

IN THE MATTER OF

Application for an Individual Licence by
IOANE PAPALI'I under the Private
Security Personnel and Private
Investigators Act 2010 (the PSPPI Act)

DECISION**Application for an Individual Licence and Police objection**

[1] In December 2018 Ioane Papali'i applied for an individual licence in the classes of private investigator and security consultant. Police opposed Mr Papali'i's application because he had a disqualifying 2014 assault conviction and 2012 convictions for contravening a protection order, wilful trespass, failing to stop and resisting police.

[2] Police also advised Mr Papali'i had received formal written warnings for disorderly behaviour in 2013 and 2015 and was facing a further active assault charge. If he was convicted on this charge, it would be further grounds for disqualification under s 62 of the PSPPI Act. Mr Papali'i's application was put on hold until there was an outcome on the assault charge.

[3] Mr Papali'i was subsequently charged with a further assault offence. He was not convicted on either of the assault charges, but police continued to oppose his application. They advised that in 2020 Mr Papali'i was convicted for driving with excess blood alcohol and driving while his licence was revoked. This was Mr Papali'i's second drink driving conviction and his alcohol levels were high. Mr Papali'i was disqualified from driving under s 65AB of the Land Transport Act with an interlock order. This sentence is grounds for disqualification under s 62 (e) of the PSPPI Act.

The complaint & CIPU Prosecution

[4] Before the criminal charges were resolved a complaint was filed against Mr Papali'i alleging that Mr Papali'i was running a security business without a licence and was engaging security workers who did not have certificates of approval. In addition, the complainant said that Mr Papali'i and another person dishonestly obtained money from them by promising to train their security workers when they were not qualified to do so.

[5] I referred the complaint to the Complaints Investigation and Prosecution Unit (CIPU) for investigation, report, and possible prosecution. CIPU largely upheld the complaint and charged Mr Papali'i with several charges of obtaining by deception and offences under the PSPPI Act including working as an unlicensed security consultant and personal guard.

[6] In December 2023 Mr Papali'i was convicted of a representative charge under the Crimes Act of obtaining by deception, and two offences under the Private Security Personnel and Private Investigators Act of working as an unlicensed security consultant and personal guard. Mr Papali'i was sentenced to two months community detention and 140 hours community work on the obtaining by deception charge. All three of these convictions are grounds for disqualification under s 62 of the PSPPI Act.

Discussion

[7] As grounds for disqualification apply to Mr Papali'i I can only grant his application for a licence if I am satisfied that Mr Papali'i is suitable to carry on work as a security consultant and private investigator after considering the grounds on which he is disqualified and any other evidence relating to Mr Papali'i's character, circumstances, and background.

[8] As Mr Papali'i is applying for an individual licence he also needs to have at least 12 months experience in the last five years in the classes for which he is seeking a licence. Failure to have the necessary experience is grounds for disqualification under s 62(j) of the PSPPI Act. Mr Papali'i's previous licence expired in October 2016. Other than the security consultancy work Mr Papali'i undertook without the required licence, all evidence of relevant security work was prior to October 2016.

[9] While there is evidence that Mr Papali'i has undertaken work as a security consultant in the last five years the type of security work he was doing also required him to have a licence in the classes of crowd controller and personal guard. These classes are not included in his current application as he has not completed the mandatory training. A condition of his previous licence was that he was to complete the mandatory training by 1 October 2014.

[10] Mr Papali'i advised in his application he was trading under the name of Greyman Solutions. In 2019 he incorporated Greyman Solutions as a company. Therefore, if Mr Papali'i wants to run a security business through Greyman Solutions Limited he needs to apply for a company licence rather than an individual licence. In addition, he needs to apply for a certificate of approval.

[11] Mr Papali'i has provided several recent positive references from people with whom he has worked within the community or through his gym. While they speak highly of Mr Papali'i it is not in relation to any security work. Other than the reference from his cousin about his work at PolyFest, all the security work related references relate to work at least 8 years ago. Some of the references were written over 12 years ago.

[12] Mr Papali'i says he deeply regrets his past actions. I am not convinced the remorse Mr Papali'i now expresses is genuine or that he is likely to comply with his responsibilities as a security business owner if he were granted a licence. While Mr Papali'i is continuing to address his PTSD it still exists as do the financial stress and family commitments which he identifies as the causes of his offending.

[13] Throughout the objection, investigation, and prosecution process Mr Papali'i downplayed, denied, or failed to take responsibility for his offending. He also demonstrated a lack of understanding of the requirements and responsibilities of running a security business. In his interviews with CIPU he lied about being a driver rather than a personal guard for Billy Te Kahika and Screentime NZ.

[14] In the June 2023 sentencing indication hearing the Judge stated that he found Mr Papali'i's arrogance bewildering. He also concluded that Mr Papali'i's offending was planned, premeditated, acted upon, and repeated.

[15] Mr Papali'i says he only undertook the security work at the 2019 Polyfest to help his cousin who was let down by another security company. However, Mr Papali'i was also engaged to assist with security for the 2020 Polyfest. On 22 November 2019 Mr Papali'i invoiced PolyFest for the costs of providing security guards, security IT and monitoring totalling \$130,000. The service retainer fee of \$32,500 was paid to Greyman Solutions / Mr Papali'i on 6 December 2019. The work invoiced was not completed as PolyFest 2020 was cancelled at the last minute due to the threat of Covid 19.

[16] On 27 July 2020 Mr Papali'i sent an invoice for close protection services to Kia Tupato. To work in close protection services, you need a licence or certificate in the class of personal guard and possibly also property guard. Mr Papali'i has not included those classes in his application and has not completed the mandatory training for those classes. This also shows

that Mr Papali'i continued to work in private security services knowing he did not have the required licence or certificate even after the complaint was filed against him and he was being investigated by CIPU. There were also prior occasions when Mr Papali'i provided personal guard or close protection services without the required licence or certificate.

[17] Mr Papali'i has demonstrated a lack of understanding of the PSPPI Act and has continued to contravene the provisions of the PSPPI Act and his responsibilities as a security business owner from when he was first granted a licence. During the five years of his previous licence, he only filed one annual return. He also failed to complete the mandatory training he was required to complete by 1 October 2014.

[18] Mr Papali'i wrongly thought he could run a security business with only a temporary certificate of approval. On more than one occasion he insisted the PSPLA should issue him with a temporary certificate or licence even after being advised he was not eligible for one as he had a disqualifying conviction. Mr Papali'i also wrongly considers a close protection officer does not need a licence or certificate in the class of personal guard.

[19] In addition, Mr Papali'i thinks he can provide crowd controllers, and work as a crowd controller without a licence or certificate in that class. It is also more likely than not that he engaged people to work in security at PolyFest 2019 who did not hold the required licences or certificates.

[20] Mr Papali'i is still serving his sentence of community detention and community work. I do not consider it appropriate to grant someone a licence who is still serving a sentence for crimes committed while working in security in contravention of the PSPPI Act.

Summary and Conclusion

[21] Several grounds for disqualification under s 62 of the PSPPI Act apply to Mr Papali'i. Based on all the evidence before me I am not satisfied that Mr Papali'i is suitable to carry on a business as a security consultant and private investigator after taking into account the grounds on which Mr Papali'i is disqualified and all other evidence relating to his character, circumstances and background.

[22] Mr Papali'i has not provided evidence of the required recent experience in the classes for which he has applied. In addition, some of the security work Mr Papali'i has been doing is outside the classes for which he has applied for a licence. It is therefore likely that Mr Papali'i will not comply with the provisions of his licence and will continue to contravene the PSPPI Act if he is granted a licence.

[23] Mr Papali'i's application for a licence in the classes of security consultant and private investigator is declined under s 35(5) of the PSPPI Act.

DATED at Wellington this 15th day of January 2024



P A McConnell
Private Security Personnel Licensing Authority