

**IN THE DISTRICT COURT
AT AUCKLAND**

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

**CRI-2020-004-009514
[2024] NZDC 2455**

WORKSAFE NEW ZEALAND

v

**ANDREW BUTTLE
JAMES BUTTLE
PETER BUTTLE
I D TOURS NEW ZEALAND LIMITED
TAURANGA TOURISM SERVICES LIMITED**

Hearing: 8 February 2024

Appearances: S Symon for WorkSafe New Zealand Limited
J Cairney for Messrs Buttle
D Neutze for I D Tours New Zealand Limited
S Wroe for Tauranga Tourism Services Limited

Minute: 8 February 2024

**MINUTE OF JUDGE E M THOMAS
[Costs applications]**

Introduction

[1] Andrew Buttle, James Buttle, Peter Buttle and ID Tours New Zealand Limited have filed applications for costs following the dismissal of charges against them. Tauranga Tourism Services Limited has signalled an intention to do so.

Scheduling a hearing

[2] The current proceedings are yet to be finally disposed of. There are active appeals pending in respect of both ID Tours and Tauranga Tourism Services Ltd (TTSL). Although there is no active appeal in respect of any of the Buttles, an appeal right still exists for its company, Whakaari Management Limited. The outcome of any appeal may potentially impact upon the justification for WorkSafe's decision to bring or continue a particular prosecution, which in turn may affect any cost liability.

[3] At a hearing this morning to discuss the applications, all parties other than TTSL agreed the applications be deferred until all matters have been finally disposed of. I agree.

[4] TTSL, having not yet filed its application. When it does so, it may file a memorandum if there are arguments in favour of a more immediate hearing additional to those it raised at this morning's hearing.

Judge EM Thomas

District Court Judge | Kaiwhakawā o te Kōti ā-Rohe

Date of authentication | Rā motuhēhēnga: 08/02/2024