

**IN THE MATTER OF**

The Private Security Personnel and  
Private Investigators Act 2010

**AND**

**IN THE MATTER OF**

Complaint by The Police under s 74 of  
the Act against **LIAM SAVEA**

**DECISION**

[1] The Police are asking for Liam Savea's certificate of approval to be cancelled because he has recently been convicted of assault with intent to injure and sentenced to five months home detention. This conviction is grounds for disqualification under s 62 of the Act.

[2] Mr Savea accepts he has a disqualifying conviction but wants to keep his COA and has asked for an opportunity to prove he is worthy to retain it. He accepts that he has made some bad mistakes, but his arrest was a wake-up call. He advises that he has had time to reflect on his actions and is genuinely sorry for what he did. He says he has learnt from his mistakes and similar events will not happen again.

[3] Section 82 of the Act provides that when a certificate holder such as Mr Savea is convicted of a disqualifying conviction I must cancel the certificate if I am satisfied that because of this, he is no longer suitable to hold a certificate. Section 64 of the Act however enables me to waive the grounds for disqualification if I am satisfied that Mr Savea is suitable to be a certificate holder despite his recent conviction.

[4] Mr Savea has no previous convictions of any sort. However, the Police advise that he has been arrested and formally cautioned for violent offending on three previous occasions. Mr Savea advises that alcohol was a contributing factor in all these events. He says he cannot remember what happened at the time of his offending as he was so drunk.

[5] Since being charged with assault Mr Savea has stopped drinking and no longer goes out with the same friends. Mr Savea's mother confirmed that he has not drunk alcohol since the night of his offending, that he has been fully compliant with the terms of his sentence and he has shown in the last couple of months that he can stick to rules.

[6] Mr Savea pleaded guilty to the charges and accepts the punishment he has been given. He also accepts that having a COA is a privilege and not a right. However, he says security work is his passion and is all he is trained for. If he loses his COA he will find it very difficult to gain employment once he has finished his home detention sentence.

[7] Mr Savea's offending did not occur while he was working, nor did the other incidents referred to by the Police. In addition there is no information to suggest that Mr Savea has been anything other than professional in his work as a security guard. Mr Savea has provided a letter of support from a company that previously engaged him in a security role. They were impressed by his maturity and his ability to competently handle sensitive and potentially explosive situations. They highly recommend Mr Savea for sensitive security work.

[8] Mr Savea's offending was sufficiently serious to, in most circumstances, result in his certificate being cancelled. However, he is a young man who has fronted up to his problems and is sorry for what he has done. He deserves to be given a second change. Cancelling Mr

Savea's COA would mean that he would be unable to work in the only field in which he is trained and significantly reduce his employment prospects. In addition his offending was unrelated to his work and he has provided a very positive reference commending his ability as a security worker.

[9] I am satisfied that Mr Savea is, despite his disqualifying conviction, suitable to be a certificate holder. Therefore, I grant a waiver from disqualification under s 64 of the Act and conclude that the appropriate penalty is an extension to the suspension of Mr Savea's COA together with imposing some conditions on his COA.

[10] I therefore make the following orders:

- a) I uphold the Police complaint that Mr Savea has been convicted of a disqualifying offence.
- b) Waiver of the grounds for disqualification is granted under s 64 of the Act.
- c) Mr Savea's Certificate of Approval is suspended for a period of 11 months effective from 14 February 2020. This means the suspension will end of 14 January 2021.
- d) I impose the following conditions on Mr Savea's COA:
  - Mr Savea must work for a licenced security operator for a period of 12 months from the end of his supervision. Therefore he cannot resume work in a freelance capacity once his suspension is lifted
  - Mr Savea must work under supervision for a period of 12 months from the date he resumes working in the security industry.
  - Mr Savea must remain alcohol free. If he is involved in any further incident after consuming alcohol, regardless of whether any charges result, the Police can apply to immediately cancel Mr Savea's COA.

**DATED** at Wellington this 19<sup>th</sup> day of October 2020



P A McConnell  
**Private Security Personnel Licensing Authority**