

IN THE MATTER OF

An application for a certificate and waiver of the grounds for disqualification by **NIGEL THOMAS** under the Secondhand Dealers and Pawnbrokers Act 2004

DECISION

[1] Nigel Thomas has applied for a certificate under the Secondhand Dealers and Pawnbrokers Act (the Act) and waiver of the grounds for disqualification. In April 2019 Mr Thomas was sentenced to three years imprisonment after being convicted of kidnapping. He was released on parole in January 2021. Having been subject to a term of imprisonment within the past 5 years disqualifies Mr Thomas from holding a certificate under s 22(e) of the Act.

[2] To waive disqualification I must be satisfied that there are special circumstances why Mr Thomas should not be disqualified from holding a certificate taking into account his character, circumstances, and background, and the nature of the offence relevant to the disqualification.

[3] Police initially objected to Mr Thomas's application. However, since receiving his application for waiver they have made further inquiries and withdrawn their opposition. They consider that Mr Thomas has rehabilitated himself and as he has the support of his employer, they prefer to see Mr Thomas in employment. Therefore, they no longer consider proceeding with their opposition is warranted, and support the application for waiver. Police advise that the victim of Mr Thomas's offending agrees.

[4] Mr Thomas says he has been out of prison for two years and has completed everything he has been asked without any issues. He was considered a trusted person while in prison as he was given release for compassionate reasons. He considers he is now a fit and proper person to hold a certificate.

[5] Mr Thomas has filed references from his probation officer, employer, and fellow committee member of a community club to which he belongs. Mr Thomas's probation officer confirms that Mr Thomas has made positive progress since his release from prison and complied with the nine special conditions of his parole.

[6] Mr Thomas's employer say they knew of his offending when they employed him but do not consider he is the same person anymore. Since he has been working for them, he has proved himself to be reliable, honest, and trustworthy. They want to promote Mr Thomas into the position of metal buyer which requires him to have a secondhand dealer's certificate.

[7] Based on all the evidence before me, including the support of police and the victim of his offending, I consider that special circumstances apply. I am satisfied that Mr Thomas can now be trusted to comply with his obligations and responsibilities as a secondhand dealer under the Act. I therefore conclude that Mr Thomas is now a fit and proper person to hold a certificate.

[8] I therefore waive the grounds for disqualification and grant Nigel Thomas's application for a certificate.

DATED at Wellington this 22nd day of November 2023



P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers

