

IN THE MATTER OF

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

DECISION

- [1] MA holds a Certificate of Approval (COA) in the classes of crowd controller, personal guard and property guard that is valid until 12 January 2027. He has previously held a COA without incident between 2016 and 2021. As a result of this complaint and MA's initial non-compliance with Authority directions, his COA was suspended on 16 June 2022.
- [2] In May 2022 the Police filed a complaint against MA as he had been charged with unlawful possession of a pistol and ammunition. The Police also submitted that MA was no longer suitable to be a certificate holder because he is an associate of the King Cobras which is a criminal gang.
- [3] The complaint was initially put on hold by the Authority pending an outcome of the criminal charges. Those charges have been withdrawn but the Police wish to proceed with their complaint that MA is no longer suitable to be a certificate holder because of his alleged association with the King Cobra gang. Being no longer suitable to be a certificate holder is a discretionary ground for the cancellation of MA's certificate pursuant to s83(ab) of the Act.
- [4] MA submitted in writing that he is not an associate nor member of the King Cobra gang. He accepts he has family and friends who associate with the King Cobras but says that he is not involved with them. He therefore considers he should be allowed to retain his COA.
- [5] Given the respective positions, the complaint was heard by way of audio-visual hearing. Both parties attended, Senior Constable Tangney represented the Police. The Police maintain serious concerns that MA is either an associate, supporter or prospect of the King Cobras gang because he was found in the presence of a patched King Cobra member at a gang convoy. Any such association they submit would render MA as unsuitable to work in security. This one incident is the only time MA has come to the attention of Police in a negative way.
- [6] MA is clear that he did not realise that a passenger of the car he was in was a patched member of the King Cobras. He also says that he was not aware that the convoy was gang related as he himself did not see any patches. He says he does not have any gang affiliation in any respect and does not intend to. He is now aware that his friend is an affiliate, but he did not prior to the incident in April. He thinks that some people in his

wider family and/or acquaintance group have some form of association with gangs, but he is not sure how much as he has nothing to do with it.

- [7] MA says he was stood down from his job because of the charges and then when his COA was suspended he could no longer get security work. He has therefore not had a job and has faced considerable uncertainty up until now which has been very stressful. He was offered a job but knew he should not work without a COA so turned it down. He tried to obtain a reference from his previous employer at Wolfe Security, but they have not responded to him. He was earlier unsure whether he should get other references but is still able to.
- [8] At the hearing it was agreed by the Police that if MA provided suitable references, it would be sufficient for his COA to be reinstated on the condition that he have no gang association. Given that this was one incident and MA's submissions are clear as to his lack of knowledge of the gang, also that he has held a COA for a number of years without incident, I consider this a reasonable approach in the circumstances.
- [9] I therefore make the following directions and orders:
- (i) MA is to provide references from his Church, prospective employer and anyone else in support of his character by Friday 14 October 2022.
 - (ii) When the references have been accepted by the Authority, the suspension on MA's COA can be immediately lifted.
 - (iii) MA's COA is to be subject to the condition that he have no gang affiliation in any form. If he does and this comes to the Police attention, they may apply to immediately suspend his COA.
- [10] A copy of this decision is to be forwarded to both parties and published anonymously on the Authority's website. Given the finding that MA is considered to be still suitable to be a security worker, it is appropriate that his name is redacted.

DATED at Wellington this 6th day of October 2022



K A Lash
Deputy Private Security Personnel Licensing Authority