

SHD Number 15-025327

IN THE MATTER

of the Secondhand Dealers and
Pawnbrokers Act 2004

AND

IN THE MATTER

an application by ABRAHAM ALI
JADALLAH for a Waiver of the
disqualification under s 23 of the Act

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

DECISION

[1] Abraham Jadallah has applied for an individual licence under the Secondhand Dealers and Pawnbrokers Act 2004. The Police object to the issuing of a licence as Mr Jadallah was convicted of sex changes including unlawfully possessing firearms and explosives and supply of methamphetamine on 3 July 2012. Mr Jadallah was sentenced to a term of imprisonment.

[2] Section 22(e) of the Act provides that a person is disqualified from holding a certificate if he has been subject to a sentence of imprisonment during the last five years. Mr Jadallah is therefore disqualified from holding a certificate and the Authority cannot issue him with a licence unless he is granted a waiver of the disqualification under s 23 of the Act.

[3] Mr Jadallah has applied for a waiver and has also provided written material in support. In order to grant a waiver I need to be satisfied on the basis of the written material before me, that there are special reasons why Mr Jadallah should not be disqualified from holding a certificate.

[4] Mr Jadallah is 29 years old and has a history of convictions going back over 11 years. The more serious drug and fire arm offences for which he was sentenced in July 2012 were committed in 2010. Mr Jadallah says that while he was in prison he successfully completed a small business management course as well as a six month drug treatment programme. He was also permitted to participate in the release to work programme.

[5] Since his release from prison he has completed a further drug alcohol programme and also undertaken some Unitec studies. He considers he has now turned his life around.

[6] Mr Jadallah has not provided any independent evidence in support of his submissions. Nor has he provided any detailed information on his recent work experience or the qualifications he has to support his submission that special circumstances exist or that he is a suitable person to hold a certificate.

[7] Mr Jadallah is commended for the steps he has taken to put his offending behind him. However, I am not satisfied that the matters Mr Jadallah refers to in his application are sufficient to establish that it is appropriate to reduce the statutory five year period for which a person normally disqualified from holding a certificate after receiving a sentence of imprisonment. I therefore conclude that special circumstances have not been established.

Conclusion

[8] The application for a waiver of disqualification under s 23 of the Act is declined. The Authority is satisfied that Mr Jadallah is disqualified from holding a certificate under s 22€ of the Act. The Police objection is therefore upheld.

DATED at Wellington this 20th day of November 2015

P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers