

IN THE HIGH COURT OF NEW ZEALAND  
INVERCARGILL REGISTRY

A.P. No.7/96

NOT  
RECOMMENDED

BETWEEN ROYDON KENNETH HAWKINS

Appellant

A N D DISTRICT COURT

Respondent

Hearing: 23 April 1996

Counsel: No appearance of or for Appellant  
J.N.P. Young for Respondent

Judgment: 23 April 1996

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ORAL JUDGMENT OF TIPPING, J.

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Appeal by Roydon Kenneth Hawkins against a sentence of five months periodic detention in respect of unpaid fines totalling \$595.00. The appeal is being dealt with on the papers as far as the Appellant is concerned and I have had the assistance of some submissions from Mr Young on behalf of the Fines Enforcement people.

There has been some discussion as to tariffs, equations between amount of fine and months of periodic detention and I have been given some information as to how different District Court Judges approach the issue of equating the amount of the fine to the amount of the substituted sentence of periodic detention. I mean no disrespect whatever to Mr Young in saying that I do not think that I have enough information to start making any firm pronouncements on the subject. Mr Young has indeed been extremely helpful in the short time available to him.

I do not propose, therefore, to embark on any attempt to try and lay down any tariff. I will not even allow myself the luxury of a comment on the tariff which Mr Young has been good enough to ascertain. All I can say is that it seems to me, from doing this sort of appeal from time to time in this Court in different parts of the circuit, that five months periodic detention for what I will call \$600.00 worth of fines is remarkably high.

The Appellant in his written submissions talks about honest mistakes as to automatic payments and so on but I am afraid the description which the Appellant has given, and I am not criticising him for this, leaves me a long way short of being able to understand exactly what happened in this case. Be that as it may I propose to allow the appeal because I have the view, whatever may be the correct answer in relation to tariffs and the like, that five months for \$600.00 is significantly too high.

The appeal is allowed with effect that the term of periodic detention is varied from five months to three months. I presume that the sentence has been suspended pending the hearing of the appeal and I therefore direct, as the Statute requires, that first reporting is to be to the relevant work centre not this coming Friday but Friday week, that is to say Friday of next week and the Registrar can complete the necessary notices and orders accordingly.

A handwritten signature in black ink, appearing to be 'A. C. B. J.', written in a cursive style.