[2018] NZSHD 2

LASDP Number 17-046671

IN THE MATTER OF   the Secondhand Dealers and
                              Pawnbrokers Act 2004

AND

IN THE MATTER OF   opposition to the granting of an
                              application for a certificate filed by
                              SAMUEL CHRISTOPHER DALE

BEFORE THE LICENSING AUTHORITY OF SECONDHAND DEALERS AND PAWNBROKERS

DECISION

[1]   Mr Dale has filed an application with the Licensing Authority of Secondhand Dealers and Pawnbrokers for a certificate under s 21 of the Act.

[2]   The Police oppose Mr Dale's certificate due to his conviction history. Mr Dale has amassed over 20 convictions since 2011. His most recent convictions were in September 2017 when he was convicted of assault and for driving while disqualified for the sixth time.

[3]   Section 25 of the Act provides that the Police can object to an applicant being granted a certificate if they consider the applicant is not a fit and proper person to hold a certificate. The issue I therefore need to decide is whether Mr Dale's convictions are sufficient to establish he is not a fit and proper person to hold a certificate. In making this decision the purpose of the Act as set out in s 3 must be a key consideration. 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]   Mr Dale has made no submissions in response to the Police objection. While none of Mr Dale's convictions are grounds for disqualification his conviction history tends to show he has little respect for the law. Therefore, based on the evidence before me, I cannot be satisfied that Mr Dale can be trusted to comply with his obligations under the Act.

Conclusion

[5]   I conclude that Mr Dale is not a fit and proper person to hold a certificate. His application is therefore declined.

DATED at Auckland this 8th day of February 2018

P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers