

**IN THE MATTER**

Opposition to the granting of a certificate filed by **AMMARON TAIHIA- TOMAI** under the of the Secondhand Dealers and Pawnbrokers Act 2004

**BEFORE THE LICENSING AUTHORITY OF  
SECONDHAND DEALERS AND PAWNBROKERS**

**DECISION**

[1] Ammaron Taihia-Tomai has applied for a certificate under s 21 of the Secondhand Dealers and Pawnbrokers Act 2004 (the Act). The Police oppose granting Mr Taihia-Tomai's certificate due to his conviction and sentencing history and on character grounds.

[2] In August 2017 Mr Taihia-Tomai was convicted on six charges of burglary and five charges of receiving stolen property. He was sentenced to two years and six months imprisonment. He was released from prison in July 2021 and was on parole until February 2020. The convictions no longer disqualify Mr Taihia-Tomai from holding a certificate as they occurred more than five years ago. However, Mr Taihia-Tomai has been subject to a term of imprisonment within the last five years, and this disqualifies him under s 22(e) of the Act.

[3] Police also advise that Mr Taihia-Tomai accumulated a substantial history of dishonest offending prior to the offences which resulted in his prison sentence and he is currently subject to a fines warrant for \$4,197.56. In addition, police say that Mr Taihia-Tomai is a member or associate of the King Cobras which is an organised criminal group.

[4] Mr Taihia-Tomai says he has left his past behind and been out of trouble for 8 years. He believes he is suitable to be granted a licence and wants to be able to support his family of four children and pay off his fines. He has provided a supporting reference from Recovery First which states that Mr Taihia-Tomai has tried hard to stay clean since his prison term and attests to his good character. His probation officer advises that he successfully completed his parole order with satisfactory compliance

[5] With every objection filed the question for the Authority is whether the applicant is a fit and property person to hold a certificate.<sup>1</sup> I can waive the grounds for disqualification if I am satisfied that there are special reasons why Mr Taihia-Tomai should not be disqualified from holding a certificate after considering his character, circumstances, and background as well as the nature of the offences relevant to his disqualification.

[6] Therefore, the key issues for me to decide are:

- Does the information before me establish that Mr Taihia-Tomai is a fit and proper person to hold a certificate? If so,
- Are there special reasons why I should waive the grounds for disqualification?

[7] In deciding these issues the purpose of the Act as set out in s 3 is my primary consideration. The Authority has generally taken the view that an example of a fit and proper person under the Act is someone who can be trusted to comply with his or her obligations as a secondhand dealer and pawnbroker under Part 3 of the Act. This requires the applicant to

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<sup>1</sup> Secondhand Dealers and Pawnbrokers Act 2004, ss25–29.

be aware of the need to be vigilant and to use his best endeavours to ensure stolen goods do not pass through their business. On the other hand a person who encourages the transit of stolen property through their premises or who turns a blind eye when stolen property is offered to them is clearly not a fit and proper person.

[8] Mr Taihia-Tomai's convictions are mainly for burglary, receiving stolen property and other dishonesty offences. Mr Taihia-Tomai advises he has turned his life around and that his last conviction was over five years ago. Mr Taihia-Tomai has not however responded to or disputed the police allegation about his association with the King Cobras.

[9] I do not consider a person who is associated with a gang such as the King Cobras is suitable to be granted a certificate. While I give Mr Taihia-Tomai credit for turning his life around and staying out of trouble the information before me as to his character, circumstances and background is not sufficient to amount to special circumstances given the nature of his offending which resulted in his prison sentence.

[10] Therefore, I am not prepared to waive the grounds for disqualification. Mr Taihia-Tomai will have to wait until the five-year period from the end of his prison sentence expires to qualify for a certificate. However, to be successful in any future application he will also need to establish that he is no longer associated with the King Cobras.

### **Conclusion**

[11] I conclude that grounds for disqualification apply to Mr Taihia-Tomai. This together with his association with the King Cobra establishes that he is not a fit and proper person to hold a certificate. Mr Taihia-Tomai's application for a certificate is therefore declined.

**DATED** at Auckland this 22<sup>nd</sup> day of February 2022



P A McConnell

Licensing Authority of Secondhand Dealers and Pawnbrokers