

[2017] NZSHD 7

LASDP Number 17-043569

IN THE MATTER

of the Secondhand Dealers and
Pawnbrokers Act 2004

AND

IN THE MATTER

of an application by **TEWAKAITARA
HEPI** for a certificate pursuant to s 21
of the Act.

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

HEARING on the papers

DECISION

[1] Mr Hepi has applied for a certificate under s 21 of the Secondhand Dealers and Pawnbrokers Act 2004 (the Act).

[2] The Police oppose granting Mr Hepi a certificate due to his conviction history. He amassed 83 convictions between 1986 and 2016 and is facing current charges of wilful damage, driving recklessly and third or subsequent drunk driving. Thirty-eight of Mr Hepi's convictions resulted in a sentence of imprisonment and seven in suspended terms of imprisonment. The Police also advise that Mr Hepi is a patched member of the Rebels MC gang.

[3] With every objection filed by the Police the question for the Authority is whether the applicant is a fit and proper person to hold a certificate.¹ In making this decision my primary consideration must be the purpose of the Act as set out in s 3. 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.

[4] None of Mr Hepi's convictions are grounds for disqualification under s 22 of the Act. However the number and nature of his convictions tends to demonstrate that Mr Hepi has little appreciation or his obligations as a citizen and is unlikely to take his obligations under the Act seriously. In addition being a patched gang member generally precludes a person from meeting the character and suitability requirements of the Act.

[5] Mr Hepi has not made any submissions in response to the Police opposition. Therefore based on the evidence presented I am satisfied that Mr Hepi is not a fit and proper person to hold a certificate.

¹ Secondhand Dealers and Pawnbrokers Act 2004, ss25–29.

Conclusion

[6] The Police have established that Mr Hepi is not a fit and proper person to hold a certificate. Mr Hepi's application for a certificate is therefore declined.

DATED at Auckland this 10th day of October 2017

P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers