

IN THE MATTER OF

Complaints against **C B** made under s 73 Of the Private Security Personnel and Private Investigators Act 2010

DECISION

[1] Emily Irvine, Daniel Irvine and Simon Mickleson all filed complaints against C B who holds an individual licence with the Private Security Personnel Licensing Authority. All three complaints relate to the same set of events that occurred on 1 April 2021 when Mr B visited Emily and Daniel Irvine's property in Mount Eden. They understand Mr B's visit was in the context of his work as a private investigator.

[2] All three complainants say that Mr B:

- Refused to provide his licence or certificate or any other form of ID and refused to provide the name or address of his employer.
- Failed to comply with the code of conduct for private investigators
- Was aggressive and unethical in his interactions.

[3] Mr B has provided a recording of his initial telephone call to Ms Irvine and their subsequent meeting. As directed previously I have listened to the recordings and noted the following:

- Mr B was never asked to provide a copy of his licence or any ID from any of the complainants. While he would not disclose who his client was, he is not required to do so.
- Only certificate holders are required to provide details of their employer. Mr B is a licence holder and not a certificate holder and he voluntarily provided his company details.
- As an individual licence holder in the class of private investigator Mr B is not required to wear his ID, this requirement only applies to the other classes of private security businesses. All he is required to do is to produce a copy of his licence on request to any person he is dealing with while working as a private investigator. As noted above the recording establishes that none of the complainants asked Mr B to provide a copy of his licence.
- There is no evidence that Mr B breached the Code of Conduct for private investigators. The Code of Conduct deals almost exclusively with the use of surveillance and other tracking devices. Mr B advised the complainants he had not conducted any illegal surveillance and had not recorded conversations to which he was not a party.
- The recording does not show any aggression on the part of Mr B. He did not raise his voice at any stage, nor make any threats or appear to do anything else that was interpreted as aggressive behaviour by any of the complainants at the time.

[4] Therefore, the recordings provide no support to any of the complaints. There is nothing to suggest that there was any breach of the Act on the part of Mr B or any breach of a condition of his licence. In addition, although given the opportunity to do so, the complainants have not provided any information to suggest that the recordings are not a full record of the events which occurred on 1 April.

[5] I accept the allegations made against Mr B in all three complaints are false. The complaints by Emily Irvine, Daniel Irvine and Simon Mickleson are accordingly dismissed.

[6] If I had power to do so I would award costs in favour of Mr B against all three complainants. However, I have no jurisdiction to award costs against a complainant. In addition, I have no jurisdiction to deal with cross complaints against any of the complainants as they are not licence or certificate holders.

DATED at Wellington this 11th day of May 2021

The image shows a handwritten signature in blue ink that reads "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, surrounded by the text "THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY" in a circular border.

P A McConnell
Private Security Personnel Licensing Authority