

**IN THE MATTER OF**

The Private Security Personnel and  
Private Investigators Act 2010

**AND**

A Complaint by the POLICE against  
**THOMAS PEATO**

**HEARD** at Rotorua on 23 March 2020

**APPEARANCES**

Constable D White & Sergeant C McLeod for the Police  
T Peato the certificate holder with A Mason

**DECISION**

[1] The Police are asking for Thomas Peato's certificate of approval to be cancelled because Mr Peato is an active patched member of the Rotorua chapter of the Filthy Few Motorcycle club. The Police say that being actively involved with a gang such as the Filthy Few is inconsistent with the character and background requirements of the Act. They therefore consider Mr Peato is not suitable to be a certificate holder.

[2] Mr Peato accepts that he is a fully patched member of the Filthy Few but does not consider that should disqualify him from being a certificate holder. He says the Filthy Few is not involved in criminal activities but brings people together, does good work in the community and supports families.

[3] Sergeant McLeod gave detailed evidence on the background and structure of gangs including the Filthy Few which is a Bay of Plenty based motor cycle club. Sergeant McLeod is attached to the Bay of Plenty Intelligence Section as the Intelligence Collections Coordinator. He has had personal experience with the Filthy Few throughout the Bay of Plenty and he says that the Filthy Few are a motorcycle gang and that they are engaged in criminal behaviour and have been for their entire existence.

[4] Sergeant McLeod says that information currently received from both general policing and inside sources confirms that the Filthy Few are still involved in drug dealing, unlawful possession of fire arms, stand over tactics and assaults on the public. One of the Filthy Few's underpinning behavioural blocks is the 1% symbol that stands for the fact that they are the 1% of rebellious citizens who do not conform to the laws of society.

[5] Mr Peato says that while the Filthy Few may have been involved in illegal activities in the past this is no longer the case and the people who engaged in illegal activities are no longer with the club. He says that the club has changed in the last few years. He also denies that the 1% symbol stands for rebelliousness or not conforming to the laws of society. He says it now stands for the fact that they are the 1% who think outside the box and compared it to entrepreneurs.

[6] I accept that Mr Peato is not currently involved in any criminal activities with the Filthy Few and that he is genuine in his desire to want to support the community and families within his community. However, I do not accept that the Filthy Few has gone through a radical transformation in the last few years and is no longer engaged in any criminal activities or that the meaning of the 1% symbol has changed in the way Mr Peato says.

[7] The Filthy Few is one of the gangs listed in the Prohibition of Gang Insignia in Government Premises Act 2013. I accept Sergeant McLeod's evidence that the Filthy Few is still involved in criminal activities and has a strong hierarchical structure. That structure means that Mr Peato can be required to carry out orders from above, some of which are likely to directly conflict with the standards and conduct required of a security guard.

[8] In 2017 Mr Peato applied for a COA and it was declined on the basis that he was a prospect for the Filthy Few. At that time, I advised Mr Peato that he was only likely to be able to hold a COA if he was no longer actively involved with the Filthy Few. Since then Mr Peato has become more involved with the Filthy Few by becoming a fully patched member.

[9] Being an active patched member of the Filthy Few means that Mr Peato is not suitable to be a certificate holder. Being no longer suitable to be a certificate holder is a discretionary ground for cancelling Mr Peato's COA under s 83(1)(aa) of the Act.

[10] If it were not for the fact that Mr Peato is a patched and active member of the Filthy Few I would allow him to keep his COA. However, being a patched member of a gang such as the Filthy Few is inconsistent with the character and background requirements of the Act.

[11] Mr Peato's certificate of approval is therefore cancelled from the date of this order. There is no need for him to return his ID as it has already been sent to the Licensing Authority by New Zealand Post after he failed to collect it.

**DATED** at Wellington this 25<sup>th</sup> day of March 2020



P A McConnell

**Private Security Personnel Licensing Authority**