

[2015] NZSHD 15

SHD Number 15-24356

**IN THE MATTER**

of the Secondhand Dealers and  
Pawnbrokers Act 2004

**AND IN THE MATTER**

of an application by **DONALD  
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**

**DECISION**

[1] Mr Wakefield has applied for an individual licence under the Secondhand Dealers and Pawnbrokers Act 2004 (the Act). He operates a business known as Lock Stock and Barrel with his wife. Mr and Mrs Wakefield previously held licenses between 2007 and 2012 but have not held a licence since that time.

[2] The Police oppose granting Mr Wakefield a license as Mrs Wakefield was convicted in June 2015 of being an unlicensed dealer and they do not consider that Mr Wakefield is able to understand, or comply with, his obligations under the Act.

[3] Mr Wakefield did not make any written submissions in reply to the Police objection to his application for a licence and he did not ask for a hearing. A decision on his application was however adjourned until after the hearing of the objection to Mrs Wakefield's licence application. Mr Wakefield did not attend that hearing.

[4] In their opposition the Police noted that Mr Wakefield was difficult to deal with and had difficulty hearing. They considered that Mr Wakefield lacked knowledge of the Act and his role and responsibilities as a secondhand dealer. The evidence given by both Senior Sergeant Fagan and Mrs Wakefield at the hearing confirmed the substance of the Police opposition.

[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>1</sup> Mr Wakefield has health and other issues which means he is unlikely to either comprehend, or comply with, the obligations and responsibilities placed on secondhand dealers under

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<sup>1</sup> Secondhand Dealers and Pawnbrokers Act 2004, sections 25–29.

the Act. I therefore conclude that Mr Wakefield is not a fit and proper person to hold a licence.

**Conclusion**

[9] The Police objection is upheld and Mr Wakefield's application for a licence is refused.

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

P A McConnell

**Licensing Authority of Secondhand Dealers and Pawnbrokers**