

IN THE HIGH COURT OF NEW ZEALAND  
TIMARU REGISTRY

A.P. No.1/89

BETWEEN

JAMIESON

Appellant

A N D

POLICE

Respondent

**NOT  
RECOMMENDED**

Hearing: 22 February 1989  
Counsel: Appellant in person  
S. Prisk for Respondent  
Judgment: 22 February 1989

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ORAL JUDGMENT OF TIPPING, J.

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This is an appeal by Jamieson against a community service order in respect of non payment of fines. The Appellant was ordered to do 60 hours. The enforcement proceedings were taken in respect of an amount which appears to be \$325.00, being the balance outstanding at the time when the matter was initiated in this direction. The Appellant has contended, she appearing in person, that the number of hours were excessive in all the circumstances.

The matter has a somewhat longer history than sometimes. It all comes back to a dog. She was fined in respect of the dog and an order made for its destruction. This Court on appeal cancelled the order for destruction but left the fine standing. The Appellant

thought that the fine had been cancelled too but it is clear it had not. Some time passed, arrangements were made for her to pay by instalments but by reason of her financial circumstances this did not prove possible. The Appellant herself initiated the action which involved the community service order in place of the fine.

Mr Prisk, who has appeared for the Crown, has helpfully mentioned to me the result of some enquiries that he has made in relation to the ratio of the hours to the quantum of the fine. Both in the light of counsel's assistance in that respect and in the light of my own limited experience in this Court of this sort of matter, I am of the view, with respect to the learned Judge below, that the number of hours was substantially greater than was necessary.

The appeal is allowed. The number of hours is varied from 60 to 25. The Appellant has asked for suppression of her name by reason of certain matters. I can understand her request but the grounds are simply not there. Happily for the Appellant this is a relatively low key matter and I am sure the press can be relied on to publish it in a fair and neutral sort of way. While at one level I would be sympathetic to the Appellant's request this Court has got to maintain some degree of consistency when it comes to publication of peoples names and if I started suppressing names in this sort of case I would find myself having to suppress almost everyone's name. The application in that respect is declined but the appeal is allowed in the sense already mentioned.

