

[2022] NZPSPLA 014

Case Number 002665 / 2019

**IN THE MATTER OF**

An objection to a Certificate of Approval  
filed under The Private Security  
Personnel and Private Investigators Act  
2010

**BETWEEN**

**THE POLICE**

Complainant

**AND**

**MAIA WINIATA-KELLY**

Respondent

**DECISION**

- [1] On 25 June 2019 the Police filed a late objection to Mr Winiata-Kelly's application for a Certificate of Approval (COA) as he was facing active charges of serious sexual misconduct. As the objection was filed late, it was deemed by the Authority to be a complaint. The complaint was subsequently put on hold until there was an outcome on Mr Winiata-Kelly's charges.
- [2] The Police have now advised the Authority that on 23 March 2022 Mr Winiata-Kelly was convicted of unlawful sexual connection and indecent assault and sentenced to four years six months imprisonment. Imprisonment is a disqualifying offence pursuant to s62(c) of the Private Security Personnel and Private Investigators Act 2010.
- [3] On 19 March 2022 the Authority wrote to Mr Winiata-Kelly advising him that a decision on the Police complaint would be made on the papers given his incarceration. If he objected to the process, he was to notify the Authority by 14 April 2022; he has not done so. He was in the alternative directed to file a response to the complaint, or seek an extension, by 22 April 2022.
- [4] As Mr Winiata-Kelly has not responded to the Authority's directions, I cannot be satisfied that he is any longer suitable to be a security worker. Accordingly, his COA is cancelled, effective immediately and pursuant to s85 of the Act he must return his COA to the Authority within five working days of receiving this decision.
- [5] This decision is to be distributed to the parties and published on the Authority's website.

**DATED** at Wellington this 28th day of April 2022



K A Lash  
Deputy Private Security Personnel Licensing Authority