

**IN THE DISTRICT COURT
AT AUCKLAND**

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

**CRI-2020-004-009514
[2021] NZDC 20156**

WORKSAFE NEW ZEALAND
Prosecutor

v

**WHAKAARI MANAGEMENT LIMITED
ANDREW BUTTLE
JAMES BUTTLE
PETER BUTTLE
INSTITUTE OF GEOLOGICAL NUCLEAR SCIENCES LIMITED
NATIONAL EMERGENCY MANAGEMENT AGENCY
WHITE ISLAND TOURS LIMITED
VOLCANIC AIR SAFARIS LIMITED
AERIUS LIMITED
KAHU (NZ) LIMITED
INFLITE CHARTERS LIMITED
I D TOURS NEW ZEALAND LIMITED
TAURANGA TOURISM SERVICES LIMITED**
Defendants

Date: 12 October 2021

CHAMBERS MINUTE OF JUDGE E M THOMAS

Introduction

[1] The case review hearing is currently scheduled for 21 October in the Whakatane District Court. At present Covid restrictions would not allow those in Northland, Auckland or Waikato to personally attend the hearing, and discourages those elsewhere from doing so. Should it proceed on 21 October and, if so, in what way?

Discussion

[2] It is important to progress the proceedings, and there has already been one adjournment. There is little indication of when restrictions may ease. However, I must also recognise:

- (a) under current restrictions, those under Level 3 restrictions could only participate remotely;
- (b) the limitations placed on the Whakatane courthouse under Level 2 restrictions;
- (c) the ability of all counsel and their clients to easily participate;
- (d) the need for all those interested in the proceedings to be able to access the hearing; and
- (e) such access should be unaffected by technological or logistical limitations.

[3] The Ministry of Justice has been working to ensure a proper hearing can take place within these restrictions. It has assured me that the VMR platform can support the necessary remote participation.

[4] Given that assurance, the case review hearing can proceed on 21 October. In accordance with previous orders and the District Court Covid operating protocols:

- (a) the hearing will still be managed by the Whakatane District Court;
- (b) all counsel, regardless of alert levels where they are, should attend by VMR;
- (c) the attendance of individual defendants is excused (they are of course welcome to view the proceedings by VMR link should they wish to do so); and

(d) all other interested parties should be able to view the proceedings by VMR link.

[5] The Registrar will arrange the hearing accordingly. That will include ensuring that all victims' representatives and media known to be interested in the proceedings are provided what is necessary for them to be able to view the proceedings.

Judge EM Thomas

District Court Judge | Kaiwhakawā o te Kōti ā-Rohe

Date of authentication | Rā motuhēhēnga: 12/10/2021