

**IN THE DISTRICT COURT
AT AUCKLAND**

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

CRI-2021-004-005258

WORKSAFE NZ LTD
Prosecutor

v

PRIMERO PROFILES LTD
Defendant

Date: 10 October 2022

Appearances: A Everett for the Prosecutor
N Beadle for the Defendant

CHAMBERS MEMORANDUM OF JUDGE P J SINCLAIR

[1] At the conclusion of the sentencing for this matter, counsel queried the end calculation for the fine. After discussions, I indicated I would suspend the judgment for seven days and invited counsel to file a memorandum of their proposed end calculation. A joint memorandum is not required. Counsel are correct in the final figure they submitted at the conclusion of the sentencing.

[2] As per *Moses v R* all discounts should be deducted from the starting point.¹ Accordingly, and for clarity, I order that Primero make the following payments:

- (a) Reparation – \$50,000;
- (b) Consequential costs – \$9,718;

¹ *Moses v R* [2020] NZCA 296; [2020] 3 NZLR 583.

- (c) Fine – \$180,000;
- (d) Ancillary orders and costs:
 - (i) 50 per cent contribution for Worksafe legal costs – \$3,680.51;
 - (ii) External expert costs – \$6,870.

Judge P J Sinclair
District Court Judge | Kaiwhakawā o te Kōti ā-Rohe
Date of authentication | Rā motuhēhēnga: 10/10/2022