

**IN THE MATTER OF**

An application for a Certificate of Approval filed by **PITA FONUA** under the Private Security Personnel and Private Investigators Act 2010

**DECISION**

[1] Pita Fonua has applied for a certificate of approval (COA) in the classes of crowd controller, property guard and personal guard. He has completed the required training.

[2] The Police object to Mr Fonua's application because of his conviction history and on character grounds. They advise that Mr Fonua amassed 23 separate convictions between 2007 and 2020 including convictions for dishonesty and violence and multiple breaches of court-imposed sentences. They also advise that during that time 10 warrants were issued for Mr Fonua's arrest and he has been implicated in 25 family harm incidents.

[3] While none of Mr Fonua's convictions are grounds for disqualification under the Act, the police also say that Mr Fonua is not a fit and proper person to be a certificate holder because he is a patched member of the Head Hunters. The first rule of the Head Hunters is that "a member is not to give statement to or interact or give assistance to the police in any inquiry or investigation against either friend or foe". The police advise that this code of silence directly conflicts with Mr Fonua's responsibilities as a security worker.

[4] In response to the police objection Mr Fonua denied he was a member of the Head Hunters. He advises he has close associates who are and that he goes to their gym but that he is not personally affiliated with the gang. Mr Fonua also advised that he has matured since his more youthful offending and is an experienced security worker. Mr Fonua provided some very positive references in support of his submissions but did not address the police concerns about the incidents of domestic violence or his repeated failure to comply with court-imposed sentences or turn up to court when required.

[5] After receiving Mr Fonua's submissions the police provided photographs of Mr Fonua taken at the Head Hunters East Chapter 20<sup>th</sup> anniversary on 7 May 2022 in which he is clearly wearing a gang patch. The police say they have additional evidence from social media that Mr Fonua is a patched gang member. Mr Fonua has not provided any response to the additional information provided by the police.

[6] From the evidence provided I am satisfied that Mr Fonua is a patched member of the Head Hunters and therefore he has provided false information in support of his application. I accept the police submissions that membership of such a gang is inconsistent with Mr Fonua's responsibilities as a security worker. Mr Fonua's history of failure to comply with court-imposed sentences and failing to appear in court when required are also not desirable characteristics of a certificate holder.

[7] In addition, Mr Fonua advises he has been working in security since 2018 although he has not held a COA. Mr Fonua may not be required to hold a COA if he was engaged by the building owner or occupier to work as a property guard only. However, his employer's supporting letter shows that Mr Fonua's role also includes that of a crowd controller. It therefore appears that both Mr Fonua and his employer have breached of the Act.

[8] Based on all the evidence before me I am satisfied that Mr Fonua is not suitable to be a responsible security employee. Mr Fonua's application for a certificate of approval is accordingly declined.

[9] A copy of this decision is to be published and a copy is to be sent to Mr Fonua's employer. Mr Fonua's employer is advised that if he continues to employ or engage Mr Fonua in a security role, he could be committing an offence under the Act.

**DATED** at Wellington this 8<sup>th</sup> day of November 2022

The image shows a handwritten signature in blue ink, which appears to read 'P A McConnell'. To the right of the signature is a circular official seal. The seal features a central coat of arms with a crown on top, flanked by two figures. The text 'THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY' is written around the perimeter of the seal.

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