

**IN THE DISTRICT COURT
AT AUCKLAND**

**I TE KŌTI-Ā-ROHE
KI TĀMAKI MAKĀURAU**

**CRI-2025-004-004560
[2026] NZDC 16039**

COMMERCE COMMISSION
Prosecutor

v

ILAISAANE MALUPO
Defendant

Hearing: 26 May 2026

Appearances: E Rutherford and W Te-Rangi for the Prosecutor
N Tupou for the Defendant

Judgment: 26 May 2026

NOTES OF JUDGE D J SHARP ON SENTENCING

[1] Ms Malupo, you are here in respect to two representative charges, providing a financial service without being registered, and in breach of the provision which requires you not to attempt to deceive and knowingly mislead the Commerce Commission.

[2] I gave a sentence indication on 14 January 2026. In that sentence indication I indicated certain consequences and allowed credit in terms of a guilty plea discount and included an aspect in relation to remorse. That reduced the starting point to one of \$25,000 by way of monetary penalty.

[3] There was an acknowledgement in terms of a reduction in the penalty for your lack of previous convictions, and you have now provided further submissions which

talk about your remorse, other achievements which you have made, many letters of support and attesting to matters other than your lending services in which you have been a person who has been supportive and worthy of letters towards your character.

[4] The situation with this offending is that there are persons who have suffered as a consequence of paying fees and interest that they should not have had to pay. I have seen victim impact statements in which people have discussed the difficulties that they have had and the emotional problems that come with unregulated lending.

[5] The total amount of reparation is in the sum of \$32,698.75, which would mean the financial circumstances, even with giving you additional discounts for the matters which I have referred to in relation to your character and other achievements and lack of previous convictions, would have still meant a total liability of something like \$50,000, that being reparation and fines.

[6] I have seen a statement of means which is declared today by you in which you indicate your personal income was \$62 per week, your partner's income is \$1,030 per week, together with an accommodation supplement. This needs to cover your rent, food, transport, and power. Obviously, that means that your financial position is limited. You say in your declaration that you recognise that community work is something that might need to be imposed given the fact that you lack the financial ability to make the reparation.

[7] What I will do is to reduce the reparation amount to the sum of \$15,000 to be paid proportionately to those who have lost. I make an order for payment at \$40 per week towards the reparation figure. That is going to take a relatively long period of time, but I am reluctant to reduce the reparation because people have actually been caused harm as a result of the loan structures and other matters that are contained in the prosecution reparation report.

[8] Turning to the fine. It would have been likely to be a fine at least in the sum of \$15,000. I take into account your means. I reduce that by virtue of those means and your ability to pay. It is an aspect of the Sentencing Act 2002 that capacity to pay must be taken into account by any sentencing at all.

[9] In its place I make an order for 150 hours of community work. I make an order that it may be converted to life skills and training, which means a portion of the community work could be diverted for you to be able to upskill because if you are properly qualified to provide loan and other services, and you do so correctly, perhaps in a way in which you can support your community and the people who say positive things about you. So, you may be able to convert some of that 150 hours towards obtaining appropriate accreditation.

[10] I am going to impose a ban for two years for operating any lending services in accordance with what I said in the sentence indication, but perhaps in that time you will be able to get yourself in a position where you are able to do this properly, legally, and effectively. There will not be victims of the offending, there will be people who get the benefit of expertise that it looks like you are able to provide. Do you understand the sentence? [Yes.]

Judge D Sharp

District Court Judge | Kaiwhakawā o te Kōti ā-Rohe

Date of authentication | Rā motuhēhēnga: 13/08/2026