

IN THE MATTER OF

A complaint under s 74 of The Private Security Personnel and Private Investigators Act 2010 (the Act) against **FALEOFAKITONGA FALANIKO**

HEARD remotely on 24 January 2024

APPEARANCES

Constable S Su for NZ Police
F Falaniko – no appearance

DECISION

[1] Police are asking for Faleofakitonga Falaniko's certificate of approval to be cancelled as she was convicted of assault on a child and assault with a blunt instrument in October 2022 and sentenced to 8 months home detention.

[2] In a written response Ms Falaniko accepts she used physical discipline on the victim to correct his behaviour. She says that since the court hearing she has learnt the errors of her ways and is sorry for which she has done. She also says she will never use physical discipline again and is no longer a risk to anyone. Ms Falaniko wants to keep her COA.

[3] Ms Falaniko continues to downplay her offending as she says the physical discipline used was smacking on the hand. The summary of facts however shows that Ms Falaniko's offending continued over five years and included hitting the victim in the face with a spatula and striking the victim's head with a piece of wood and a plastic toy. The victim was a young relation of Ms Falaniko and was in her care. The provocation for the assaults was minor, for example leaving dirty dishes on the bench.

[4] The assault convictions are grounds for disqualification under s 62(f)(vii) of the Private Security Personnel and Private Investigator's Act (the Act) and therefore a mandatory ground for the cancellation of Ms Falaniko's COA. Ms Falaniko has not applied for waiver of the grounds for disqualification. In addition, while she said she has supporting references, Ms Falaniko has not provided any. In addition, she did not attend the hearing although the original hearing date was adjourned at her request.

[5] Police have established that grounds for disqualification under s 62 of the Act apply to Ms Falaniko. I am satisfied that because of this Ms Falaniko is no longer suitable to hold a certificate.

[6] Ms Falaniko's certificate of approval is accordingly cancelled effective from Monday 29 January 2024.

DATED at Wellington this 25th day of January 2024

The block contains a handwritten signature in black ink, which appears to read 'P A McConnell'. To the right of the signature is a circular official seal. The seal has a blue border with the text 'THE PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY' around the top and '©' at the bottom. Inside the circle is a royal coat of arms featuring a crown, two lions, and a shield.

P A McConnell
Private Security Personnel Licensing Authority