

[2016] NZSHD 2

LASDP Number 16-031403

IN THE MATTER

of the Secondhand Dealers and
Pawnbrokers Act 2004

AND

IN THE MATTER

of a an application for a Certificate by
RICKY RONGO TAPAITAU

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

DECISION

[1] Mr Tapaitau has filed an application with the Licensing Authority of Secondhand Dealers and Pawnbrokers for a Certificate under s 21 of the Second Hand 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 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.

[3] Mr Tapaitau was convicted of an offence under s226 of the Crimes Act in August 2015. Offences under s 226 of the Crimes Act fall within the definition of a specified offence. Therefore Mr Tapaitau is disqualified from holding a certificate. 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

[4] The application by Mr Tapaitau for a certificate is therefore declined.

DATED at Auckland this 21st day of June 2016

P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers