

**NOT  
RECOMMENDED**

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

30/7

AP.131/93

1193

BETWEEN

DAWKINS

Appellant

AND

P O L I C E

Respondent

Hearing: 15 July 1993

Counsel: Appellant in Person  
G. A. Rush for Crown

Judgment: 15 July 1993

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ORAL JUDGMENT OF BLANCHARD, J.

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Mr Dawkins appeals against penalties imposed in connection with his conviction on five charges under s.70D of the Transport Act 1962 of failure to fill out a driver's log book. The penalties imposed in each case under subs.10(a) were a fine of \$100, thus cumulatively \$500, and six months' disqualification from holding a licence to drive a heavy transport vehicle. Subsection (10) provides for a mandatory disqualification of this kind for a period of one calendar month or such greater period as the Court thinks fit unless the Court finds that there are special reasons relating to the offence.

The five offences occurred in relation to the days of 11 to 17 November 1992 and the particular matter in which Mr Dawkins' transgressed was the failure to record start times in his log book. Although

such a matter might, to some people, appear trivial, it is in fact relatively important and relates to the policing of safe driving on the roads. The purpose of the requirement that a log book be kept is to enable enforcement officers to ensure that drivers of vehicles of this kind are not driving for periods in excess of those permitted and thus becoming unsafe on the road because they have been driving for too long and are over tired.

Miss Rush, appearing for the Crown, has very helpfully referred me to two cases which give an indication of the kinds of penalties which have been imposed or upheld on appeals to this Court.

Taking those cases into account I do not find that the total fines of \$500 are manifestly excessive and they will stand. However, I believe that the period of six months' disqualification is excessive and I propose in that respect to allow the appeal and to reduce the period of disqualification to one month on all charges.

So that Mr Dawkins is not under any misapprehension I should say that is a period of one month overall as the disqualifications are concurrent.

Accordingly, the appeal is allowed to that extent.



Solicitors: Crown Solicitor, Auckland

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