

**IN THE MATTER OF**

Complaint against & **WATCHMEN SECURITY LIMITED & BONNIE HUNT** under ss 73 & 74 Of the Private Security Personnel and Private Investigators Act 2010 (the Act)

**DECISION**

[1] This decision deals with a complaint that Bonnie Hunt, through his company Watchmen Security Limited, knowingly employed a security worker who did not have the appropriate certificate of approval. Subsequently, Watchmen Security's licence expired, and it continued to operate without a licence.

[2] Mr Hunt accepts that he engaged Tirua Awa to work before Mr Awa applied for a COA and continued to employ him after his application for a COA was declined. However, he says that Mr Awa was primarily working in a role that did not require him to have a COA. Mr Hunt also claims that Watchmen Security filed an application for its licence to be renewed before its licence expired

[3] The issues I therefore need to decide are:

- Did Watchmen Security contravene the Act by employing Mr Awa in a security role?
- Has Watchmen Security carried on a private security business without a current licence?
- Is Watchmen Security or Mr Hunt guilty of misconduct?
- If so, what is the appropriate penalty?

**Background**

[4] In 2021 we received a complaint that Watchmen Security knowingly employed Mr Awa, and possibly other staff, without the required COAs. It also alleged that after receiving a complaint that Mr Awa displayed aggressive behaviour while working in security Watchmen Security did not stand him down but transferred him to another site. I referred the complaint to the Complaints Investigation and Prosecution Unit (CIPU) for investigation.

[5] Bonnie Hunt, also known as Bonnie Ohlson, is the sole director and officer holder of Watchmen Security. CIPU concluded that Mr Hunt knew Mr Awa did not have the required certificate of approval and continued to roster him to roles that required a COA. In addition, Watchmen Security continued to employ Mr Awa when they knew his application for a COA had been declined.

[6] CIPU noted that Mr Hunt and Watchmen did not provide them with the records requested to show the period during which Mr Awa was engaged or confirmation that other guards they employed all had COAs.

[7] Before the hearing I sent CIPU's investigation report to Mr Hunt and set a timetable for Mr Hunt and Watchmen Security to respond to the report. If they disputed any of the information in CIPU's report they were required to outline the points of disagreement and file any further evidence they wanted considered in their defence.

[8] Mr Hunt did not file any response to the report nor provide any additional evidence in advance of the hearing. However, at the hearing he disputed some of the evidence in CIPU's investigation as well as the Licensing Authority's claim that Watchmen Security's licence had expired without being renewed. Mr Hunt then asked for further time to provide supporting documentary evidence.

[9] Despite not complying with the timetables set prior to the hearing I allowed Mr Hunt to produce further documentary evidence to support his defence. That information has been considered in reaching this decision.

### **Did Watchmen Security contravene the Act by employing Tirua Awa?**

[10] Mr Awa applied for a COA on 3 August 2021. His application was declined on 2 September 2021 because of his disqualifying convictions. Mr Awa told the investigator he worked for Mr Hunt and Watchmen Security for several years and ceased working for them in March 2022. He said he normally worked night shifts on Friday and Saturday nights at a Tauranga bar where he checked ID's and screened entry.

[11] Mr Hunt however advised the investigator that he first employed Mr Awa in August 2021 and Mr Awa worked for him until late 2021. He acknowledged he had continued to employ Mr Awa knowing he did not have a COA.

[12] At the hearing Mr Hunt said that he had an employment contract for Mr Awa and that he would provide this together with Mr Awa's pay slips. Mr Hunt has subsequently provided Mr Awa's pay records for the period from 18 July 2021 to 7 November 2021. He has not provided his employment contract or any other information to confirm that the pay records provided covered the full period Mr Awa was employed or engaged by Watchmen Security.

[13] Mr Hunt also said at the hearing that after he became aware that Mr Awa's COA had been declined he only engaged Mr Awa to be a spotter at a local bar which is not a role that required a COA. Mr Hunt did not raise this defence during the investigation or at any other time up to the hearing. Such a claim is also contrary to what Mr Awa told the investigator.

[14] Mr Hunt agreed to provide copies of invoices Watchmen Security issued to the venue for the relevant period. These invoices show that during the relevant period the venue was charged for two security guards, both billed at the same rate. There is accordingly no evidence to support Mr Hunt's belated claim that Mr Awa only worked as a spotter. It would be very usual for a security company to provide a bar with a spotter as part of their security contract.

[15] I conclude that Watchmen Security employed or engaged Mr Awa as a security worker for several months during 2021, most likely longer. Mr Hunt knew at the time he engaged Mr Awa that he did not have a COA. He also knew by 17 September 2021 at the latest that Mr Awa's application for a COA had been declined and continued to engage him. I also conclude that Mr Awa was engaged by Watchmen Security to work as a crowd controller, and this required him to have a COA.

[16] Mr Hunt and Watchmen Security have therefore contravened s 45(1) of the Act by employing or engaging Mr Awa to work as a crowd controller without a certificate of approval.

**Has Watchmen Security carried on a private security business without a current licence?**

[17] Watchman Security was last granted a licence on 26 January 2018 which expired on 28 January 2023. Despite being advised in the Hearing Directions that the licence had expired, and no application had been filed to renew it, Mr Hunt insisted that they had filed an application to renew the company licence before it expired. He asked to be able to produce evidence of this.

[18] Mr Hunt has not produced any evidence to show he attempted to renew the company licence before it expired. He did however file an application for a new company licence on 1 March 2023. That application is still in process as the objection period does not close until 3 April 2023.

[19] As Watchmen Security has been providing guarding services since 26 January 2023 I conclude that it has breached s 23 of the Act by carrying on a security business without a licence.

**Is Watchmen Security or Bonnie Hunt guilty of misconduct?**

[20] Misconduct is defined in section 4 of the Act as conduct “that a reasonable person would consider to be disgraceful, wilful or reckless or conduct that contravenes this Act”.

[21] Mr Hunt through his company Watchmen Security contravened the Act by employing Mr Awa knowing he did not have a COA. He also contravened the Act by carrying on a security business after Watchmen Security’s licence expired. I therefore conclude that Mr Hunt and Watchmen Security are guilty of misconduct.

**What is the appropriate penalty?**

[22] Misconduct is a discretionary ground for cancellation of a licence or certificate. Sections 78(1)(c) and 81(1)(c) of the Act says that instead of cancellation I can make other orders including suspending a licence or certificate, ordering the licence or certificate holder to undertake further training, impose conditions on the licence or certificate holder, reprimand the licence or certificate holder or impose a fine of up to \$2,000.

[23] In deciding the appropriate penalty to be imposed I need to consider the gravity and context of the misconduct and how it impacts on Mr Hunt’s suitability to be a certificate holder and officer of a security company. I also need to consider the impact of any penalty and any other relevant factors relating to Mr Hunt’s competency, experience, and character.

[24] Employing Mr Awa without a COA is towards the lower end of misconduct as he applied for a COA around the time he was first formally engaged. What makes the misconduct more serious is that Mr Hunt continued to engage Mr Awa knowing his COA has been declined and after a complaint had been made about Mr Awa’s conduct while working in security.

[25] Overlooking filing to renew a company licence before it expires is also towards the lower end of misconduct. However, Mr Hunt did not attend to the matter when I brought it to his attention by either checking the PSPLA register to see if it had been recorded or with

his own office worker to confirm the renewal application had been sent. Despite this, he insisted at the hearing the application had been filed.

[26] This is the first established complaint against either Mr Hunt or Watchmen Security. Only one other complaint has been made against them and that complaint was dismissed in 2013. Watchmen Security has held a licence for most of the time since 2012 and Mr Hunt has held a COA since 2011 shortly after the Act came into force. Prior to that Mr Hunt worked in the security industry under the previous regime for approximately 15 years.

[27] Mr Hunt is an experienced security operator who has worked in security for most of his working life. Suspending or cancelling Mr Hunt's certificate or Watchmen's licence would have a significant financial impact on him and more particularly on Watchmen's other employees and the businesses to which they provide security services. The extent of Mr Hunt's misconduct is not sufficient to justify such a penalty.

[28] I therefore conclude that the appropriate penalty is a fine and a reprimand together with a warning. Mr Hunt is advised that Watchmen Security's application for a new licence is unlikely to be granted until the fine is paid. I will also consider, in the context of the application for a new licence, whether it should be granted on the condition that Mr Hunt undertake further training.

### **Summary & Orders**

[29] Mr Hunt and Watchmen Security are guilty of misconduct by employing Mr Awa in a security role although he did not have a certificate of approval and by carrying on a private security business without a security licence.

[30] The penalty for Mr Hunt's and Watchmen Security's misconduct is a reprimand, a warning and a fine. I therefore order:

- a) Mr Hunt is formally reprimanded.
- b) Mr Hunt and Watchmen Security are formally warned not to employ or engage security workers who do not have a current certificate of approval. Should they do so again they are likely to be prosecuted under s 45 of the Act.
- c) Mr Hunt and Watchmen Security are fined \$600.00

**DATED** at Wellington this 17<sup>th</sup> day March 2023



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