

IN THE MATTER OF

A complaint under s 74 of The Private Security Personnel and Private Investigators Act 2010

BETWEEN

THE POLICE

Complainant

AND

VAINETUTAI MARSTERS

Respondent

DECISION

[1] The Police laid a complaint against Mr Marsters after he was charged with possession of methamphetamine for supply and supplying methamphetamine. The complaint was put on hold until there was an oncome on the criminal charges.

[2] On the 19th June 2020 Mr Marsters was convicted of possession of methamphetamine for supply and sentenced to 150 hours community work and 6 months community detention. This conviction is grounds for disqualification under s 62 of the Act. Having been convicted of a disqualifying offence is a mandatory ground for cancellation of a certificate. Therefore, I must cancel Mr Marsters' certificate unless I am satisfied that the grounds for disqualification should be waived because he is suitable to be a certificate holder despite his recent conviction.

[3] At a telephone hearing on 10 July 2020 Mr Marsters accepted he had been convicted of a disqualifying offence. He requested an in-person hearing be held so that he could seek legal advice, apply for waiver and provide evidence that he is still suitable to be a certificate holder.

[4] I adjourned the telephone hearing and scheduled an in-person hearing in Wellington on 11 August 2020. On the morning of that hearing Mr Marsters advised by email that neither he nor his character witnesses would be attending the hearing. He has not applied for waiver and neither filed any written submissions in response to the Police complaint, nor any references or other supporting documentation.

[5] Mr Marsters has provided no information to show that despite his disqualifying conviction he is suitable to be a certificate holder. His conviction is serious, and he is still serving his sentence of community detention. I also note that the search warrant that lead to Mr Marsters arrest was part of a large drug investigation into the King Cobra gang.

[6] I am satisfied that one or more grounds of disqualification apply to Mr Marsters and because of this, he is not suitable to be a certificate holder. Mr Marsters' certificate of approval is accordingly cancelled under s 81(1)(a) of the Act effective immediately.

DATED at Wellington this 20th day of August 2020



P A McConnell
Private Security Personnel Licensing Authority