

**IN THE MATTER OF**

Objection by The Police under s 49  
of the Private Security Personnel and  
Private Investigators Act 2010  
against **MEKETU TAMATI**  
**KEREHAMA MAHAUARIKI**

**DECISION**

- [1] Meketu Tamati Kerehama Mahauariki has applied for a certificate of approval (COA) and temporary COA in the classes of crowd controller, property guard and personal guard. He is not eligible without exemption for a temporary COA as he has disqualifying convictions; see sections 60 and 62 of the Private Security Personnel and Private Investigators Act 2010.
- [2] The Police have objected to Mr Mahauariki's application on the basis that he has disqualifying convictions, is a patched Black Power member, has been convicted of breaching community work recently (April 2021) and had his driver license suspended due to excess demerit points. His convictions pursuant to s65 of the Land Transport Act 1998 are the disqualifying convictions.
- [3] On 14 March 2022 an audio-visual hearing was held to ascertain whether Mr Mahauariki is, despite his disqualifying convictions, history and gang membership, of suitable character to hold a COA. Mr Mahauariki and his probation officer Tania Scott gave oral evidence in support of his application. Constable Welsh represented the Police.
- [4] Mr Mahauariki accepts his prior offending and that he is a fully patched member of the Black Power. He provided comprehensive evidence detailing why his circumstances have changed since his offending and why his gang membership does not affect his ability to work as a security officer.

*Offending*

- [5] Mr Mahauariki has convictions for driving with excess breath alcohol in 2021, 2019, 2017 and 2016. He is currently subject to an alcohol interlock device and a post detention sentence that ends on 13 June 2022. The Police are concerned that his history of repeated offending demonstrates a concerning relationship with alcohol which has not been addressed. His most recent offence was less than a year ago and they are not confident that the changes he has made since then have had enough time to demonstrate their sustainability. They are also concerned that his three breach of community work convictions indicate a lack of responsibility and ownership.
- [6] Mr Mahauariki submits that he has made considerable changes in his lifestyle that are sustainable. His accident in 2021 threatened his life and woke him up to the dangers his lifestyle was presenting for him and his family. He says he has stopped drinking and is committed to staying away from alcohol. He has opened up about the trauma in his past and is dedicated to obtaining counselling to assist

him to deal with and move past his prior trauma. He now has a mortgage to pay and is committed to providing a secure income for his family.

- [7] Mr Mahauariki did undertake alcohol and drug counselling in 2019/20 however that was prior to his most recent offending. He was referred to an alcohol and drug assessment in October 2021 but subsequently assessed as not requiring ongoing treatment/counselling.
- [8] Mr Mahauariki is heavily involved with Waiariki Whanau Mentoring as a Lived Experience Mentor and IT support. This is helping him face and deal with his issues. His employer there provided a supportive written reference.
- [9] Ms Scott supports Mr Mahauariki's application and says he is reliable, and his engagement has been good. She also accepts his evidence (below) about his chapter attempting to disengage with offending and drug use as has seen others do the same. She says he is very family orientated and takes his responsibilities seriously. She has seen a change in him through his interactions with Probation over the years although she has only worked with him since July 2021.

#### *Black Power membership*

- [10] Mr Mahauariki gave extensive and detailed evidence regarding the changes his chapter of the Black Power have been making over the previous two years. They have recently signed a new constitution that does not condone violence, criminal activity, drugs or the wearing of patches generally. His evidence is that if a member breaches the constitution rules such as no criminal activity, they are stood down until they can prove they have learnt from the event. There is a three strikes rule and as he has had two, should he offend again he will lose his membership. This is not something he wishes to risk. When he offended in 2021 he was stood down for six months which was the beginning of the real changes he has made to his lifestyle.
- [11] Mr Mahauariki says that he does not wear his patch unless he is at home or at a patched member's funeral. He says he has never had involvement with Black Power's criminal activity and never will. He is a member because he was brought up in the gang. He only became a patched member three years ago when he saw the changes his chapter were attempting to make. He says that his chapter and his father have influence over other Black Power chapters and they wish to spread change.
- [12] Constable Welsh accepts the evidence Mr Mahauariki gave about the changes in his chapter however says it is too soon to tell whether they are sustainable. The Police are also concerned that despite Mr Mahauariki's chapter attempting to make changes, he is still affiliated with a criminal gang that has a strong presence in his area. Constable Welsh did give evidence that to her knowledge Mr Mahauariki has not been involved with unlawful gang activity.
- [13] Mr Mahauariki gave clear evidence that his first priority is his whanau. Providing for them comes before everything, including his Black Power membership. Therefore, earning an income would take precedence over any potential conflicting gang allegiance.

*Character fitting of a security worker*

- [14] Mr Mahauriki's evidence is that he knows how to conduct himself professionally and politely, something Constable Welsh confirms in her experience with him.
- [15] He has been heavily involved as a provider and recipient of courses his chapter are running to assist members to reconnect with their tikanga Maori. He says they are all working together to try and turn their lives around. His evidence is also that through his work with Waiariki Whanau Mentoring he has a self-care plan and regular supervision and check-ins. This is, along with his chapter and whanau, a comprehensive support system for him.
- [16] He has recently completed a first aid course and has paid for his security training which he will undertake depending on the outcome of this decision. He says that he has managed to end his addiction to methamphetamine on his own and is sure that he has also ended his destructive relationship with alcohol which he demonstrated by not relapsing with the recent passing of a very close family member. If he needs further help with doing that he now has no hesitation in seeking it as he had in the past.
- [17] Mr Mahauriki says he has a job offer for security work and his potential employer knows about his conviction history and Black Power membership. He says they wish to employ him on a full-time basis which would provide the regular and reliable income his family needs and which will assist the sustainability of his lifestyle change.

*Decision*

- [18] I was impressed with Mr Mahauriki's integrity and openness in this process. He was forthcoming and takes responsibility for the situation he is in. I accept his intent and willingness to change his life for the better of himself and his whanau. His evidence regarding his background indicates the position of disadvantage from which he comes however it is impressive to see the concerted and meaningful steps he is taking to better his lifestyle despite his past.
- [19] In most cases a security guard being a patched member of a gang such as Black Power means they are not suitable to be a security worker. However, there does not currently appear to be an actual conflict between Mr Mahauriki being a patched member of his local chapter of Black Power and being a certificate holder. Nor is there evidence that his gang membership has, or is likely to, impact on his security work if he acts within the constitution as outlined.
- [20] I also note however that while the chapter of Black Power to which Mr Mahauriki belongs is currently trying to get away from criminal and antisocial behaviour, these changes are recent and in stark contrast to the majority of Black Power chapters. Therefore, his gang membership still remains of concern.
- [21] Having considered all the evidence, I am satisfied that Mr Mahauriki is suitable to be a security worker, however on condition. I therefore make the following directions:

- [i] Mr Mahauariki is granted a temporary COA in exceptional circumstances in order for him to complete his training and file his Record of Achievement with the Authority which he must do before the expiry of his temporary COA;
- [ii] If during the period of the temporary COA Mr Mahauariki comes to the attention of Police in any way they may apply to the Authority to suspend his temporary COA;
- [iii] Before the expiry of his temporary COA Mr Mahauariki must file a letter of support from his employer stating they wish to employ him and are aware of his past and this decision;
- [iv] Just prior to the expiry of his temporary COA the Police are to file a short report indicating whether Mr Mahauariki has come to their attention in any respect during the term; and
- [v] Mr Mahauariki's application for his full COA is then to be referred to me for consideration. If at that stage I consider it appropriate to grant his full COA, it will be subject to the condition that he not come to the attention of Police and actively works with the Police and other law enforcement agencies in his security work.

[22] A copy of this decision is to be sent to both parties and published on the Licensing Authority's website.

**DATED** at Wellington this 24th day of March 2022



K A Lash  
**Deputy Private Security Personnel Licensing Authority**