

IN THE SUPREME COURT OF NEW ZEALAND

SC 61/2017  
[2017] NZSC 117

BETWEEN RUDI HARTONO AND OTHERS  
Applicants

AND MINISTRY FOR PRIMARY  
INDUSTRIES  
First Respondent

SAJO OYANG CORPORATION  
Second Respondent

Court: Elias CJ, William Young and Ellen France JJ

Counsel: K K Harding for Applicants  
C J Lange for First Respondent  
R B Squire QC for Second Respondent

Judgment: 9 August 2017

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JUDGMENT OF THE COURT

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- A** Leave to appeal is granted (*Sajo Oyang Corp v Ministry for Primary Industries* [2017] NZCA 182).
- B** The approved question is whether the applicants have an interest in the Oyang 75 for the purposes of s 256 of the Fisheries Act 1996.
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REASONS

[1] Although leave to appeal has been granted in general terms and we are not restricting the arguments which may be advanced on the approved question, we wish to hear from counsel on the following line of argument:

- (a) the Oyang 75 is “forfeit property” for the purposes of s 256 of the Fisheries Act 1996;

- (b) the applicants individually are within the expression “*any* fishing crew” in (b)(ii) of the definition of “interest”;<sup>1</sup>
- (c) they have claims for “unpaid wages”;
- (d) in respect of those claims, they had, prior to forfeiture, in rem rights in respect of the Oyang 75; and
- (e) such rights are within the contemplation of the expression “an interest ... that any fishing crew have in unpaid wages”.

Solicitors:

Karen Harding Law, Auckland for Applicants  
Raymond Donnelly & Co, Christchurch for First Respondent  
Oceanlaw New Zealand, Nelson for Second Respondent

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<sup>1</sup> Emphasis added.