

**IN THE DISTRICT COURT  
AT AUCKLAND**

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

**CRI-2020-004-009514  
[2024] NZDC 4586**

**WORKSAFE NEW ZEALAND  
Prosecutor**

v

**WHAKAARI MANAGEMENT LIMITED  
WHITE ISLAND TOURS LIMITED  
VOLCANIC AIR SAFARIS LIMITED  
AERIUS LIMITED  
KAHU (NZ) LIMITED  
Defendants**

Minute: 6 March 2024

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**CHAMBERS MINUTE OF JUDGE E M THOMAS  
[Correction of sentencing judgment]**

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**Introduction**

[1] By memorandum dated 4 March 2024, counsel for the helicopter operators has brought to my attention:

- (a) an arithmetical error on my part in calculating the fine payable by Volcanic Air Safaris Limited,<sup>1</sup> and

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<sup>1</sup> I reduced the fine by 32.5% for mitigating factors. This should have been 37.5%, being the correct total of the intended individual reductions for those factors.

- (b) no specific order allowing Aerius Ltd and Kahu (NZ) Ltd five years to pay their respective fines despite intending that to be the outcome.<sup>2</sup>

[2] I have also discovered incorrect reference to charges (as opposed to one charge only) faced by WML.<sup>3</sup>

## Discussion

[3] 1.6 of the Criminal Procedure Rules 2012 permits correction of a judgment containing such errors, which are accidental. I shall reissue the judgment, with the following corrections:

- (a) The fine referred to in paragraph [85] is to be amended to \$468,750 (\$234,375 on each charge).
- (b) Removing the reference to multiple charges in paragraph [83] and making consequential amendments to paragraphs [50] and [53].
- (c) Referring in paragraphs [86] and [87] to a five-year term for the payment of fines.

[4] I apologise to all parties for these errors.

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Judge EM Thomas  
District Court Judge | Kaiwhakawā o te Kōti ā-Rohe  
Date of authentication | Rā motuhēhēnga: 06/03/2024

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<sup>2</sup> I indicated my intention to allow these defendants 5 years to pay the fine at para [81] but did not formally record so at paras [86] and [87].

<sup>3</sup> I referred to WML facing 2 charges, when it was only convicted of one, relating to its duty as landowner. However, I calculated the fine as if it were a single charge, so the error did not affect the outcome.