

[2015] NZSHD 14

SHD Number 15-024357

**IN THE MATTER**

of the Secondhand Dealers and Pawnbrokers Act 2004

**AND IN THE MATTER**

of an application by **DORIS WAKEFIELD** under s 8 of the Act 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**

**HEARING** at Dargaville on 23 November 2015

**APPEARANCES**

D Wakefield (licence applicant)  
Senior Sergeant J S Fagan - NZ Police

**DECISION**

[1] Doris Wakefield has applied for an individual licence under the Secondhand Dealers and Pawnbrokers Act 2004 (the Act). She operates a business known as Lock Stock and Barrel with her husband. Mr and Mrs Wakefield previously held licenses between 2007 and 2012.

[2] The Police oppose granting Mrs Wakefield a license as she was convicted in June 2015 of being an unlicensed dealer. The Police also have concerns about the way Mrs Wakefield, and more particularly Mr Wakefield, operate their business.

[3] The effect of Mrs Wakefield's conviction is that she is disqualified from holding a certificate (and therefore a licence) for five years<sup>1</sup> unless a waiver of disqualification is granted under s 23 of the Act. The Authority granted Mrs Wakefield a waiver on 10 October 2015.

[4] Mrs Wakefield explained at the hearing that her business mainly dealt with new goods. They had not purchased any second hand goods since 2013 and did not

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<sup>1</sup> Secondhand Dealers and Pawnbrokers Act 2004, s 22

intend to buy any more. In the last three years they had only sold eight second hand items at a total value of \$431.50. Given this level of trading Mrs Wakefield is not required to hold a licence. However Mr and Mrs Wakefield want to sell off all the existing stock so that they can close down the business. If all existing second hand stock is sold they are likely to sell more than six second hand items in a year and therefore will require a licence.

[5] With every Police objection the question for the Authority is whether the applicant is a fit and proper person to hold a certificate or a licence.<sup>2</sup> An example of a fit and proper person is someone who can be trusted to comply with his or her obligations as a secondhand dealer and pawnbroker under the Act, and who is aware of the need to be vigilant and to use their best endeavours to ensure stolen goods do not pass through their business. On the other hand a person who actively encourages the transit of stolen property through their premises, or who turns a blind eye when stolen property is offered to them, is not a fit and proper person.

[6] I am satisfied that Mrs Wakefield is aware of the obligations placed on secondhand dealers under the Act. I am also satisfied that the only reason Mrs Wakefield has applied for a licence is so that she can sell existing stock. As she does not intend to purchase any additional stock there is no likelihood of stolen property passing through her business.

[7] At the hearing Senior Sergeant Fagan confirmed that he had no significant objection to Mrs Wakefield being granted a licence in order to sell existing stock only. However he has concerns about Mr Wakefield's ability to operate the business.

[8] Based on the evidence presented I am satisfied that it is appropriate to grant Mrs Wakefield a licence to enable her to sell off the second hand stock the business stills holds. However I note that if Mrs Wakefield, or her husband, increase their trading and purchase additional second hand goods, the Police are invited to apply for a cancellation of her licence.

## **Conclusion**

[9] The Police objection is dismissed and Mrs Wakefield's application for a licence is granted.

**DATED** at Auckland this 9th day of December 2015

P A McConnell  
**Licensing Authority of Secondhand Dealers and Pawnbrokers**

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<sup>2</sup>, sections 25–29.