

**IN THE DISTRICT COURT  
AT WHAKATANE**

**CRI-2017-087-001506  
[2018] NZDC 2416**

**MINISTRY OF FISHERIES**  
Prosecutor

v

**ANTHONY KARAUARIA JACKSON**  
Defendant

Hearing: 24 January 2018  
Appearances: M Dunn for the Prosecutor  
Defendant appears in Person  
Judgment: 24 January 2018

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**NOTES OF JUDGE I D R CAMERON ON SENTENCING**

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[1] Anthony Jackson defended a charge of possessing 15.94 kilograms of minced pāua for the purpose of sale. He was found guilty of that charge and convicted on 1 December 2017. The date of the offending was 31 January 2017.

[2] Prior to that he had pleaded guilty to unlawfully selling pāua. The offence date in relation to that charge was between 1 October 2014 and 24 November 2015.

[3] Under s 257(1) Fisheries Act 1996 the Court, before it can sentence pursuant to that provision, must be satisfied that the defendant has been convicted of two or more qualifying offences against the Act. He has been. Both offences were committed on different occasions; both offences were committed within seven years of each other and given that then s 257(1) provides that in addition to any other penalty imposed:

That person shall be prohibited, for a period of three years commencing on the date of the most recent conviction, from doing any of the following:

- (i) holding any licence, approval, permission or fishing permit;
- (ii) engaging in fishing or any activity associated with the taking of fish, aquatic life or seaweed; and
- (iii) deriving any beneficial income from activities associated with the taking of fish aquatic life or seaweed.

[4] The previous offending was serious in that in just over a 12 month period the defendant and his partner sold 250 kilograms of minced pāua, which is the equivalent to nearly 700 kilograms of whole pāua, having minced it, bagged it and transported it by air from Motiti Island to Tauranga. The sales amounted to a total of \$22,362.

[5] At paragraph 4 of the Judge's sentencing notes the observation is made that the quantity of minced pāua that the defendant took and sold represented 32 percent of the total allowable commercial catch for the whole fisheries area.

[6] Clearly given this pattern of offending the defendant is at high risk of re-offending. He needs to be held accountable for his actions. I need to denounce them and attempt to deter him from future like offending. His personal interests in fishing are outweighed by the public interest in the proper management and conservation of fisheries resources.

[7] Accordingly I now make the following order that the defendant is prohibited for a period of three years, commencing on 1 December 2017, from doing any of the following:

- (a) Holding any licence, approval, permission or fishing permit obtained under the Fisheries Act.
- (b) Engaging in fishing or any activity associated with the taking of fish, aquatic life or seaweed.
- (c) Deriving any beneficial income from activities associated with the taking of fish, aquatic life or seaweed.

[8] No other penalty is sought by the prosecution.

I D R Cameron  
District Court Judge