

[2017] NZSHD 2

LASDP Number 17-043163

**IN THE MATTER**

of the Secondhand Dealers and  
Pawnbrokers Act 2004

**AND**

**IN THE MATTER**

of an application for a certificate by  
**SANTOS PINEAHA-GILLIES**

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

**DECISION**

[1] Mr Pineaha-Gillies has filed an application for a Certificate with the Licensing Authority of Secondhand Dealers and Pawnbrokers.

[2] Section 22(a) of the Secondhand Dealers and Pawnbrokers Act 2004 (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 Pineaha-Gillies was convicted of burglary under s 231 of the Crimes Act on 12 September 2013 and an offence of receiving under s 247 of the Crimes Act in February 2013. He received terms of imprisonment for both offences. Offences under s 231 and 247 of the Crimes Act fall within the definition of a specified offence. Therefore Mr Pineaha-Gillies is disqualified from holding a certificate until at least 13 September 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 have been convicted of specified offences within the last five years.

***Conclusion***

[4] As Mr Pineaha-Gillies is disqualified from holding a certificate his application is declined.

**DATED** at Wellington this 1<sup>st</sup> day of August 2017

P A McConnell  
Licensing Authority of Secondhand Dealers and Pawnbrokers