
- Q. So going back to a comment that you made during your questions about 68 Greenwood when you talked about that you didn't give a lot of consideration to what other appliances were installed in the property, when doing your work, or whatever you were there to do, coming back to you on I guess your obligations, what do you think your obligations are to ensure that the appliances installed are safe and compliant?
- A. Totally. But one comment - my comment there was more on if I am putting a new install in the place I know every gas install in that place because I am putting it in. In the UK there is a lot of gas cookers. I'd say 90 percent of the people use gas cookers in the UK, it's probably the other way round in New Zealand. I wouldn't look for a gas cooker as such because most people have electric. If I got the bottles here and I'm putting
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- them in, run the line, I put the water heater in, I know - anything in that house that I need to know about, I would be putting it in.
- Q. This is in a new installation?
- A. If I'm teeing in.
- Q. So if you are doing an addition --
- A. Yep.
- Q. -- to an existing home do you think you should not have the same accountability and care?
- A. For the whole supply? All I can do, as I understand it, is if I put something in, so I put an add and I look back and I see that there's a problem, if something in the existing is dangerous or potentially dangerous, I've got to tell the person that it is dangerous but I'm not allowed to touch it -- I'm not allowed - you know if the guy says leave it alone I don't want you touching it. Now at the Gas Board we had the right to turn it off.

**MR PARKER**

- Q. I'd just like to ask you, I think you have suggested in some of the statements during the last couple of days, picking up on that item, that you did some work, take the one that's the extension, and I think what I'm hearing Mr Hardie ask is there is a requirement in the gas certificate for the certifier to be satisfied, you will have heard Mr Hammond, that what is there before you do your work remains safe and the work that you do doesn't compromise that work?
- A. Yeah.
- Q. And if you found that you thought that the work was already there was unsafe you could have actually, could you not, have got hold of the PG and D Board and registered the unsafe nature of that installation and had someone - and asked the Board to have a look at it, have you ever done that?
- A. Yep.
- Q. You have?
- A. Yeah. Can I just answer one thing, the one with the extension for the bayonet, the water heater was visible as we went in and looked fine and
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the part that turned out to be wrong was tucked away in someone's cupboards and I'm just not comfortable going into someone's house and saying do you mind if I rifle through your cupboards and make sure your gas lines are okay? That's what happened here.

**MS INESON**

- Q. I'm just trying to get my head around the timelines here, can you remember when you first were concerned when working for Allgas that certificates were being altered or weren't being done correctly?
- A. I could find out - if we were to look at the certificates that I handed back and refused to sign it would be a good indication.
- Q. So that was before you left Allgas?
- A. It was - I don't know off the top of my head, it was perhaps two months before I left.
- Q. Okay. And you left Allgas in December 2003?
- A. Yeah.
- Q. So it would have been about the 10th 2003, give or take?
- A. Roughly.

**MR HARDIE**

- Q. Just building on what was just said about not comfortable rifling through cupboards, but again coming back to a duty of care as a gasfitter, if you see a pipe that goes somewhere and you are unable to identify it do you not think you have a duty of care to confirm --
- A. Totally.
- Q. -- where that pipe was, what it supplies and where it is?
- A. Yeah, totally. Just to give you an example I was asked to move some cylinders by Mr Darnley and they'd moved them to a compound out away from a building, which is fine. I ran the line, hooked up the cylinders, asked the lady - 'cos I had to purge, I said to her what appliances do you have, any pilots? You know, make sure everything's running. There's no air in the line, test for leaks. The lady walked me through her bedroom, then through her bedroom cupboard, a walk in wardrobe, opened up a
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hatch at the back of the walk in wardrobe to show me a storage water heater in a cubbyhole behind the walk in wardrobe in her bedroom with the vents supposedly to vent the open flue into the bedroom and into the hallway. I went back to Mr Darnley - I turned it off. The woman was quite upset with me. I went back to Mr Darnley and told him what I'd done and as far as I know he went back out and turned it back on.

Q. So building on that, what did you think your obligation was?

A. What I've been trying to do for the last six, seven years. I haven't got the time, finances to police the system, I haven't. I can only try and get people to look at it.

#### **QUESTIONS ARISING BY MR GORDON**

Q. I just want to continue on from that duty of care, a lot of these - or out of seven of these locations I just want to work through them to find out if there were any other appliances that were coming off the lines that you were working on?

A. Yep.

Q. So if we start with Milton Street that was a new installation?

A. It was a new installation, it was just the bayonets.

Q. So there's no duty of care there to follow up on?

A. Yeah.

Q. Malvern Street?

A. Malvern was - that was new.

Q. That was new. Dommett Street?

A. Dommett Street, I think that was new.

Q. That was new?

A. Yeah.

Q. Greenwood Street, I think this is possibly the one where there could be some confusion coming in.

A. That was new.

Q. That was new because there was no gas there originally was there?

A. No, there was never.

Q. And main road that's the Mussel -

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A. That was an extension so it would have been off a commercial kitchen.

Q. Powick Street?

A. There was existing cylinders and I extended it to an existing water heater, so it was just pipework. And I could see all the pipework.

Q. And 8 Ball Unit being the -

A. That was new.

**MR PARKER:** That puts it into context I suppose.

**QUESTIONS ARISING BY MR LAURENSEN** - nil.

**MR PARKER:** Mr Gee there are no further questions. Thank you, it's been tough so you are free to go, thank you.

(Witness excused)

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**MR PARKER:** Mr Laurenson I think you had a piece of evidence you wished to talk to and bring Mr Hammond back to the witness stand is that still the same?

**MR LAURENSON:** Yes, hopefully you might have got some directions from Mr Corkill that I raised it. So what I am hoping to do is recall Mr Hammond to respond to this PG 022A which is - and in fairness to Mr Gee just so that - given that Mr Corkill isn't here, part of the evidence that Mr Hammond would give in response to it is hearsay, having telephoned the person he's referred to in this, and the reason I ask - this has been produced it's by Mr Gee, it's hearsay in itself you see, it's a document from Rinnai and so obviously the Board will have to take into account both lots of it are hearsay.

**MR PARKER:** This is 22A is it?

**MR LAURENSON:** From Grant Burke. So what I propose doing is asking Mr Hammond to account for his conversation about Mr Burn about this.

**MR PARKER:** Well Mr Corkill's comments to me when he left was he expected you to have - to want to put Mr Hammond back on the witness stand and to ask him a question, so I'd assume that he was comfortable with this piece of paper and I did actually say to him that I actually had another question that I wanted to ask Mr Hammond about as well if that's okay with you Mr Gordon?

**MR GORDON:** Yes that's fine.

**ANTHONY EDWIN HAMMOND (recalled and re-sworn)**

**EXAMINATION CONTINUED BY MR LAURENSON**

Q. Can Mr Hammond please be shown a copy of PG 22A? Mr Hammond do you have a copy of PG 022A in front of you?

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A. I do.

Q. Had you seen this before today?

A. No.

Q. Now, it's from - the top part shows that it's an email from Grant Burke dated 16th of November 2010?

A. That's correct.

Q. Do you know Grant Burke who appears to come from, or work for Rinnai in New Zealand?

A. Yes, I do. Grant Burke is the technical manager for New Zealand for Rinnai.

Q. And after reading this email did you telephone Mr Burke today to ask him some questions about it?

A. I did.

Q. Could you just tell the Board please what you said and what he said in response?

A. If I could just explain a little bit about the email first, you will notice there, at the bottom an email from Mr Burke back to GSP Services which is Mr Gee's company and the middle section is the response to that email by Mr Gee and then finally Mr Burke's response to that response at the top. Unfortunately the email that generated this correspondence - this communication in the first place isn't attached to this one, and when I spoke to Mr Burke I quoted the dates of the emails and he was able to turn up all the details relating to these emails except that he had no attachments to the initial email that he received. No he apologised for this, he said he couldn't locate the attachment to that email, so we don't actually - he didn't actually have in front of him when I spoke to him the pieces of paper that they were talking about, which was the, I believe, the documents 122 and 122A from package 12. However, what Mr Burke told me was that - and it's basically the same statement as is in the lower of the three emails, the first line, that Rinnai New Zealand do not issue dispensations for exceptions from NSZ 5261. He stated that Rinnai includes a requirement with each and every appliance a booklet of instructions which specifies the installation details and states clearly that

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the installation must comply with NSZ 5261. While I spoke to him on the phone he accessed the Infinity 24 and Infinity 32 instructions and identified that page 100 and page 101 of NSZ 5261:2003 were enclosed as part of the booklet. I asked him if that had always been the case and he said that in 2006 there was a change in the model range of Rinnai water heater appliances and that there was a previous set of instructions which applied prior to 2006. He said the previous instructions contained a similar reference to 5261 and pages 100 and 101 with one exception, and if you access - if you could look at please page 101 in particular, you will note there was an amendment made to that table number 20 - in May 2005 there is a note beside the clearances relating to horizontal clearances and he said that the instructions that were in the appliances between 2003 and 2006 before the model changed contained the original clearances that were there prior to that amendment, but apart from that the information contained in appliances supplied for that time again made reference to NSZ 5261 and those particular pages. I asked him if he was able to explain any details about the kit, the flush box kit which is shown in 122A and he confirmed what is in the email that Mr Gee tabled that those particular instructions were no longer available on the Rinnai website. But he made a statement to me at that time that he said that unless a heater was installed in a flushing box, then why was I concerned about whether the flushing box contained clearance that might be in variance to the standard? Because I'd already told him that we didn't have an appliance installed in a flush box. He said he was unaware of any instructions that reduce clearances set out in NSZ 5261. He was unaware that any instructions had been issued by Rinnai New Zealand.

Q. You mentioned the Rinnai I think 24 and 32?

A. Yes.

Q. The Westport Holiday Park installation in this case dealt with a Rinnai Infinity 20, do you know anything about that?

A. Now he made the statement to me the vertical clearances shown in table 16 on page 101, those clearances apply irrespective of the size of the

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- heater. They are limited to if the heater is in excess of 150 mega joules, whether it's a 20, 24 or 32, those tables apply.
- Q. And how about instruction manuals, did he say anything about what was in the instruction manual for a Rinnai 20?
- A. I didn't specifically - oh yes I did, afterwards I spoke to him about the 20 and he confirmed that the 20 was the same, sorry I forgot to mention that.
- Q. When you say the "same" in that what?
- A. The same as it was for the 24 and 32 but he didn't access the 20 while I was on the phone.
- Q. And do you have any knowledge about what's in the Rinnai Infinity instruction manuals?

**MR GORDON:** I thought we were just talking about this exhibit at this stage?

**MR PARKER:** Sorry?

**MR GORDON:** I thought we were just talking about this exhibit that had been produced. We seem to be going off on a tangent talking about other things now.

**MR LAURENSEN:** Well this is responding to Mr Hammond's view on this exhibit but -

**MR PARKER:** Has Mr Hammond answered your questions?

**MR LAURENSEN:** Given that there's no legal assessor here, if Mr Gordon objects I won't push the point.

**MR PARKER:** Okay. All right. Mr Gordon nothing else.

**MR GORDON:** No we're fine.

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**MR PARKER**

Q. I have a question of Mr Hammond. Mr Hammond I just want to get some clarity around what I call quick disconnect fittings, these bayonet fittings, for people who have got residential properties, personally my understanding is that you fit bayonet fittings in a number of places to allow the quick connection and disconnection, in a word "plug and play" type, but I have seen in the papers today, over the last few days, that bayonet fittings have been used in a commercial application and I'd like to get the Board to understand whether the use of bayonet fittings is acceptable in those areas and my reason for that is, if having plumbed out a property that's got a bayonet fitting and it has no appliance attached to it and a gasfitter signs that off, it wouldn't seem fair to me after I came along and then inserted an appliance in the bayonet fitting, to suggest that the gasfitter would be liable for the appliance that got put into the bayonet fittings, does that make sense what I am saying?

A. That is correct.

Q. So on the basis of what we're talking about here, we've got fryers and other appliances that are being connected to bayonet fittings, can you give us some clarity on why is it now they are kind of in gasfitting or not in gasfitting I just find a little memorising?

A. I think one of the principal reasons for the use of bayonet fittings, particularly in commercial applications is that in many commercial kitchens the appliances are stacked side by side and there maybe two fryers and a salamander, a grill, a cooker and so on, and in order to do adequate cleaning you need to be able to pull the complete appliance out of its normal resting place and therefore pull it something like 7 or 800 hundred millimetres forward before you can get behind it to clean it.

Q. So, when you pull it out, are you suggesting therefore pulling it out might require you to disconnect it from the gas?

A. Exactly. In some instances it is disconnected from the gas and the chain is unhooked and the appliance is pulled right forward.

Q. So can I just put this scenario to you, if someone came along and plumbed out a commercial property, only plumbed it out, and put in

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- bayonet fittings and signed off the work that was purely for that. And then I owned the shop and came along with a, I'll call it a portable fryer, and I plug in the fryer so it will work, what obligations have we now got regarding the credibility of the installation?
- A. I think we need to be careful with the word "portable" in NZS 5261. There is a definition of "portable" and "mobile" and they are basically different and I would class commercial appliances as mobile appliances because as we've seen with some of the photographs here there are in fact a couple of wheels mounted on the back of the fryers so that when they are moved forward they just need to be lifted up and then the whole appliance can come forward.
- Q. Yes, so can you perhaps point us to somewhere in 5261 that just makes that - shows that definition between one and the other and I think all I am trying to satisfy here is if someone can come along later, even if the gasfitter installed it, a mobile appliance, once it's disconnected and then reconnected, it's to do - as I think I heard mentioned in the last couple of days, the gasfitter's liability stops after the day he signs it or on that time --
- A. Yep.
- Q. -- can't be accountable for anything after that?
- A. Correct.
- Q. So if it's possible to disconnect it and then reconnect it, whether you call it a mobile, I just want to try and get some context about where the duty of care sits and the accountability goes from one party to another, and I think - it's fair in this case given the amount of weight that's being put on a couple of commercial properties?
- A. Well, first of all could I just take you to page 24 of NZS 5261:2003 and it talks there at the top of the page it's actually defining the various types of appliance and a mobile appliance is a gas appliance fitted with wheels designed to be easily moved forward by one person. A portable appliance is an appliance designed to be carried from place to place by the user, and generally speaking those are the sort of appliances are space heating appliances that are used in domestic situations where it's been plugged into an area to provide some heat on an occasional basis.
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- Q. But the mobile appliance is so designed to allow a lay person to disconnect it and re-plug it in?
- A. The type of joint that a bayonet fitting consists - a bayoneting hose fitting consists of is a purely mechanical joint and does not need any special tools or jointing compound or anything else to make sure that it's a gas tight fit. It is purely is an insert and a quarter turn to hold it in place. So that it can in theory be fitted by - installed by any person and it can be undone by any person.
- Q. Picking up on the point that's been made on the whiteboard, I don't know if it's been rubbed off or not, but I think Mr Laurensen you made the point about whether the fitting came out of the back of the fryer and if it didn't would the hose potentially get caught up in the steel edge, but is that not possible to happen then with the owner pulling it out and putting it back, an appliance?
- A. Whenever the hose lies on the floor underneath the appliance it is going to be subject to damage if that hose connection is undone and then later on the appliance is pushed back in and done up again.
- Q. So can you be sure over a period of time, your opinion, that after something is installed and someone says I installed it like this, that if it's being taken out weekly to be cleaned and potentially disconnected and put back. If it's installed in one - let's call it one assembly type, where the hose is off the floor and attached and held up, is it possible over a period of time that the owner of the property or the cleaner pulling it in and out could have broken the integrity, if you like, of the original installation such that now it lays on the floor and it was damaged?
- A. When the hose lies on the floor it is attributable I think to two things, first of all the height of the bayonet fitting above the floor and secondly, how the actual other end of the hose is connected to the actual appliance, because that's a pertinent connection which needs to be made by a gasfitter and it's not undone or altered in any way during the process of unplugging and plugging in the bayonet fitting, and provided the bayonet is fitting is high enough above the floor and the permanent - the end where the hose is permanently attached to the appliance is sufficient to allow the hose to not
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- fall on the floor, you have got a satisfactory installation. Immediately there is - those two are orientated such that part of the hose can get onto the floor you are starting to get into a problem of it catching and being damaged by the wheels and so on.
- Q. And in your experience does that tend to happen between once an installation has been installed correctly in the life of pulling it out or not?
- A. I think if the bayonet is at the right height, the hose is of the right length and the connection is made correctly at the back of the appliance then you don't have a problem with the hose falling on the floor and getting damaged. Immediately one of those is not correct there is the potential for the hose to fall on to the floor and be damaged by the wheels or the legs moving.

#### **QUESTIONS ARISING BY MR GORDON**

- Q. Just to continue on from that, so in the case of Mr Gee with the bayonets where Mr Gee says he put the bayonets - there is a possibility if he had of, hypothetically, had of connected up the fryers, as you said, the bayonets right height, the hose the right length, the chances are it wouldn't be on the ground and we wouldn't be sitting here would you agree with that?
- A. That's correct.
- Q. So a lot of that hinges on whether that installation was altered from the time Mr Gee had finished the job and signed off on it -
- A. Well unfortunately it hinges on the height, the length and the position of the permanent connection.
- Q. So the main thing in that is the height?
- A. The height, the length and the permanent connection.
- Q. That's fine. Now, the second thing I have just to clarify and you're talking about Part 1 and Part 2 of the Act. Now Part 1 is what must be done, what you must comply with?
- A. Part 1 is the mandatory requirement.
- Q. Mandatory requirement, yes, and Part 2 is a way of compliance?
- A. That's correct.
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- Q. Now, the reason I was asking about that, because on page 35 of the edition I have here, 1.5.7, it meanings about flue terminals and in the second paragraph of that section it reads: "Flue terminals shall be located to minimise entry of combustion products into any building and to minimise the effects of adverse draft on the performance of the gas appliances". So in reading that, if there's no gas entering into a building, then it complies with Part 1?
- A. Yes, the aim of that is to make sure that gas does not enter into the building.
- Q. So that's the aim of it, so if there is no gas, say in this case we've got two situations where people are saying there's no gas entering, then according to that paragraph then it complies with Part 1 of the Act?
- A. No, I don't rely on consumers whether the gas was entering or not, it is the gas fitter's job to locate it in such a way that gas does not enter the building.
- Q. But that's what it's saying here though isn't it, it's saying that if the flues aren't entering the building then it complies with Part 1?
- A. Yes, but -
- Q. And if the customers are saying fumes aren't entering the building then it's compliant with Part 1?
- A. But in order to ensure that under all conditions products of combustion do not enter into the premises, then one way of complying is to ensure that the clearances are in accordance with Part 2. If you are putting in an appliance with clearances other than those in Part 2, then you need to demonstrate how the - how you have ensured that under all conditions the products of combustion can't enter the property.
- Q. That doesn't say "in all conditions" there. Does it say in here "all conditions"?
- A. No it doesn't say all conditions, but that's surely a general inference from the requirements of the standard to meet all conditions.
- Q. Well an inference is fine, but as per it says here the - that's located to minimise entry of combustion products and to minimise the effects of adverse draft et cetera. So those - if there's no fumes entering those two
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locations that we've been talking about, then they're actually compliant with the mandatory part of the NSZ 5261?

- A. I don't have any knowledge of whether products of combustion are in fact entering or not. I have not carried out any tests to demonstrate. I am unaware of any tests that have been carried out to demonstrate that.

**MR PARKER:** Well I think we have reached the point where we are having submissions, so I think we can adjourn now.

**MR BICKERS**

- Q. Mr Hammond, I'm sorry I'm just thinking about what Mr Gordon had put, under what circumstances does 1.5.7 take precedence over 1.6.2? And 1.6.2 which is the manufacturer's instructions, which in turn is table 16, so what would be necessary to say that you've complied with 1.5.7 and you can override 1.6.2?
- A. If the manufacturer had carried out some tests and designed a particular appliance in a particular fashion that he felt that it could be put closer to some other part of the building or whatever, then presumably he would provide that information to the gasfitters so they could see that it was appropriate to do so other than was specified in the means of complying.

**MS INESON**

- Q. Supplementary on that, so does that mean on page 101, is that the point of number 6?
- A. Sorry?
- Q. In page 101 is that the point of note 6 at the bottom of the page?
- A. Yes, that note is there specifically for.
- Q. To describe what you've just described?
- A. Yeah.

(Witness excused)

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**MR PARKER:** I think we'll adjourn and I thank you all. We will receive your written submissions on the agreed timetable, the 10th and the 16th.

**ADJOURNED [3.39 PM]**

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