

The Nelson Mail

SATURDAY, MAY 22, 2010

It's time to make the punishment fit the white-collar crime

The enormous daily challenge confronting the justice system, and one of the reasons why district court judges are paid a base salary of \$276,500, is to make the punishment fit the crime. With organisations like the Sensible Sentencing Trust on one side, restorative justice campaigners on the other and politicians in the middle unashamedly milking law and order for votes, it's not easy to maintain a clear-eyed focus on justice. Very few New Zealanders will feel that this is what happened when Blue Chip co-founder Mark Bryers entered the dock on Thursday to be sentenced on 34 charges. Most, and particularly the Blue Chip investors who have lost their

nest eggs, will feel that his sentence was a perfect case of the "slap on the wrist with a wet bus ticket".

It's important to acknowledge the type of charges Bryers faced. He wasn't accused of fraud, but of the lesser offences of failing to keep proper financial records and failing to attend a meeting of creditors. Although there were 34 charges, and he admitted them all, in descriptive terms they were at the lower end of the scale. However, the effect of the offending on ordinary New Zealanders has been horrendous. As Judge Chris Field noted at the sentencing in front of the many investors who had gathered to witness it, "the letters that I have received range

in consequences up to financial disaster, loss of homes, illness and effects on health and relationships". Bryers' failure to carry out his obligations had been "catastrophic", the judge said, and promptly sentenced him to \$37,470 in fines and 75 hours' community service.

Pardon? Bearing in mind that at least 3000 Blue Chip investors are fighting to recover about \$84 million from the company and that many are elderly – old enough, no doubt, to have believed the traditional definition of a blue chip investment, one that is second only to gilt-edged in security – Bryers has got off very lightly. Most of his offences were punishable by fines,

but a two-year prison term was available. Bearing in mind that Bryers – who was declared bankrupt late last year with debts believed to be more than \$170 million – is living in an upmarket Sydney apartment and reportedly running a similar business, he should have been jailed.

Almost unbelievably, his lawyer argued that a community service sentence would be "unjust and impractical" because Bryers lives in Australia. What about the injustice suffered by investors as a result of his actions, and the impracticability of losing their life savings? Although some of their money might yet be recovered, for many the damage is done. Their last years have

effectively been ruined.

In the debate about so-called "sensible sentencing" the focus is almost always on violent criminals or those who have taken someone's life through an alcohol or drug-induced crime. These are often individuals who have been defeated by their background. Frequently, they are themselves victims. Sometimes it is necessary to lock them up to protect the public. But sentencing can also sensibly be used to put away people who have harmed their fellows without picking up anything more dangerous than a cellphone. Sometimes that should be done simply so they don't get away with it.

MAILBOX

Transaction tax would be fairer to all New Zealanders

Sir, So Phil Goff boils away at the injustice of the Budget, saying the rich will get richer and the poor poorer. His lot had nine years, during which income inequality grew significantly while they tinkered with intrusive social legislation.

GST is a classic regressive tax, which means it hits the poor far more than the rich. A fair tax reform would be the introduction of a Tobin or Financial Transaction Tax. The New South Wales government does it, and Germany has just announced it will, too.

Financial transactions are exempt from GST. The moneyed overwhelmingly engage in financial transactions, much of which is speculation – all consumption tax-free. It is estimated that an FTT of less than .05 per cent would raise enough to totally remove income tax and GST.

Labour did virtually nothing for tax reform but Merkel's German coalition, with opposition support, has moved in this progressive direction. Labour had nine years and John Key two, and both fail to move on taxing the finance sector.

We know Mr Key is cosy with them, but what is Labour's excuse? I'd like to have a choice to vote for Angela Merkel-type leadership in 2011.

RON RESNICK
Nelson, May 20.

Target the speculators

Sir, So this is the big "step change" from the National Party, five steps up the ladder for the wealthy and a few steps down for the low-income sector. Why should we accept an increase in GST which hits everybody, when speculators are operating tax-free?

I support the tax reform campaign that wants to see a fair tax put on those wealthy enough to speculate with their money – a financial speculation tax. Our country is borrowing a massive \$240 million each week, and we are told we must accept cuts in health and education. Yet the popular tax cuts are waved as some kind of misguided victory.

This government is a pack of liars (they said they would not raise GST; they said they would not borrow to give tax cuts) who smile their way through by implementing popular moves – and ignoring the serious problems facing New Zealand in health, education, pollution, alcohol abuse etc.

VICTORIA DAVIS
Golden Bay, May 21.

No worries, Kiwis

Sir, As instructed by John Key, I'm not jealous of the rich getting big tax cuts. On the contrary, I feel sorry for multimillionaire Mr Key, who gets \$250 more each week, and Telecom's chief executive, who has to make decisions

about an extra \$3500 each week. Thank goodness many citizens will have only an extra \$7 to worry about.

And the \$7 will soon disappear as prices rise – because of GST, ACC levies, the Emissions Trading Scheme and the \$300 million shortfall in hospital funding.

No worries – baked beans are only 99c a can this week. No worries; no meat, bread, milk or shoes. No jealousy – just anger. Silly, really – National's priority has always been the rich.

JANICE GILL
Nelson, May 21.

Performance-based pay

Sir, Long before the Budget announcement, I advised the National Party to tie MPs' salaries to the cost of living and cut down on their trouting perks like their free travel and their golden superannuation plan. They would have grabbed every headline in the country and swum back into power in 2011, no trouble.

Now I have an even better idea. There is a story of a village in China whose doctor was paid only by the healthy. If you were sick, the doctor got nothing from you. He kept the people healthy, and he and the whole town prospered. Why not tie MPs' salaries to the cost of living index in inverse ratio? The lower the cost of living, the more they get paid; the higher they allow the cost of living to get, the lower their salaries.

I am only half-serious with this suggestion. Of course, no party would do it. But why are politicians so dumb that they can't see what will catch the voters' attention and approval, even when they are clearly told? Surely they must realise that they are well enough (not to say over-) paid and would be popular if they led the way by showing some personal restraint.

DAN DUNGAN
Nelson, May 20.

They're still leaving

Sir, John Key suggests that our wealthier citizens might leave if he did not offer them more substantial tax cuts. I say don't let the door hit you on the way out.

Meanwhile, our young people leave in droves. We might be better off keeping our best and brightest in New Zealand and let Mr Key sell his version of trickle-down to wherever the rich would take their money and run.

DON WELCH
Nelson, May 20.

Always worth a read

Sir, Re Dan Dungan "Crime in the neighbourhood" (*Nelson Mail*, May 17), of a normal mother and a naughty child. His wit and perception on life's

TREMMAIN'S VIEW



experiences is always worth a read.

M CLARK
Richmond, May 17.

A living language

Sir, A J Brooke's letter about Maori immersion schools (*Mailbox*, May 20) needs commenting on.

Mrs Brooke seems to think that the fact that the Maori language has had to coin new words to describe the modern world proves it is moribund. On the contrary, the ability to invent new words to describe new concepts is a sign that the language is alive and adaptable. The English language has done this for hundreds of years. Had anyone heard of the verb "to google" 20 years ago?

Mrs Brooke's comparison of New Zealand with Switzerland is so irrelevant as to be absurd. The three main languages in Switzerland are German, French and Italian. Students are taught primarily in their native language, but have lessons in the other two languages.

Every Swiss citizen is expected to be trilingual, and many of them speak English as well. Now that is something to be admired.

It is an educational fact that learning a second language at a young age is very beneficial. It doesn't matter what that second language is – so why shouldn't it be Maori? It is one of our official languages, after all.

CHRISSE WARD
Nelson, May 20.

Sir, A J Brooke's claim (*Mailbox*, May 20) that the Maori language is "fundamentally unsuited to the load placed on it" is racist rubbish.

My MA (history) supervisor wrote his doctoral thesis in both Maori and English. I wonder if Mrs Brooke could even manage one in English.

VIC EVANS
Atawhai, May 20.

Amalgamation savings

Sir, Aldo Miccio admits in "Do it for the ratepayer" (*Mailbox*, May 20) that

his unqualified statement that there would be \$5 million for each council's ratepayers with amalgamation was untrue. It was only an estimate, he says, and if it's only \$2 million a year, "is that so bad?"

What is bad is that he made an unqualified statement that was untrue in support of his campaign for amalgamation. After reading "Miccio back on signature hunt" (*Nelson Mail*, May 20), it seems as though the issue (amalgamation) is just a cheap, shameless mayoral campaign stunt costing ratepayers, and most certainly not saving \$5 million.

I pity the poor, long-suffering Nelson ratepayers with their ever-spiralling rates bills, being asked by Mr Miccio, should he become mayor, "Is that so bad?"

At a meeting held recently to hear a chattering apologist for Local Government New Zealand speak about "What's the future for local councils?", Mr Miccio asked the speaker about levels of benchmarking for councils. What sort of bright-eyed, bushy-

tailed, Mickey Mouse mayoralty would it be where the mayor had to resort to local councils and DIA pages for inspiration?

R N HELLYER
Upper Moutere, May 21.

Sir, The Nelson City Council and Tasman District Council amalgamation obsession that councillor Aldo Miccio shows is all about his personal attention-seeking, power, self-gratification and ego.

His exploits displayed in getting the signatures he did manage were clearly suspect.

Having failed to get the signatures required after all that effort, even he should realise he is clutching at straws if he believes a ratepayer vote would succeed, at least within Tasman.

Nelson voters would do well to dump this councillor at the first opportunity.

As a ratepayer, I am far from happy with the exploits of the Tasman District Council. They are clearly wasteful, obsessively bureaucratic and self-indulging – as are all councils, Nelson included.

The answer is not to make the monster larger, let alone placing the likes of Aldo Miccio anywhere near the levers of power.

Nelson voters, dump Aldo Miccio along with any of his supporters and do us all a service. Meantime, the TDC would do well to act as servants of ratepayers rather than masters – as would all councils and the Government, for that matter.

Fat chance, I know. Reason: too many of the ilk of Aldo Miccio.

MIKE EGGERS
Upper Moutere, May 21.

Forestry controls needed

Sir, Why is it that the local councils have (justifiably) stringent requirements for earthmoving and ground cover clearance in non-forestry activities such as house building, yet they seem to look the other way when it comes to forestry?

Why is it that they allow forestry companies to silt up our rivers and our shellfish beds? Why is there zero sedimentation control for forestry?

In allowing this to continue, local councils perpetuate the unsustainable business model of clearfelling rubbish timber in short-rotation forests on steep hill country. We need to move to sustainable forestry models of Europe, where trees are harvested around the contours in small areas.

This can only work with high-value trees instead of rubbish radiata, which is pretty much unusable without soaking it in toxic chemicals, and virtually unusable without shredding it and gluing it back together in energy-intensive processes.

It is time for local councils to act to stop these unsustainable forestry operations before we have another forestry flood fricassee.

PETER OLORENSHAW
Nelson, May 20.

It's time to take a stand to protect the environment

WHEN future generations look back at the environmental legacy we leave, what will they make of it?

We in New Zealand are quick to claim a clean, green image, but is this how future generations will label our efforts?

There is much to suggest that if we continue the way we are at present, we will be forced to look at our grandchildren and search for an adequate answer when they ask, "How could you have let that happen?"

Our wetlands are disappearing, our native wildlife is under pressure, and our rivers are becoming increasingly polluted by industries, towns and farms.

The Waihou River in the Waikato – which at its source is so pure it produces most of New Zealand's bottled water – is not fit to swim in by the time it is halfway to the sea. The Mohaka, one of the most iconic



Voices

Doug Stevens

wilderness rivers in the world, is now almost dead in the middle reaches due to totally unsuitable land use by farmers along one of its tributaries. The Matakaitaki, Matiri, Hurunui and Mokihinui rivers, among many others, are destined to be dammed, which will destroy unique ecosystems that have evolved over hundreds of thousands of years.

Somewhat we have forgotten, or maybe have never learned, that the environment is a fragile resource. We ignore the fact that we do not own the environment but are its custodians for

future generations. By radically changing much of what we cherish about our country, we are in danger of destroying our future, both environmentally and economically.

In my job as manager of the largest fishing website in the country, nzfishing.com, I have the privilege of travelling around this beautiful country, speaking to many groups. During these talks, I hear what is happening elsewhere, and as a result have become aware that we are at a crossroads, where our environmental future is dependent upon the decisions we must make now.

Should we allow dairying to intensify to the extent that our rivers become convenient effluent drains? Do we wish to see iconic landscapes become factory farms? Are we prepared to allow rivers to be dammed for the economic benefit of a few, and in the process destroy the livelihoods

of others, such as fishing lodge owners, guides and rafting companies? Are we going to allow a few wealthy companies and individuals to take control of our publicly owned rivers for their personal gain?

So much of our GDP jigsaw is dependent on a vibrant and healthy ecosystem. Take tourism as one example. Hundreds of thousands of overseas visitors come to New Zealand to experience unspoiled wilderness regions, to kayak our wild rivers, to fish our fabled waters, or to tramp and hunt in stunning locations. These tourists bring hundreds of millions of dollars into our economy each year for the privilege of pursuing their passion in a pristine environment. But this source of income will quickly dry up should we neglect our duty to ensure our environment is well maintained. I am sure it must be an anathema to

a few landowners when they are told what they can and cannot do on their land. But we all accept the need for planning in our towns and cities, and that different urban areas are zoned for different uses. So why is it so hard to accept that we must also ensure simple rules are developed and enforced to protect our countryside?

It is time for the tens of thousands of hunters, anglers, kayakers, trappers, birdwatchers and everyone else who loves the outdoors to stand up and state their support for those working to protect our internationally renowned environment for this and future generations. The cost of not doing so is too high to bear.

■ Doug Stevens is a former Dean of Arts and Humanities at NMIT and is now the founder and manager of nzfishing.com and spokesperson for UnitedFuture on outdoor recreation and the environment.

The Nelson Mail welcomes the views of readers. 1. Letters should be sent by email, typed or neatly printed on one side of the paper only. 2. Letters must not exceed 200 words. 3. Letters should be signed and will be printed under the name of the writer. 4. Full address and a daytime telephone number must be included. Only the district location will be published. 5. The name of the publication and date are required for any item referred to. 6. All correspondence is at the discretion of the editor, who reserves the right to decline, edit or abridge letters without explanation. 7. No correspondence will be entered into. 8. Addresses are PO Box 244, Nelson, Fax (03 546-2802) Email: mailbox@nelsonmail.co.nz

THOUGHT FOR TODAY

I've never read a political poem that's accomplished anything. Poetry makes things happen, but rarely what the poet wants.

— HOWARD NEMEROV (1920-99)