

**IN THE DISTRICT COURT  
AT TAURANGA**

**CRI-2016-070-001435  
[2017] NZDC 11268**

**NEW ZEALAND POLICE**  
Prosecutor

v

**ANTHONY KARAURIA JACKSON**  
Defendant

Hearing: 26 May 2017  
Appearances: M Dunn for the Prosecutor  
W Nabney for the Defendant  
Judgment: 26 May 2017

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**NOTES OF JUDGE T R INGRAM ON SENTENCING**

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[1] Mr Jackson, as you know you are for sentence today on a single charge of obtaining benefit by selling fish, for which there was no appropriate licence to take those fish.

[2] You are for sentence in relation to a charge of breaching the provisions of the Fisheries Act 1996. The maximum penalty is five years' imprisonment and/or a \$250,000 fine.

[3] As you well know there is a quota management system which is in place which regulates the taking of fish. You and your partner decided that you would not be bound by that aspect of the law. You decided that because you reside on Motiti Island you are entitled to take as much paua and kina as you chose. You sold

this to people who were not authorised to receive that and I have already dealt with those people at an earlier sentencing.

[4] The scale of your offending is to be remarked upon. The quantity of paua was very substantial. Scientific analysis was undertaken and the amounts that were located as having been taken by you and sold onto the other people amounted to some 32 percent of the allowable take on the whole fisheries area.

[5] He has no prior convictions for this type of offending although he has previously been involved in a number of matters which have come before the Criminal Court.

[6] The starting point that I established in relation to these matters when I dealt with Mr and Mrs Noble and Ms Wells was a sentence of two and a half years' imprisonment. Although the plea was relatively late for them, Mr Jackson entered a plea in a reasonably timely fashion. It seems to me that he would be entitled to a credit of 20 percent for saving the trial expense. That would produce a sentence in the region of two years. For reasons which I expressed in the earlier sentencing I have a preference for home detention for offending of this particular kind.

[7] The Sentencing Act 2002 requires me to hold Mr Jackson accountable for what he has done and promote a sense of responsibility. Unhappily, I am not sure that his sense of responsibility is quite what it could be. I point out that I have had a number of letters put before me from Māori organisations which are associated with fisheries and with Motiti Island. All of them deprecate the actions of Mr Jackson and the others involved, pointing out the resource is for the benefit of all. Mr Jackson has thumbed his nose at the rest of the community in carrying on the way that he has.

[8] I need to denounce his conduct, deter him and others. I can provide some measure of protection for the community by making sure that Mr Jackson's ability to undertake this sort of thing is reduced in future. He needs some rehabilitation in the sense that he needs to get the clear idea that he does not make the rules around

fisheries, that other people have interest in them and the law applies to him as well as it does to everybody else.

[9] I need to take into account the gravity of the offending, the comparative seriousness of the type of offence and in that regard I have to take note of the fact that there is a maximum sentence of five years' imprisonment and/or a fine of \$250,000. I am satisfied that he cannot pay a fine. I also need to take into account the fact that I can and should make forfeiture orders.

[10] I need to impose the least restrictive income that is appropriate in the circumstances. It seems to me that home detention has the least restrictive sentence that could ever be appropriate for offending on this scale.

[11] The extent of the loss of seafood resources is substantial. This is clearly premeditated behaviour engaged in purely for commercial gain and he has a prior record. Those are all aggravating features.

[12] In mitigation he is entitled to credit for his guilty plea and the fact that he does not have a prior fisheries conviction.

[13] Bearing all those matters in mind it seems to me that a sentence of 12 months' home detention would be appropriate. If I took a starting point of 30 months' imprisonment and gave him six months' credit for his plea, that will produce an end sentence of two years. He is suitable for home detention, there are suitable premises.

[14] Accordingly, he will be convicted and sentenced to home detention for a period of 12 months at [address deleted], on the conditions set out in probation report of 25 May. The conditions are:

- (a) Travel directly from Court without any unnecessary stops to [address deleted] and await the arrival of the security guard.
- (b) Reside at [address deleted] and not to move any new residential address without the prior written consent of a probation officer.

- (c) Remain within the electronic monitoring boundaries at all times unless given permission to leave by a probation officer.
- (d) Not to purchase, possess or consume alcohol or drugs not prescribed.
- (e) To attend an assessment for a departmental programme as directed by a probation officer. To attend and complete any counselling, treatment or programme as recommended by the assessment as directed by and to the satisfaction of the probation officer.
- (f) To attend an assessment for any programme to address your offending then undertake and complete any programme recommended by the assessment.

[15] It is not appropriate that there be post-detention conditions, but it is appropriate that he does community work and he will also be sentenced to 300 hours' community work.

[16] This is an appropriate case for forfeiture of equipment used. That includes a vehicle registered number [registration number deleted] and all dive gear which is listed in the summary of facts. They will all be forfeited under the provisions of the Act.

T R Ingram  
District Court Judge