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IN THE HIGH COURT OF NEW ZEALAND
HAMILTON REGISTRY

M. 374/84

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BETWEEN NEW ZEALAND CO-OPERATIVE
DAIRY COMPANY LIMITED
Appellant
A N D MINISTRY OF TRANSPORT
Respondent

Offence: Not displaying distance licence (4)
Dealt with: 15 August 1984 AT: Hamilton By: Millar DCJ
Sentence: \$500 fine; \$20 court costs.

Appeal hearing; 7 November 1984
Judgment: 7 November 1984
Counsel: L. de Jong for appellant
P.J. Morgan for respondent
DECISION: Appeals dismissed

(ORAL) JUDGMENT OF BISSON J.

On 15 August 1984 the appellant company was convicted and sentenced in respect of six offences under the Road User Charges Act 1977. It has appealed in respect of the fines imposed on four of those convictions.

Mr de Jong in support of the appeal, has advanced mitigating circumstances, and also drawn attention to the level of fines in other cases. However, in this case, the learned District Court Judge went to great length not only to traverse the sentencing principles in cases such as this, but also the relevant circumstances applying to each offence. And, having done so, he then showed a judicial discretion in varying the fines to meet those particular

circumstances.

Reference was made by Mr de Jong to a successful appeal in respect of another company that was heard last year and, as time has passed, it has become apparent that there is a need for these offences which are persistent in the case of some operators to be checked by the imposition of fines which would act as a deterrent.

Having regard to the maximum fines provided by the legislation I am unable to say that the fines in respect of the four appeals are in any way clearly excessive and, accordingly, the appeals are dismissed.

W. B. Brown J.

Solicitors

McKinnon Garbett & Co., Hamilton, for appellant
Crown solicitor for respondent