

IN THE MATTER OF

Complaint by The Police under s 74 of the Private Security Personnel and Private Investigators Act 2010 against **ELIJAH NAGATALEVU**

HEARD virtually on 9 December 2022

APPEARANCES

N Stringer for NZ Police

E Nagatalevu – no appearance

DECISION

[1] In June 2022 Elijah Nagatalevu was convicted of assaulting and resisting police, threatening language, and burglary. He was sentenced to 60 hours community work, one year's supervision and ordered to pay \$5,000 reparation. Police have filed a complaint against Mr Nagatalevu as the assault and burglary convictions are grounds for disqualification under s 62 of the Act.

[2] Being convicted of a disqualifying offence is a mandatory ground for cancellation of a certificate. Therefore, under s 82 of the Act I must cancel Mr Nagatalevu's certificate of approval if I am satisfied that his disqualifying convictions makes him unsuitable to be a certificate holder.

[3] Police advise the offending was all in the context of a domestic relationship breakup and this was the first significant interaction they have had with Mr Nagatalevu since his more minor 2004 offending. However, Mr Nagatalevu's offending raises questions about his ability to manage his anger when provoked or in confrontational situations. Police therefore say Mr Nagatalevu needs to show he has learnt to control his anger and has learnt better ways to deal with confrontation before he can be considered suitable to be a security worker.

[4] Mr Nagatalevu neither attended the hearing nor provided any written submissions or other documents in his support. I therefore accept police's submission and conclude that it is appropriate to cancel Mr Nagatalevu's certificate of approval following his recent convictions.

[5] Mr Nagatalevu's convictions and the cancellation of his certificate of approval are grounds for disqualification under s 62 of the Act for seven years from the date of conviction. However, this will not prevent Mr Nagatalevu from reapplying for a certificate before the seven years is up provided, he can show he has addressed the issues that resulted in his offending. To be successful in getting a new certificate Mr Nagatalevu will need to declare his convictions in his application and provide evidence to show that he has successfully completed anger management courses or counselling and is again suitable to be a responsible security employee.

Summary & Orders

[6] Police have established that one or more grounds for disqualification apply to Mr Nagatalevu following his recent convictions. I am satisfied that because of these convictions Mr Nagatalevu is no longer suitable to be a certificate holder.

[7] I therefore make the following orders:

- a) Mr Nagatalevu's certificate of approval is cancelled effective from the date of this order.

- b) Mr Nagatalevu is to return his certificate of approval to the Licensing Authority within seven days of receipt of this order.

DATED at Wellington this 9th day of December 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