

**IN THE DISTRICT COURT  
AT WHAKATANE**

**I TE KŌTI-Ā-ROHE  
KI WHAKATĀNE**

**CRI-2020-004-009514  
[2023] NZDC 4565**

**WORKSAFE NEW ZEALAND**  
Prosecutor

v

**PETER BUTTLE  
ANDREW BUTTLE  
JAMES BUTTLE**  
Defendants

Date: 14 March 2023

Appearances: K McDonald KC, M Hodge and S Symon for the Prosecutor  
D Neutze and P Couldwell for the Defendants

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**MINUTE OF JUDGE E M THOMAS**

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**The Buttles' application to amend the charging documents**

[1] The amendment the Buttles seek is to the particulars to reflect an allegation that they "did nothing" in relation to reasonable steps.

[2] The genesis of this application lies in my decision to refuse their application to dismiss the charges against them as being a nullity or an abuse of process for inadequate particulars. During the hearing on that application, WorkSafe discussed what its case would be against the Buttles. How it presented that argument became pivotal to it being able to defeat the Buttles' application to dismiss the charges and all of that is evident from the decision that I issued.

[3] The parties now appear to disagree on what WorkSafe represented its case would be. Understandably, that has prompted this application. However, it is not appropriate at this point to either re-litigate the original application or for me to further discuss or explain or add to what is contained in my decision. The decision is the decision and it stands on its own.

[4] The appropriate remedy, in my view, is for Mr Neutze to renew any objection to how WorkSafe presents its case when he sees how WorkSafe intends to present its case. WorkSafe can consider its case given the decision that I have issued. The Buttles' application remains live, but we will not deal with it today. Mr Neutze has indicated that he will take further instructions and let the Court know if his position changes in any way.

#### **Transcript from s147 hearing**

[5] I grant WorkSafe's application for a transcript of the hearing to be prepared and made available. The Registrar is to ensure that the necessary request is made.

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Judge EM Thomas  
District Court Judge | Kaiwhakawā o te Kōti ā-Rohe  
Date of authentication | Rā motuhēhēnga: 16/03/2023