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**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKAURAU ROHE**

**CRI-2024-092-6317
[2026] NZHC 204**

THE KING

v

MOEAIA TUAI

Hearing: 12 February 2026
Appearances: A A Kefu / R H Vercoe for Crown
T M Saseve
Sentencing: 12 February 2026

SENTENCING NOTES OF WILKINSON-SMITH J

Solicitors / Counsel:
Kayes Fletcher Walker, Auckland
T Saseve, Auckland
Tucker & Co, Auckland

Introduction

[1] Mr Tuai, you appear today for sentence having been found guilty by a jury. The charges that you have been found guilty of, are:

- (a) two charges of rape;¹
- (b) six charges of sexual violation by unlawful sexual connection (two of which are representative);²
- (c) eight charges of indecent assault (four of which are representative);³
- (d) assault with a weapon;⁴ and
- (e) two charges of dealing in slaves;⁵

[2] I am required to set out the facts and the sentencing principles that apply. You may remain seated while I go through that. I will ask you to stand at the end before I pass sentence.

The offending

[3] In November 2015, you and your wife, Senia Tuai, brought the victims from [redacted], having persuaded their biological parents that they would receive better opportunities in New Zealand for education and employment.

[4] The victims and their family respected you as a matai and entrusted their children into your care. In 2016, you brought them to New Zealand to live at an address in Auckland.

[5] Almost immediately upon their arrival to New Zealand, you put the male victim, who was [redacted] and spoke little to no English, to work at a boarding lodge

¹ Crimes Act 1961, ss 128(1)(a) and 128B. Maximum penalty: 20 years' imprisonment.

² Sections 128(1)(b) and 128B. Maximum penalty: 20 years' imprisonment.

³ Section 135. Maximum penalty: seven years' imprisonment

⁴ Section 202C(1)(a). Maximum penalty: five years' imprisonment.

⁵ Section 98(1)(b). Maximum penalty: 14 years' imprisonment

that your wife's sister owned. The male victim collected rubbish, mowed lawns and did handyman jobs. He worked long hours per week and would get paid \$100 to \$150 cash. That continued for eight months.

[6] You assisted the male victim to obtain a bank card, but you held onto this card yourself.

[7] You exercised a significant amount of control over both victims.

[8] The female victim was only [redacted] when she arrived in New Zealand. She also spoke no or very minimal English. She started intermediate school in February 2017, but in March 2017, you sent her to live with your adult daughters in Australia. In August 2017, the male victim also travelled to Australia and went to live with your daughter.

[9] Between October 2017 and 2019, you and your wife moved between Australia, New Zealand and Samoa.

[10] During this period the male victim worked full time, contributing to board and household expenses, and sending money to his parents. He was able to set up a bank account. Your daughter arranged for an automatic payment of \$200 per week to be paid to you from his bank account.

[11] At that time, the male victim held his own bankcard and passport and was generally in control of his own finances. Between 2018 and 2019, the female victim attended an English language school and then a secondary school.

[12] In March 2019, you and your wife moved to Australia and moved in with your daughter. Your move to Australia resulted in an immediate change for the victims. You made the male victim give you access to his internet banking, and you took his card and passport. You then took full control of the male victim's finances.

[13] You permitted the male victim to have access to only \$100 of his weekly pay for full time work. You would sporadically send money to his parents. You accessed

a holiday payment that was owed to the male victim, some of which was sent to Samoa, and some was used for shopping and loan repayments.

[14] You made the male victim apply for a \$30,000 and \$25,000 loan — both of which were fortunately declined. However, you made him act as guarantor on a loan taken out by your daughter. When your daughter defaulted, the male victim was required to repay that loan.

[15] Whilst you lived in Australia, you held both victim's passports; you threatened to have the male victim's citizenship revoked if he tried to run away.

[16] In June or July 2020, the male victim did run away — back to New Zealand. You had refused to return his passport, so his partner's family helped him obtain a new one. When the male victim regained access to his bank accounts, he found that there was no money. The male victim had earned very good money in Australia and worked long hours. You took almost all of the money that he earned for the period that you were living in Australia.

[17] I am satisfied on the evidence I heard at trial that you used the male victim as a source of income while you lived in Australia. You were not working. The male victim was funding your lifestyle.

[18] After the male victim left Australia, you immediately changed your living situation and returned to New Zealand. I have no doubt that was because, without the male victim living and working in Australia, you had lost your source of income.

[19] In September 2020, you, your wife and the female victim returned to New Zealand. At this point the female victim was only [redacted] years old. She never returned to school. Instead, she became a source of income used to supplement your benefit.

[20] In February 2021, the female victim started working at a laundromat. By May 2021, she was working every day of the week across two laundromats. She

would generally work from 8.30 am to 6.30 pm and was paid \$90 cash per day, but you kept that money for yourself.

[21] You frequently sent her to work with minimal or no lunch. At one point, the female victim worked 57 consecutive days without a single day off, including weekends. The evidence for that came from your own diary which recorded her working hours. If anything, her own evidence understated that, and your diary showed that the level of work she was undertaking was extreme. It only ended when the owner of one of the laundromats refused to allow her to continue working there. She then continued to work at the other laundromat, but not every day of the week.

[22] You recorded the female victim's unlawful employment in your diaries. Your own records indicate that she worked unlawfully for 122 days at the laundromats and was paid \$10,980 cash, which you kept for yourself.

[23] In 2021, you made cash deposits totalling over \$6,000 into your own account, despite not having a legitimate source of income. This suggests that the cash deposits were the money earned by the female victim.

[24] After the female victim turned [redacted] you arranged for her to work as short-term labour hire.

[25] In January 2024, the female victim became a full-time employee at a company. You arranged this employment and were instrumental in her becoming a full-time employee. You were using her as a source of labour and income as you had previously the male complainant. She had no autonomy and no access to the money she was earning. She was in a very real sense your slave — she did the work and you got the benefit.

[26] The female victim usually did not bring adequate food with her to work, and she did not have access to a phone. Others shared their food with her and I heard the evidence of her co-workers. You took her to and from work each day.

[27] It is estimated that the female victim earned approximately \$80,000 from her various jobs as a labour hire between 2021 and 2024. You controlled all of that and you kept all of her income. You promised to save it for her, but you did not. You had full control over her bank accounts, and you held and used her bank cards as you pleased. You also tried to obtain a \$30,000 loan in the female victim's name. The bank officer was concerned at the apparent level of control you were exerting while at the bank. The bank granted a \$7,000 loan, which you never repaid and for which she is liable.

[28] When the female victim ran away in March 2024, there was only \$800 left in her bank account. When you discovered that she had run away, you withdrew that remaining \$800, leaving her with nothing.

[29] You held the female victim's passport, and you threatened to have her citizenship revoked if she ran away and have her deported. After she ran away you made inquiries with Immigration New Zealand about having her deported and cancelling her citizenship. Those calls were recorded and played during the trial. It is clear that as far as you were concerned, she was in New Zealand only for your benefit.

[30] Before the female victim ran away you did not allow her to leave the house without being in yours or your wife's company. You required her to carry out various household chores; and you did not allow her to have a phone. From your own diary entries, she was subject to beatings for what you called disrespect.

[31] So far as the slavery charges are concerned, Mr Tuai, it seems to me that you believed and probably still believe that in bringing the victims to New Zealand you were providing them with an opportunity. You thought that entitled you to the money they earned. I am concerned that this practise may be more widespread than is known — that vulnerable children are brought to New Zealand essentially to work as domestic help or in jobs to support the family that brings them.

[32] I hope that this case highlights for others that this is slavery. It is not legal. You cannot bring people to New Zealand to exploit them for their labour and income

— even if you and they believe that living in New Zealand is better for them than staying in their place of birth.

[33] This was not a case of cultural misunderstanding where the victims were simply contributing to the collective household income in a way that Pasifika young people would be happy to do. These victims were not treated as your children. They were not educated; they were not allowed to make their own decisions at all; they were not allowed to leave. They were threatened with deportation or police complaints if they did not do what you wanted. They were here only to work for you without payment.

[34] I have read the pre-sentence (PAC) report. You show no remorse and no insight. You continue to deny the offending. You display a sense of entitlement.

[35] In the case of the female victim, your exploitation went further.

[36] The female victim says that you began touching her indecently when you were all living in Australia. What happened in Australia cannot be the subject of charges in New Zealand and you are not here today for sentence for any alleged sexual offending in Australia. Your sentence on the sexual matters is for what happened in New Zealand only.

[37] I need to detail the facts of that offending. This may be distressing for the victim and the victim's family, and the victim may or may not choose to remain in the courtroom, but I just warn that I do need to detail these facts, and she may leave at any time of course.

[38] The first time you sexually offended against the female victim in New Zealand was sometime after you returned to New Zealand, when she was [redacted] years old.

[39] Your wife was not at home. You entered a room in which the female victim was sleeping. You sat on top of her legs while she was lying down and removed her t-shirt and bra. The female victim tried to resist you but could not because of your size and weight. You squeezed her breasts and put your mouth on her breasts. You

then digitally penetrated her genitalia. You did this very hard, and the pain caused her to cry. You told her to be quiet. The offending stopped when you received a text message indicating your wife would soon return home.

[40] On more than one occasion between 4 September 2020 and 7 March 2024, you violated and indecently touched the female victim. You made her remove her clothes and touched her genital area and breasts. You digitally penetrated her genitalia and put your mouth on her breasts. You took advantage of brief opportunities to offend in this way, such as when your wife was out of the house or in the shower.

[41] On one occasion, which was the subject of a charge of assault with a weapon, you and your wife were unhappy with the female victim, and you physically assaulted her. You dragged her by her head into the kitchen and used a wooden object to hit her.

[42] You were acquitted of another charge of assault with a weapon which no doubt reflected the female victim's evidence that it was your wife and not you who assaulted her with a broom on that occasion.

[43] In January and February 2024, your wife travelled to Australia for a period, during which you and the female victim were alone at your address. The female victim was [redacted] years old at that time.

[44] On one occasion during this period, you forced the female victim to consume a significant amount of alcohol, causing her to become intoxicated. You then took her to a bedroom where you removed her clothes and made her lie down on a bed. You put your mouth on her breasts and made her touch your penis. You inserted your penis into her genitalia and raped her. You put your fingers inside her genitalia, before penetrating her anus with your penis. The pain caused the female victim to scream. You then performed oral sex on her, before forcing her to perform oral sex on you. This caused the female victim to vomit. Afterwards, you told the female victim to hug you while you hugged and kissed her.

[45] During the period your wife was in Australia, you raped the female victim on one further occasion, again buying alcohol and drinking with her before the rape.

[46] Between 15 January 2024 and 7 March 2024, while driving the female victim to work, you forced her to touch your penis on one or more occasion.

Principles and purposes of sentencing

[47] In sentencing you, I must have regard to the purposes and principles in the Sentencing Act 2002. Those I consider particularly relevant in your case are:⁶

- (a) to hold you accountable for the harm to the victims;
- (b) to promote in you a sense of responsibility for, and an acknowledgment of, that harm;
- (c) to deter you or others from committing the same or a similar offence;
- (d) to protect the community; and
- (e) to assist in your rehabilitation.

[48] I must consider the gravity of the offending; the seriousness of the type of offending; the general desirability of consistency with appropriate sentencing levels; and the information provided concerning the effect of the offending on the victims.⁷

[49] I must impose the least restrictive sentence that is appropriate in the circumstances and take into account any of your circumstances that would make a sentence disproportionately severe.⁸

Approach to sentencing

[50] There are two types of offending, namely the sexual offending against the female victim and the slavery charges relating to both victims. They are distinct types of offending, but they overlap because the sexual offending was another form of exploitation and use of the female victim for your own benefit.

⁶ Sentencing Act 2002, s 7(1).

⁷ Section 8(a), (b), (e) and (f).

⁸ Section 8(g) and (h).

[51] There have been few cases involving slavery in New Zealand to date. There is one recent case.⁹ It also involved a person who was a matai exploiting his position of respect in the Samoan community. It involved many more victims and a longer overall period of offending but the offending against each individual victim was less serious than your offending. It did not involve the same abuse of trust. It also did not involve sexual exploitation.

[52] The charges of sexual violation each have a maximum sentence of 20 years while slavery has a maximum of 14 years.

[53] The most serious sexual offending occurred over a one-week period in February 2024 while your wife was in Australia. I will treat that offending as the lead offending. I will then apply an uplift for the earlier sexual touching of the female victim.

[54] I will then uplift the sentence to account for the charges of dealing in slaves and the assault with a weapon charge.

[55] I will consider any personal mitigating and aggravating factors and adjust the sentence to reflect those factors.

Stage one: starting point

Sexual offending

[56] The tariff or guideline case for sexual offending is *R v AM*.¹⁰ That case sets out four bands or levels of sexual offending.

[57] I will need to consider which band of *R v AM* your sexual offending falls within.

[58] Your offending was aggravated by a number of factors:

⁹ *Matamata v R* [2021] NZCA 372.

¹⁰ *R v AM (CA27/2009)* [2010] NZCA 114, [2010] 2 NZLR 750.

- (a) First, the female victim was vulnerable because she was in New Zealand without support apart from you and your family. She did not speak very good English. She was [redacted] years old when you started indecently assaulting and sexually violating her. You were in a position of power over her in every way.
- (b) Second, [redacted]. That is a significant breach of trust. You also breached the trust of her parents who entrusted their children to your care.
- (c) Third, I accept there was an element of premeditation in respect of the rapes. You purchased alcohol before the rapes which was not usual for you, and you drank and made her drink during the incidents. Your purchase of the alcohol was recorded on her bank records.
- (d) Fourth is the scale of the offending. You raped the female complainant on two occasions during the week your wife was away. On one of those occasions, you also anally violated her. You violated her by oral penile contact during these incidents.

[59] The Crown contends that, viewed in isolation, the rape charges and anal violation would sit within the top end of band two of *R v AM*, attracting a starting point in the region of 11 to 12 years' imprisonment. That is on the basis that the oral genital violation would be accounted for in an uplift for the other sexual offending, but the oral genital violations were closely connected to the rape offending and I consider that that offending should be accounted for in the starting point for the rape offending.

[60] Your counsel, Mr Saseve, submits that a starting point of 10 to 11 years' imprisonment is appropriate for the lead offending.

[61] As I have said, the rapes, anal violation and oral penile violations occurred over a one-week period.¹¹ It is the most serious offending based on the available maximum

¹¹ These are the violations that come within the rape band of *R v AM*. At the sentencing hearing it was clarified that all oral genital contact would be included in the starting point for the lead offending, not only the oral penile contact.

of 20 years. It occurred over a limited period of time. It involved a serious breach of trust. It represented a further form of exploitation and treatment of the female victim as your property.

[62] The sentence I intend to impose on the sexual offending reflects the context, namely that the female victim was treated by you as property in every way, her ability to resist or complain about your sexual offending was heavily affected by that context. She was more vulnerable than most [redacted]-year-olds because of that.

[63] In order to avoid double counting I will not factor the sexual exploitation into the uplift I will later apply for the slavery offending. The slavery sentencing will proceed on the basis that the sexual exploitation has already been accounted for.

[64] For the lead offending which is sexual violation by rape, sexual violation by anal penetration and sexual violation by oral genital contact, occurring in two separate incidents which took place in the same one-week period, I take a starting point of 12 years' imprisonment.

[65] An uplift is required to account for the balance of the sexual offending which spanned over two or three years, from when the female victim was [redacted] years old, to when she was [redacted] years old. You sexually violated her by digital penetration and indecently assaulted her opportunistically over that period.

[66] The Crown submits that the balance of the sexual offending taken in isolation could attract a starting point of around seven years' imprisonment. Taking into account totality, the Crown submits an uplift of four years' imprisonment is appropriate.

[67] I think that is too high. The case cited by the Crown to support a seven-year standalone sentence for the earlier sexual offending is more serious, involving a prepubescent child and oral genital contact.¹²

[68] Your offending prior to the week your wife was in Australia involved digital penetration, but not oral genital contact and the complainant was [redacted]. The

¹² *R v K (CA558/08)* [2009] NZCA 107.

evidential basis for the frequency of that contact was somewhat unclear. On a standalone basis, my assessment is that it would attract a starting point more in the region of four to five years' imprisonment. It was repeated touching and digital penetration of [redacted] who was aged in her mid to late teens, but the frequency was not well established on the evidence.

[69] Bearing in mind totality, I apply a two-year uplift for the sexual offending in New Zealand that predated the week that your wife was away in Australia.

[70] That results in a 14-year starting point for the sexual offending.

Uplift for dealing in slaves

[71] I now deal with the charges of dealing in slaves and the assault with a weapon charge.

[72] The offending is aggravated by the following factors:

- (a) Both victims were vulnerable. They came from an impoverished background and believed that moving to New Zealand would offer greater opportunities for them. They were motivated to help their biological parents. You [redacted] they lived under your primary care. They did not speak English, and they had no support available in New Zealand. You took advantage of their lack of knowledge of immigration matters and their limited English.
- (b) The extent of harm caused was significant. You drained their bank accounts, you forced them to live with very little money, and that money will never be recovered. The exact amount you stole from the male victim is not defined with any precision — but it must have been a significant sum. You put both victims into debt for your or your family's benefit. They are financially much worse off than they should be. You stole their money.

- (c) Your offending demonstrates a high level of planning and premeditation. You kept meticulous diary entries which show that you managed the victims' finances and employment. You controlled their passports, communications, and travel. Your offending was calculated.
- (d) You used actual and threatened violence against both victims, but more so against the female victim. You recorded in your diary that you had beaten the female victim. You threatened to have the victims deported if they did not obey your orders.
- (e) The scale of your offending spanned several years and there were two victims.

[73] Mr Saseve suggests that the victims' attitudes should be taken into account, saying that neither was interested in resuming schooling in New Zealand. He also suggests the fact that the male victim was [redacted] years old when he arrived in New Zealand made him too old for secondary education.

[74] I reject that submission. You exploited and used both victims in the most cynical way. You saddled them with debt, and you denied them the benefit of their own labour. It is not mitigating that a young person is so vulnerable that they might accept even slavery as a better option than a return to a life of extreme poverty.

[75] *Matamata v R* is the recent Court of Appeal case which involved charges of dealing in slaves and human trafficking.¹³ In *Matamata*, the Court of Appeal noted that New Zealand and overseas authorities offer limited assistance for charges of slavery, and it is necessary to assess the sentence by reference to first principles.¹⁴

[76] Mr Matamata was a Samoan national living in New Zealand, who maintained close connections with his Samoan village and held matai status. Mr Matamata and his wife supplied labour for orchard contracting businesses in Hawkes Bay. Over a period of 25 years, Mr Matamata made travel arrangements for 13 victims to travel to

¹³ *Matamata v R*, above n 9.

¹⁴ At [76].

New Zealand from his village in Samoa. That was to undertake work for him, on the false promise that the money they would earn would be theirs to keep. The victims were aged between 12 and 53 years. Mr Matamata enslaved the victims by retaining their net income, restricting their freedom of movement and communications, and by using actual or threatened violence for breaching rules. It was estimated that Mr Matamata gained income of over \$300,000 as a result of the offending.

[77] The Court of Appeal said that a starting point of around 14 years' imprisonment would be appropriate.

[78] Mr Matamata's offending involved a greater number of victims over a greater total period of time, however, your offending involved a greater breach of trust. Each of your victims suffered a longer period of exploitation than any one victim in the *Matamata* case.

[79] The Crown contends that, taking the dealing in slaves charges in isolation, a starting point of around eight years' imprisonment is available. Having regard to totality, the Crown submits that an uplift of five years' imprisonment is appropriate for the charges of dealing in slaves and assault with a weapon.

[80] Mr Saseve submits that an uplift of three years' imprisonment is appropriate.

[81] There is little available guidance but, on a standalone basis I think that the slavery charges would attract a starting point of something in excess of eight years' imprisonment. You used the victims in every possible way, and you showed no regard for their wellbeing. You placed no value on them. They were just there for your benefit. You gained a significant financial benefit from their earnings. In the case of the female victim, you impacted her childhood immensely — effectively childhood for her ended at [redacted] years old.

[82] Sentencing only on the slavery charges, I would impose nine years as a starting point. I must, however, deal with this by way of an uplift to the starting point identified on the sexual charges. The uplift that I arrive at is one of five years' imprisonment.

[83] That takes the adjusted starting point to 19 years' imprisonment.

Stage two: personal circumstances

[84] You are 63 years old. You are a New Zealand citizen of Samoan descent. You moved to New Zealand with your wife in 2003 or 2004. Your children reside in Australia. You hold matai or chiefly status in your Samoan community. You were previously employed as a corrections officer. You have no previous convictions.

[85] There are no aggravating factors personal to you.

Age, ill-health and former occupation

[86] Mr Saseve submits that you should be entitled to a discount of 10 per cent to account for your health conditions, your age, and the fact that you were once a corrections officer. The PAC report records that you have been diagnosed with a fatty liver and type two diabetes, for which you take daily medication. It is also contended that you may be subject to poor treatment if other prisoners find out that you were once a corrections officer.

[87] The Crown submits no discount for poor health or age is available as your health conditions can be adequately managed by Corrections.

[88] The real issue is whether imprisonment will be disproportionately severe for any reason. I consider that your previous employment will mean that prison is potentially more difficult. You may need to be segregated, and it is a concern that most prisoners do not face.

[89] Your health issues can readily be managed within the prison system and at 63, it cannot be said that you are elderly.

[90] I will adjust the sentence by five per cent to reflect the particular difficulties you may have due to your previous role.

Impact on wife

[91] Mr Saseve also submits that you should be entitled to a discount of 15 per cent for the impact of your imprisonment upon your wife. Your wife recently had eye surgery and suffered complications. She has also been diagnosed with a brain tumour. Mr Saseve contends that Mrs Tuai has limited community support because your children reside in Australia. Mr Saseve contends your sentence of imprisonment will have a disproportionately severe impact on Mrs Tuai as you will no longer be able to support or care for her.

[92] Mrs Tuai was not an innocent victim of your offending. She also benefited from the exploitation of the victims. But she is very unwell, and your incarceration will be more difficult for both of you given her health issues.

[93] I will make a further five per cent adjustment to acknowledge that.

Previous good character

[94] Mr Saseve does not seek a discount for your previous good character, and the Crown submits that the circumstances of your offending negate any possible credit for good character. I agree.

[95] Discounts for previous good character are typically awarded in relation to positive contributions to society. Such a discount recognises that the “fall from grace” for an offender of previous good character is itself a punishment and assumes that there is greater potential for rehabilitation.¹⁵ However, the Courts have recognised that it is difficult to put offending which continues over a long period of time down to a momentary and out of character lapse of judgment by an otherwise upstanding member of the community.¹⁶

[96] You took advantage of your status in the community as matai for the very purpose of exploiting the victims. You have not accepted responsibility for your offending. You continue to deny your offending, and you told the PAC report writer

¹⁵ *R v Brar* [2023] NZHC 3405 at [52].

¹⁶ *Britow v R* [2017] NZCA 229 at [10].

that the victims are “making stories”. You say that the Court did not consider your culture during the trial.

[97] Your offending, as in *Matamata*, was an abuse of Samoan cultural traditions. You relied on your status not to assist your community but to exploit [the] vulnerable. I am concerned that this practise of bringing poor children to New Zealand and putting them to work on the basis that they are better off in New Zealand, even when used as free labour, might be more widespread than has been appreciated.

[98] You and your family may regard it as acceptable and justified on the basis that the victims received the benefit of New Zealand citizenship and so owed you for that — but that is not mitigating. It is a mistake to think that this behaviour could in any way be acceptable. I do not accept that abuse and exploitation of the vulnerable is acceptable in any culture.

Time spent on electronically monitored bail

[99] Both counsel accept that you should receive a discount to reflect the time you have spent on electronically monitored (EM) bail. You have spent a total of 574 days or 18 months with a 24-hour curfew, and you have not breached your bail conditions.

[100] A 24-hour curfew is an onerous requirement and a period of 18 months without breach is significant.

[101] I will reduce your sentence by nine months to reflect the period on EM bail.

[102] On that basis I arrive at an end sentence of 16 years and four months’ imprisonment.

Minimum period of imprisonment

[103] The Crown seeks a minimum period of imprisonment (MPI) of 50 per cent of the end sentence imposed.

[104] The question is whether the one-third default minimum period would be insufficient to either hold you accountable for the harm done, denounce your conduct, deter you from offending, or protect the community.¹⁷

[105] I consider that the one-third minimum period would be insufficient. Although unlikely, it would mean that you could theoretically be released on parole in about five years. That is not sufficient to denounce your offending and hold you accountable.

[106] I will impose an MPI of eight years which is just under 50 per cent.

Other orders

[107] The evidence at trial did not establish whether the female victim was [redacted] years old at the time you started sexually offending against her in New Zealand. The Crown does not seek an order that you be registered on the child sex offender register.¹⁸ On the basis that the age of the female victim, at the time of the sexual offending in New Zealand, is not established I do not order registration on the child sex offender register.

[108] Protection orders are sought under s 123B of the Sentencing Act. I grant that application in respect of both victims.

Result

[109] Mr Tuai, would you please stand.

[110] On the charges of sexual violation by rape, sexual violation by anal penetration and sexual violation by connection between the victim's mouth and your penis, you are sentenced to 16 years and four months' imprisonment.

[111] I order that you serve a minimum period of eight years' imprisonment.

¹⁷ Sentencing Act, s 86.

¹⁸ Child Protection (Child Sex Offender Government Agency Registration) Act 2016, sch 2.

[112] I impose the following concurrent sentences — that is, they will be served at the same time as the lead sentence of 16 years and four months.

[113] On the charge of sexual violation by connection between your mouth and the victim's genitalia, you are sentenced to four years' imprisonment.

[114] On each charge of sexual violation by digital penetration, you are sentenced to four years' imprisonment.

[115] On each charge of indecent assault, you are sentenced to two years' imprisonment.

[116] On the charge of assault with a weapon, you are sentenced to one year's imprisonment.

[117] On each charge of slavery, you are sentenced to eight years' imprisonment.

[118] As I have said, Mr Tuai, all charges are concurrent. The total sentence is one of 16 years and four months' imprisonment.

[119] Stand down.

Wilkinson-Smith J