

IN THE MATTER OF

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

HEARD remotely on 19 April 2024

APPEARANCES

Snr Constable T Pillay for NZ Police
K Koloofai – no appearance¹

HEARING DIRECTIONS

[1] Police want Maria Koloofai's certificate of approval (COA) to be cancelled as she has been convicted of assault. Police also have concerns about Ms Koloofai's deteriorating mental health, escalated by alcohol consumption. Ms Koloofai considers the issues raised are personal and private and have nothing to do with her work as a security guard. She wants to be able to resume working in security.

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

- Does Ms Koloofai's conviction disqualify her from holding a COA under s 62 of the Act?
- If so, should Ms Koloofai's COA be cancelled, or should the grounds for disqualification be waived?

[3] Ms Koloofai's offending occurred when she was working as a bus driver. She got involved in an argument with a passenger and pushed the passenger out of the bus causing her to hit her neck on the seat and fall on her hip. Ms Koloofai returned to the bus, closed the doors, and left without checking on the welfare of the passenger.

[4] Ms Koloofai was convicted of assault on 19 February 2024 and received a suspended sentence. Assault is an offence of violence and therefore grounds for disqualification under s 62(f)(vii) of the Act. Ms Koloofai's disqualifying conviction is also a mandatory ground for the cancellation of her COA, provided I am satisfied that her conviction means she is no longer suitable to hold a certificate.

[5] Ms Koloofai's offending was not a private family matter as she submits. She has confused the assault charge with subsequent concerns her daughter raised with police while she was on bail. I accept Ms Koloofai was working as a bus driver rather than a security guard at the time. However, her conduct is a relevant issue when deciding whether she remains suitable to work in security. Ms Koloofai inflamed the situation rather than de-escalating it and then resorted to physical force. This is not what is required of a responsible security guard.

[6] Police advise that Ms Koloofai is dealing with symptoms of dementia, anxiety and depression which are made worse when she has been drinking. They outline incidents when police were called to Ms Koloofai's home when she was acting irrationally, aggressively and threatening self-harm. They also outline other incidents where Ms Koloofai has threatened self-harm when not getting the assistance she requested.

¹ Ms Koloofai did not apply for waiver or file any documents in advance of the hearing in response to the directions issued. In addition, she did not link into the hearing. As the hearing was concluding Ms Koloofai emailed the case manager asking that we ring her to link her into the hearing. This was done but Ms Koloofai then disconnected the call. She and her husband then made brief written submissions in her defence which I have considered.

[7] While these matters may be more private family matters and only involve adult members of Ms Koloofai's family they are relevant to deciding whether she is still suitable to work in security

[8] Ms Koloofai has made no submissions in relation to her assault conviction and has not applied for waiver of the grounds of disqualification. In addition, she has not provided any supporting references or confirmation that she is addressing her alcohol consumption or the mental health issues that she is experiencing.

[9] Based on the evidence before me I am satisfied that a ground for disqualification now applies to Ms Koloofai and because of this she is no longer suitable to hold a certificate. I therefore make the following orders:

- Ms Koloofai's certificate of approval is cancelled effective immediately.
- Ms Koloofai must return her security ID to the PSPLA within seven days of receipt of this order. Failure to do so is an offence under the Act.

DATED at Wellington this 22nd day of April 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 crest 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