

[2017] NZSHD 1

LASDP Number 17-039911

**IN THE MATTER**

of the Secondhand Dealers and  
Pawnbrokers Act 2004

**AND**

**IN THE MATTER**

of an application for a certificate by  
**JOSEPH JOEY FAAIVIIVI**

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

**AMENDED DECISION**

[1] Mr Faaiviivi has filed an application for a Certificate with the Licensing Authority of Secondhand Dealers and Pawnbrokers under s 21 of the Secondhand Dealers and Pawnbrokers Act 2004 (the Act).

[2] Section 22(a) of the Act states that a person is disqualified from holding a certificate if he has been convicted of a specified offence within the last five years. Specified offence is defined in s 4 of the Act and includes any offence under ss 217 to 265 of the Crimes Act 1961.

[3] Mr Faaiviivi was convicted of an offence under s 226 of the Crimes Act in June 2012. Offences under s 226 of the Crimes Act fall within the definition of a specified offence. Therefore Mr Faaiviivi is disqualified from holding a certificate until 27 June 2017. The Authority has no discretion to waive such disqualification under s 23 of the Act as waiver is unable to be considered for people who have been convicted of specified offences within the last five years.

***Conclusion***

[4] As Mr Faaiviivi is disqualified from holding a certificate until 27 June 2017 and his application is declined.

**DATED** at Wellington this 21<sup>st</sup> day of April 2017

P A McConnell  
Licensing Authority of Secondhand Dealers and Pawnbrokers