

[2015] NZSHD 16

SHD No. 15-024269 & 15-024273

IN THE MATTER

of the Secondhand Dealers and
Pawnbrokers Act 2004

AND IN THE MATTER

of an application by **MUTUAL
COMMUNICATION LIMITED** and
YUNG CHING (ALLEN) CHEN for a
licence

AND IN THE MATTER

of an objection by the **NEW
ZEALAND POLICE** pursuant to s 25
of the Act

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

DECISION

[1] Mutual Communication Limited has applied for a licence under the Secondhand Dealers and Pawnbrokers Act 2004 (the Act). Its managing director Allen Chen has applied for a certificate under the Act. The Police object to the issuing of the licence and certificate as Mr Chen was convicted of carrying on business as a secondhand dealer without a licence on 11 September 2015.

[2] Section 22(b) of the Act provides that a person is disqualified from holding a certificate, and in turn a licence, if he has been convicted within the last five years of an offence under the Act which is punishable by a fine of more than \$2000.00. Mr Chen's conviction under s 6(6) of the Act therefore disqualifies him from holding a certificate unless he is granted a waiver of disqualification under s 23 of the Act.

[3] Mr Chen has not applied for a waiver. Nor has he provided any information to show that there are special circumstances to suggest he should not be disqualified from holding a certificate.

[4] The Police opposition to the granting of a licence to Mutual Communication Limited, and a certificate to Mr Chen, is upheld as Mr Chen is disqualified from holding a certificate under s 22(b) of the Act. The application for a licence by Mutual Communication Limited and a certificate by Mr Chen are therefore refused.

DATED at Auckland this 10th day of December 2015

P A McConnell
Licensing Authority of Secondhand Dealers and Pawnbrokers