

[2016] NZSHD 7
LASDP Number 16-037231

IN THE MATTER

of the Secondhand Dealers and
Pawnbrokers Act 2004

AND

IN THE MATTER

of a an application for an individual
licence by **BARRY JOHN LOW**

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

DECISION

[1] Mr Low has filed an application with the Licensing Authority of Secondhand Dealers and Pawnbrokers for the renewal of his individual licence under s 8 of the Secondhand Dealers and Pawnbrokers Act 2004 (the Act).

[2] Section 9 of the Act provides that the Authority must issue a licence if the applicant holds, or is eligible to hold, a certificate. Therefore in order to grant a renewal of Mr Low's individual licence he must also be eligible to hold a certificate.

[3] 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 5 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.

[4] Mr Low was convicted of an offence under ss 246 and 247 of the Crimes Act in April 2013. Offences under ss 246 and 247 of the Crimes Act fall within the definition of a specified offence. Therefore Mr Low is disqualified from holding a certificate until April 2018. 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 had been convicted of specified offences.

Conclusion

[5] As Mr Low is disqualified from holding a certificate his application for a licence is declined.

DATED at Auckland this 14th day of December 2016

P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers