

IN THE MATTER OF

A complaint against
NGAMETUAGARO RAIKONGA and
an investigation into **LEGION**
SECURITY LIMITED and **ANTONIO**
PAILATE under the Private Security
Personnel and Private Investigators
Act 2010

DECISION

[1] In April 2023 I referred a complaint that Ngametuagaro Raikonga was working without a certificate of approval to the Complaints, Investigation and Prosecution Unit (CIPU) for investigation. Among other things, I asked CIPU to investigate who had employed or engaged Mr Raikonga and whether that person had committed an offence under the Act.

[2] CIPU have completed their investigation and concluded that Mr Raikonga had been engaged to work as a security guard by Legion Security Limited which is operated by Antonio Pailate its sole director. Mr Pailate has a certificate of approval in the guarding classes but does not hold an individual licence. Legion Security Limited does not have a company licence and has never applied for one.

[3] CIPU concluded that Legion Security breached s 45(2) of the Act by engaging Mr Raikonga to work as a crowd controller although he did not have a certificate. They also concluded that Legion Security breached s 23(1)(g) and 23(2)b by operating as a crowd controller without a licence. Section 106 of the Act makes officers of a company guilty of any offences committed by the company. Therefore, Mr Pailate is guilty of the same breaches as his company.

[4] As the company had only recently been established and it is the first time it has come to their attention CIPU consider a formal warning in relation to the company breaches is the appropriate outcome. Any additional disciplinary action against Mr Pailate as a certificate holder is however for the Licensing Authority to consider.

[5] I agree with these recommendations. However, I note that Legion Security has not yet applied for a licence and Mr Pailate's COA expires next week. Therefore, I consider it is more appropriate to deal with the matters raised in CIPU's report in the context of any application to renew Mr Pailate's COA, or Legion Security's application for a company licence, rather than to consider any disciplinary action against them.

[6] I provide the following guidelines for Mr Pailate in relation to any future applications:

- a) To get his COA renewed or to apply for a new COA Mr Pailate will either need to file an application for a company licence for Legion Security Limited or confirm that he is no longer operating a security business through his company. If the latter, he will also need to provide a supporting letter from his security employer.
- b) With any application for a company licence for Legion Security, Mr Pailate will need to provide evidence that he has at least 12 months recent experience in the classes for which the licence is being sought. For example, a reference or supporting letter from a current or previous security employer. In addition, he

will need to provide evidence that he understands the requirements and responsibilities for running a security business.

[7] I further advise Mr Pailate that he must not continue to work in security after 7 June 2023 unless he is granted a new COA. In addition, he must not continue to run a security business either as an individual or through his company without first obtaining a licence. If I receive any information to suggest he has continued to do so, I will refer the matter back to CIPU to consider prosecution.

DATED at Wellington this 31st day of May 2023

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