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**IN THE DISTRICT COURT
AT HAMILTON**

**CRI-2015-019-005627
[2016] NZDC 12320**

WORKSAFE NEW ZEALAND
Prosecutor

v

EAGLE EDGE PROTECTION LIMITED
Defendant

Hearing: 1 July 2016
Appearances: E Jeffs for the Prosecutor
P Cornege for the Defendant
Judgment: 1 July 2016

NOTES OF JUDGE A S MENZIES ON SENTENCING

[1] Today finalises a sequence which began with a sentencing indication provided on 11 March 2016. That sentencing indication went into some detail about the issues arising in relation to the prosecution and provided a sentencing indication.

[2] As at that stage there was advice that the company had recently been placed in liquidation. As a result of that advice there was a minute that I issued inviting the liquidator to indicate whether the liquidator intended taking any steps and specifically entering a plea on the basis of the sentencing indication and matters were adjourned to today's date for any such steps to be taken.

[3] Mr Cornege has today appeared on behalf of the liquidator and entered a plea of guilty to the charge which, thereby, accepted the sentencing indication that had been provided. The position is, however, on the basis of the memorandum provided

by Mr Cornege that the company has no realisable assets, has various debts as outlined in that memorandum and is not in a position to meet any fine. That possibility was discussed in the sentencing indication and certain authority was referred to there, which suggested that in such circumstances it may well be futile to impose a fine. That is the position taken by the liquidator and Ms Jeffs, appearing for the informant, accepts that is the reality.

[4] I, therefore, conclude matters on the basis that having given the sentencing indication which has been accepted, and a plea entered, I do not go any further in terms of imposing a fine which is acknowledged to be a futile step in the light of the liquidation of the company.



A S Menzies
District Court Judge